

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

BOARD MEETING NOTICE

Meeting No. 199

- DATE:** Thursday, March 13, 2008
- TIME:** 7:00 P.M. Board Meeting
- PLACE:** San Mateo County Transit District Office
1250 San Carlos Avenue, Second Floor Auditorium
San Carlos, CA
- PARKING:** Available adjacent to and behind building.
Please note the underground parking garage is no longer open.
- PUBLIC TRANSIT:** SamTrans Bus: Lines 261, 295, 297, 390, 391, 397, PX, KX.
CalTrain: San Carlos Station

- 1.0 CALL TO ORDER/ ROLL CALL

- 2.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Note: Public comment is limited to two minutes per speaker.

- 3.0 RESOLUTIONS OF APPRECIATION / PRESENTATIONS/ ANNOUNCEMENTS
 - 3.1 Review and approval of Resolutions of appreciation.
 - 3.1.1 Review and approval of Resolution 08-08 expressing appreciation to Miruni Soosaipillai for her dedicated service to the C/CAG Board of Directors. ACTION. p. 1
 - 3.2 Presentations.
 - 3.2.1 Presentation of Resolution 08-08 expressing appreciation to Miruni Soosaipillai for her dedicated service to the C/CAG Board of Directors.

4.0 CONSENT AGENDA

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

- 4.1 Review and approval of the Minutes of Regular Business Meeting No. 198 dated March 14, 2008. ACTION p. 5
- 4.2 Status Report on the Hydrogen Shuttle Program. INFORMATION p. 13
- 4.3 Consideration/ Approval of a recommendation from the C/CAG Airport Land Use Committee (ALUC), regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a referral from the City of San Bruno Re: *San Bruno General Plan Update January 2008*. ACTION p. 15
- 4.4 Consideration/ Approval of a recommendation from the C/CAG Airport Land Use Committee (ALUC), regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a referral from the County of San Mateo, Re: Draft *Mid-Coast Local Coastal Program (LCP) Update Project* that includes a portion of the environs of Half Moon Bay Airport. ACTION p. 57

NOTE: All items on the Consent Agenda are approved/accepted by a majority vote. A request must be made at the beginning of the meeting to move any item from the Consent Agenda to the Regular Agenda.

5.0 REGULAR AGENDA

- 5.1 Review and approval of C/CAG Legislative priorities, positions and Legislative update. ACTION p. 111
(A position may be taken on any legislation, including legislation not previously identified.)
- 5.1.1 Review and approval of C/CAG's position on Propositions 99 and 98. ACTION p. 123
- 5.2 Presentation on the Regional Water Quality Control Board (RWQCB) March 11, 2008 hearing on the Water Pollution Program permit. ACTION p. 155
- 5.3 Status Report on the Smart Corridors Traffic Light Synchronization Program (TLSP) application and approval of Resolution 08-07 authorizing the C/CAG staff to fund up to \$1M from the San Mateo County Congestion Relief Program and up to \$1M from the C/CAG Motor Vehicle Fee Program for a total of up to \$2M and to authorize working with the Transportation Authority to get an additional \$3M to provide a total local match of \$5M for the Smart Corridors Project ACTION p. 165
- 5.4 Review and approval of Resolution 08-06 to endorse the Guiding Principles of the Grand Boulevard Initiative and to recommend member agencies to endorse these Guiding Principles. ACTION p. 177
- 5.5 Review and appointments of one public and one elected member to the Congestion Management & Environmental Quality (CMEQ) Committee. ACTION p. 185

5.6 Election of a Chairperson and two C/CAG Vice Chairpersons.

6.0 COMMITTEE REPORTS

6.1 Committee Reports (oral reports).

6.2 Chairperson's Report.

7.0 EXECUTIVE DIRECTOR'S REPORT

8.0 COMMUNICATIONS - Information Only

Copies of communications are included for C/CAG Board Members and Alternates only. To request a copy of the communications, contact Nancy Blair at 650 5991406 or nblair@co.sanmateo.ca.us or download a copy from C/CAG's website -- www.ccag.ca.gov.

- 8.1 Letters from Richard Napier, Executive Director C/CAG, to:
 Honorable Tom Lantos, U.S. House of Representatives,
 Honorable Nancy Pelosi, U.S. House of Representatives,
 Honorable Anna Eshoo, U.S. House of Representatives
 dated 2/20/08. Re: Support of SFO FY 2009 Request for Hydrogen and Natural Gas Blended
 Fueling Station at SFO Airport. p. 207
- 8.2 Letters from Richard Napier, Executive Director C/CAG, to:
 Honorable Tom Lantos, U.S. House of Representatives,
 Honorable Anna Eshoo, U.S. House of Representatives
 dated 2/20/08. Re: Support of SamTrans FY 2009 Request for Revenue Collection System
 Project. p. 211
- 8.3 Letter from Richard Napier, Executive Director C/CAG, to Honorable Anna Eshoo, U.S. House
 of Representatives, dated 2/20/08. Re: Support of Caltrain FY 2009 Request for Collision
 Avoidance System Project. p. 213
- 8.4 Letter from Richard Napier, Executive Director C/CAG, to Honorable Anna Eshoo, U.S. House
 of Representatives, dated 2/22/08. Re: Support of San Mateo County FY 2009 Sewer Pipe
 Replacement Project. p. 215
- 8.5 Letters from:
 Richard Napier, Executive Director of C/CAG,
 James Nantell, City Manager, City of Burlingame
 Susan M. Loftus, Deputy City Manager, City of Redwood City
 Ralph Jaeck, City Manager, City of Millbrae
 Magda Gonzalez, Deputy City Manager, City of Redwood City
 Larry Franzella, Mayor, City of San Bruno
 Mark Weiss, City Manager, City of San Carlos
 to Honorable Anna Eshoo, U.S. House of Representatives, 02/22 – 02/27/08. Re: Support of
 C/CAG FY 2009 Request for San Mateo County Smart Corridors Project – Revised Funding
 Request. p. 217

8.6 Letter from Richard Napier, Executive Director of C/CAG, to Honorable Barbara Boxer, US Senate, dated 2/26/08. Re: Support FY 2009 funding for the San Mateo County Genesis Solar Panels.

p. 231

9.0 MEMBER COMMUNICATIONS

10.0 ADJOURN

Next scheduled meeting: April 10, 2008 Regular Board Meeting.

PUBLIC NOTICING: All notices of C/CAG Board and Committee meetings will be posted at San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA.

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.

If you have any questions about the C/CAG Board Agenda, please contact C/CAG Staff:

Executive Director: Richard Napier 650 599-1420 Administrative Assistant: Nancy Blair 650 599-1406

FUTURE MEETINGS

March 5, 2008	2020 Peninsula Gateway Corridor Study TAC – 2:00 p.m.
March 12, 2008	2020 Peninsula Gateway Corridor Study PAC – 4:00 p.m.
March 13, 2008	Legislative Committee – SamTrans 2 nd Floor Auditorium – 6:00 p.m.
March 13, 2008	C/CAG Board – SamTrans 2 nd Floor Auditorium – 7:00 p.m.
March 18, 2008	NPDES Technical Advisory Committee – TBD – 10:00 a.m.
March 20, 2008	CMP Technical Advisory Committee – SamTrans 2 nd Floor Auditorium – 1:15 p.m.
March 31, 2008	CMEQ Committee – San Mateo City Hall – Conference Room C – 3:00 p.m.
March 27, 2008	Bikeways and Pedestrian Advisory Committee - San Mateo City Hall - Conference Room C - 7:00 p.m.
March 31, 2008	Administrators' Advisory Committee – 555 County Center, 5 th Fl, Redwood City – Noon

C/CAG AGENDA REPORT

Date: March 13, 2008
To: City/County Association of Governments Board of Directors
From: Richard Napier
Subject: Review and approval of Resolution 08-08 expressing appreciation to Miruni Soosaipillai for her dedicated service to the C/CAG Board of Directors.

(For further information please contact Tom Madalena at 599-1460)

RECOMMENDATION

That the C/CAG Board review and adopt Resolution 08-08 expressing appreciation to Miruni Soosaipillai for her dedicated service to the C/CAG Board of Directors

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

Miruni Soosaipillai has provided dedicated service to the C/CAG Board of Directors from 2004-2008. She has been a pleasure to work with and has been a real asset to C/CAG. Miruni's professionalism and clear communication style will be missed.

ATTACHMENTS

Resolution 08-08

ITEM 3.1.1

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY

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RESOLUTION 08-08

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF
SAN MATEO COUNTY (C/CAG) EXPRESSING APPRECIATION TO
MIRUNI SOOSAIPILLAI**

FOR HER DEDICATED SERVICE TO C/CAG

Resolved, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that,

Whereas, Miruni Soosaipillai has served as Deputy County Counsel for the County of San Mateo; and,

Whereas, Miruni Soosaipillai served the C/CAG Board of Directors, as Legal Counsel, from 2004-2008; and,

Whereas, Miruni Soosaipillai worked closely with the C/CAG Executive Director and staff to successfully oversee C/CAG's contracts, amendments, and legal issues; and,

Whereas, Miruni Soosaipillai was extremely professional and diligent and has been a great asset to C/CAG; and,

Now, therefore, the Board of Directors of C/CAG hereby resolves that C/CAG expresses its appreciation to Miruni Soosaipillai for her years of dedicated public service, and wishes her happiness and success in her future endeavors.

PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF MARCH, 2008.

Deborah C. Gordon, Chair

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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Meeting No. 198
February 14, 2008

1.0 CALL TO ORDER/ROLL CALL

Chair Gordon called the meeting to order at 7:00 p.m. Roll call was taken.

Christine Wozniak - Belmont
Sepi Richardson - Brisbane
Rosalie O'Mahony – Burlingame, San Mateo County Transportation Authority
Joe Silva - Colma
Judith Christensen - Daly City
Patricia Foster - East Palo Alto
Bonnie McClung - Half Moon Bay
Tom Kasten - Hillsborough
Gina Papan - Millbrae
Diane Howard - Redwood City
Irene O'Connell - San Bruno
Bob Grassilli - San Carlos
Karyl Matsumoto - South San Francisco, San Mateo County Transit District

Absent:

Atherton
Foster City
Menlo Park
Pacifica
Portola Valley
San Mateo
County of San Mateo
Woodside

Others:

Richard Napier, Executive Director - C/CAG
Sandy Wong, Deputy Director - C/CAG
Nancy Blair, Administrative Assistant - C/CAG
Miruni Soosaipillai, C/CAG - Legal Counsel
Tom Madalena, C/CAG Staff
John Hoang, C/CAG Staff
Diana Shu, C/CAG Staff
Dave Carbone, C/CAG Staff
Brian Lee, San Mateo County - Public Works
Christine Maley-Grubl, Executive Director, Peninsula Congestion Relief Alliance
Kerry Burns, Assistant Manager – Daly City

ITEM 4.1

3.0 RESOLUTIONS OF APPRECIATION / PRESENTATIONS/ ANNOUNCEMENTS

3.1 Review and approval of Resolutions of appreciation.

3.1.1 Review and approval of Resolution 08-01 expressing appreciation to Beth Liu for her dedicated service to C/CAG. APPROVED

Board Member Richardson MOVED to approve Resolution 08-01. Board Member Kasten SECONDED. **MOTION CARRIED** 14-0.

3.2 Presentations.

3.2.1 Presentation of Resolution 07-31 expressing appreciation to Marc Hershman for his dedicated service to C/CAG on the Board of Directors, Bicycle and Pedestrian Advisory Committee, and Legislative Committee.

C/CAG expressed appreciation and recognition to Marc Hershman, City of Millbrae, for dedicating his services to the people of San Mateo County through his active participation on the C/CAG Board of Directors, BPAC, and Legislative Committee.

3.2.2 Presentation expressing appreciation to Beth Liu for her dedicated service to C/CAG.

C/CAG expressed appreciation and recognition to Beth Liu, Financial Services Manager, City of San Carlos for her dedicated service as C/CAG's Financial Agent from 1992-2008.

3.3 Announcements.

4.0 CONSENT AGENDA

Board Member O'Mahony MOVED approval of Consent Items 4.1, 4.5, 4.6, 4.8. and 4.9. Board Member Foster SECONDED. **MOTION CARRIED** 14-0.

4.1 Review and approval of the Minutes of Regular Business Meeting No. 197 dated December 13, 2007. APPROVED

4.5 Review and approval of C/CAG Basic Financial Statements (Audit) for the Year Ended June 30, 2007. APPROVED

4.6 Review and approval of AB 1546 Fund Financial Statements (Audit) for the Year Ended June 30, 2007. APPROVED

4.8 Review and approval of Resolution 08-04 authorizing the C/CAG Chair to execute an amendment to the Program Manager Funding Agreement with the Bay Area Air Quality Management District (BAAQMD) for the 2007/2008 Transportation Fund for Clean Air (TFCA) (40%) Program for San Mateo County to increase the Funding Agreement by \$41,000 bringing the total contract amount to \$1,078,099. APPROVED

Items 4.2, 4.3, 4.4, 4.7, and 4.9 were removed from the Consent Calendar.

- 4.2 Review and approval of the REVISED 2008 State Transportation Improvement Program (STIP) for San Mateo County. APPROVED

As directed by the Board, C/CAG staff consulted with San Mateo County Transportation Authority (SMCTA), Metropolitan Transportation Commission (MTC), and Caltrans resulting in minor changes to the STIP. The California Transportation Commission (CTC) will review statewide STIP proposals prior to final adoption in May 2008. Any proposed change will be presented to the Board for approval.

Board Member O'Mahony MOVED to approve Item 4.2. Board Member Matsumoto SECONDED. **MOTION CARRIED** 14-0.

- 4.3 Review and approval of Resolution 08-05 Establishing a C/CAG Records Retention Policy. APPROVED
Staff provided a policy with guidelines.

Board Member Matsumoto MOVED approval of Item 4.3 in accordance with staff recommendation. Board Member O'Connell SECONDED. **MOTION CARRIED** 14-0.

- 4.4 Report on C/CAG appointment responsibilities. INFORMATION

The Cities/ County make their respective appointments to the C/CAG Board. The C/CAG Board is the only C/CAG function that the Cities and County have appointment authority. CCAG has a number of committees that consist of members of the public, local jurisdiction staff, and elected officials. The C/CAG Board of Directors is the body that appoints members to the C/CAG committees.

- 4.7 Review and Approval of Resolution 08-03 Authorizing the C/CAG Chair to Execute an Agreement Between the City/County Association of Governments (C/CAG) and Steve Spindler Cartography (Bikemap.com) for the San Mateo County Bicycle Transportation Map for an Amount Not to Exceed \$35,000. APPROVED

BPAC received five proposals to their RFP for a Countywide Bicycle Map. C/CAG staff and selected members of the BPAC reviewed and ranked the proposals. Based on the overall findings and the subcommittee's recommendations, BPAC voted to recommend awarding the contract to Bikemap.com at their 1/24/08 meeting.

Board Member Kasten MOVED to approve Item 4.7 as recommended. Board Member Grassilli SECONDED. **MOTION CARRIED** 14-0.

- 4.9 Review and accept the Quarterly Investment Report as of December 31, 2007. APPROVED

Board Member Silva MOVED to approve Item 4.7 as recommended. Board Member O'Connell SECONDED. **MOTION CARRIED** 14-0.

5.0 REGULAR AGENDA

- 5.1 Review and approval of C/CAG Legislative priorities, positions and Legislative update. INFORMATION
(A position may be taken on any legislation, including legislation not previously identified.)

Staff was asked to put together a timetable for the bills and bring it back to the Board.

- 5.1.1 Legislative Priorities - Update on the Reauthorization of AB 1546. INFORMATION

- 5.1.2 Proposition 99 and Proposition 98 on the June 2008 Ballot - Eminent Domain Initiatives.

The Board requested a recommendation on the positions for Proposition 98 and Proposition 99 be brought back to the March C/CAG Board meeting.

- 5.2 Update on the Traffic Incident Management - Alternative Route Plan and San Mateo County Smart Corridors projects. INFORMATION

- Traffic Incident Management – Alternative Route Plan addresses effects of non-recurring traffic congestion caused by major freeway incidents. The current on-going development of the Plan involves establishing pre-planned alternate detour routes, facilitating interagency coordination and communication, and developing traffic control strategies to minimize the congestion and improve safety on local streets.
- San Mateo County Smart Corridors project will implement traffic incident management strategies by deploying Intelligent Transportation System (ITS) elements along local streets and state routes to proactively manage traffic congestion and improve mobility.

- 5.2.1 Review and approval of the Traffic Light Synchronization Program (TLSP) application for two Smart Corridor Projects for \$10M. APPROVED

The purpose of the Traffic Light Synchronization Program (TLSP) is to fund traffic light synchronization projects or other technology-based improvements to improve safety, operations, and the effective capacity of local streets and roads. The program is funded by Proposition 1B and \$100 million will be allocated statewide on a competitive basis to fund the costs of construction and acquisition and installation of equipment.

Board Member O'Mahony MOVED approval of the Traffic Light Synchronization Program. Board Member Kasten SECONDED. **MOTION CARRIED 14-0.**

- 5.2.2 Review and approval of Resolution 08-02 authorizing the C/CAG Chair to execute an amendment to the agreement between the City/County Association of Governments (C/CAG) and Kimley-Horn for the Incident Management - Alternative Route Plan in an amount of \$321,000 for the development of a Project Approval/Environmental Documentation (PA/ED) for the San Mateo County Smart Corridors Project. APPROVED

The San Mateo County Smart Corridors project, derived from the Alternate Route Plan, implements traffic management strategies by deploying and integrating Intelligent Transportation System (ITS) along major local streets and state routes for managing both recurring and non-recurring traffic congestion.

Board Member Kasten MOVED approval of Item 5.2.2. Board Member Howard SECONDED. **MOTION CARRIED 14-0.**

5.3 Review and approval of the attendance reports for C/CAG Board and Committees. APPROVED

Board Member Howard MOVED to approve the attendance reports with clarification to one line on the Legislative Committee. Board Member O'Connell SECONDED. **MOTION CARRIED 14-0.**

5.4 Review and approval of appointments to C/CAG committees.

5.4.1 Review and approval of appointments to the Legislative Committee. APPROVED

Five responses were received from the following to fill the five vacant seats:

Sepi Richardson – City of Brisbane, Mayor Pro Tem

Andy Cohen – City of Menlo Park, Mayor

Gina Papan – City of Millbrae, Mayor

Kevin Mullin – City of South San Francisco, Council member

Judith Christensen – City of Daly City, Council member

Board Member O'Mahony MOVED to approve 5.4.1. Board Member O'Connell SECONDED. **MOTION CARRIED 14-0.**

5.4.2 Review and approval of appointment to the Bicycle and Pedestrian Advisory Committee (BPAC). APPROVED

The BPAC had one vacant seat for an elected official. Staff distributed a recruitment letter to the elected officials in San Mateo County, receiving two letters of interest from:

Ian Bain - Councilmember from Redwood City

Paul Set - Councilmember from Millbrae

The Board voted by ballot. Ian Bain was elected to fill the vacant seat for an elected official.

5.4.3 Consideration/Approval of Appointment of Two C/CAG Board Members to Serve on a Project Advisory Committee (PAC) to Assist C/CAG Staff and the Project Consultant Team in the Preparation of an Update of the Comprehensive Airport Land Use Compatibility Plan (CLUP) for the Environs of San Francisco International Airport. APPROVED

Request approval to appoint Board Member Richardson, Brisbane, and Board Member Christensen, as the C/CAG Board Members to serve on a Project Advisory Committee (PAC) to assist C/CAG Staff and the project consultant team in the preparation of an update of the comprehensive airport land use compatibility plan (CLUP) for the environs of San Francisco International Airport.

Board Member O'Connell MOVED to approve 5.4.1. Board Member Matsumoto SECONDED. **MOTION CARRIED 14-0.**

- 5.5 Review and approval of a list of projects for initial submittal to the Metropolitan Transportation Commission (MTC) for consideration in the Regional Transportation Plan (RTP) update and authorize the Executive Director to work with project sponsors on project details. APPROVED

Staff provided an overview of the list of projects for initial submittal to MTC for consideration in the Regional Transportation Plan (RTP) update and authorize the Executive Director to work with project sponsors on project details.

Board Member O'Mahony MOVED to approve the list as modified. Board Member Christensen SECONDED. **MOTION CARRIED** 14-0.

- 5.6 Presentation on C/CAG and Partnerships accomplishments. INFORMATION

An overview of the accomplishments of C/CAG and its partners was presented to the San Mateo County Board of Supervisors meeting on 1/29/08. The overview outlines the major accomplishments over the past 18 months including the award of \$217M. This overview was presented to the Board, with a compact version that can be used by the Board members in reports to their Councils.

- 5.7 Nominations for C/CAG Chair and Vice Chair (2) for the March Election of Officers. APPROVED

The term for all three positions is for one year and the positions begin on April 1, 2008. The current Chair and Vice Chairs have served one term, and are eligible to serve another year in their present capacity.

The Board accepted nominations for C/CAG Chair.

Board Member Richardson MOVED to nominated Board Member Gordon for Chair, Board Member O'Connell and Board Member Kasten for Vice Chairs. Board Member O'Mahony SECONDED. **MOTION APPROVED** 14-0.

6.0 COMMITTEE REPORTS

- 6.1 Committee Reports (oral reports).

- 6.2 Chairperson's Report.

Chair Gordon praised the Ride Into the Future Fair, which was held in East Palo Alto. The fair celebrated the launching of the New East Palo Alto free shuttles, and the new hydrogen fueled shuttle.

C/CAG co-hosted the California Transportation Commission (CTC) at the Hyatt Burlingame 2/13/08 and 2/14/08. Chair Gordon praised staff for their efforts in making it a success.

At their 1/29/08 meeting, the Board of Supervisors honored Board Member Kasten - Hillsborough, Duane Bay - Department of Housing, Richard Napier – Executive Director C/CAG, and Chair Gordon, Woodside, for their work on the Subregion project.

7.0 EXECUTIVE DIRECTOR'S REPORT

The Executive Director spoke at the CTC meeting focusing on the projects San Mateo County has submitted and would like the Commission to review and approve. The advantage of being the host to the CTC meeting is the opportunity to stand in front of the Commission for 30 minutes and pitch the projects San Mateo County would like the Commission to focus on and fund.

8.0 COMMUNICATIONS - Information Only

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- 8.1 Letter from Richard Napier, C/CAG Executive Director, to Henry Gardner, ABAG Executive Director, dated 01/09/08. Re: Regional Housing Needs Allocation - San Mateo County Sub-region Final Allocation.
- 8.2 Letter from Dave Carbone, ALUC Staff, to San Mateo County Planning Directors, dated 01/22/08. Re: Request for Copies of Local Planning Documents and Regulations to Assist in the Preparation of an Update of the Comprehensive Airport Land Use Compatibility Plan (CLUP) for the Environs of San Francisco International Airport.
- 8.3 Letter from Deborah C. Gordon, C/CAG Board Chair, to C/CAG Board, dated 1/15/08. Re: Elected Official Testimony Needed at March 11 Public Hearing on Proposed Municipal Regional Stormwater Permit.
- 8.4 Mark Duino's Celebration of Life memorial will be on June 8, 2008.

9.0 MEMBER COMMUNICATIONS

The San Francisco Bay Regional Water Quality Control Board (Water Board) is holding a public hearing to receive comments on the draft Municipal Regional Stormwater Permit. It is critical that a representative from all the Cities/ County in San Mateo County be there. The date and location is as follows:

March 11, 9:00 AM
Elihu M. Harris State Building
First Floor Auditorium
1515 Clay Street
Oakland, CA 94612

10.0 ADJOURN

The meeting adjourned at 9:15 p.m. in recognition and memory of Tom Lantos (February 1, 1928 – February 11, 2008), Democratic member of the United States House of Representatives from 1981 until his death, representing the northern two-thirds of San Mateo County.

C/CAG AGENDA REPORT

Date: March 13, 2008
To: City/County Association of Governments Board of Directors
From: Richard Napier, C/CAG Executive Director
Subject: Status Report on the Hydrogen Shuttle Program

(For further information contact Diana Shu at 599-1414)

RECOMMENDATION

Information Only.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

AB 1546 Countywide Congestion Management Program Funds and San Mateo County Transportation Authority Funds

STATUS

Completed kickoff event with East Palo Alto on February 9, 2008. Estimated number of attendees at the event including elected officials, staff, and public was 100 to 150 people.

On March 28, 2008, CARB asked C/CAG staff to look into the possibility of taking the hydrogen shuttle to the National Hydrogen Association Conference in Sacramento in April 2008 to shuttle attendees to and from the California Fuel Cell Partnership Center in West Sacramento. Staff is currently working with CARB staff to address some logistical issues associated with this request.

Per the Ford/CARB contract, C/CAG is obligated to display the shuttle as part of its public outreach. Staff has already tasked Clark Aganon, C/CAG consultant, to build a two-year plan to meet its commitment to Ford/CARB.

Vehicle Statistics To Date

Number of miles traveled = total 2,900 miles as of March 2, 2008

Number of passengers per trip = average of 10-15

Total estimated passengers to date = 42 days operation * 4 trips/day * 10 passengers/trip = 1680

ACTION

None

ITEM 4.2

C/CAG AGENDA REPORT

DATE: March 13, 2008

TO: City/County Association of Governments of San Mateo County (C/CAG)
Board of Directors

FROM: David F. Carbone, C/CAG Airport Land Use Committee (ALUC) Staff
TEL: 6560/363-4417; email: dcarbone@co.sanmateo.ca.us

SUBJECT: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno Re: *San Bruno General Plan Update January 2008*

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, approve a recommendation from the C/CAG Airport Land Use Committee (ALUC) to determine that the content of the *San Bruno General Plan Update January 2008* document is consistent with the applicable airport/land use compatibility criteria as contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for San Francisco International Airport, based on the following conditions to be met by the City of San Bruno:

1. **Airport Influence Area (AIA) Boundary.** Add a diagram in *Chapter 7 Health and Safety Element* that illustrates the configuration of the preliminary Airport Influence Area (AIA) boundary for San Francisco International Airport, as it applies to the planning area, as shown in Attachment No. 4 of the attached ALUC Staff Report, dated February 221, 2008.
2. **Federal Aviation Regulations FAR Part 77 Height Restrictions/Airspace Protection.**
 - (1) Add appropriate text to *Chapter 7 Health and Safety Element* to identify all of the FAR Part 77 height/airspace protection parameters (imaginary surfaces) that affect the planning area and
 - (2) replace Figure 7.6 with the current version of the FAR Part 77 airspace protection diagram for San Francisco International Airport to illustrate the configuration of the FAR Part 77 imaginary surfaces in the planning area.
3. **Federal Aviation Regulations FAR Part 77 Height Restrictions/Airspace Protection.** Revise the text in *Chapter 7 Health and Safety Element*, as follows:

“All future development in the planning area and within the FAR Part 77 airspace protection surfaces is subject to (1) the height limitations of those airspace protection surfaces and (2) the formal federal notification process, via FAA Form 7460-1, “*Notice of Proposed Construction or Alteration*”. The findings of all aeronautical studies conducted by the FAA, per the federal notification process, will be incorporated into the final approval for all new development in the planning area.”

ITEM 4.3

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno Re: *San Bruno General Plan Update January 2008*

March 13, 2008

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RECOMMENDATIONS -continued

4. **Aircraft Noise Impacts.** Revise the text in *Chapter 7 Health and Safety Element* to address aircraft noise impacts as follows:

“All new residential development proposed within the 65 dB to 69 dB CNEL aircraft noise levels shall require preparation of an acoustical study that specifies the appropriate noise mitigation features to be included in the design and construction of the residential units to achieve an interior noise level of not more than 45 dB in any habitable room, based on aircraft noise events.”

5. **Safety Concerns.** Revise the text in *Chapter 7 Health and Safety Element* to address airport-related safety concerns, as follows:

“Future development in the planning area shall comply with all relevant FAA standards and criteria for safety, regarding flashing lights, reflective material, land uses which may attract large concentrations of birds, HVAC exhaust vents, and uses which may generate electrical interference with aircraft communications and/or instrumentation.”

6. **Real Estate Disclosure.** Amend the text in policy H-37 in *Chapter 7 Health and Safety Element* to read as follows:

“All real estate transactions within the preliminary airport influence area (AIA) boundary for San Francisco International Airport, as shown in Figure__ herein, including residential and senior housing units, is subject to the disclosure requirements of Chapter 496, Statues 2002.”

7. **Compliance with California Government Code 65302.3, Re: General Plan Consistency With Comprehensive Airport Land Use Compatibility Plan (CLUP).** Add appropriate text to address compliance with the relevant airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan (CLUP)*, as amended for San Francisco International Airport, as follows:

“The goals, polices, and other relevant content contained herein do not conflict with the applicable airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for San Francisco International Airport.”

The City of San Bruno Community Development Director (A. Aknin) was present at the February 28, 2008 ALUC Regular Meeting and indicated the City of San Bruno has no objections to the recommended ALUC consistency conditions.

FISCAL IMPACT

None.

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno Re: *San Bruno General Plan Update January 2008*

March 13, 2008

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BACKGROUND

I. Proposed Land Use Policy Action/State-Mandated 60-Day Review Period

The City of San Bruno has submitted its *General Plan Update January 2008* to C/CAG, acting as the Airport Land Use Commission, for a determination of the consistency of the content of the document with the relevant airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for San Francisco International Airport (See Attachment No. 1 of the attached ALUC Staff Report, dated February 21, 2008). The draft document is a proposed land use policy action and therefore, is subject to ALUC/C/CAG review, pursuant to Public Utilities Code PUC Section 21676(b). The 60-day state-mandated review process will expire on April 11, 2008. The ALUC received an informal presentation on this proposal by City of San Bruno Planning Staff at a Special ALUC Meeting on January 31, 2008.

II. Project Overview

The *San Bruno General Plan Update January 2008* planning area covers approximately six square miles. A map of the planning area is shown in Attachment No. 2 of the attached ALUC Staff Report. The City is located in northern San Mateo County adjacent to San Francisco International Airport, the City of South San Francisco, the City of Pacifica, and the City of Millbrae. The City population is approximately 42, 215 persons (January 2005). The predominant land use is single-family residential. A general land use diagram is shown in Attachment No. 3 of the attached ALUC Staff Report.

The *San Bruno General Plan Update January 2008* is a policy document that will guide future development in the City of San Bruno. The current *San Bruno General Plan* was adopted in 1984. The current *Housing Element* of the *General Plan* was adopted in 2003. The *General Plan Update* document contains background information, goals, and policies that address the following topics:

- | | |
|-----------------------------|--|
| * Land Use and Urban Design | * Environmental Resources and Conservation |
| * Economic Development | * Health and Safety |
| * Transportation | * Public Facilities and Services |
| * Open Space and Recreation | |

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno Re: *San Bruno General Plan Update January 2008*

March 13, 2008

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BACKGROUND - continued

Highlights of the *San Bruno General Plan Update January 2008* include the following:

- * Housing will be encouraged in the Downtown area and along El Camino Real in commercial districts near transit
- * Identifies San Francisco International Airport as a major contributor of noise in the City
- * Includes aircraft noise exposure standards and ALUC criteria and guidelines to achieve airport/land use compatibility
- * Includes notice of fair disclosure, re: aircraft noise impacts, as part of real estate sales per City Ordinance 1646 and Chapter 496, California Statutes of 2002 (AB 2776)
- * Includes an FAR Part 77 airspace protection diagram for San Francisco International Airport and notes the related height limits

Source: *San Bruno General Plan Update January 2008*

III. Airport Influence Area (AIA) Boundary

Each airport/land use compatibility plan (CUP) must include a diagram that illustrates the airport influence area (AIA) boundary. The AIA boundary defines the geographic area within which proposed local agency land use policy actions (i.e. general plan amendments, specific plans, specific plan amendments, proposed rezonings, etc.) must be referred to the airport land use commission for a determination of the consistency of the proposed action with the relevant airport/land use compatibility criteria. It also defines the boundary within which state-mandated real estate disclosure regarding potential airport and aircraft impacts must be provided to potential buyers of real property within the AIA boundary. The criteria on which the configuration of the AIA boundary is based include (1) the height of structures/airspace protections parameters (Federal Aviation Regulations FAR Part 77 criteria), (2) aircraft noise impacts (noise contours), and (3) safety concerns.

As of this date, the Airport Land Use Commission (C/CAG Board) has not adopted an airport influence area (AIA) boundary for San Francisco International Airport. However, it has been the practice of the Commission to use a combination of the outer boundary of the FAR Part 77 Conical Surface (airspace protection boundary), a specific aircraft noise contour (55 dB CNEL or 65 dB CNEL*), and safety criteria for the airports in the county to define the AIA for formal review of proposed local agency land use policy actions and for the state-mandated real estate disclosure requirement. This approach was used to adopt the current AIA boundary (Area B) for San Carlos Airport. This approach will also be used in the current effort to update the CLUP for the environs of San Francisco International Airport.

*CNEL = Community Noise Equivalent Level; a noise metric that identifies the average noise level over a 24-hour period.

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno, Re: *San Bruno General Plan Update January 2008*

March 13, 2008

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BACKGROUND - continued

For the purposes of this report, ALUC Staff is using the term “preliminary airport influence area (AIA) boundary” to refer to the AIA boundary for San Francisco International Airport. The SFO CLUP update that is currently in progress will identify a proposed (more refined) AIA boundary for the airport that will be adopted by the Airport Land Use Commission (C/CAG Board) at a later date.

To insure that (1) the City of San Bruno recognizes that a portion of the city is located within the AIA boundary for San Francisco International Airport and (2) to define the geographic area in San Bruno within which the City must refer future proposed land use policy actions to the Airport Land Use Commission (C/CAG Board), and (3) to define a boundary for state-mandated real estate disclosure, related to potential airport and aircraft impacts, the content of *Chapter 7 Health and Safety Element* should include a diagram that illustrates the configuration of the preliminary Airport Influence Area (AIA) boundary for San Francisco International Airport, as it applies to the planning area. (See Attachment No. 4 in the attached ALUC Staff Report).

IV. Definition of “Consistency”

State law requires airport land use commissions to be guided by the content of the *California Airport Land Use Planning Handbook January 2002* published by the Caltrans Division of Aeronautics when preparing or updating airport land use compatibility plans and when reviewing proposed local agency land use policy actions. Chapter 3 of the *Handbook* provides guidance regarding the issue of “consistency” between proposed local agency policy actions and the relevant airport/land use compatibility criteria contained in a CLUP. The text on p. 5-3 of the *Handbook* states the following:

“As widely applied in airport land use planning, consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made.”

DISCUSSION

I. Airport/Land Use Compatibility Issues and Analysis

The key content of the *San Bruno General Plan Update January 2008* document that relates to the airport/land use compatibility criteria contained in the CLUP for San Francisco International Airport is found in *Chapter 7 – Health and Safety Element*. The text in that element notes “The element also seeks to reduce potential noise and safety impacts along transportation corridors, including highways, railroads, and San Francisco International Airport (SFO).” A detailed analysis of the airport/land use compatibility issues related to the content of the *San Bruno General Plan Update January 2008* document is contained in the attached ALUC Staff Report, dated February 21, 2008.

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno, Re: *San Bruno General Plan Update January 2008*

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DISCUSSION - continued

II. C/CAG Airport Land Use Committee (ALUC) Review/Action

The Committee discussed the concept of the “preliminary Airport Influence Area (AIA) boundary” as presented by ALUC Staff. ALUC Staff explained the rationale for using this concept at this time. Staff noted that as of this date, the Commission (C/CAG Board) has not adopted an airport influence area (AIA) boundary for San Francisco International Airport. Staff further explained that it has been the practice of the Commission to use a combination of the outer boundary of the FAR Part 77 Conical Surface (airspace protection boundary), the aircraft noise contours, and the safety criteria for the airports in the county to define the AIA within which proposed local agency land use policy actions must be referred to and reviewed by the Commission. This approach was used to adopt the current AIA boundary (Area B) for San Carlos Airport. This approach will also be used in the current effort to update the CLUP for the environs of San Francisco International Airport.

The Committee commended the City of San Bruno for its acknowledgement of all of the airport/land use compatibility issues related to aircraft operations at San Francisco International Airport, as addressed in its general plan update document. The Committee also highlighted the City of San Bruno’s mandatory recordation of real estate disclosure, regarding aircraft noise impacts.

ALUC Staff was asked to replace the word “transactions” with the word “sales” regarding the text in the Discussion section of the ALUC Staff Report and in the recommended Condition No. 6, related to real estate disclosure. This change clarifies that state-mandated real estate disclosure, regarding the proximity of a specific real property to an airport, is triggered by the sale of that real property rather than a real estate transaction. The ALUC unanimously approved the conditions contained herein with the word change noted above.

III. Guidance from the *California Airport Land Use Planning Handbook*

ALUC Staff reviewed the relevant content of the current version of the *California Airport Land Use Planning Handbook* to prepare this report and the attached ALUC Staff Report. The staff analysis and recommendations contained herein are consistent with and guided by the relevant provisions contained in the *Handbook*.

ATTACHMENT

C/CAG Airport Land Use Committee (ALUC) Staff Report dated February 21, 2008, with 10 attachments.

C/CAG

City/County Association of Governments of San Mateo County

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay
• Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo
• San Mateo County • South San Francisco • Woodside

PLEASE REPLY TO: David F. Carbone, ALUC Staff, 455 County Center, Second Floor, Redwood City, CA 943063; TEL: 650/363-4417; FAX: 650/363-4849; email: dcarbone@co.sanmateo.ca.us

TO: C/CAG Airport Land Use Committee (ALUC) Members

FROM: David F. Carbone, ALUC Staff *DFC*

DATE: February 21, 2008

RE: **Agenda Item No. 4** for February 28, 2008– Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno
Re: *San Bruno General Plan Update January 2008*

RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend to the C/CAG Board, acting as the Airport Land Use Commission, that the Commission determine that the content of the *San Bruno General Plan Update January 2008* document is consistent with the applicable airport/land use compatibility criteria as contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for San Francisco International Airport, based on the following conditions:

- 1. Airport Influence Area (AIA) Boundary.** Add a diagram in *Chapter 7 Health and Safety Element* that illustrates the configuration of the preliminary Airport Influence Area (AIA) boundary for San Francisco International Airport, as it applies to the planning area, as shown in Attachment No.4.
- 2. Federal Aviation Regulations FAR Part 77 Height Restrictions/Airspace Protection.** (1) Add appropriate text to *Chapter 7 Health and Safety Element* to identify all of the FAR Part 77 height/airspace protection parameters (imaginary surfaces) that affect the planning area and (2) replace Figure 7.6 with the current version of the FAR Part 77 airspace protection diagram for San Francisco International Airport to illustrate the configuration of the FAR Part 77 imaginary surfaces in the planning area.

Airport Land Use Committee

4

ALUC Chairperson:
Richard Newman
Aviation Representative

ALUC Vice Chairperson:
Naomi Patridge, Council Member
City of Half Moon Bay

Airport Land Use Committee (ALUC) Staff
David F. Carbone, Sr. Planner / Airport Environs Planning
County of San Mateo Planning & Bldg. Department

RECOMMENDATION - continued

3. **Federal Aviation Regulations FAR Part 77 Height Restrictions/Airspace Protection.** Revise the text in *Chapter 7 Health and Safety Element*, as follows:

"All future development in the planning area and within the FAR Part 77 airspace protection surfaces is subject to (1) the height limitations of those airspace protection parameters and (2) to the formal federal notification process, via FAA Form 7460-1, "Notice of Proposed Construction or Alteration". The findings of all aeronautical studies conducted by the FAA, per the federal notification process, will be incorporated into the final approval for all new development in the planning area."

4. **Aircraft Noise Impacts.** Revise the text in *Chapter 7 Health and Safety Element* to address aircraft noise impacts as follows:

"All new residential development proposed within the 65 dB to 69 dB CNEL aircraft noise levels shall require preparation of an acoustical study that specifies the appropriate noise mitigation features to be included in the design and construction of the residential units to achieve an interior noise level of not more than 45 dB in any habitable room, based on aircraft noise events."

5. **Safety Concerns.** Revise the text in *Chapter 7 Health and Safety Element* to address airport-related safety concerns, as follows:

"Future development in the planning area shall comply with all relevant FAA standards and criteria for safety, regarding flashing lights, reflective material, land uses which may attract large concentrations of birds, HVAC exhaust vents, and uses which may generate electrical interference with aircraft communications and/or instrumentation."

6. **Real Estate Disclosure.** Amend the text in policy H-37 in *Chapter 7 Health and Safety Element* to read as follows:

"All real estate transactions within the preliminary airport influence area (AIA) boundary for San Francisco International Airport, as shown in Figure__ herein, including residential and senior housing units, is subject to the disclosure requirements of Chapter 496, Statutes 2002."

7. **Compliance with California Government Code 65302.3, Re: General Plan Consistency with Comprehensive Airport Land Use Compatibility Plan (CLUP).** Add appropriate text to address compliance with the relevant airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan (CLUP)*, as amended for San Francisco International Airport, as follows:

"The goals, policies, and other relevant content contained herein do not conflict with the applicable airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for San Francisco International Airport."

BACKGROUND

The City of San Bruno has submitted its *General Plan Update January 2008* to C/CAG, acting as the Airport Land Use Commission, for a determination of the consistency of the content of the document with the relevant airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for San Francisco International Airport (see Attachment No. 1). The draft document is subject to ALUC/C/CAG review, pursuant to PUC Section 21676(b). The 60-day state-mandated review process will expire on April 11, 2008. The Airport Land Use Committee (ALUC) had an informal presentation on this item at a Special Meeting on January 31, 2008.

The *San Bruno General Plan Update January 2008* planning area covers approximately six square miles. A map of the planning area is shown in Attachment No. 2. The City is located in northern San Mateo County adjacent to San Francisco International Airport, the City of South San Francisco, the City of Pacifica, and the City of Millbrae. The City population is approximately 42,215 persons (January 2005). The predominant land use in the city is single-family residential. A general land use diagram is shown in Attachment No. 3.

The *General Plan Update January 2008* is a land use development policy document that will guide future development in the City of San Bruno. The current *San Bruno General Plan* was adopted in 1984. The current *Housing Element* of the *General Plan* was adopted in 2003. The *General Plan Update* document contains background information, goals, and policies that address the following topics:

- * Land Use and Urban Design
- * Economic Development
- * Transportation
- * Open Space and Recreation
- * Environmental Resources and Conservation
- * Health and Safety
- * Public Facilities and Services

Highlights of the *San Bruno General Plan Update January 2008* include the following:

- * Housing will be encouraged in the Downtown area and along El Camino Real in commercial districts near transit
- * Identifies San Francisco International Airport as a major contributor of noise in the City
- * Includes aircraft noise exposure standards and ALUC criteria and guidelines to achieve airport/land use compatibility

ALUC Staff Report, Re: Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno, Re: *San Bruno General Plan Update January 2008*

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BACKGROUND -continued

- * Includes notice of fair disclosure, re: aircraft noise impacts, as part of real estate sales per City Ordinance 1646 and Chapter 496, California Statutes of 2002 (AB 2776)
- * Includes an FAR Part 77 airspace protection diagram for San Francisco International Airport and notes the related height limits

Source: *San Bruno General Plan Update January 2008*

An airport influence area (AIA) boundary defines the geographic area within which proposed local agency land use policy actions (i.e. general plans, general plan updates, general plan amendments, specific plans, specific plan amendments, zoning ordinances, proposed rezonings, etc.) must be referred to the airport land use commission for a consistency review. The criteria on which the configuration of the AIA boundary is based is determined by the airport/land use commission. As of this date the Commission (C/CAG Board) has not adopted an airport influence area (AIA) boundary for San Francisco International Airport. However, it has been the practice of the Commission to use the outer boundary of the FAR Part 77 Conical Surface (airspace protection boundary) for the airports in the county to define the AIA for formal review of proposed local agency land use policy actions. This approach was used to adopt the current AIA boundary (Area B) for San Carlos Airport. This approach will also be used in the current effort to update the CLUP for the environs of San Francisco International Airport.

For the purposes of this report, ALUC Staff is using the term "preliminary airport influence area (AIA) boundary" to refer to the AIA boundary for San Francisco International Airport. The SFO CLUP update that is in progress will identify a proposed (more refined) AIA boundary for the Airport that will be adopted by the Airport Land Use Commission (C/CAG Board) at a later date. To insure that (1) the City of San Bruno recognizes that a portion of the city is located within the AIA boundary for San Francisco International Airport and (2) to define the geographic area in San Bruno within which the City must refer proposed land use policy actions to the Airport Land Use Commission (C/CAG Board), and (3) to define a boundary for state-mandated real estate disclosure, the content of *Chapter 7 Health and Safety Element* should include a diagram that illustrates the configuration of the preliminary Airport Influence Area (AIA) boundary for San Francisco International Airport, as it applies to the planning area (see Attachment No. 4).

DISCUSSION

The key content of the *San Bruno General Plan Update January 2008* document that relates to the airport/land use compatibility criteria contained in the CLUP for San Francisco International Airport (height of structures/airspace protection, aircraft noise impacts, and safety criteria) is found in *Chapter 7 – Health and Safety Element*. The text in that element notes "The element also seeks to reduce potential noise and safety impacts along transportation corridors, including highways, railroads, and San Francisco International Airport (SFO)."

ALUC Staff Report, Re: Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno, Re: *San Bruno General Plan Update January 2008*

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DISCUSSION- continued

At the request of ALUC Staff, the City of San Bruno Community Development Director prepared a memo to the C/CAG Airport Land Use Committee (ALUC) Members, dated January 31, 2008, that summarizes the airport-related policy points and text contained in the *General Plan Update* document. The memo and several attachments were distributed at the Special ALUC Meeting on January 31, 2008. The relevant content of that memo, related to the airport/land use compatibility criteria in the SFO CLUP is addressed below.

I. Airport/Land Use Compatibility Issues

There are three airport/land use compatibility issues addressed in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended for San Francisco International Airport, that relate to the content of the *San Bruno General Plan Update January 2008*. These include: (a) Height of Structures/Airspace Protection, (b). Aircraft Noise Impacts, and (c). Safety Criteria. Each of these issues is addressed in the following sections.

(a). Height of Structures/Airspace Protection

The Airport Land Use Commission (C/CAG Board) has adopted the provisions in Federal Aviation Regulations FAR Part 77, "Objects Affecting Navigable Airspace", as amended, to establish height restrictions and federal notification requirements for project sponsors, related to proposed development within the FAR Part 77 airspace boundaries for San Francisco International Airport. These regulations contain three key elements: (1) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection, (2) requirements for project sponsors to provide notice to the FAA of proposed construction or alteration of structures that may adversely affect the airspace in the airport environs, and (3) aeronautical studies conducted by the FAA to determine the potential effect(s) of proposed construction or alterations of structures on the safe and efficient use of the subject airspace. The *San Bruno General Plan Update* document contains the following guiding and implementing policies in *Chapter 7 – Health and Safety Element*, regarding height of structures/airspace protection:

"7.5 Airport Safety

Approximately 90-percent of arrivals at SFO occur on the east-west runways, with approaches over San Francisco Bay and portions of San Bruno. Approximately 70-percent of departures occur on the north-south runways.

The Federal Aviation Administration (FAA) is the federal agency charged with regulating air commerce and achieving efficient use of navigable airspace. The FAA has established FAR Part 77 criteria, which are imaginary surfaces that extend outward from the end of each runway and define the maximum heights of structures within the airport vicinity. Permissible building heights are equal to the difference between the height of the horizontal plane (or imaginary surface of flight pattern) and the ground elevation above mean sea level. Figure 7-6 illustrates the FAR Part 77 criteria applicable to San Bruno."

DISCUSSION – continued

- "H-47 Implementing Policies – Air Safety
Work together with other affected cities, the Airport Land Use Commission, and San Mateo County to achieve further reduction of SFO airport-generated noise and safety concerns."
- "H-48 Implementing Policies – Air Safety
Require all new development to comply with FAR Part 77 height restriction standards, in accordance with Airport Land Use Commission guidelines."
- "H-49 Implementing Policies – Air Safety
Actively and aggressively participate in forums and discussions regarding operations and expansion plans for San Francisco International Airport. Seek local representation on task forces, commissions, and advisory boards established to guide airport policies and programs."

The text above mentions that Figure 7-6 illustrates the configuration of the FAR Part 77 imaginary surfaces that apply to the City of San Bruno (see Attachment No. 5). However, the most recent version of the FAR Part 77 diagram for San Francisco International Airport (draft) shows that a much larger portion of the City of San Bruno planning area is located within the FAR Part 77 imaginary surfaces for SFO (see Attachment No. 6). The text in *Chapter 7* should be revised to identify all of the FAR Part 77 height/airspace protection parameters (imaginary surfaces) that affect the planning area. Figure 7.6 should be replaced with the current version of the FAR Part 77 airspace protection diagram for San Francisco International Airport to illustrate the configuration of the FAR Part 77 imaginary surfaces in the planning area.

The text in *Chapter 7 Health and Safety Element* is silent, regarding requirements for project sponsors to provide notice to the FAA, via Federal Form 7460-1, "Notice of Proposed Construction or Alteration". The text in this chapter should be revised to indicate that all future development within the FAR Part 77 airspace protection surfaces is subject to (1) the height limitations of those airspace parameters and (2) to the formal federal notification process, via FAA Form 7460-1, "Notice of Proposed Construction or Alteration". The text should further indicate that the findings of all aeronautical studies conducted by the FAA, per the federal notification process, will be incorporated into the final approval for all new development in the planning area, if applicable.

(b). Aircraft Noise Impacts

The current comprehensive airport/land use compatibility plan (CLUP) for the environs of San Francisco International Airport includes an FAA-accepted Noise Exposure Map (NEM) from the Airport's 1983 FAR Part 150 Noise Compatibility Program that illustrates the configuration for the 60 dB, 65 dB, 70 dB, and 75 dB CNEL aircraft noise contours. That map is outdated and will be replaced by the 2006 NEM map, as part of a future CLUP amendment. That map is pending review and acceptance by the FAA.

DISCUSSION – continued

The Community Noise Equivalent Level in decibels (dB CNEL) is a noise metric that represents the average daytime noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening hours, relative to the daytime period (source: Title 21 State Noise Standards). The 65 dB CNEL aircraft noise level is used by the State of California and the FAA to define an airport's noise impact boundary. This level is also used by the Airport/Land Use Commission (C/CAG Board) to define the noise impact boundary for San Francisco International Airport. Noise mitigation actions are applied to land uses within an airport's noise impact boundary, as specified in a comprehensive airport land use compatibility plan (CLUP), to achieve land use compatibility.

The *San Bruno General Plan Update January 2008* contains the following text and policies to address noise impacts from aircraft operations at San Francisco International Airport:

"7.4 Noise – Noise Sources, Aircraft Noise

Aircraft overflight noise is an important issue in San Bruno due to the city's proximity to San Francisco International Airport (SFO). SFO is located to the east of San Bruno, across U.S. 101. The airport has four runways, of which two are east-west (10R-28L and 10L-28R) and two are north-south (1L-19R and 1R-19L). Northeastern portions of San Bruno are situated beneath flight tracks for arrivals and departures on runways 10R-28L and 10L-28R.

Aircraft noise contour maps are the principal tool used in analyzing airport/land use compatibility in the vicinity of airports. Each contour reflects linear bands subject to similar average noise levels. Two types of noise contour maps have been generated for SFO, one of which is based on computer modeling, while the other is based on actual measured noise levels. The Federal Aviation Administration (FAA), the agency charged with ensuring air safety, generates noise contour maps based on its Integrated Noise Model (INM). SFO received FAA approval for its original Federal Aviation Regulation (FAR) Part 150 Noise Exposure Maps (NEM) and Noise Compatibility Program in 1983. Because of the federally mandated replacement of Stage 2 aircraft with Stage 3 aircraft by 2000, noise contours at SFO have continued to shrink in recent years.

As required by state law, airports that have been designated as noise problem airports (such as SFO) must install and maintain a noise monitoring system that identifies and defines the airport's noise impact boundary (generally the 65 CNEL noise contour), based upon the aircraft noise levels recorded by noise monitoring equipment. Four of the 27 off-airport noise meters are located within San Bruno. In accordance with Title 21 requirements, SFO staff compiles noise-monitoring data and generate 65 CNEL noise contour maps on a quarterly basis.

7.4 Noise - San Bruno Aircraft Noise Insulation Program

Since 1983, the FAA and the City and County of San Francisco Airports Commission, the owner and operator of SFO, have jointly funded local aircraft noise insulation projects in communities near the airport. The goal of these programs is to achieve an interior noise level of 45 dB during an aircraft noise event, consistent with Title 24 noise standards. The Aircraft Noise Insulation Program includes all noise-impacted dwelling units within the 65 CNEL noise contour, as shown on the FAR Part 150 Noise Exposure Maps (NEMs). To date, about 3,000 homes in San Bruno have benefited from this program.

ALUC Staff Report, Re: Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno, Re: *San Bruno General Plan Update January 2008*

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DISCUSSION – continued

- 7.4 Noise – Noise Exposure Standards, State Regulations
Title 24 of the California Code of Regulations, the Building Standards Administrative Code, contains the State Noise Insulation Standards, which specify interior noise standards for new hotels, motels, apartment houses, and dwellings other than single-family homes. Such new structures must be designed to reduce outdoor noise to an interior level of (no more than) 45 dB in any habitable room. They require an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard where such units are proposed in areas subject to noise levels greater than 60 dB. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.
- 7.4 Noise – Noise Exposure Standards, Airport Land Use Plan Standards
The San Mateo County Airport Land Use Commission (ALUC) develops and implements the *San Mateo County Comprehensive Airport Land Use Plan* (San Mateo County CLUP). The current San Mateo CLUP was adopted in December 1996. The CLUP establishes the procedures that C/CAG uses in reviewing proposed local agency actions that affect land use decisions in the vicinity of San Mateo County's airports. Airport planning boundaries define where height, noise and safety standards, policies, and criteria are applied to certain proposed land use policy actions. San Bruno is located within the jurisdiction of the SFO Land Use Plan, a subchapter of the San Mateo County CLUP. For the purposes of review under the SFO Land Use Plan, the '01 NEM, the most recent federally accepted NEM is the noise contour map that C/CAG uses in making its determination of the consistency of a proposed local agency land use policy action with the SFO Land Use Plan. The northeastern corner of San Bruno is within the 2001 65 and 70 CNEL noise contours); the noise/land use compatibility standards shown in Table 7-2 apply to the areas within these noise contours.
- 7.4 Noise – Noise Exposure Standards, San Bruno Noise Standards
General Plan noise standards are shown in Table 7-1. These apply to areas outside of the airport noise impacted areas; for land within 60 db or greater airport noise contours (Figure 7-5), County airport land use compatibility noise standards as per Table 7-2 shall apply. For sites impacted by both airport and non-airport related sources, the more stringent of the two restrictions shall apply. San Bruno's Noise Ordinance is contained in Title 6 of the San Bruno Municipal Code. The ordinance places limits on noise levels in residential zones, limits construction activity noise levels and hours near residential zones, establishes machinery noise level limits, and addresses amplified sounds
- H-37 Implementing Policies – Noise
Require that all sponsors of new housing (residential and senior housing units) record a Notice of Fair Disclosure, regarding the proximity of the proposed development to San Francisco International Airport and of the potential impacts of aircraft operation, including noise impacts, per Ordinance 1646 and AB 2776.
- H-39 Implementing Policies – Noise
Pursue mitigation of noise impacts from the San Francisco International Airport to the fullest extent possible. Support and advocate for operational practices, changes to aircraft, new technologies, and physical improvements that would reduce the area in San Bruno impacted by aircraft noise.

ALUC Staff Report, Re: Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the City of San Bruno, Re: San Bruno General Plan Update January 2008

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DISCUSSION – continued

H-F Health and Safety Policies – Guiding Policies

Protect the health and comfort of residents by reducing the impact of noise from automotive vehicles, San Francisco International Airport, railroad lines, and stationary sources.

H-40 Implementing Policies – Noise

Prohibit new residential development in 70+CNEL areas, as dictated by Airport Land Use Commission infill criteria.

H-41 Implementing Policies – Noise

Encourage SFO Airport authorities to undertake noise abatement and mitigation programs that are based not only on the airport's noise contour maps, but that consider other factors such as the frequency of over-flights, altitude of aircraft, and hours of operation.

Chapter 7 also includes the following tables and figure to address airport/land use compatibility and aircraft noise contours: Table 7-1 (Land Use Compatibility for Community Noise Environments), Table 7-2 (Airport Land Use Plan Noise/Land Use Compatibility Standards), and Figure 7-5 (Existing and Projected Noise Contours) (see Attachments No. 7, 8, and 9). A map of just the 65 dB CNEL and the 70 dB CNEL aircraft noise contours for San Francisco International Airport is shown in Attachment No. 10.

Although the text and policies in *Chapter 7* of the *San Bruno General Plan Update* are quite comprehensive, regarding aircraft noise impacts and related mitigation, they do not specify a procedure to mitigate aircraft noise for new residential development within the 65 dB to 69 dB CNEL aircraft noise level. The following text should be added to *Chapter 7* as a policy to address aircraft noise mitigation for new residential development:

“All new residential development proposed within the 65 dB to 69 dB CNEL aircraft noise levels shall require preparation of an acoustical study that specifies the appropriate noise mitigation features to be included in the design and construction of the residential units to achieve an interior noise level of not more than 45 dB in any habitable room, based on aircraft noise events.”

(c). Safety Criteria

Certain types of land uses are recognized by the Airport Land Use Commission (C/CAG Board) as hazards to air navigation in the vicinity of San Francisco International Airport. These land uses are listed in the CLUP and include the following:

- * any use that would direct a steady or flashing light of white, red, green or amber color toward an aircraft engaged in an initial climb following takeoff or toward an aircraft engaged in a final approach for landing other than FAA-approved navigational lights.
- * Any use that would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a final approach for landing.

DISCUSSION – continued

- * Any use that would attract large concentrations of birds within approach/climbout areas.
- * Any use that would generate electrical interference that may affect aircraft communications or aircraft instrumentation.

It is highly unlikely that any future development in the planning area would include any of the above-referenced parameters that would be a safety issue for aircraft in flight. However, due to the proximity of the planning area to Runways 10/28 at San Francisco International Airport, the text in *Chapter 7* should be revised to include the following language to address airport-related safety concerns:

“Future development in the planning area shall comply with all relevant FAA standards and criteria for safety, regarding flashing lights, reflective material, land uses which may attract large concentrations of birds, HVAC exhaust vents, and uses which may generate electrical or electronic interference with aircraft communications and/or instrumentation.”

II. Real Estate Disclosure

California Public Utilities Code PUC Section 21674.7 states the following:

“An airport land use commission...shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics ...”

The *California Airport Land Use Planning Handbook January 2002* states the following:

“ALUCs are encouraged to adopt policies defining the area within which information regarding airport noise impacts should be disclosed as part of real estate transactions.”

Chapter 496, Statutes of 2002 (formerly AB 2776 (Simitian)) affects all transfers of real property that may occur within an airport influence area (AIA) boundary. It requires a statement (notice) to be included in the property transfer documents that (1) indicates the subject property is located within an airport influence area (AIA) boundary and (2) that the property may be subject to certain impacts from airport/aircraft operations. The wording of the notice is as follows:

“NOTICE OF AIRPORT IN VICINITY

This property is presently located within the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

DISCUSSION – continued

Policy H-37 in Chapter 7 in the San Bruno General Plan Update January 2008 states the following:

"H-37 Implementing Policies – Noise

Require that all sponsors of new housing (residential and senior housing units) record a Notice of Fair Disclosure, regarding the proximity of the proposed development to San Francisco International Airport and of the potential impacts of aircraft operation, including noise impacts, per Ordinance 1646 and AB 2776."

The text in this policy requires a notice of the proximity of the airport to be recorded for all new housing projects (residential and senior units). However, current state law, as noted above, requires a notice be included in the property transfer documents for all property transfers (sales) with the airport influence area (AIA) boundary.

To comply with state law and to clarify the real estate disclosure requirement, the text in policy H-37 in *Chapter 7* should be amended to read as follows:

"All real estate transactions within the preliminary airport influence area (AIA) boundary for San Francisco International Airport, as shown in Figure__ *herein, including residential and senior housing units, is subject to the disclosure requirements of Chapter 496, Statutes 2002."

III. Compliance with California Government Code 65302.3

California Government Code Section 65302.3 states that a local agency general plan an/or any affected specific plan must be consistent with the applicable airport/land use compatibility criteria contained in the relevant adopted airport land use plan (CLUP). The draft *San Bruno General Plan Update January 2008* is a comprehensive general plan amendment that will replace the current *San Bruno General Plan*. Therefore, the text in the draft *General Plan Update* document should include the following:

"The goals, policies, and other relevant content contained herein do not conflict with the applicable airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for San Francisco International Airport."

IV. Guidance from the California Airport Land Use Planning Handbook

ALUC Staff reviewed the relevant content of the *California Airport Land Use Planning Handbook January 2002*, published the Caltrans Division of Aeronautics, to prepare this report. The staff analysis and recommendations contained herein are consistent with and guided by the relevant provisions contained in the *Handbook*.

* The figure reference here is to be determined by the City of San Bruno, as part of its numbering of the figures in the *General Plan Update January 2008* document.

**ALUC Staff Report, Re: Comprehensive Airport Land Use Plan (CLUP)
Consistency Review of a Referral from the City of San Bruno, Re: *San Bruno
General Plan Update January 2008*
Page 12 of 12**

V. Attachments

- Attachment No. 1:** Memo to Airport Land Use Committee from Aaron Akin, Community Development Director, City of San Bruno, dated January 31, 2008; re: draft *San Bruno General Plan Update*, airport-related policy points and text (w/o referenced tables and figures) and draft *San Bruno General Plan January 2008* cover sheet and Table of Contents
- Attachment No. 2:** Graphic – Figure 1-2 Planning Boundaries and Topography Source: *San Bruno General Plan January 2008* document
- Attachment No. 3:** Graphic – Figure 2-1 General Land Use Diagram Source: *San Bruno General Plan January 2008* document
- Attachment No. 4:** Graphic – Preliminary Airport Influence Area (AIA) Boundary Diagram Source: New graphic for this report
- Attachment No. 5:** Graphic – Figure 7-6 SFO Imaginary Surfaces Source: *San Bruno General Plan January 2008* document
- Attachment No. 6:** Graphic – Federal Aviation Regulations (FAR) Part 77 Airspace Protection Diagram for San Francisco International Airport Source: New diagram for this report. Original Source: *San Francisco International Airport Draft November 2007*
- Attachment No. 7:** Table – Figure 7-1 Land Use Compatibility for Community Noise Environments Source: *San Bruno General Plan January 2008* document
- Attachment No. 8:** Table – Table 7-2 San Mateo County Comprehensive Airport Land Use Plan Noise Compatibility Standards Source: *San Bruno General Plan January 2008* document
- Attachment No. 9:** Graphic – Figure 7-5 Existing and Projected Noise Contours Source: *San Bruno General Plan January 2008* document
- Attachment No. 10:** Graphic – Airport noise countour configuration in the city of San Bruno Source: New graphic for this report. Original Source: *San Francisco International Airport 2005 Noise Contours*




MEMORANDUM

ATTACHMENT No. 1
ALUC Staff Report 2/21/0

CITY OF SAN BRUNO
COMMUNITY DEVELOPMENT DEPARTMENT

DATE: January 31, 2008

TO: Airport Land Use Committee

FROM: Aaron Akin, Community Development Director, City of San Bruno 

SUBJECT: Draft General Plan Update - Airport Related Policy Points and Text

Below are element by element excerpts of all policy points and text and related to the airport in the General Plan Update. While Element 7, the Health and Safety Element, has a majority of the text dedicated to the airport, other elements speak to the airport and its impact on the City. Please also see the tables and figures attached to this memo for Chapters 2 & 7.

Chapter 1 – Introduction and Overview

- 1.6 Relationship to Other Agency Plans – Redevelopment Plan
The Redevelopment Plan includes programs and policies to preserve and enhance the quality of life in the Residential Conservation Areas by mitigating airport noise impacts.
- 1.6 Other Jurisdictions
External impacts from land uses and activities in surrounding cities and jurisdictions need to be considered when evaluating future development potential. Furthermore, certain land use activities in San Bruno are restricted by the San Mateo County Comprehensive Airport Land Use Plan and federal aviation regulations.
- 1.6 Other Jurisdiction - San Mateo County
County Agencies that have input into land use decisions in specific parts of San Bruno include the San Mateo County Airport Land Use Commission (ALUC) which identifies height limits, recommends development requirements for noise sensitive uses in specified areas, and reviews local land use plans for consistency with the San Mateo County Comprehensive Airport Land Use Plan. Issues related to over-flight height limits and noise are addresses in the Health and Safety Element.

1.6 Other Jurisdictions – San Francisco International Airport

SFO is located just east of San Bruno in unincorporated San Mateo County. SFO is an agency of the City and County of San Francisco, and the airport property is under San Francisco's jurisdiction. SFO is the fifth busiest airport in the US, in terms of total passengers, and is the third largest origin/destination airport in the country. The Airport Master Plan Program (1986-1006) includes major terminal improvements that enable the airport to handle up to 51 million annual passengers, nearly a 30-percent increase over previous annual passenger traffic. As dictated in the Plan, SFO has completed construction on a new International Terminal, an airport rail transit system, elevated circulation roads, new parking structures, and ground transportation centers.

The projected increase in passenger traffic is likely to be accompanied by an increase demand for visitor services, such as hotels, restaurants, and conference centers. SFO is also a major employment center and, as such, has an effect on the demand for housing and services in San Bruno. ABAG projects that total airport jobs will grow from 29,040 in the year 2000 to 34,410 in the year 2020.

In addition to the indirect effects of the airport described above, airport operations will also directly affect future land use policies in San Bruno. The San Mateo City and County Association of Governments (C/CAG), acting as the County's Airport Land Use Commission (ALUC), identifies land use policies for height and noise compatibility and reviews local general and specific plan land use changes for compliance. Excessive airport noise will prohibit residential development in certain northeast portions of San Bruno, particularly around the BART station. Chapter 7 provides additional detail in noise constraints in San Bruno.

Chapter 2 – Land Use and Urban Design Element

In addition to the excerpts below, please also see the following document attached to this memo:

Figure 2.1 (General Plan Land Use Diagram)

2.3 Land Use Framework - Regional Office District

Offices that provide professional services for SFO airport clientele are encouraged. Shuttle services are provided for convenient travel between the airport, BART, Caltrain and hotel facilities.

Industrial Land Use Policies LUD – 61

Support establishment of airport-related uses within the industrial area along Montgomery Avenue. In accordance with Ordinance 1284, consider construction

of parking structures for car rentals, parking and other airport related storage uses.

Chapter 3 – Economic Development

ED-3 Business Climate Implementing Policies

Seek establishment of high-quality hotels that serve travelers to and from the San Francisco International Airport. Cooperate with property-owners and developers to make available large sites at The Crossing, Bayhill Office Park, The Shops at Tanforan, and Towne Center. Focus on connections to BART and Caltrain, to provide convenient transit for visitors.

Chapter 4 – Transportation Element

T-60 Transportation Policies – Bus Transit

Encourage SamTrans to configure bus transit service to serve connections with other transit systems (BART, Caltrain, SFO Airport, and other bus lines).

T-84 Transportation Policies – Coordination

Undertake periodic reviews of highway projects and improvements, San Francisco Airport expansion planning, and County and regional transit planning to enable the City to coordinate effectively with regional circulation systems.

Chapter 5 – Open Space Element

5.2 Open Space – San Francisco International Airport

Between San Bruno's eastern city limit and Highway 101 lies approximately 80 acres of open space belonging to the San Francisco International Airport (SFO). Known as the West of Bayshore subarea to the Airport Planning Department, the property is designated a "Sensitive Species Habitat" and is protected by the California Department of Fish and Game and the U.S. Department of Fish and Wildlife. The City and County of San Francisco oversees SFO expansion activity; however, there is no development scheduled for this protected area. Public access is restricted and the protection agencies monitor the three endangered species—the California Red-legged Frog, San Francisco Garter Snake, and Damselfly—residing within the open space area. Currently, a community garden and a 4H facility are located on lands adjacent to the SFO wetlands area.

O-26 Implementing Policies – Open Space

Retain appropriate San Francisco International Airport lands, located west of Highway 101, in open space for preservation of endangered wetlands species. Consider development of low-impact trails providing public access to the preservation areas.

Chapter 6 – Environmental Resources and Conservation Element

ECR-18 Implementing Policies – Biological Resources

Coordinate efforts with the San Mateo County Flood Control District, Caltrans, Golden Gate National Recreation Area, San Francisco Airport, Peninsula Watershed lands, and Junipero Serra County Park to develop or preserve and manage interconnecting wildlife movement corridors.

Chapter 7 – Health and Safety Element

In addition to the excerpts below, please also see the following three documents attached to this memo:

Table 7-1 (Land Use Compatibility for Community Noise Environments)
Table 7-2 (Airport Land Use Plan Noise/Land Use Compatibility Standards)
Figure 7-5 (Existing and Projected Noise Contours)

Intro Vision

The element also seeks to reduce potential noise and safety impacts along transportation corridors, including highways, railroads, and San Francisco International Airport (SFO).

7.4 Noise – Noise Sources, Aircraft Noise

Aircraft overflight noise is an important issue in San Bruno due to the city's proximity to San Francisco International Airport (SFO). SFO is located to the east of San Bruno, across U.S. 101. The airport has four runways, of which two are east-west (10R-28L and 10L-28R) and two are north-south (1L-19R and 1R-19L). Northeastern portions of San Bruno are situated beneath flight tracks for arrivals and departures on runways 10R-28L and 10L-28R.

Aircraft noise contour maps are the principal tool used in analyzing airport/land use compatibility in the vicinity of airports. Each contour reflects linear bands subject to similar average noise levels. Two types of noise contour maps have been generated for SFO, one of which is based on computer modeling, while the other is based on actual measured noise levels. The Federal Aviation Administration (FAA), the agency charged with ensuring air safety, generates noise contour maps based on its Integrated Noise Model (INM). SFO received FAA approval for its original Federal Aviation Regulation (FAR) Part 150 Noise Exposure Maps (NEM) and Noise Compatibility Program in 1983. Because of the federally mandated replacement of Stage 2 aircraft with Stage 3 aircraft by 2000, noise contours at SFO have continued to shrink in recent years.

As required by state law, airports that have been designated as noise problem airports (such as SFO) must install and maintain a noise monitoring system that

identifies and defines the airport's noise impact boundary (generally the 65 CNEL noise contour), based upon the aircraft noise levels recorded by noise monitoring equipment. Four of the 27 off-airport noise meters are located within San Bruno. In accordance with Title 21 requirements, SFO staff compiles noise-monitoring data and generate 65 CNEL noise contour maps on a quarterly basis.

7.4 Noise - San Bruno Aircraft Noise Insulation Program

Since 1983, the FAA and the City and County of San Francisco Airports Commission, the owner and operator of SFO, have jointly funded local aircraft noise insulation projects in communities near the airport. The goal of these programs is to achieve an interior noise level of 45 dB during an aircraft noise event, consistent with Title 24 noise standards. The Aircraft Noise Insulation Program includes all noise-impacted dwelling units within the 65 CNEL noise contour, as shown on the FAR Part 150 Noise Exposure Maps (NEMs). To date, about 3,000 homes in San Bruno have benefited from this program.

7.4 Noise – Noise Exposure Standards, State Regulations

Title 24 of the California Code of Regulations, the Building Standards Administrative Code, contains the State Noise Insulation Standards, which specify interior noise standards for new hotels, motels, apartment houses, and dwellings other than single-family homes. Such new structures must be designed to reduce outdoor noise to an interior level of (no more than) 45 dB in any habitable room. They require an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard where such units are proposed in areas subject to noise levels greater than 60 dB. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

7.4 Noise – Noise Exposure Standards, Airport Land Use Plan Standards

The San Mateo County Airport Land Use Commission (ALUC) develops and implements the *San Mateo County Comprehensive Airport Land Use Plan* (San Mateo County CLUP). The current San Mateo CLUP was adopted in December 1996. The CLUP establishes the procedures that C/CAG uses in reviewing proposed local agency actions that affect land use decisions in the vicinity of San Mateo County's airports. Airport planning boundaries define where height, noise and safety standards, policies, and criteria are applied to certain proposed land use policy actions. San Bruno is located within the jurisdiction of the SFO Land Use Plan, a subchapter of the San Mateo County CLUP. For the purposes of review under the SFO Land Use Plan, the '01 NEM, the most recent federally accepted NEM is the noise contour map that C/CAG uses in making its determination of the consistency of a proposed local agency land use policy action with the SFO Land Use Plan. The northeastern corner of San Bruno is within the 2001 65 and 70 CNEL noise contours; the noise/land use compatibility standards shown in Table 7-2 apply to the areas within these noise contours.

7.4 Noise – Noise Exposure Standards, San Bruno Noise Standards
General Plan noise standards are shown in Table 7-1. These apply to areas outside of the airport noise impacted areas; for land within 60 db or greater airport noise contours (Figure 7-5), County airport land use compatibility noise standards as per Table 7-2 shall apply. For sites impacted by both airport and non-airport related sources, the more stringent of the two restrictions shall apply. San Bruno's Noise Ordinance is contained in Title 6 of the San Bruno Municipal Code. The ordinance places limits on noise levels in residential zones, limits construction activity noise levels and hours near residential zones, establishes machinery noise level limits, and addresses amplified sounds

7.5 Airport Safety
Approximately 90-percent of arrivals at SFO occur on the east-west runways, with approaches over San Francisco Bay and portions of San Bruno. Approximately 70-percent of departures occur on the north-south runways.

The Federal Aviation Administration (FAA) is the federal agency charged with regulating air commerce and achieving efficient use of navigable airspace. The FAA has established FAR Part 77 criteria which are imaginary surfaces that extend outward from the end of each runway and define the maximum heights of structures within the airport vicinity. Permissible building heights are equal to the difference between the height of the horizontal plane (or imaginary surface of flight pattern) and the ground elevation above mean sea level. Figure 7-6 illustrates the FAR Part 77 criteria applicable to San Bruno.

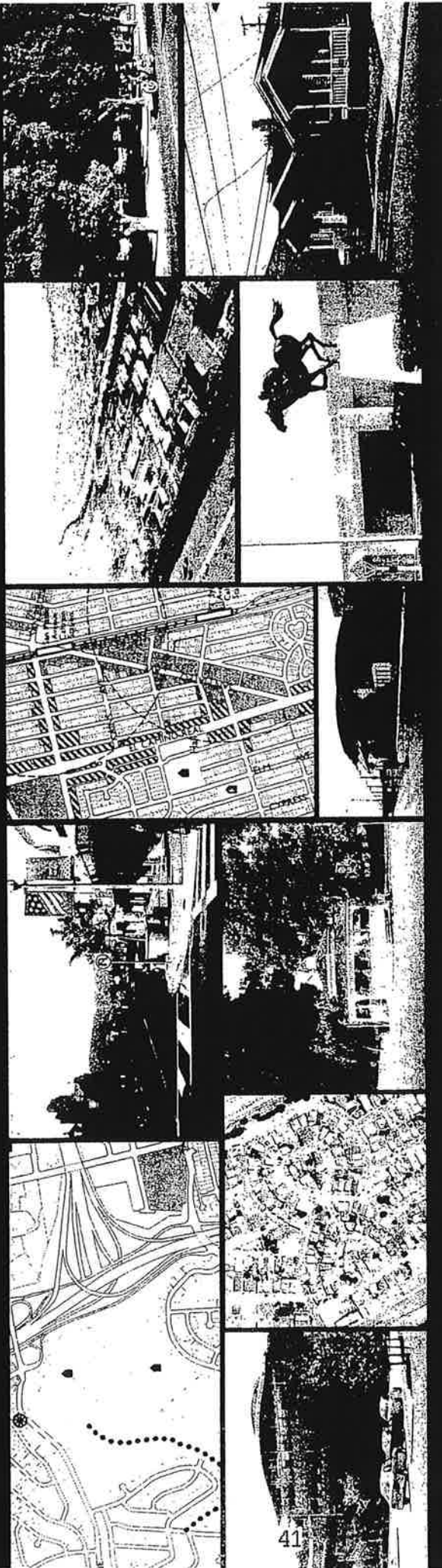
H-F Health and Safety Policies – Guiding Policies
Protect the health and comfort of residents by reducing the impact of noise from automotive vehicles, San Francisco International Airport, railroad lines, and stationary sources.

H-G Health and Safety Policies – Guiding Policies
Ensure that all development heeds safety precautions from the San Francisco International Airport.

H-19 Implementing Policies – Flooding
Maintain ongoing communication and coordination with surrounding cities, San Mateo County, and agencies—primarily the San Mateo County Flood Control District, but also San Francisco International Airport and California Department of Fish and Game—to ensure proper maintenance of storm drain channels and pipes that carry surface water runoff away from San Bruno to the San Francisco Bay.

- H-37 Implementing Policies – Noise
Require that all sponsors of new housing (residential and senior housing units) record a Notice of Fair Disclosure, regarding the proximity of the proposed development to San Francisco International Airport and of the potential impacts of aircraft operation, including noise impacts, per Ordinance 1646 and AB 2776.
- H-39 Implementing Policies – Noise
Pursue mitigation of noise impacts from the San Francisco International Airport to the fullest extent possible. Support and advocate for operational practices, changes to aircraft, new technologies, and physical improvements that would reduce the area in San Bruno impacted by aircraft noise.
- H-40 Implementing Policies – Noise
Prohibit new residential development in 70+CNEL areas, as dictated by Airport Land Use Commission infill criteria.
- H-41 Implementing Policies – Noise
Encourage SFO Airport authorities to undertake noise abatement and mitigation programs that are based not only on the airport's noise contour maps, but that consider other factors such as the frequency of over-flights, altitude of aircraft, and hours of operation.
- H-47 Implementing Policies – Air Safety
Work together with other affected cities, the Airport Land Use Commission, and San Mateo County to achieve further reduction of SFO airport-generated noise and safety concerns.
- H-48 Implementing Policies – Air Safety
Require all new development to comply with FAR Part 77 height restriction standards, in accordance with Airport Land Use Commission guidelines.
- H-49 Implementing Policies – Air Safety
Actively and aggressively participate in forums and discussions regarding operations and expansion plans for San Francisco International Airport. Seek local representation on task forces, commissions, and advisory boards established to guide airport policies and programs.

SAN BRUNO GENERAL PLAN



January 2008

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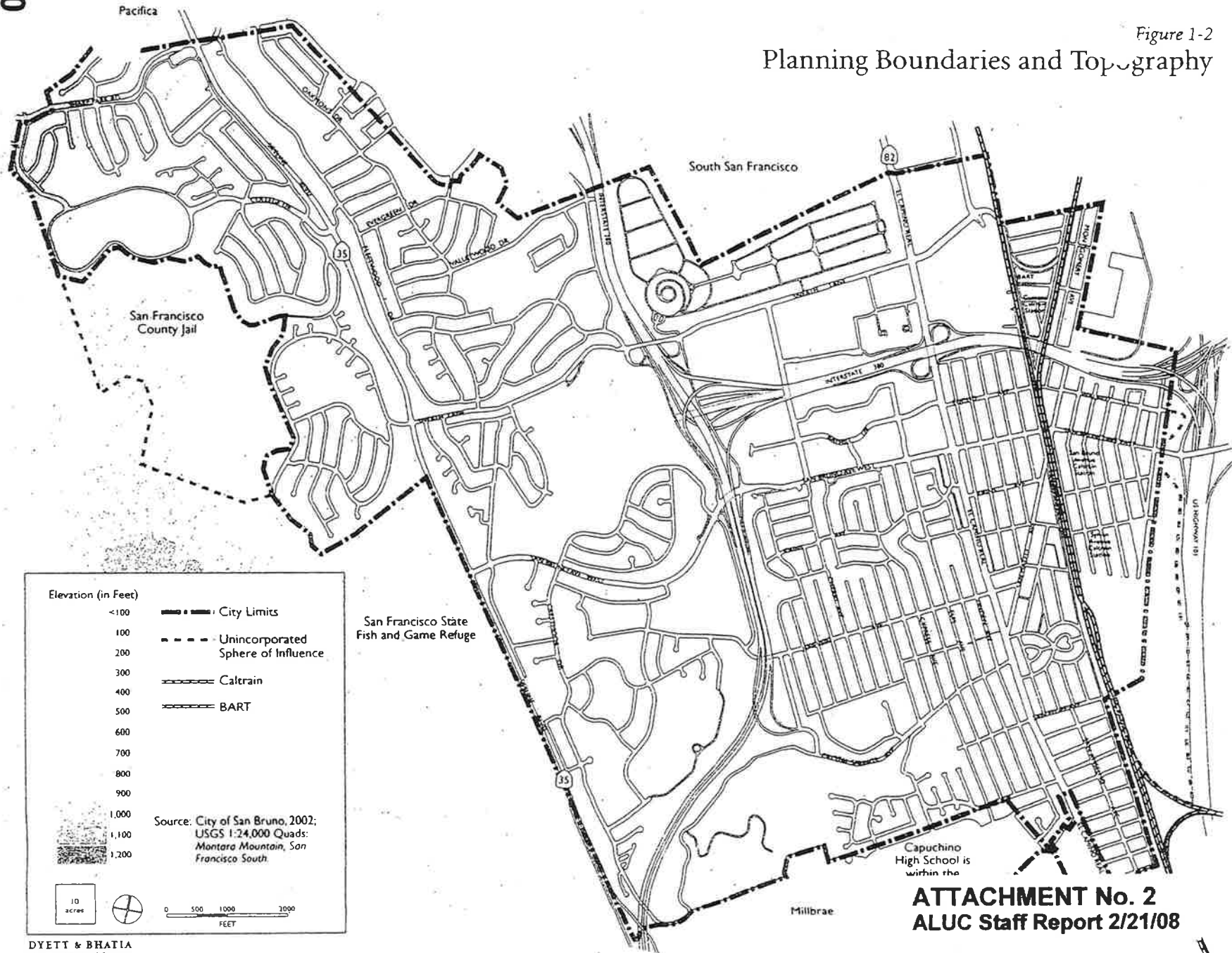
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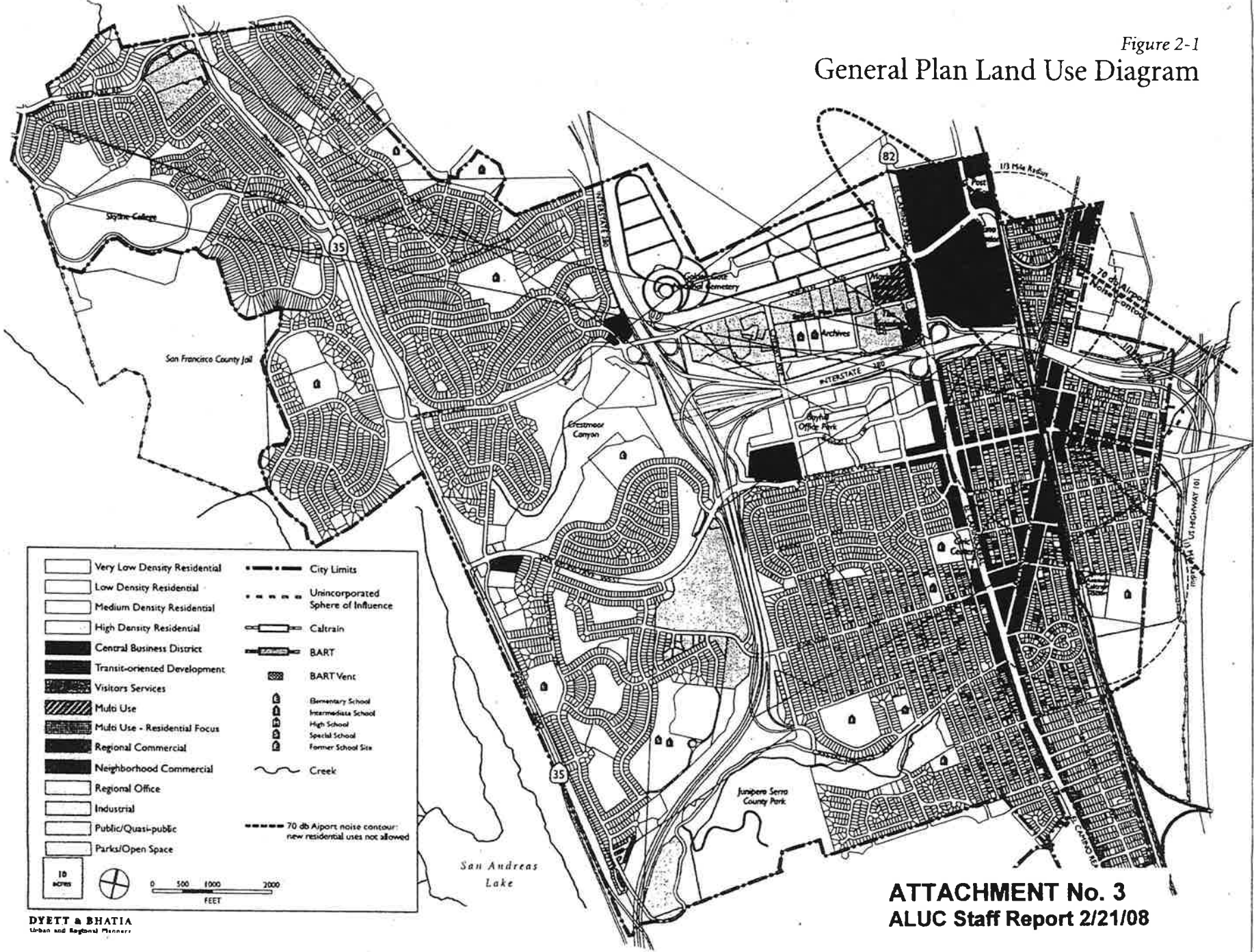
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Figure 1-2
Planning Boundaries and Topography



ATTACHMENT No. 2
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Figure 2-1
General Plan Land Use Diagram



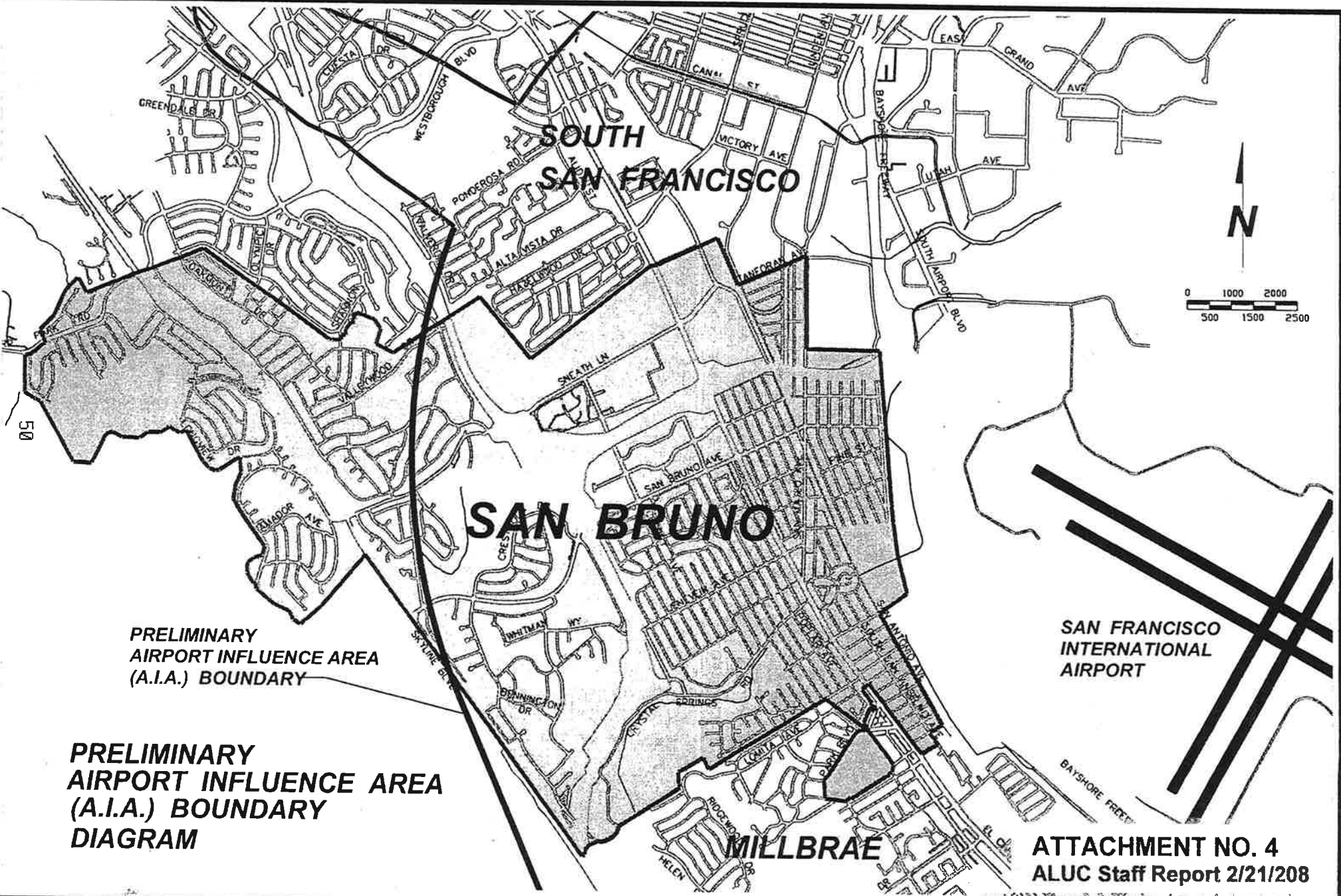
	Very Low Density Residential		City Limits
	Low Density Residential		Unincorporated Sphere of Influence
	Medium Density Residential		Caltrain
	High Density Residential		BART
	Central Business District		BART Vent
	Transit-oriented Development		Elementary School
	Visitors Services		Intermediate School
	Multi Use		High School
	Multi Use - Residential Focus		Special School
	Regional Commercial		Former School Site
	Neighborhood Commercial		Creek
	Regional Office		70 db Airport noise contour: new residential uses not allowed
	Industrial		
	Public/Quasi-public		
	Parks/Open Space		

10 miles

0 500 1000 2000 FEET

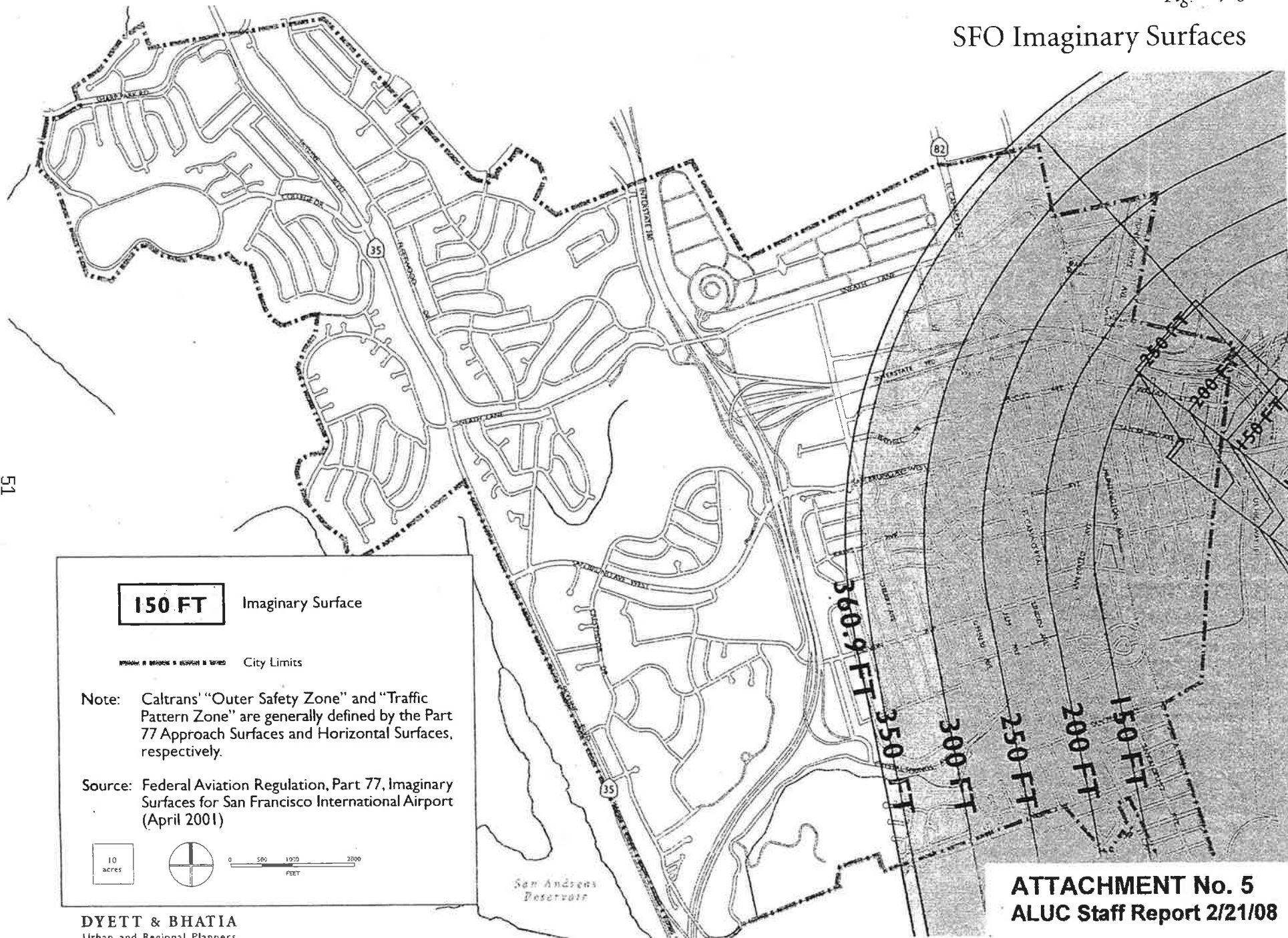
DYETT & BHATIA
Urban and Regional Planners

ATTACHMENT No. 3
ALUC Staff Report 2/21/08

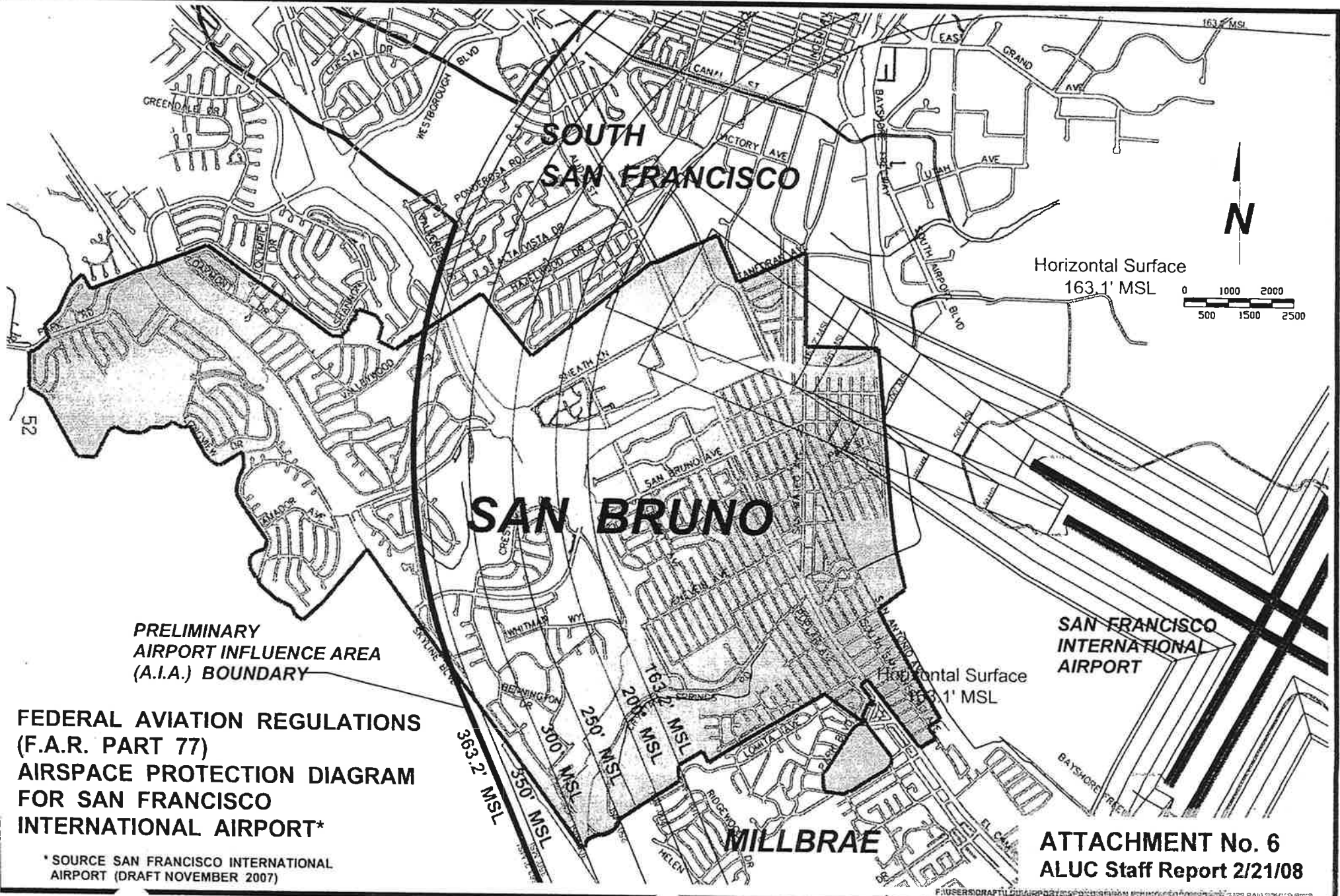


ATTACHMENT NO. 4
ALUC Staff Report 2/21/208

SFO Imaginary Surfaces



ATTACHMENT No. 5
ALUC Staff Report 2/21/08



PRELIMINARY
AIRPORT INFLUENCE AREA
(A.I.A.) BOUNDARY

**FEDERAL AVIATION REGULATIONS
(F.A.R. PART 77)
AIRSPACE PROTECTION DIAGRAM
FOR SAN FRANCISCO
INTERNATIONAL AIRPORT***

* SOURCE SAN FRANCISCO INTERNATIONAL
AIRPORT (DRAFT NOVEMBER 2007)

Horizontal Surface
163.1' MSL

0 1000 2000
500 1500 2500

SAN FRANCISCO
INTERNATIONAL
AIRPORT

Horizontal Surface
163.1' MSL

**ATTACHMENT No. 6
ALUC Staff Report 2/21/08**

Land Use Category	Exterior Day/Night Noise Levels DNL or Ldn, dB					
	55	60	65	70	75	80
Residential-Single Family					█	█
Residential-Multiple Family					█	█
Transient Lodging-Motels, Hotels					█	█
Schools, Libraries, Churches, Hospitals, Nursing Homes					█	█
Auditoriums, Concert Halls, Amphitheaters				█	█	█
Sports Arena, Outdoor Spectator Sports					█	█
Playgrounds, Parks				█	█	█
Golf Courses, Riding Stables, Water Recreation, Cemeteries					█	█
Office Buildings, Business Commercial and Professional					█	█
Industrial, Manufacturing, Utilities, Agriculture					█	█

INTERPRETATION

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements

Conditionally Acceptable:
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.

Normally Unacceptable:
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable:
New construction or development clearly should not be undertaken.

ATTACHMENT No. 7
ALUC Staff Report 2/21/08

Figure 7-1
Land Use Compatibility for
Community Noise Environments

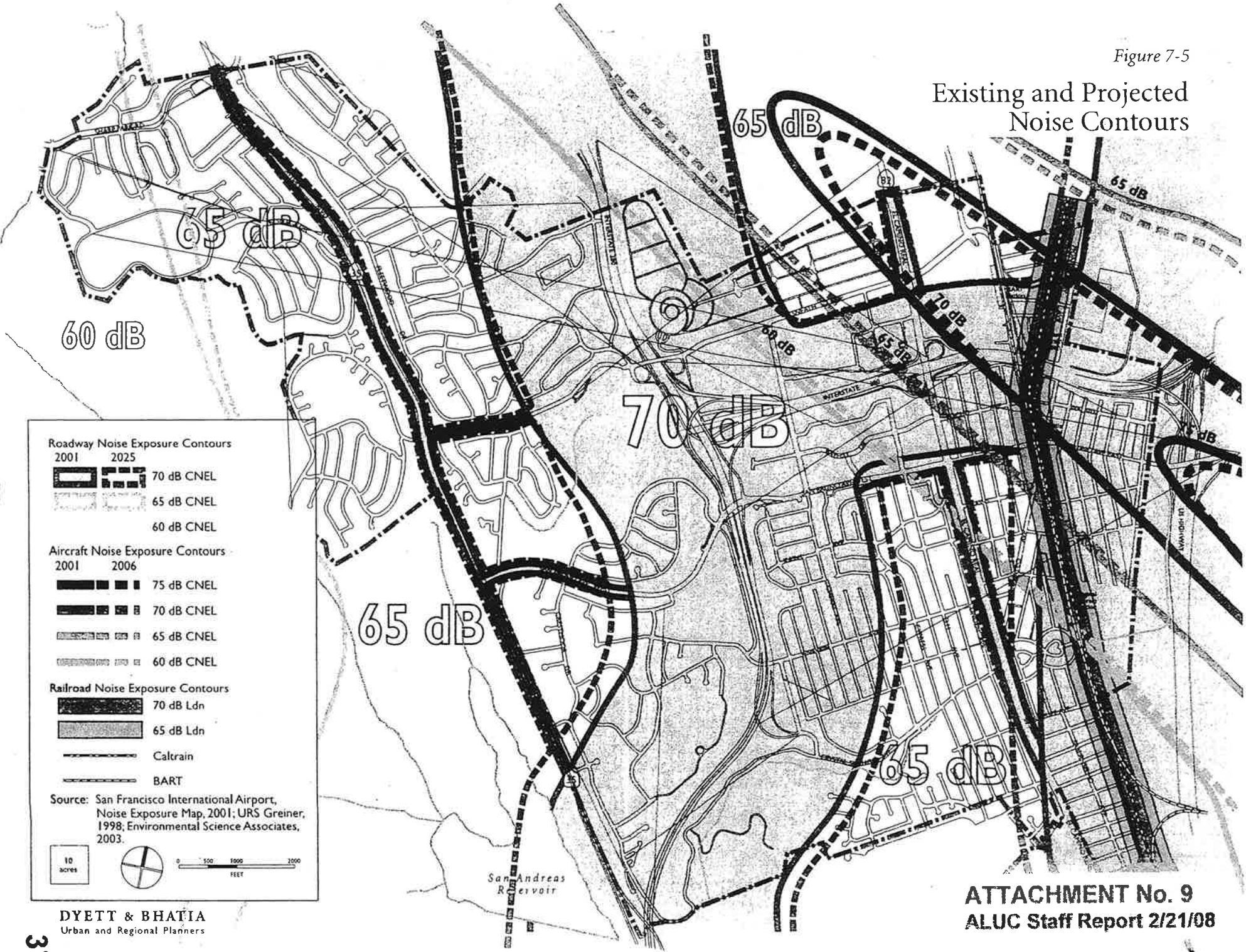
Table 7-2: San Mateo County Comprehensive Airport Land Use Plan Noise/Land Use Compatibility Standards

<i>Land Use</i>	<i>General Land Use Criteria, CNELa</i>		
	<i>Compatible</i> <i>No special noise insulation requirements for new construction</i>	<i>Conditionally Compatible</i> <i>New development should be undertaken only after analysis and including needed noise insulation features in design</i>	<i>Incompatible</i> <i>New construction should not be undertaken unless related to airport activities or services. Special noise insulation features should be included in construction</i>
RESIDENTIAL - single- and multi-family, mobile homes, schools, libraries, churches, hospitals, nursing homes, and auditoriums	Less than 65	65 to 70	More than 70
COMMERCIAL - retail, restaurants, office buildings, hotels, motels, movie theaters, sports arenas, playgrounds, cemeteries, and golf courses	Less than 70	70 to 80	More than 80
INDUSTRIAL - manufacturing, transportation, communications, and utilities	Less than 75	75 to 85	More than 85
OPEN SPACE - agriculture, mining, fishing	Less than 75	NA	More than 75

Source: San Mateo County Airport Land Use Commission, San Mateo County Comprehensive Airport Land Use Plan, December 1996.

Figure 7-5

Existing and Projected Noise Contours



Roadway Noise Exposure Contours
 2001 2025
 [Thick solid line] 70 dB CNEq
 [Dashed line] 65 dB CNEq
 [Thin solid line] 60 dB CNEq

Aircraft Noise Exposure Contours
 2001 2006
 [Thick solid line] 75 dB CNEq
 [Dashed line] 70 dB CNEq
 [Thin solid line] 65 dB CNEq
 [Thin dashed line] 60 dB CNEq

Railroad Noise Exposure Contours
 [Thick solid line] 70 dB Ldn
 [Thin solid line] 65 dB Ldn
 [Dashed line] Caltrain
 [Thin solid line] BART

Source: San Francisco International Airport, Noise Exposure Map, 2001; URS Greiner, 1998; Environmental Science Associates, 2003.

10 acres [Compass rose] 0 100 1000 2000 FEET

**ATTACHMENT No. 9
ALUC Staff Report 2/21/08**

C/CAG AGENDA REPORT

DATE: March 13, 2008

TO: City/County Association of Governments of San Mateo County (C/CAG)
Board of Directors

FROM: David F. Carbone, C/CAG Airport Land Use Committee (ALUC) Staff
TEL: 6560/363-4417; email: dcarbone@co.sanmateo.ca.us

SUBJECT: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the County of San Mateo, Re: Draft *Midcoast Local Coastal Program (LCP) Update Project* that Includes a Portion of the Environs of Half Moon Bay Airport

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, approve a recommendation from the C/CAG Airport Land Use Committee (ALUC) to determine that the content of the proposed amendments to the *San Mateo County General Plan*, as contained in the draft *Midcoast Local Coastal Program (LCP) Update Project* document, are consistent with the applicable airport/land use compatibility criteria for the environs of Half Moon Bay Airport, as contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for Half Moon Bay Airport, based on the following conditions to be met by the County of San Mateo:

1. **Airport Influence Area (AIA Boundary.** Amend the *Midcoast Local Coastal Program (LCP) Update Project* document to add a map that illustrates the configuration of the preliminary Half Moon Bay Airport Influence Area (AIA) boundary and the *Midcoast LCP Update Project* area boundary, as shown in Attachment No. 4C in the attached ALUC Staff Report, dated February 21, 2008.
2. Amend the *Midcoast Local Coastal Program (LCP) Update Project* document to add a policy or policies that
 - (a). **Safety Concerns.** Require(s) all new development within the *Midcoast LCP Update Project* area boundary that is also within the preliminary Half Moon Bay Airport Influence Area (AIA) boundary to comply with all relevant Federal Aviation Administration (FAA) standards and criteria regarding: (1) safety criteria, (2) flashing lights, (3) reflective material, (4) land uses that may attract large concentrations of birds, (5) HVAC exhaust fans and vents, and (6) land use activities which may generate electrical and/or electronic interference with aircraft communications and/or instrumentation, and
 - (b). **Real Estate Disclosure.** Require(s) all sales of real property located within the preliminary Half Moon Bay Airport Influence (AIA) boundary to comply with the real estate disclosure requirements specified in Chapter 496, California Statutes of 2002.

ITEM 4.4

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the County of San Mateo, Re: Draft *Midcoast Local Coastal Program (LCP) Update Project* that Includes a Portion of the Environs of Half Moon Bay Airport

March 13, 2008

Page 2 of 8

RECOMMENDATION - continued

3. Compliance with California Government Code Section 65302.3

Include a statement in the San Mateo County Board of Supervisors resolution adopting the *Midcoast Local Coastal Program (LCP) Update Project* amendments, that affirms that such amendments are consistent with the applicable airport/land use compatibility criteria contained in *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for Half Moon Bay Airport, as shown in Attachment No. 8., in the attached ALUC Staff Report dated February 21, 2008). (Note: This condition was identified as Condition No. 3b. in the attached ALUC Staff Report).

FISCAL IMPACT

None.

BACKGROUND

I. Proposed Land Use Policy Action/State-Mandated 60-Day Review Period

A Local Coastal Program (LCP) is a tool used by local governments to guide development of land within the California Coastal Zone, in partnership with the California Coastal Commission. An LCP is a planning document that contains the ground rules for future development and protection of coastal resources and specifies appropriate location, type, and scale of new or changed uses of land and water. An LCP is part of a jurisdiction's general plan and therefore, an LCP update is also a general plan amendment. Half Moon Bay Airport is located within the California Coastal Zone boundary in San Mateo County (See Attachment No. 1 in the attached ALUC Staff Report, dated February 21, 2008). The Airport is also located within the boundaries of the *Midcoast LCP Update Project* area.

The County of San Mateo has submitted its draft *Midcoast Local Coastal Program (LCP) Update Project* document, a set of proposed amendments to the *San Mateo County General Plan* for properties located within the California Coastal Zone boundary, to C/CAG, acting as the Airport Land Use Commission, for a determination of the consistency of the proposed amendments with the applicable airport/land use compatibility criteria and guidelines contained in the *San Mateo County Comprehensive Airport Land Use Plan (CLUP)*, as amended, for Half Moon Bay Airport. The proposed *LCP Update Project* is subject to ALUC/C/CAG review, pursuant to California PUC Section 21676 (b). The 60-day state-mandated airport/land use compatibility review period will expire on April 11, 2008. The ALUC received an informal presentation on this proposal by County of San Mateo Planning Staff at a Special ALUC Meeting on January 31, 2008.

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the County of San Mateo, Re: Draft *Midcoast Local Coastal Program (LCP) Update Project that Includes a Portion of the Environs of Half Moon Bay Airport*

March 13, 2008

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BACKGROUND - continued

II. Project Overview

The purpose of the Midcoast LCP Update Project is to amend several land use policies that apply to the unincorporated midcoast portion of San Mateo County (Montara, Moss Beach, El Granada, and Princeton-By-The-Sea), with the aim of (1) improving LCP baseline data, (2) reducing development permit appeals, and (3) maintaining consistency with the California Coastal Act. In summary, the proposed LCP amendments would:

- Update the estimate of Midcoast residential buildout.
- Update the estimate of Midcoast water and sewer demand.
- Lower the residential growth rate limit from 125 to 75 units/year.
- Prohibit new residences at El Granada's "Burnham Strip."
- Limit residential uses to above the first floor in the C-1 District.
- Revise controls on caretaker's quarters in the W District.
- Reduce house floor area and height in the RM-CZ and PAD Districts.
- Add incentives for voluntary substandard lot merger.
- Limit the amount of ground level impervious surfaces.
- Improve winter grading controls.
- Reserve water supply for failed wells and affordable housing.
- Add incentives for new Midcoast affordable housing units.
- Require pedestrian improvements for Highway 1 projects.
- Require traffic mitigation for development generating >50 trips.
- Provide for future park/trail at the "Devil's Slide bypass" property.
- Update LCP trails policies and the role of trail providing agencies.
- Incorporate the Stormwater Pollution Prevention Program.
- Provide guidance on resolving LCP policy conflicts.
- Correct and clarify ambiguous and inconsistent LCP provisions.

The acronyms used above refer to the following San Mateo County Zoning Districts:

C-1: Neighborhood Commercial District RM-CZ: Resource Management-Coastal Zone District
W: Waterfront District PAD: Planned Agricultural District

Information Source: San Mateo County Planning Staff

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the County of San Mateo, Re: Draft *Midcoast Local Coastal Program (LCP) Update Project that Includes a Portion of the Environs of Half Moon Bay Airport*

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BACKGROUND - continued

III. Airport Influence Area (AIA) Boundary

Each comprehensive airport/land use compatibility plan (CLUP) must include a diagram that illustrates the airport influence area (AIA) boundary for the subject airport. The AIA boundary defines the geographic area within which proposed local agency land use policy actions (i.e. general plan updates, specific plans/amendments, proposed rezonings, etc.) must be referred to the airport land use commission for a determination of the consistency of the proposed action(s) with the relevant airport/land use compatibility criteria. It also defines the boundary within which state-mandated real estate disclosure regarding potential airport and aircraft impacts must be provided to potential buyers of real property within the AIA boundary. The criteria on which the configuration of the AIA boundary is based include (1) the height of structures/airspace protection parameters (Federal Aviation Regulations FAR Part 77), (2) aircraft noise impacts (noise contours), and (3) safety concerns.

As of this date, the Airport Land Use Commission (C/CAG Board) has not adopted an airport influence area (AIA) boundary for Half Moon Bay Airport. However, it has been the practice of the Commission to use a combination of the outer boundary of the FAR Part 77 Conical Surface (airspace protection boundary), a specific aircraft noise contour (55 dB CNEL or 65 dB CNEL*), and safety criteria that are applicable to each airport in the county to define the AIA for formal review of proposed local agency land use policy actions and for the state-mandated real estate disclosure requirement. This approach was used to adopt the AIA boundary (Area B) for San Carlos Airport. This approach is being used in the current effort to update the CLUP for the environs of San Francisco International Airport.

For the purposes of this report ALUC Staff is using the term “preliminary airport influence area (AIA) boundary” to refer to the AIA boundary for Half Moon Bay Airport. A future CLUP amendment for the environs of Half Moon Bay Airport will identify a proposed (more refined) AIA boundary for the airport that will be adopted by the Airport Land Use Commission (C/CAG Board) at a later date.

To insure that (1) the County of San Mateo recognizes that the majority of the geographic area of the Midcoast LCP Update Project area is located within the preliminary AIA boundary for Half Moon Bay Airport and (2) to define the geographic area of the Midcoast LCP Update Project area within which the County of San Mateo must refer future proposed land use policy actions to the Airport Land Use Commission (C/CAG Board), and (3) to define a boundary for state-mandated real estate disclosure, related to potential airport and aircraft impacts in the Midcoast Local Program Update area, the content of the *LCP Update* document should include a diagram that illustrates the configuration of the preliminary Airport Influence Area (AIA) boundary for Half Moon Bay Airport, as it applies to the LCP Update planning area. (See Attachment No. 4C in the attached ALUC Staff Report).

*CNEL = Community Noise Equivalent Level; a noise metric that identifies the average noise level over a 24-hour period.

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the County of San Mateo, Re: Draft *Midcoast Local Coastal Program (LCP) Update Project* that Includes a Portion of the Environs of Half Moon Bay Airport

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BACKGROUND - continued

IV. Definition of “Consistency”

State law requires airport land use commissions to be guided by the content of the *California Airport Land Use Planning Handbook January 2002* published by the Caltrans Division of Aeronautics when preparing or updating airport land use compatibility plans and when reviewing proposed local agency land use policy actions. Chapter 3 of the *Handbook* provides guidance regarding the issue of “consistency” between proposed local agency policy actions and the relevant airport/land use compatibility criteria contained in a CLUP. The text on p. 5-3 of the *Handbook* states the following:

“As widely applied in airport land use planning, consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made.”

DISCUSSION

I. Summary of Proposed LCP Amendments and Current Half Moon Bay Airport-Related Zoning Regulations

The *Draft Midcoast Local Coastal Program (LCP) Update Project* boundary includes the urbanized Midcoast area of San Mateo County. The planning area is bisected by California Highway 1 and stretches from the community of Montara in the north to the communities of Princeton-By-The-Sea and El Granada in the south. (See Attachment Nos. 4A 4B and 4C in the attached ALUC Staff Report). Approximately 54% of the LCP Update Project area is located within the preliminary Half Moon Bay Airport Influence Area (AIA) boundary.

The proposed LCP amendments that affect the environs of Half Moon Bay Airport are summarized, as follows:

a. Reduced Annual Growth Rate

This amendment reduces the annual growth rate limit on the urban midcoast from 125 to 75 new residential units per year (excluding authorized affordable housing and second dwelling units). The represents a 40% decrease. The purpose of this amendment is to ensure that roads, utilities, schools, and other community infrastructure are not overburdened by rapid residential growth.

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the County of San Mateo, Re: Draft *Midcoast Local Coastal Program (LCP) Update Project that Includes a Portion of the Environs of Half Moon Bay Airport*

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DISCUSSION -continued

b. Prohibit New Residences at El Granada's "Burnham Strip"

Daniel Burnham was a prominent American architect and urban planner who is responsible for the radial road design of El Granada, which remains today. Rezoning the approximately 14-acre "Burnham Strip" in El Granada will prohibit new residential uses on the property but still provide for low intensity development that would preserve the visual and open characteristics of the site.

c. Reduce House Floor Area and Height in the RM-CZ and PAD Zoning Districts

This amendment modifies the RM-CZ (Resource Management – Coastal Zone and PAD (Planned Agricultural District) zoning districts to reduce the height for residential uses from 36 feet to 28 feet and enact a floor area limit of 0.53 (parcel size). These changes are intended to assure that that new houses on these lands are compatible with the largely residential surrounding community.

d. Caretakers's Quarters in the W District

This amendment modifies the Waterfront (W) district regulations to (1) increase the number of caretaker's quarters allowed from 20% to 25% of the developed parcels in the district and (2) prohibit caretaker's quarters on parcels smaller than 5,000 square feet. This change will assure that the rate of new caretaker's quarters does not exceed the rate of overall development in the Princeton-By-The-Sea community.

Information source: San Mateo County Planning Staff

The *County of San Mateo Zoning Regulations, July 1999*, as amended, contain three chapters that address airport-related zoning issues in the vicinity of Half Moon Bay Airport. Each chapter is briefly summarized below.

Chapter 18.6 "A-O" District (Airport Overlay District)

Section 62881.1. Intent The intent of the Airport Overlay (A-O) District is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be the greatest.

Section 62882. Uses Permitted All uses permitted in the underlying district shall be permitted except residential or uses with more than three (3) persons occupying the site at any one time. Permitted uses shall be subject to a use permit.

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the County of San Mateo, Re: Draft *Midcoast Local Coastal Program (LCP) Update* Project that Includes a Portion of the Environs of Half Moon Bay Airport

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DISCUSSION -continued

Section 62885.5. Noise Insulation Requirements All new uses shall be subject to the following requirements:

- a. Submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed to comply with the following standard:

Interior community noise equivalent levels (CNEL) with windows closed, attributable to exterior sources, shall not exceed an annual CNEL of 55 dB.
- b. Construct building in accordance with the recommendations of the acoustical analysis.

Chapter 20. "S-17" District (Combining District – Mid –Coast)

Section 6300.2. Regulations for "S-17" Combining District (Mid-Coast)

The following regulations shall apply for any single-family residential district with which the "S-17" District is combined.

9. Noise Insulation and Avigation Easement For new dwellings on those properties in Moss Beach, north of Half Moon Bay Airport, identified on County Zoning Maps 37-18 and 37-24, the following shall apply:
 - a. Submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed to comply with the following standards:
 - (1) Interior community noise equivalent levels (CNEL) with windows closed attributable to exterior sources shall not exceed an annual CNEL of 45 dBA in any habitable room.
 - (2) Design maximum noise levels (single event) shall not exceed 50 dBA in bedrooms and 55 dBA in other habitable rooms.
 - b. Construct residence in accordance with recommendation of acoustical analysis.
 - c. Grant the County and avigation easement which (1) provides for aircraft use of airspace above grantor's property, and (2) protects the County from liability associated with aircraft operations.

Chapter 32. Height of Structures and Use of Airspace Near Half Moon Bay Airport

This chapter is a bit out of date but it essentially adopts the airspace protection provisions (imaginary surfaces) described in Federal Aviation Regulations FAR Part 77, "Objects Affecting Navigable Airspace", as applied to the runway length and configuration for Half Moon Bay Airport.

C/CAG Agenda Report, Re: Consideration/Approval of a Recommendation from the C/CAG Airport Land Use Committee (ALUC), Regarding a Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral from the County of San Mateo, Re: Draft *Midcoast Local Coastal Program (LCP) Update Project that Includes a Portion of the Environs of Half Moon Bay Airport*

March 13, 2008

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DISCUSSION -continued

None of the provisions or policies in the proposed *Midcoast Local Coastal Program (LCP) Update Project* modifies or amends the content of those chapters in the County zoning regulations. Furthermore, none of the content of the proposed amendments specifically mentions Half Moon Bay Airport (location, aircraft operations, etc.) or its environs area, nor do they include a graphic that illustrates the configuration of the preliminary Airport Influence Area (AIA) boundary, in relation to the *Midcoast LCP Update Project* area boundary.

II. C/CAG Airport Land Use Committee (ALUC) Review/Action

The Committee briefly discussed the concept of the “preliminary Airport Influence Area (AIA) boundary” as presented by ALUC Staff. ALUC Staff explained the rationale for using this concept at this time. Staff noted that as of this date, the Commission (C/CAG Board) has not adopted an airport influence area (AIA) boundary for Half Moon Bay Airport. Staff further explained that it has been the practice of the Commission to use a combination of the outer boundary of the FAR Part 77 Conical Surface (airspace protection boundary), the aircraft noise contours, and the safety criteria for the airports in the county to define the AIA within which proposed local agency land use policy actions must be referred to and reviewed by the Commission. This approach was used to adopt the current AIA boundary (Area B) for San Carlos Airport.

ALUC Staff was asked to replace the word “transfers” with the word “sales” regarding the text in the Discussion section of the attached ALUC Staff Report and in the text of recommended Condition No. 2(b), related to real estate disclosure. This change clarifies that state-mandated real estate disclosure, regarding the proximity of a specific real property to an airport, is triggered by the sale of that real property rather than by a real estate transfer action.

There were no County of San Mateo Planning Staff present at the meeting, regarding this project. However, County Supervisor and ALUC Vice-Chairperson Mark Church made the motion to approve the ALUC recommended conditions with the word change noted above and with the language in Condition No. 3b in the attached ALUC Staff Report (shown as Condition No. 3 in this report). The ALUC unanimously approved the motion by Supervisor Church.

III. Guidance from the *California Airport Land Use Planning Handbook*

ALUC Staff reviewed the relevant content of the current version of the *California Airport Land Use Planning Handbook* to prepare this report. The staff analysis and recommendations contained herein are consistent with and guided by the relevant provisions contained in the *Handbook*.

ATTACHMENT

C/CAG Airport Land Use Committee (ALUC) Staff Report dated February 21, 2008, with 11 attachments.

ccagagendareportSMCoLCPconsistencyreview0308.doc

C/CAG

City/County Association of Governments of San Mateo County

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay
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• San Mateo County • South San Francisco • Woodside

C/CAG AIRPORT LAND USE COMMITTEE (ALUC)

STAFF REPORT

Please Reply To: David F. Carbone, ALUC Staff, 455 County Center, Second Floor,
Redwood City, CA 94063; TEL: 650/363-4417; FAX: 650/363-4849;
email: dcarbone@co.sanmateo.ca.us

TO: C/CAG Airport Land Use Committee (ALUC) Representatives and Alternates
FROM: David F. Carbone, ALUC Staff *D.F.C.*
DATE: February 21, 2008
SUBJECT: **Agenda Item No. 5** for February 28, 2008, Re: Consideration of a Referral From
the County of San Mateo, Re: Comprehensive Airport Land Use Compatibility
Plan (CLUP) Consistency Review of the Draft *Midcoast Local Coastal Program*
(LCP) Update Project that Includes a Portion of the Environs of Half Moon
Bay Airport

RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend to the C/CAG Board, acting as the Airport Land Use Commission, that the Commission determine that the proposed amendments to the *San Mateo County General Plan*, as contained in the draft *Midcoast Local Coastal Program (LCP) Update*, are consistent with the applicable airport/land use compatibility criteria for the environs of Half Moon Bay Airport, as contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for Half Moon Bay Airport, based on the following conditions:

1. **Airport Influence Area (AIA Boundary).** Amend the *Midcoast Local Coastal Program (LCP) Update Project* document to add a map that illustrates the configuration of the preliminary Half Moon Bay Airport Influence Area (AIA) boundary and the *Midcoast LCP Update Project* area boundary, as shown in Attachment No. 4C.

Airport Land Use Committee

ALUC Chairperson:
Richard Newman
Aviation Representative

ALUC Vice Chairperson:
Naomi Patridge, Council Member
City of Half Moon Bay

Airport Land Use Committee (ALUC) Staff
David F. Carbone, Sr. Planner / Airport Environs Planning
County of San Mateo Planning & Bldg. Department

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C/CAG Airport Land Use Committee (ALUC) Staff Report, Re: Comprehensive Airport Land Use Plan (CLUP) Consistency Review of the County of San Mateo Draft Midcoast Local Coastal Program (LCP) Update Project (Amendments to the San Mateo County General Plan) that includes a Portion of the Environs of Half Moon Bay Airport
Page 2 of 12

2. Amend the *Midcoast Local Coastal Program (LCP) Update Project* document to add a policy or policies that
 - (a). **Safety Concerns.** Require(s) all new development within the *Midcoast LCP Update Project* boundary that is also within the preliminary Half Moon Bay Airport Influence Area (AIA) boundary to comply with all relevant Federal Aviation Administration (FAA) standards and criteria regarding: (1) safety criteria, (2) flashing lights, (3) reflective material, (4) land uses that may attract large concentrations of birds, (5) HVAC exhaust fans and vents, and (6) land use activities which may generate electrical and/or electronic interference with aircraft communications and/or instrumentation, and
 - (b). **Real Estate Disclosure.** Require(s) all transfers of real property located within the preliminary Half Moon Bay Airport Influence (AIA) boundary to comply with the real estate disclosure requirements specified in Chapter 496, California Statutes of 2002 .
3. Take one of the following actions, re: **Compliance with California Government Code Section 65302.3**
 - (a). Amend the *Midcoast Local Coastal Program (LCP) Update Project* document to include a statement that affirms that such amendments are consistent with the applicable airport/land use compatibility criteria contained in *San Mateo County Comprehensive Airport Land Use Plan December 1996*, as amended, for Half Moon Bay Airport, as shown in Attachment No. 8.

or

 - (b). Include a statement in the San Mateo County Board of Supervisors resolution adopting the *Midcoast Local Coastal Program (LCP) Update Project* amendments, that affirms that such amendments are consistent with the applicable airport/land use compatibility criteria contained in *San Mateo County Comprehensive Airport Land Use Plan December 1996*, as amended, for Half Moon Bay Airport, as shown in Attachment No. 8.

BACKGROUND

A Local Coastal Program (LCP) is a planning tool used by local governments to guide development of land within the California Coastal Zone, in partnership with the California Coastal Commission. An LCP is a planning document that contains the ground rules for future development and protection of coastal resources and specifies appropriate location, type, and scale of new or changed uses of land and water. An LCP is part of a jurisdiction's general plan and therefore, an LCP amendment(s) is also a general plan amendment. Half Moon Bay Airport is located within the California Coastal Zone boundary in San Mateo County (see Attachment No. 1).

BACKGROUND - continued

The County of San Mateo has submitted its draft *Midcoast Local Coastal Program (LCP) Update Project*, a set of proposed amendments to the *San Mateo County General Plan*, for properties located within the California Coastal Zone boundary, to C/CAG, acting as the Airport Land Use Commission, for a determination of the consistency of the proposed amendments, with the applicable airport/land use compatibility criteria and guidelines contained in (1) the *San Mateo County Comprehensive Airport Land Use Plan December 1996 (CLUP)*, as amended, for Half Moon Bay Airport and (2) in the *California Airport Land Use Planning Handbook January 2002*, prepared by the Caltrans Division of Aeronautics (see Attachment No. 2). The proposed *LCP Update Project* is subject to ALUC/C/CAG review, pursuant to California PUC Section 21676 (b). The 60-day state-mandated airport/land use compatibility review period will expire on April 11, 2008. The Airport Land Use Committee (ALUC) had an informal presentation on this item at a Special Meeting on January 31, 2008.

The purpose of the *Midcoast LCP Update Project* is to amend several land use policies that apply to the unincorporated urbanized Midcoast portion of San Mateo County (Montara, Moss Beach, El Granada, and Princeton-By-The-Sea), with the aim of (1) improving LCP baseline data, (2) reducing development permit appeals, and (3) maintaining consistency with the California Coastal Act. In summary, the proposed LCP amendments would:

- Update the estimate of Midcoast residential buildout.
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- Limit the amount of ground level impervious surfaces.
- Improve winter grading controls.
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- Require pedestrian improvements for Highway 1 projects.
- Require traffic mitigation for development generating >50 trips.
- Provide for future park/trail at the "Devil's Slide bypass" property.
- Update LCP trails policies and role of trail providing agencies.
- Incorporate the Stormwater Pollution Prevention Program.
- Provide guidance on resolving LCP policy conflicts.
- **Correct and clarify ambiguous and inconsistent LCP provisions.**

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The acronyms used above refer to the following San Mateo County Zoning Districts:
C-1: Neighborhood Commercial District RM-CZ: Resource Management-Coastal Zone District
W: Waterfront District PAD: Planned Agricultural District

BACKGROUND - continued

The Airport Land Use Commission (C/CAG Board) has not formally adopted an airport influence area (AIA) for Half Moon Bay Airport. However, it has been the practice of the Commission to use the outer boundary of the FAR Part 77 Conical Surface (airspace protections boundary) for the airports in the county to define the AIA for formal review of local agency land use policy actions. This approach was used to adopt the current AIA boundary (Area B) for San Carlos Airport. This approach will also be used in the current effort to update the CLUP for the environs of San Francisco International Airport.

For the purposes of this report, ALUC Staff is using the term "preliminary airport influence area (AIA) boundary" to define the AIA boundary for Half Moon Bay Airport (see Attachment No. 3). A future CLUP amendment will identify a proposed (more refined) AIA boundary for Half Moon Bay Airport that will be adopted by the Airport Land Use Commission in the future.

DISCUSSION

I. Summary of Proposed LCP Amendments and Current Half Moon Bay Airport-Related Zoning Regulations

The *Draft Midcoast Local Coastal Program (LCP) Update Project* boundary includes the urbanized Midcoast area of San Mateo County. The planning area is bisected by California Highway 1 and stretches from the community of Montara in the north to the communities of Princeton-By-The-Sea and El Granada in the south (see Attachment Nos. 4A, 4B, and 4C.). Approximately 54% of the *LCP Update Project* area is located within the preliminary Half Moon Bay Airport Influence Area (AIA) boundary.

The proposed LCP amendments that affect the environs of Half Moon Bay Airport are summarized, as follows:

a. Reduced Annual Growth Rate

This amendment reduces the annual growth rate limit on the urban midcoast from 125 to 75 new residential units per year (excluding authorized affordable housing and second dwelling units). This represents a 40% decrease. The purpose of this amendment is to ensure that roads, utilities, schools, and other community infrastructure are not overburdened by rapid residential growth.

b. Prohibit New Residences at El Granada's "Burnham Strip"

Daniel Burnham was a prominent American architect and urban planner who was responsible for the radial road design of El Granada, which remains today. Rezoning the approximately 14-acre "Burnham Strip" in El Granada will prohibit new residential uses on the property but still provide for low intensity development that would preserve the visual and open characteristics of the site.

DISCUSSION - continued

c. Reduce House Floor Area and Height in the RM-CZ and PAD Zoning Districts

This amendment modifies the RM-CZ (Resource Management – Coastal Zone and PAD (Planned Agricultural District) zoning districts to reduce the height for residential uses from 36 feet to 28 feet and enact a floor area limit of 0.53 (parcel size). These changes are intended to assure that that new houses on these lands are compatible with the largely residential surrounding community.

d. Caretakers's Quarters in the W District

This amendment modifies the Waterfront (W) district regulations to (1) increase the number of caretaker's quarters allowed from 20% to 25% of the developed parcels in the district and (2) prohibit caretaker's quarters on parcels smaller than 5,000 square feet. This change will assure that the rate of new caretaker's quarters does not exceed the rate of overall development in the Princeton-By-The-Sea community.

Information source: San Mateo County Planning Staff

The County of San Mateo Zoning Regulations, July 1999, as amended, contain three chapters that address airport-related zoning issues in the vicinity of Half Moon Bay Airport. Each chapter is briefly summarized below.

Chapter 18.6 "A-O" District (Airport Overlay District)

Key provisions:

Section 62881.1. Intent The intent of the Airport Overlay (A-O) District is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be the greatest.

Section 62882. Uses Permitted All uses permitted in the underlying district shall be permitted except residential or uses with more than three (3) persons occupying the site at any one time. Permitted uses shall be subject to a use permit.

Section 62885.5. Noise Insulation Requirements All new uses shall be subject to the following requirements:

- a. Submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed to comply with the following standard:

Interior community noise equivalent levels (CNEL) with windows closed, attributable to exterior sources, shall not exceed an annual CNEL of 55 dB.
- b. Construct building in accordance with the recommendations of the acoustical analysis.

DISCUSSION - continued

Chapter 20. "S-17" District (Combining District – Mid –Coast)

Key Provisions:

Section 6300.2. Regulations for "S-17" Combining District (Mid-Coast)

The following regulations shall apply for any single-family residential district with which the "S-17" District is combined.

9. Noise Insulation and Avigation Easement For new dwellings on those properties in Moss Beach, north of Half Moon Bay Airport, identified on County Zoning Maps 37-18 and 37-24, the following shall apply:
 - a. Submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed to comply with the following standards:
 - (1) Interior community noise equivalent levels (CNEL) with windows closed attributable to exterior sources shall not exceed an annual CNEL of 45 dBA in any habitable room.
 - (2) Design maximum noise levels (single event) shall not exceed 50 dBA in bedrooms and 55 dBA in other habitable rooms.
 - b. Construct residence in accordance with recommendation of acoustical analysis.
 - c. Grant the County and avigation easement which (1) provides for aircraft use of airspace above grantor's property, and (2) protects the County from liability associated with aircraft operations.

Chapter 32. Height of Structures and Use of Airspace Near Half Moon Bay Airport

Key Provisions:

This chapter is a bit out of date but it essentially adopts the airspace protection provisions (imaginary surfaces) described in Federal Aviation Regulations FAR Part 77, "Objects Affecting Navigable Airspace", as applied to the runway length and configuration for Half Moon Bay Airport.

None of the provisions or policies in the proposed *Midcoast Local Coastal Program (LCP) Update Project* modifies or amends the content of those chapters in the County zoning regulations. Furthermore, none of the content of the proposed amendments specifically mentions Half Moon Bay Airport (location, aircraft operations, etc.) or its environs area, nor do they include a graphic that illustrates the configuration of the preliminary Airport Influence Area (AIA) boundary, in relation to the *Midcoast LCP Update Project* area boundary.

DISCUSSION - continued

II. Airport/Land Use Compatibility Issues

There are three airport/land use compatibility issues addressed in the *San Mateo County Comprehensive Airport Land Use Plan December 1996*, as amended, for Half Moon Bay Airport, that relate to the proposed LCP amendments. These include: (1) Height of Structures/Airspace Protection, (2) Aircraft Noise Impacts, and (3) Safety Criteria. The following sections address each issue.

(a). Height of Structures/Airspace Protection

The Airport Land Use Commission (C/CAG Board) has adopted the provisions in Federal Aviation Regulations FAR Part 77, "Objects Affecting Navigable Airspace," as amended, to establish height restrictions for airspace protection and federal notification requirements for project sponsors, related to proposed development within the FAR Part 77 airspace boundaries for Half Moon Bay Airport. The FAR Part 77 regulations contain three key elements: (1.) standards for identifying obstructions in the navigable airspace and designation of "imaginary surfaces" for airspace protection, (2.) requirements for project sponsors to provide notice to the FAA of certain proposed construction or alteration of structures that may adversely affect the airspace in the airport environs, and (3.) preparation of aeronautical studies (airspace impact studies), conducted by the FAA, to determine the potential effect(s), if any, of proposed construction or alterations of structures on the safe and efficient use of the subject airspace.

The county zoning ordinance contains maximum height limits for residential structures. In the majority of residential zoning districts on the urban Mid Coast, the maximum structure height is two to three stories (up to 36 feet). The LCP update proposes to reduce the height limit in the RM-CZ (Resource Management – Coastal Zone) and PAD (Planned Agricultural District) zones from 36 feet to 28 feet and enact a house floor area limit of 0.53 (parcel size) in those zones. The existing maximum residential building height (36 feet) and the reduced maximum residential building height (28 feet) in the specified zoning districts would not be a land use compatibility issue for new residential development in the environs of Half Moon Bay Airport.

There are no proposed structure heights (residential or others) in the LCP update that would penetrate any of the FAR Part 77 imaginary airspace protection surfaces for Half Moon Bay Airport. Therefore, it is not necessary to require the County of San Mateo to submit the proposed LCP update document to the FAA for an airspace impact evaluation.

DISCUSSION - continued

(b.) Aircraft Noise Impacts

Aircraft that operate at Half Moon Bay Airport typically weigh less than 12,500 pounds. This group of aircraft includes single-engine piston-driven propeller aircraft, twin-engine piston-driven propeller aircraft, light turboprop aircraft, very small jet aircraft, and small helicopters. Larger aircraft may operate at the airport with prior permission from Airport management. Individual aircraft operations may produce intermittent single-event noise impacts in the urban Midcoast area.

The most current estimate of Half Moon Bay Airport operations (landings and take-offs) is approximately 50,000 operations per year by 2010. Due to the airport's location on the coast, aircraft flight activity is heavily impacted by seasonal weather conditions. Therefore, airport/aircraft activity can be very busy on sunny days and nearly dormant on foggy days.

The Half Moon Bay Airport air traffic pattern is a right-hand pattern over the land area to the north, south, and east of the airport. The traffic pattern altitude is 1,000 feet Above Mean Sea Level (AMSL). Aircraft in the traffic pattern and in the landing or take-off phase of flight fly directly over residential areas (see Attachment No. 5). This activity generates aircraft overflight noise impacts and frequent noise complaints from affected residents. The adopted noise contours for Half Moon Bay Airport are out of date, but they do illustrate the general area where aircraft fly (see Attachment No. 6).

It is important to note that in October 2003, the C/CAG Airport Land Use Committee (ALUC) reviewed the *County of San Mateo Draft General Plan Amendment Housing Element* for a determination of the consistency of that proposed land use policy action with the applicable airport/land use compatibility criteria and guidelines contained in the *San Mateo County Comprehensive Airport Land Use Plan December 1996* (CLUP), as amended, for Half Moon Bay Airport. A condition of that review that was ultimately approved by the C/CAG Board, stated the following: "All new housing development in the urban Mid Coast area, should be constructed to achieve an interior noise level of 45 dB CNEL or less, based on aircraft noise events." Although the current proposed LCP amendments do not address aircraft noise mitigation for new housing development, an aircraft noise mitigation action for new housing development was included in the ALUC's previous review of the *County Housing Element* for the urban Midcoast area and that provision remains in affect.

(c.) Safety Criteria

The Half Moon Bay Airport CLUP identifies safety zones on the end of both runways (Runways 12 and 30; see Attachment Nos. 7A and 7B.). These zones include the Approach Protection Zone (APZ) and the Runway Protection Zone (RPZ). Nearly all of the land area within those safety zones is located on Airport property. None of the content of the proposed LCP amendments affects the land area within the specified Airport safety zones.

DISCUSSION - continued

Certain types of land uses are recognized by the Airport Land Use Commission (C/CAG) as hazards to air navigation in the vicinity of Half Moon Bay Airport. These land uses are listed in the CLUP for Half Moon Bay Airport and include the following:

- * Any use that would direct a steady or flashing light of white, red, green, or amber color toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a final approach for landing, other than an FAA-approved navigational lights.
- * Any use that would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a final approach for landing.
- * Any use that would attract large concentrations of birds within approach/climbout areas.
- * Any use that would generate electrical interference that may affect aircraft communications or aircraft instrumentation.

Although Mid Coast residential communities are impacted by aircraft overflight, it is highly unlikely that any future residential development in those areas would include any of the above-referenced parameters that would be a safety issue for aircraft in flight. Furthermore, none of the content of the proposed LCP amendments contains any provisions that would adversely affect the safety of aircraft in flight and the safety of persons on the ground related to aircraft overflight. However, due to the frequency of general aviation aircraft overflight of the *LCP Update* project area, the text in the draft *Midcoast Local Program (LCP) Update Project* document should be amended to include the following language to address airport-related safety concerns:

"Future development, per the criteria contained in this document, shall comply with all relevant FAA standards and criteria for safety, regarding flashing lights, reflective material, land uses which may attract large concentrations of birds, HVAC exhaust vents, and uses which may generate electrical or electronic interference with aircraft communications and/or instrumentation."

II. Real Estate Disclosure

California Public Utilities Code PUC Section 21674.7 states the following:

"An airport land use commission...shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics ..."

DISCUSSION - continued

The *California Airport Land Use Planning Handbook January 2002* (p. 3-27) states the following:

“ALUCs are encouraged to adopt policies defining the area within which information regarding airport noise impacts should be disclosed as part of real estate transactions.”

The current CLUP for Half Moon Bay Airport does not contain specific policies or guidance regarding real state disclosure of potential airport/aircraft impacts related to proposed development near the airport. However, the C/CAG Airport Land Use Committee (ALUC) is a strong supporter of such disclosure and the *Caltrans Handbook* encourages real estate disclosure, regarding airport and aircraft operations.

Chapter 496, Statutes of 2002 (formerly identified as AB 2776 (Simitian)) affects all transfers real property that may occur within an identified airport influence area (AIA). It requires a statement (notice) to be included in the property transfer documents that (1) indicates the subject property is located within an airport influence area (AIA) boundary and (2) that the property may be subject to certain impacts from airport/aircraft operations. The wording of the notice is as follows:

“NOTICE OF AIRPORT IN VICINITY

This property is presently located within the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

The proposed LCP amendments do not address real estate disclosure regarding airport and aircraft operations in the project area nor within the Half Moon Bay Airport Influence Area (AIA) boundary. To address this issue in the past, it has been the practice of the ALUC and the C/CAG Board, acting as the Airport Land Use Commission, to require the inclusion of a statement in proposed local agency policy action documents (general plan amendments, specific plan amendments, etc.), that refers to compliance with Chapter 496 California Statutes 2002 for all real property transfers (sales) within the airport influence area (AIA) boundary, as part of formal CLUP consistency reviews.

To carryout the above-referenced practice by the ALUC and C/CAG Board, the *Midcoast Local Coastal Program (LCP) Update* document should be amended to address real estate disclosure within the preliminary Half Moon Bay Airport Influence (AIA) boundary, by including the following text:

“All transfers of real property must comply with the real estate disclosure requirements specified on Chapter 496 California Statutes 2002.”

DISCUSSION - continued

III. Compliance with California Government Code 65302.3

California Government Code Section 65302.3 states that a local agency general plan an/or any affected specific plan must be consistent with the applicable airport/land use compatibility criteria contained in the relevant adopted airport land use plan (CLUP). The proposed *Midcoast Local Coastal Program (LCP) Update Project* is a general plan amendment and therefore, the text in the adopted document should include the following (see Attachment No. 8):

"The goals, objectives, policies, and development criteria contained in this document are consistent with the applicable airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for Half Moon Bay Airport."

An alternative action by the County of San Mateo that would still meet the intent of this provision would be to include a statement in the San Mateo County Board of Supervisors resolution adopting the *Midcoast Local Coastal Program (LCP) Update Project* amendments, that affirms that such amendments are consistent with the applicable airport/land use compatibility criteria contained in *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for Half Moon Bay Airport, as shown in Attachment No. 8

IV. Guidance From the California Airport Land Use Planning Handbook

ALUC Staff reviewed the relevant content of the *California Airport Land Use Planning Handbook January 2002* to prepare this report. The staff analysis and recommendations contained herein are consistent with and guided by the relevant recommendations and guidelines contained in the *Handbook*.

V. Attachments

Attachment No. 1: Graphic: Location of Half Moon Bay Airport within the California Coastal Zone boundary
Source: San Mateo County Comprehensive Airport Land Use Land Use Plan (CLUP), as amended for Half Moon Bay Airport

Attachment No. 2: Transmittal materials from the County of San Mateo to the San Mateo County Airport Land Use Commission, re: the *Midcoast Local Coastal Program (LCP) Update Project*, dated 01/29/08

Attachment No. 3: Graphic: Configuration of the Preliminary Half Moon Bay Airport Influence (AIA) boundary January 2008
Source: New graphic

50 Attachment No. 4A: Graphic: Configuration of the *Midcoast Local Coastal Program (LCP) Update Project* area boundary
Source: County of San Mateo Planning Staff

Attachments - continued

- Attachment No. 4B:** Graphic: Land use diagram for the *Midcoast Local Coastal Program (LCP) Update Project* area
Source: County of San Mateo Planning Staff
- Attachment No. 4C:** Graphic: Configuration of the Preliminary Half Moon Bay Airport Influence (AIA) boundary and the configuration of the *Midcoast Local Coastal Program (LCP) Update Project* area boundary
Source: New graphic
- Attachment No. 5:** Graphic: Half Moon Bay Airport Noise Abatement Diagram
Source: County of San Mateo Department of Public Works
- Attachment No. 6:** Graphic: Half Moon Bay Airport Noise Contour diagram
Source: New graphic
- Attachment No. 7A:** Graphic: Half Moon Bay Airport Safety Zones – Northern Approach – Runway 12
Source: San Mateo County Comprehensive Airport Land Use Land Use Plan (CLUP), as amended, for Half Moon Bay Airport
- Attachment No. 7B:** Graphic: Half Moon Bay Airport Safety Zones – Southern Approach – Runway 30
Source: San Mateo County Comprehensive Airport Land Use Land Use Plan (CLUP), as amended, for Half Moon Bay Airport
- Attachment No. 8:** Re: ALUC Staff Report recommendations (2/21/08), re: airport land use plan (CLUP) consistency review of the County of San Mateo draft *Midcoast Local Coastal Program (LCP) Update Project*: Recommended Condition No. 3.

SAN MATEO COUNTY
PLANNING AND BUILDING DEPARTMENT

January 29, 2008

To: David Carbone, ALUC Staff
From: George Bergman, Project Planner
Subject: Transmittal of Midcoast LCP Update Amendments to the San Mateo County Airport Land Use Committee (ALUC)

In accordance with California Public Utilities Code Section 21676 (b), San Mateo County hereby transmits the Midcoast Local Coastal Program (LCP) Update Project (General Plan) amendments to the San Mateo County Airport Land Use Commission (City/County Association of Governments of San Mateo County Board of Directors) for review and determination of the consistency with the relevant content of the San Mateo County Airport Land Use Plan for the environs of Half Moon Bay Airport.

The existing County LCP is a component of the San Mateo County General Plan governing land use and coastal resource protection for the County unincorporated areas within the California Coastal Zone consistent with the California Coastal Act.

The proposed LCP amendments affect the generally urban Midcoast area, which is north of Half Moon Bay and comprised of the unincorporated communities of Montara, Moss Beach, El Granada, Princeton and Miramar. This area includes the Half Moon Bay Airport and its designated environs area. A map of the project area, comprehensive description of the proposed amendments, and approved resolution and ordinances with the changes are attached.

OVERVIEW OF PROPOSED LCP AMENDMENTS

In summary, the proposed LCP amendments would:

- Update the estimate of Midcoast residential buildout.
- Update the estimate of Midcoast water and sewer demand.

- Lower the residential growth rate limit from 125 to 75 units/year.
- Prohibit new residences at El Granada's "Burnham Strip."
- Limit residential uses to above the first floor in the C-1 District.
- Revise controls on caretaker's quarters in the W District.
- Reduce house floor area and height in the RM-CZ and PAD Districts.
- Add incentives for voluntary substandard lot merger.
- Limit the amount of ground level impervious surfaces.
- Improve winter grading controls.
- Reserve water supply for failed wells and affordable housing.
- Add incentives for affordable housing units in existing residential areas.
- Require pedestrian improvements for Highway 1 projects.
- Require traffic mitigation for development generating >50 trips.
- Provide for future park/trail at the "Devil's Slide bypass" property.
- Update LCP trails policies and role of trail providing agencies.
- Incorporate the Stormwater Pollution Prevention Program.
- Provide guidance on resolving LCP policy conflicts.
- Correct and clarify ambiguous and inconsistent LCP provisions.

KEY LCP AMENDMENTS AFFECTING AIRPORT ENVIRONS AREA

Those amendments that affect the Half Moon Bay Airport environs area are more fully described below:

a. Reduced Annual Growth Rate Limit

The County proposes to reduce the annual growth rate limit from 125 to 75 new residential units per year (excluding authorized affordable housing and second dwelling units). This represents a 40% decrease. The purpose of the amendment is to ensure that roads, utilities, schools and other community infrastructure are not overburdened by rapid residential growth.

Since Midcoast residential development would be limited to a slower permitted growth rate, it should take longer to reach the planned buildout for the community. However, the actual average number of new houses built in the Midcoast is approximately 50-55 units per year, i.e. less than the proposed 75 units. This is due largely to limited water supply sources.

b. Prohibit New Residences at El Granada 's "Burnham Strip"

The County proposes to rezone the approximately 14-acre Burnham Strip in El Granada from COSC (Coastside Open Space Conservation) to EG

(El Granada Gateway). A key element of this proposal would prohibit new residential uses.

The "Burnham Strip" is a generally open area between Highway 1 and El Granada that is comprised of eleven parcels; two developed and nine vacant. The purpose of the amendment is to provide for low intensity development which best preserves the visual and open characteristics of this property.

Although new housing is prohibited, the amendment would permit the following uses:

- Parks and Trails
- Ornamental Plant Farming
- Outdoor Recreation Facilities
- Community Centers
- Outdoor Art Exhibitions
- Temporary Outdoor Sales

The proposed amendment also establishes a 16 ft., (one story) building height limit.

In summary, the primary effect of the amendment is to prohibit new residences, and reduce overall development intensity and height within this portion of the Airport environs area.

c. Reduce House Floor Area and Height in the RM-CZ and PAD Districts

The County proposes to amend the RM-CZ (Resource Management-Coastal Zone) and PAD (Planned Agricultural District) zoning district regulations to reduce the height limit for residential uses from 36 feet to 28 feet, and enact a house floor area limit of 0.53 (parcel size).

Although the Midcoast is largely developed with urban uses, it includes open space and agricultural lands. The aim of the governing zoning district regulations is to protect and preserve open space and agriculture, respectively by limiting permitted land uses to a very low development density.

This area includes twelve scattered Midcoast properties, plus the Rural Residential Area (northeast of Montara), as shown on the attached map.

Reducing the house height limit from 36 ft. to 28 ft and enacting a floor area limit are intended to assure that new houses on these open lands are compatible with the largely residential surrounding community.

d. Caretaker's Quarters in the W District

The County proposes to amend the Waterfront (W) district regulations to:

- Increase the number of caretaker's quarters allowed from 20% to 25% of the developed parcels in the district, and
- Prohibit caretaker's quarters on parcels smaller than 5,000 sq. ft.

The W district applies to most of the Princeton area which is east of Denniston Creek. The zoning regulations governing these lands provide for uses that support commercial fishing and recreational boating, but also permit caretaker's quarters, i.e. a unit inhabited by someone looking after the site.

However, caretakers quarters are prohibited in the portion of the W district that is combined with AO (Airport Overlay) zoning district. The AO zone at Princeton is a 1,000 ft. wide area that is up to 2,200 ft. from the physical end of the runway at Half Moon Bay Airport.

The number of caretaker's quarters permitted is presently limited to 20% of the developed parcels in the W district. These units may not exceed 35% of the building floor area, up to 750 sq. ft. Limiting caretaker's quarters can assure that residential use does not displace marine related uses at Princeton, while still providing some opportunity for live-work housing and increased local security. Relating the caretakers quarters limit to the number of developed parcels can assure that the rate of new caretakers quarters does not exceed the rate of overall development at Princeton.

POSSIBLE FUTURE LCP AMENDMENTS

Although not formally a part of this transmittal, the County Board of Supervisors has tentatively approved several future LCP amendments, as described below. The Board postponed final consideration and approval of these amendments until (1) the "Airport Layout Plan" portion of the Half Moon Bay Airport Master Plan has been approved, and (2) the ALUC safety zone evaluation to reduce aircraft accident risk is completed.

The tentatively approved future amendments are:

- Enact a new Airport Commercial zoning district that would permit a full range of employment generating commercial uses at two sites on the Half Moon Bay Airport property:
 - 23 acres fronting Highway 1 in the northeast Airport area
 - 9 acres fronting Capistrano Road in the southeast Airport area
- Revise the Airport Overlay (AO) district boundary to align with the designated FAA and ALUC protection zones.
- Revise the site intensity limit for the AO district from three persons per site to one person per 1,667 sq. ft. of parcel area (equivalent to three persons per 5,000 sq. ft.

I hope this information is helpful. Should you have any questions, please feel free to call me at (650) 363-1851.

ATTACHMENTS

cc. Steve Monowitz, Long Range Planning Services Manager

Description of the Proposed LCP Amendments

LCP LAND USE PLAN AMENDMENTS

1. Updated Estimate of Residential Buildout

The County proposes to amend the existing LCP Locating and Planning New Development Component "Table 1" to provide an updated estimate of Midcoast residential buildout. The recalculated estimate is shown below and represents the sum of all residential units that would be permitted by LCP policy within the Midcoast project area.

<u>R-1 Zoning District</u>	<u>4,804</u> <u>units</u>
<u>R-3 Zoning District</u>	<u>443</u> <u>units</u>
<u>R-3-A Zoning District</u>	<u>513</u> <u>units</u>
<u>RM-CZ and PAD Zoning Districts</u>	<u>160</u> <u>units</u>
<u>C-1 and CCR Zoning Districts</u>	<u>99-495</u> <u>units</u>
<u>Second Units</u>	<u>466</u> <u>units</u>
<u>Caretaker's Quarters</u>	<u>45</u> <u>units</u>
<u>El Granada Mobile Home Park</u>	<u>227</u> <u>units</u>
<u>TOTAL</u>	<u>6,757-7,153</u> <u>units</u>

The methodology for updating this buildout estimate involved manually counting individual parcels and determining development potential according to the LCP Land Use Plan. All units, e.g. single-family dwellings, multiple-family units, second dwelling units and caretaker's quarters are included in the updated buildout estimate.

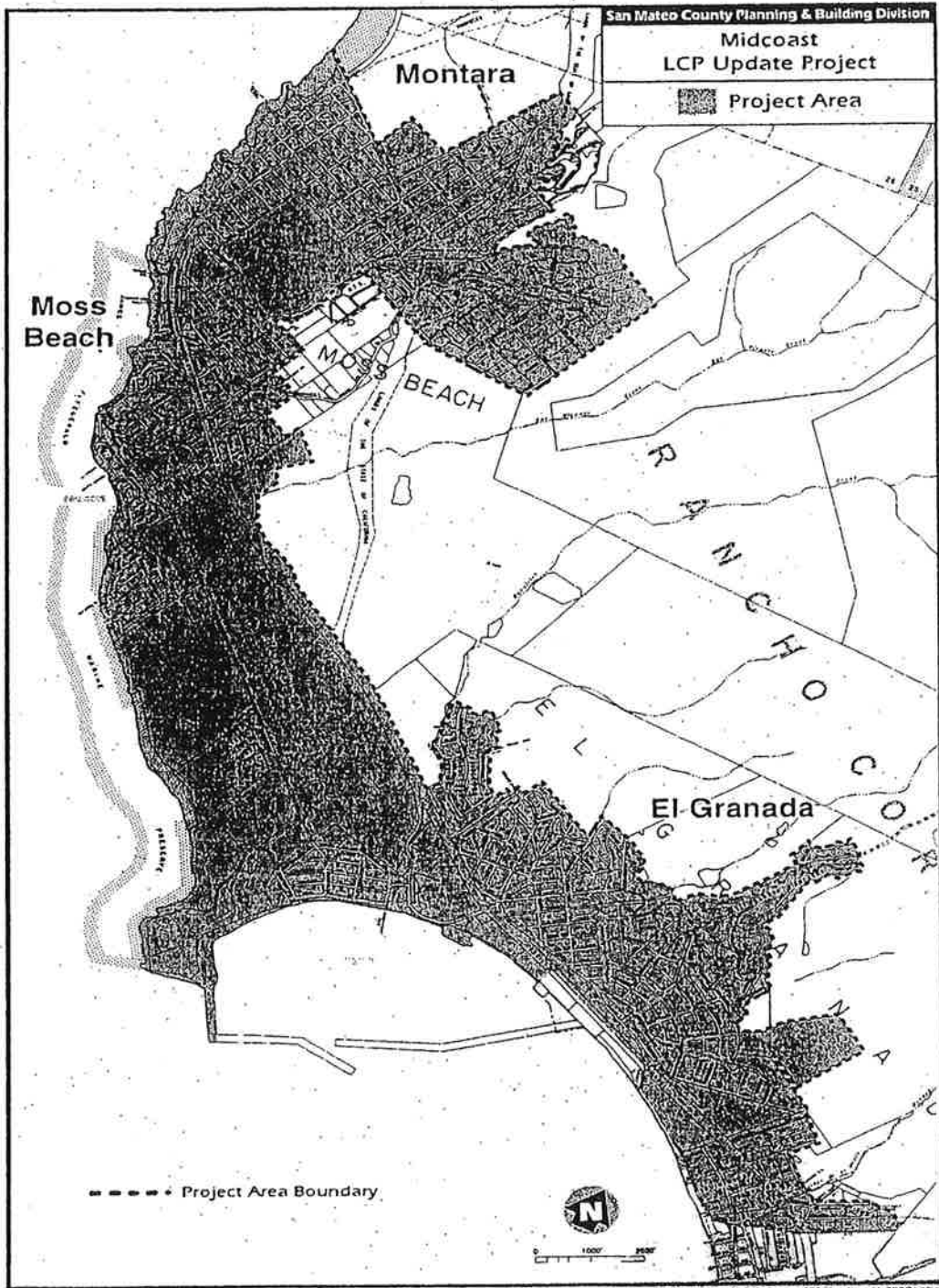
Contiguous, residentially zoned substandard lots in common ownership are combined for counting purposes consistent with the County's approved lot merger policy. Single, residentially zoned substandard lots smaller than 5,000 sq. ft. in separate ownership are counted.

The proposed amendment formally affirms that the buildout estimate (and the policies on which it is based) is not an entitlement and does not guarantee that any proposed development will be approved.

The updated residential buildout projection will benefit on-going land use planning, including assessing the adequacy and impacts of future infrastructure improvements.

2. Map of Midcoast Project Area

The County proposes to amend the LCP Locating and Planning New Development Component to add Map 1.3, which identifies the Midcoast LCP Update Project Area as shown below:



3. Updated Estimate of Midcoast Sewage Treatment Demand

The County proposes to amend the LCP Public Works Component to revise Tables 2.3 and 2.4 to provide an updated estimate of Midcoast sewage treatment demand at buildout.

This amendment indicates that the Sewer Authority Mid-Coastside (SAM) is the wastewater treatment provider for the unincorporated Midcoast, and identifies that current residential sewage treatment demand in the SAM service area is 66.8 gallons per day per person.

The proposed amendment shows that the estimated sewer treatment capacity needed to serve Midcoast residential uses at buildout is 1.30 million gallons per day, and to serve non-residential uses is 0.31 million gallons per day. Hence, the estimated total sewage treatment capacity needed to serve the Midcoast at buildout is 1.61 million gallons per day.

4. Updated Estimate of Midcoast Water Consumption

The County proposes to amend the LCP Public Works Component to revise Tables 2.9 and 2.10 to provide an updated estimate of Midcoast water consumption at buildout.

The proposed amendment indicates that the Montara Water and Sanitary District (MWSD) and the Coastside County Water District (CCWD) provide water utility service within the unincorporated Midcoast. It also identifies that the current annual average residential water consumption is approximately 87 gallons per day per person, and the peak day consumption is generally 1.8 x (annual average water consumption).

a. Montara Water and Sanitary District (MWSD)

The amendment shows that the estimated water supply capacity needed for residential uses served by MWSD at buildout is 0.80 million gallons per day (annual average) and 1.44 million gallons per day (peak day). The estimated water supply capacity needed for non-residential uses is 53,500 gallons per day. Hence, the water supply capacity needed for the MWSD to serve the Midcoast at buildout is 0.95 million gallons per day (annual average) and 1.72 million gallons per day (peak day).

b. Coastside County Water District (CCWD)

The amendment shows that the estimated water supply capacity needed for residential uses served by CCWD at buildout is 0.89 million gallons per day (annual average) and 1.60 million gallons per day (peak day). The estimated water supply capacity needed for non-residential uses is 348,000 gallons per day. Hence, the water supply capacity needed for the CCWD to serve the Midcoast at buildout is 1.24 million gallons per day (annual average) and 2.23

million gallons per day (peak day).

5. Reallocated Priority Use Reserved Water Capacity

The County proposes to amend the LCP Public Works Component to revise the existing Policy 2.8 and Table 2.17. These amendments would revise the LCP priority use water supply reservation to reserve water capacity for (a) up to forty residential wells that have failed, and (b) up to forty new affordable housing units that are not located at the three designated Midcoast affordable housing sites.

The existing LCP requires that the Midcoast water utility providers (CCWD and MWSD) reserve water supply capacity for the following land uses given priority by the Coastal Act and LCP:

Marine Related Industrial
Commercial Recreation
Public Recreation
Floriculture

Essential Public Services
Development at Affordable Housing Sites
Historic Structures
Consolidated Lots in Miramar

The proposed amendment is more specifically described as follows:

a. Failed Wells

There are presently more than 550 individual wells serving Midcoast residences. Wells may fail due to mechanical or water quality problems, or inadequate water supply. To date, there have been four cases of failed wells in the Midcoast.

The existing LCP reserves water capacity for ten failed wells in the Coastsides County Water District under the priority use "Essential Public Services."

The proposed amendment would revise the LCP to reserve water capacity equivalent to 40 residential water hookups (20 CCWD and 20 MWSD) for wells deemed to have failed by the Environmental Health Division.

b. Affordable Housing

The existing LCP designates three Midcoast affordable housing sites and requires that 35% - 50% of the permitted units be developed for low and moderate income households. Water capacity for development permitted at these sites is reserved under the priority use "Development at Affordable Housing Sites."

The proposed amendment revises the LCP to reserve water capacity equivalent to 40 residential hookups (20 CCWD and 20 MWSD) for the development of affordable housing units that are not located at the designated sites. Water capacity for such affordable housing development would be reserved in LCP Table 2.17 under a new priority use: "Other Affordable Housing."

c. Water Capacity Reallocation

The proposed amendment is to reallocate the needed reserved water capacity from the priority use "Floriculture" to "Failed Wells" and "Other Affordable Housing."

The existing LCP requires that CCWD reserve 230,000 gallons per day for floriculture. CCWD's billing records indicate that unincorporated floriculture customers in 2005 used 137,142 gallons per day during the highest use billing period for each customer.

The existing LCP requires that MWSD reserve 20,000 gallons per day for floriculture. There are currently no floriculture customers receiving MWSD water.

In summary, the proposed amendment would:

- Add "Other Affordable Housing" to the list of LCP priorities.
- Reduce the amount of water that CCWD must reserve for "Floriculture" from 230,000 gallons per day to 220,000 gallons per day.
- Increase the amount of water that CCWD must reserve for "Essential Public Services" from 9,135 gallons per day to 14,135 gallons per day, and indicate that 7,710 gallons per day of the 14,135 gallons per day (30 units) is reserved for One-Family Dwellings with Failed Domestic Wells, i.e., wells deemed to have failed by the Environmental Health Division.
- Establish the amount of water that CCWD must reserve for "Other Affordable Housing" as 5,000 gallons per day.
- Reduce the amount of water that MWSD must reserve for "Floriculture" from 20,000 gallons per day to 10,000 gallons per day.
- Establish the amount of water that MWSD must reserve for "Essential Public Services" as 5,000 gallons per day for One-Family Dwellings with Failed Domestic Wells, i.e., wells deemed to have failed by the Environmental Health Division.
- Establish the amount of water that MWSD must reserve for "Other Affordable Housing" as 5,000 gallons per day.

6. Reduced Annual Growth Rate Limit

The County proposes to amend the LCP Locating and Planning New Development Component to revise Policy 1.22. The amendment would to reduce the annual Midcoast growth rate limit from 125 to 75 new residential units per year. This

represents a 40% decrease.

The amendment affirms that the purpose for this limit is to ensure that roads, utilities, schools and other community infrastructure are not overburdened by rapid residential growth.

The amendment clarifies that this limit applies to each new single-family residential unit, each new unit in a multiple-family residential development, each new unit in mixed-use development, and each new caretaker quarter.

The amendment also stipulates that new dwelling units do not include affordable housing units subject to income and cost/rent restrictions, and second dwelling units.

The amendment deletes an existing provision that allows the County Board of Supervisors to authorize up to 200 new units in any year upon finding that schools and other public works providers have sufficient capacity to accommodate additional growth.

Finally, the proposed amendment formally affirms that the annual limit on residential units is not an entitlement, i.e. it does not guarantee that any proposed development will be approved.

7. Additional Midcoast Traffic Mitigation Measures

The County proposes to amend the LCP Public Works Component to add Policy 2.51 to require additional traffic mitigation measures for Midcoast development projects generating more than 50 peak hour trips. Specifically, the proposed amendment would require Transportation Demand Management (TDM) measures for new development which generates a net increase of more than 50 peak hour trips per hour at any time during the a.m. or p.m. peak period.

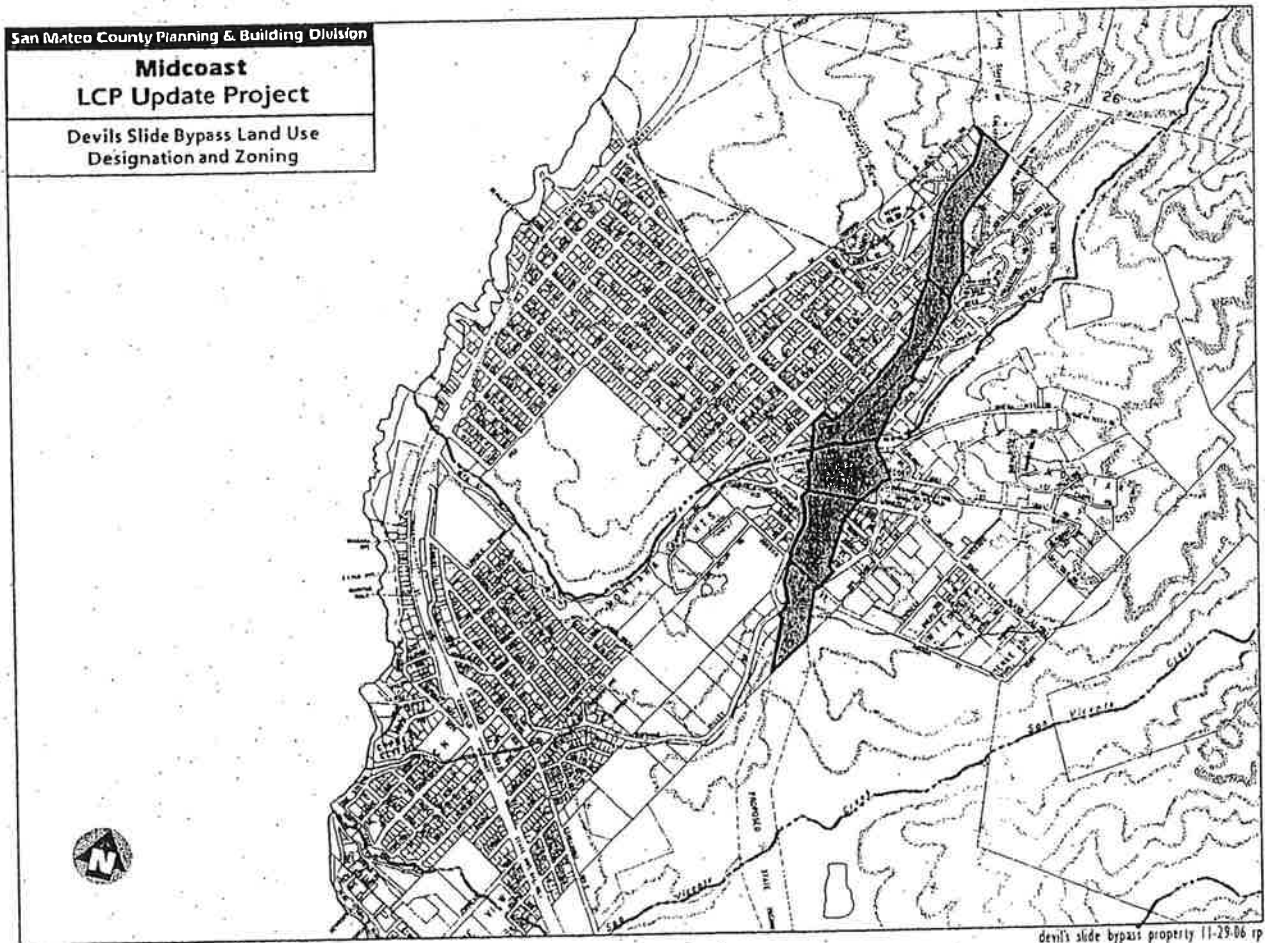
TDM measures can include establishing a shuttle service, subsidizing transit for employees, charging for parking, establishing a carpool or vanpooling program, having a compressed work week, providing bicycle storage facilities and showers, or establishing a day care program.

Requiring traffic mitigation measures assures that new development contributes to the cost of road improvements and improved service levels. The County currently requires mitigation fees from new development for local road and drainage improvements. In addition, the City/County Association of Governments (C/CAG) requires that local jurisdictions mitigate traffic impacts on designated roads resulting from large-scale development (>100 peak hour trips).

8. Future Use of the Devil's Slide Bypass Property

The County proposes to amend the LCP Public Works Component to revise Policy 2.50. The proposed amendment indicates contemplated future changes for the Devil's Slide bypass property.

The Devil's Slide bypass property is a corridor of land owned by CalTrans crossing Montara that was to be part of an historic roadway alignment to bypass landslide prone Devil's Slide. This route, also known as the "Adopted Alignment," is located between McNee Ranch State Park (on the north) and land owned by Peninsula Open Space Trust in Moss Beach (on the south). The Devil's Slide bypass property is shown below.



In 1996, the LCP was amended to designate a tunnel through San Pedro Mountain as the preferred alternative to the Devil's Slide Road. The tunnel through San Pedro Mountain is currently under construction. Its completion will establish that the Devil's Slide bypass property is not necessary for roadway purposes.

The proposed amendment states that when CalTrans determines that the Devil's Slide Bypass property is no longer needed for highway purposes, i.e. as a right-of-way, the County will:

- Designate the former right-of-way as a Linear Park and Trail.
- Revise the zoning of the former right-of-way to implement the Linear Park and Trail designation.
- Permit existing roads which cross the former right-of-way to remain.
- Permit water supply source and distribution facilities within the former right-of-way.

In summary, the proposal amendment formalizes the County's desire for very low intensity open space or recreation uses on this property.

9. Adding Devil's Slide Bypass Property to Adjoining Parkland

The County proposes to amend the LCP Recreation and Visitor Serving Facilities Component to revise Policy 11.27. The amendment would indicate that the County supports efforts to add the Devil's Slide bypass property to adjoining park units, including the Golden Gate National Recreation Area (GGNRA). Recent federal legislation revised the GGNRA boundary to include Devil's Slide bypass property.

The proposed amendment also updates Policy 11:27 by (a) deleting reference to the obsolete Gregorio/Murphy Trail, (b) adding a reference to the Coastal Trail, and (c) clarifying that the Midcoast Parks Development Fund administered by the County Parks and Recreation Division would receive in-lieu fees collected for recreational purposes.

10. Updated LCP Trails Policies

The County proposes to amend the LCP Recreation and Visitor Serving Facilities Component to revise Policy 11.13 to update the LCP trails policies. The amendment (a) acknowledges that the County Trails Plan establishes the County's trail program, (b) designates the Coastal Trail, and (c) acknowledges that the State Coastal Conservancy is charged with delineating the State Coastal Trail.

The proposed amendment also updates the LCP trails list to add the following trails: Montara Mountain, Pilarcitos, Scarper View, Midcoast Foothill, Old San Pedro, Half Moon Bay to Huddart Park, Purisima Creek to Huddart Park, Martin's Beach to Huddart Park, San Gregorio to Pescadero, and Gazos Creek Coastal Access to Butano State Park, and delete the obsolete Gregorio/Murphy Trail.

11. Highway 1 Pedestrian Access

The County proposes to amend the LCP Public Works Component to revise Policy

2.56, and the Recreation and Visitor Serving Facilities Component to revise Policy 11.26.

These amendments promote coordination with CalTrans in developing a pedestrian/multi-purpose trail parallel to Highway 1, and above or below ground pedestrian crossings at locations along Highway 1. In addition, the proposal would require that CalTrans' Highway 1 improvement projects be conditioned to require development of such pedestrian improvements.

Depending on location, the width of the existing CalTrans' Highway 1 right of way in the Midcoast varies between 160 and 180 feet. The width of existing improvements (pavement, island and shoulder) varies between 60 and 90 feet. The unused portions of the right of way are of sufficient width for the development of a pedestrian or multipurpose trail. In addition, a County recreational needs assessment pointed to the need for pedestrian crossings at select Highway 1 locations.

12. Affordable Housing Incentives

The County proposes to amend the LCP Housing Component to add Policy 3.17. This amendment would authorize providing additional incentives for the development of affordable housing units on Midcoast parcels:

The proposed amendment authorizes use of water capacity reserved in LCP Table 2.17 for any property that is developed with an affordable housing unit subject to income and cost/rent restriction contracts.

The proposed amendment also authorizes (a) not counting up to 200 sq. ft. of covered parking toward the floor area limit; and (b) providing up to one required parking space as uncovered for any single residentially zoned lot (smaller than 4,500 sq. ft.) that is developed with an affordable housing unit and located in a Midcoast residential zoning district.

During the past decade, the Midcoast has experienced a substantial increase in housing sales prices and rents. Relatively low paid service and agriculture employees as well as a growing number of seniors contribute to a need for Midcoast affordable housing. Housing affordability remains a key community issue.

The existing LCP facilitates affordable housing principally by (a) exempting affordable housing from the annual limit on residential units, (b) designating three Midcoast affordable housing sites and reserving water capacity for these sites, (c) allowing manufactured housing generally where residences are permitted, (d) establishing an affordable housing "inclusionary" requirement, and (e) permitting second units in the R-1 zoning district.

66 To date, no affordable housing units have been developed on the three LCP designated sites nor as a result of the density bonus provision. More than 70 Midcoast second units have been approved, though none are subject to income

and rent limits.

13. Stormwater Pollution Prevention Best Management Practices

The County proposes to amend the LCP Locating and Planning New Development Component to add Policy 1.35 and Appendix. These amendments incorporate the existing Countywide Stormwater Pollution Prevention Program (STOPPP) which implements Federal NPDES and State Regional Water Quality Control Board requirements.

Specifically, the amendment would require that all new land use development/activities comply with the requirements of the STOPPP Program, including best management practices (BMP's) and performance standards.

The amendment also lists the minimum STOPPP best management practices and performance standards/requirements that would be required for (a) all new development; (b) new development that alters the land, and (c) specific activities.

The minimum requirements include:

- Prevent the flow of liquid building materials and wastes onto impervious surfaces and into storm drains and waterways.
- Prevent construction equipment, building materials and piles of soil from contact with rain using plastic sheeting or other temporary cover, and contact with stormwater using berms, ditches, and other methods.
- Contain vehicle and equipment cleaning, storage, or maintenance areas, and refuse and recycling areas to prevent runoff from discharging into the storm drain system.
- Use silt ponds, berms and other techniques to trap sediment, spilled liquids and other pollutants.

In addition, BMP's for new development or other activities that disturb the land include:

- Prepare and implement an erosion and sediment control plan that includes effective erosion and sediment control measures.
- Protect undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers, filters, dikes, mulching and other measures as appropriate.
- Reduce the amount of impervious surface areas, and use permeable pavement where feasible.
- Reduce the amount of runoff crossing construction sites by constructing berms,

swales and dikes and diverting drainage ditches. Use berms or temporary check dams to reduce the velocity of stormwater runoff.

- Use landscaping to collect, detain and filter surface runoff, and design landscaping to minimize the use of irrigation, fertilizers and pesticides.

BMP's are also required for specific new development, uses or activities, including:

- Heavy Equipment Operation
- Earth Moving Activities
- Applying Concrete/Mortar
- Applying Paint, Solvents and Adhesives
- Vehicle/Equipment Cleaning, Repair and Maintenance
- Fuel Dispensing Areas

14. Role of Trail Providing Agencies

The County proposes to amend the LCP Shoreline Access Component and Recreation and Visitor Serving Facilities Component to revise Policies 10.41, 10.44, 10.49 and 10.50, 11.24, 11.25, and 11.28-11.31 to update and clarify the role of trail providing agencies.

Specifically, the proposed amendment:

- Encourages the State Department of Parks and Recreation, State Coastal Conservancy, and National Park Service to continue assuming a major role in the acquisition and development of public shoreline access along the coast.
- Adds a provision to support and facilitate the efforts of the State Coastal Conservancy to coordinate the delineation and development of the Coastal Trail.
- Adds a provision to encourage the National Park Service to provide public recreation and visitor-serving facilities on coastal land in the Golden Gate National Recreation Area (GGNRA).
- Adds a provision to encourage the San Mateo County Harbor District to continue its efforts providing public recreation and visitor-serving facilities and developing and maintaining public shoreline access on the District's coastal properties.
- Deletes a provision that encourages State Parks to specify an alignment for the Pacific Ocean Corridor Trail, including design and location requirements.

The existing LCP policies that describe the role of public agencies in providing coastal trails were prepared in 1979-1980 and have not been updated since. These policies predate the GGNRA expansion into San Mateo County and the

State legislature charging the Coastal Conservancy to map and coordinate development of the Coastal Trail. The existing LCP policies also do not acknowledge the San Mateo County Harbor District's efforts to develop shoreline access trails.

15. Resolving LCP Policy Conflicts

The County proposes to amend the LCP Locating and Planning New Development Component to add Policy 1.3 to formalize the County's criteria for resolving LCP policy conflicts. Specifically, the proposed amendment provides that where conflicts occur between LCP policies, the County shall resolve them in a manner which on balance is most protective of significant coastal resources.

The amendment also formally affirms that this provision does not affect nor limit the State Coastal Commission's authority under Public Resources Code Section 30007.5.

There are nearly 500 LCP policies that collectively attempt to preserve coastal agriculture, protect coastal views, reduce natural hazard risk, establish urban limits, protect sensitive habitats, minimize alteration of natural landforms, provide shoreline access, and facilitate coastal dependent and visitor serving uses. With multiple objectives, conflicting policies and "trade off" situations may occur. For example, requirements to cluster development, reduce visibility and minimize grading can present competing constraints when locating new development.

The existing practice is to balance LCP criteria in a manner that best protects coastal resources for resolving LCP policy conflicts. The proposed LCP amendment would formalize this practice.

16. Correcting and Clarifying LCP Provisions

The County proposes to amend multiple LCP policies to correct errors, resolve conflicts, and clarify ambiguous and inconsistent provisions.

Specifically, the proposed amendment revises to the Locating and Planning New Development Component Policies 1.5b, 1.7, 1.8b, 1.9a, 1.12b, 1.15, 1.16, 1.20, 1.33 and Table 1.3, Public Works Component Policies 2.22a, 2.22d and 2.23, the Housing Component Policy 3.14a, the Energy Component Policy 4.3a, Agriculture Component Policies 5.2 and 5.4, Aquaculture Component Policy 6.2, Sensitive Habitats Component Policies 7.12, 7.13, 7.34, 7.36-7.40 and 7.47-7.50, Visual Resources Component Policies 8.5, 8.6 and 8.14, Recreation and Visitor Serving Facilities Component Policy 11.7b, and Commercial Fishing and Recreational Boating Component Policy 12.3.

The proposed amendment will:

- Clarify the application of a requirement that development be located at the least visible site from a scenic road.

- Reconcile a policy and map identifying the rural residential area.
- Reconcile policies and a map related to designating Agriculture in urban areas.
- Reconcile a policy and map identifying a farm labor housing site.
- Standardize policy references to the Land Use Plan Map.
- Correct a riparian corridor policy to eliminate an erroneous reference to wetlands.
- Remove ambiguities in biological report requirements.
- Standardize references to LCP Sensitive Habitats Component policies.

LCP IMPLEMENTATION PROGRAM AMENDMENTS

1. Mixed Use Development in the C-1 District

The County proposes to amend the Zoning Regulations C-1 and S district regulations to limit residential uses and building height for mixed use development in the C-1 district. Specifically, the proposed amendment:

- Limits residential uses to above the first floor, thereby reserving the ground floor for permitted neighborhood commercial uses.
- Limits the residential floor area to that of the commercial floor area, unless additional floor area is used for affordable housing development.
- Reduces the building height limit for mixed use development from 36 ft. to:
 - 28 ft. with no required front yard setback, or
 - 32 ft. with the required front yard setback.

The C-1 district primarily provides for neighborhood serving retail businesses. It allows residential uses subject to a use permit. There is no requirement for a commercial use or that residential uses locate above the first floor. Controlling residential uses can assure that there is sufficient opportunity for commercial uses to locate in the Midcoast's limited C-1 zoned areas.

2. Caretaker's Quarters in the W District

The County proposes to amend the Zoning Regulations to amend the W district regulations to revise the limitations on caretaker's quarters. Specifically, the proposed amendment:

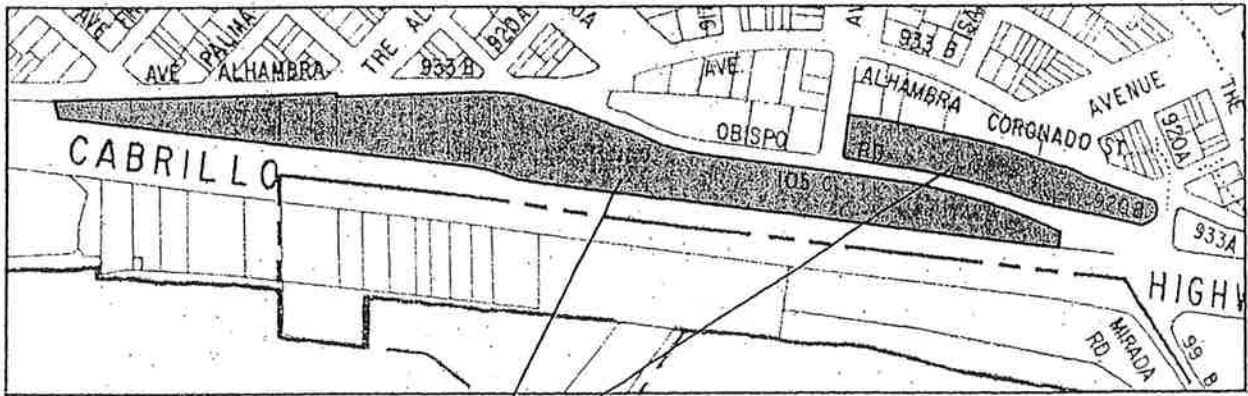
- Increases the number of caretaker's quarters allowed in the W district from 20% to 25% of the developed parcels in the district, and
- Prohibits caretaker's quarters on parcels smaller than 5,000 sq. ft.

The W district primarily provides for uses that support commercial fishing and recreational boating. The district also allows caretaker's quarters, i.e. a unit inhabited by someone looking after the site. The number of caretaker's quarters is limited to 20% of the developed parcels. These units may not exceed 35% of the building floor area, up to 750 sq. ft. Limiting caretaker's quarters can assure that residential use does not displace marine related uses at Princeton, while providing some opportunity for live-work housing.

3. Land Uses at the Burnham Strip

The County proposes to amend Zoning Regulations to enact the EG district regulations and rezone the approximately 14-acre Burnham Strip in El Granada from COSC/DR (Coastside Open Space Conservation/Design Review) to EG/DR (El Granada Gateway/Design Review). A key element of this proposal is that the proposed EG district regulations do not permit new residential uses.

The "Burnham Strip" is a generally open area between Highway 1 and El Granada that is currently zoned COSC. It is comprised of eleven parcels; two developed and nine vacant.



COSC/DR to EG/DR

The proposed amendment affirms that purpose of the proposed EG zoning district is to provide for low intensity development at the "Burnham Strip" in El Granada, which preserves, to the greatest degree possible, the visual and open characteristics of this property. A key element of this proposal is that the EG district regulations do not permit new residential uses.

The amendment calls for permitting the following uses in the EG district:

Parks

Linear Parks and Trails

Open Field Cultivation of Plants for Ornamental Purposes

Outdoor Recreation Areas

Outdoor Athletic Facilities

Interpretive Centers

Community Centers

Outdoor Art Centers

Temporary Outdoor Performing Arts Centers

Temporary Outdoor Showgrounds and Exhibition Facilities

Temporary Outdoor Sales

Urban Roadside Stands

Vegetative Stormwater Treatment Systems

The amendment establishes 3.5 acres as the minimum parcel area for the EG district.

The amendment establishes 16 ft. as the height limit for the EG district.

The amendment establishes 10% parcel size as the parcel coverage limit for the EG district.

The amendment requires that all buildings in the EG district be screened with sufficient landscaping to obscure and soften their appearance when viewed from Highway 1.

4. Development Controls in the RM-CZ and PAD Districts

The County proposes to amend the Zoning Regulations to revise the RM-CZ (Resource Management-Coastal Zone) and PAD (Planned Agricultural District) zoning districts to reduce the height limit for residential uses from 36 feet to 28 feet, and enact a house floor area limit of 0.53 (parcel size).

The Midcoast project area includes lands zoned RM-CZ or PAD. These zoning districts are generally intended to protect and preserve open space and agriculture, respectively. The existing regulations provide for very low density development. This area includes 12 properties in the urban Midcoast, plus the Rural Residential Area (northeast of Montara) and Quarry Park (east of El Granada).

Limiting house height and floor area to that required by the nearby R-1/S-17 zoning district can improve compatibility with the largely residential, more dense surrounding community.

5. Impervious Surface Limit

The County proposes to amend the Zoning Regulations to restrict the amount of ground level impervious surface coverage on a parcel. The proposed amendment would revise the S-17, S-94, S-105, C-1, CCR, W, M-1, RM/CZ, and PAD district regulations, as well as be included in the proposed EG district regulations.

Specifically, the proposed amendment limits the amount of parcel area covered by ground level (less than 18" in height) impervious structures to (10%) parcel size not to exceed 1,170 sq. ft. in residentially zoned districts. Affected structures include driveways, decks, patios, walkways and swimming pools.

The amendment provides for an exception to the limit for non-residential development. It also provides an exception for residential development only if the exception is necessary for compliance with site planning and design requirements.

In order to grant an exception, the Community Development Director must find that off-site project runoff will not exceed that amount equivalent to 10% (parcel size). The determination of whether the finding can be made would occur only after submittal of a professionally prepared site plan with calculations that demonstrating compliance.

Surface water runoff can result in flooding, soil erosion, and depositing contaminants in coastal waters. Impervious surfaces, e.g., pavement and patios, can accelerate surface runoff, whereas porous surfaces can reduce runoff. Under natural conditions, flowing water is filtered through vegetation and drained through the soil. When water flows over an impervious surface, filtering and drainage does not occur. Surface runoff can be controlled by increasing the ability of the land to retain water, and thereby reduce the potential for erosion, sedimentation and spread of pollutants.

6. Winter Grading

The County proposes to amend the Zoning Regulations to restrict winter grading activities. The proposed amendment would revise the S-17, S-94, S-105, C-1, CCR, W, M-1, RM/CZ, and PAD district regulations and the Grading regulations, as well as be included in the proposed EG district regulations.

Specifically, the amendment would prohibit site preparation and other grading activities between October 15 and April 15 in any given year unless it is demonstrated that the development site is effectively contained to prevent soil erosion and sedimentation. The Community Development Director and Building Official are charged with making this finding and assuring ongoing containment.

Surface water runoff can result in flooding, soil erosion, and depositing contaminants in coastal waters. Unchecked winter grading can accelerate surface runoff can accelerate surface runoff, whereas contained grading sites can reduce runoff. Site containment typically involves covering stored equipment and

materials, stabilizing site entrances and exposed slopes, containing runoff, and protecting drain inlets.

7. Affordable Housing Incentives

The County proposes to amend Zoning Regulations S-17, S-94, and S-105 district provisions, and Parking regulations to provide the following incentives for the development of an affordable housing unit on a single substandard lot that cannot be merged:

- Not counting up to 200 sq. ft. of covered parking toward the floor area limit, and
- Providing up to one required parking space as uncovered

The existing S-17, S-94, and S-105 zoning district regulations limit house floor area at 0.48 (parcel size) for parcels smaller than 4,500 sq. ft., including covered parking floor area. The existing Parking regulations require that all required parking spaces be covered except for spaces required for houses located on Midcoast parcels smaller than 3,500 sq. ft. in area.

8. Incentives for Voluntary Substandard Lot Merger

The County proposes to amend the Zoning Regulations S-17, S-94, and S-105 district regulations and the Parking regulations to provide the following incentives for any parcel whose substandard lots are voluntarily merged in accordance with Board of Supervisors' Resolution No. 068386:

- Permit 250 sq. ft. bonus building floor area, or
- Provide up to one required parking space as uncovered

Among the provisions of Resolution No. 068386 are that, in accordance with County Subdivision Regulations, lot merger would occur for applicable Midcoast properties that zoned R-1, R-3 or RM-CZ are comprised of "substandard" lots created by a major subdivision.

A two-phased lot merger process would occur. A voluntary merger period (up to 18 months) would be followed by a mandatory merger period. Any property owner who requests merger during the voluntary period would receive a voucher that entitles him/her to one of the benefits described below.

For a new housing unit or improvement of an existing unit on the merged parcel:

- Up to 250 sq. ft. bonus floor area (pending final approval), or
- \$1,500 (new unit)/\$300 (existing unit) or 5% reduction in building permit fees, whichever is greater, or

74

- Up to 1 covered space reduction in the parking requirement, or

For a new affordable housing unit, i.e., subject to an income and cost/rent restrictions:

- Up to 250 sq. ft. bonus floor area, and
- Up to 1 covered space reduced parking, and
- Ability to obtain a priority reserved water connection, and
- Waive permit fees; expedite permit processing.

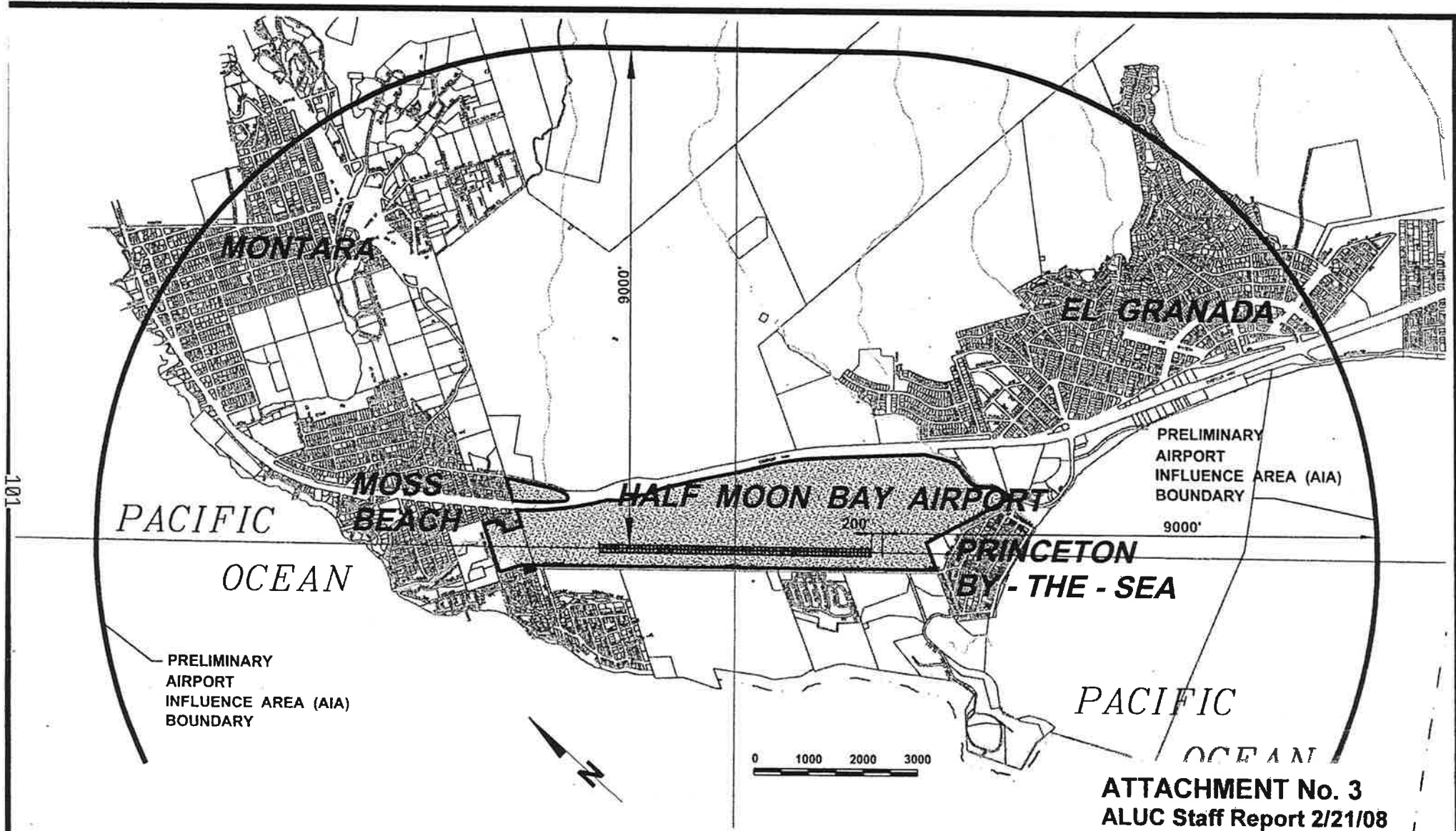
9. Design Review

The County proposes to amend the Zoning Maps to rezone applicable Midcoast parcels from RM-CZ to RM-CZ/DR and PAD to PAD/DR. This change will affect the designated "rural area" parcels located in the Midcoast project area.

The County also proposes to amend the Zoning Regulations to require Design Review Committee review for all residential development in the Midcoast, including single-family residential, multiple-family residential, and residential/commercial mixed use development. Design Review Committee review is currently limited to single-family residences.

The County also proposes to amend the Zoning Regulations to revise the DR district regulations to add a glossary that supports and augments the Midcoast residential design standards. The proposed glossary can facilitate effective administration of the design standards by providing the definitions of the relevant and specialized terms used therein.

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(01/16/07)



ATTACHMENT No. 3
ALUC Staff Report 2/21/08

PRELIMINARY HALF MOON BAY AIRPORT INFLUENCE AREA (AIA) BOUNDARY

-  AIRPORT PROPERTY
-  AIRPORT INFLUENCE AREA (AIA) BOUNDARY / FEDERAL AVIATION REGULATIONS (F.A.R.) PART 77 CONICAL SURFACE OUTER BOUNDARY

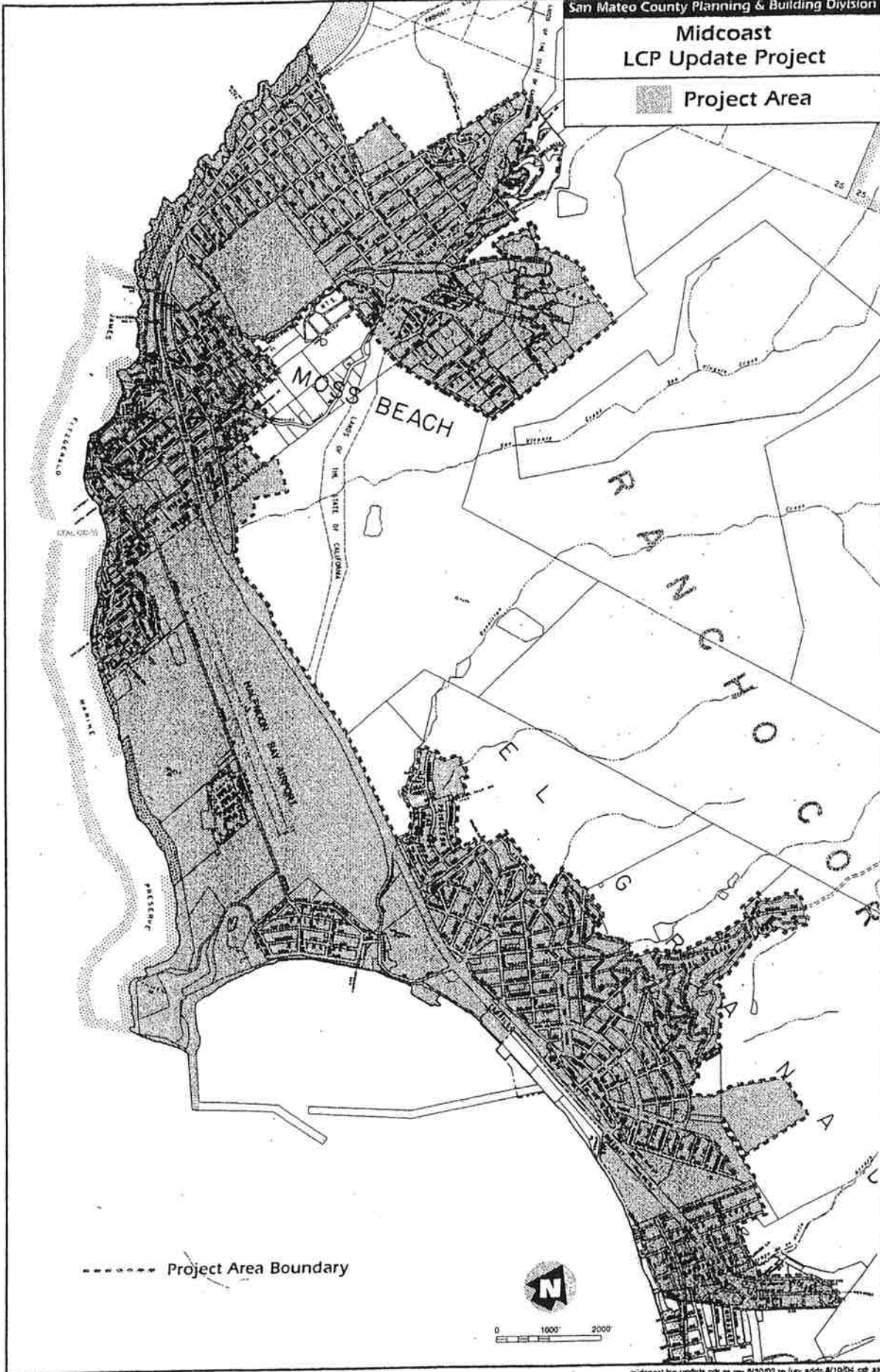
NOTE:
 THE AIA BOUNDARY SHOWN HAS NOT BEEN ADOPTED BY THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION.

ATTACHMENT No. 4A
ALUC Staff Report 2/21/08

San Mateo County Planning & Building Division

Midcoast
LCP Update Project

Project Area



----- Project Area Boundary




















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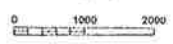
midcoast lcp update cdr as rev 5/30/02 rp (rev adds 8/10/04, cdr as)

**Midcoast
LCP Update Project**

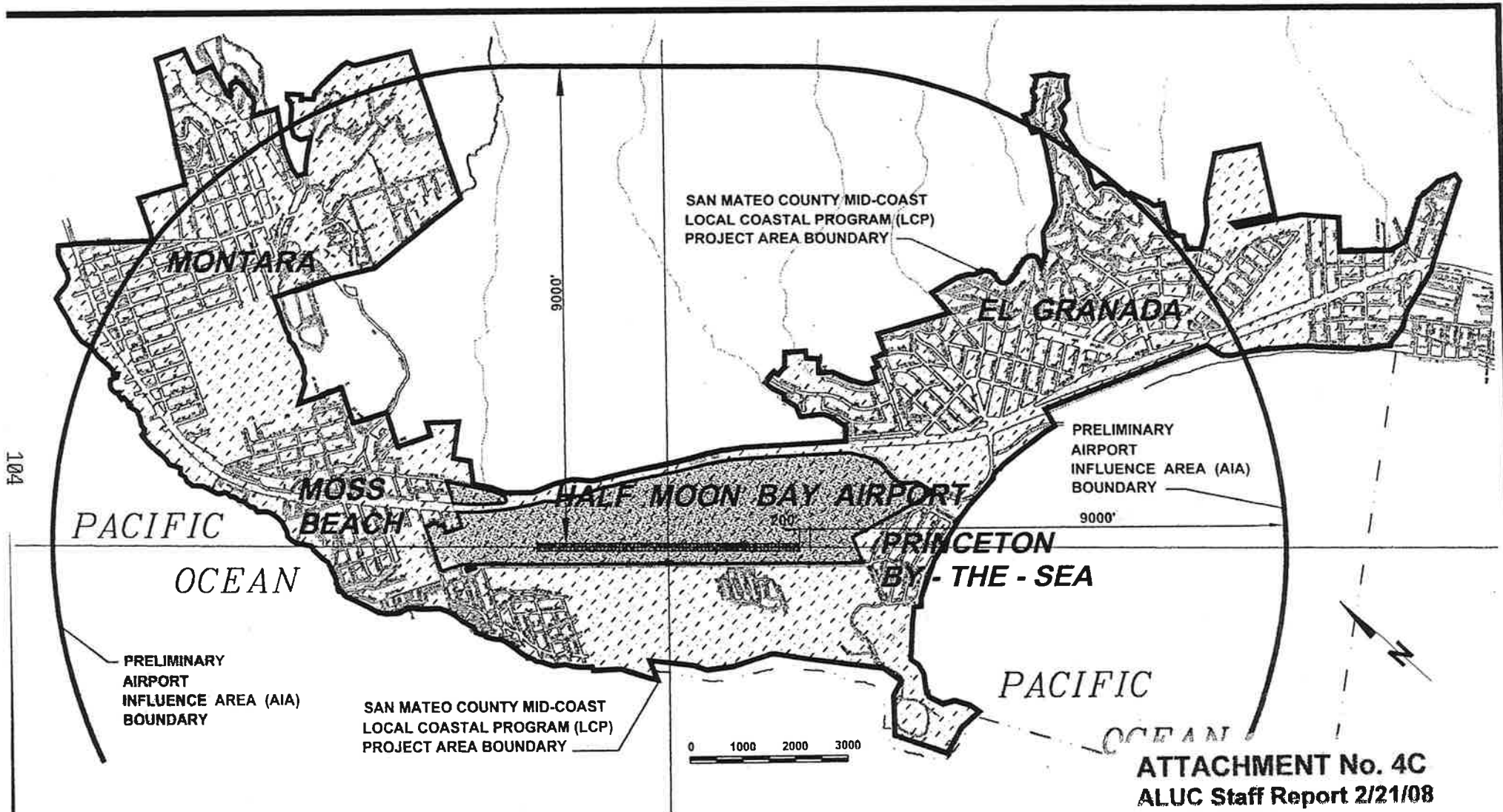
Legend

-  General Plan: VERY LOW DENSITY RESIDENTIAL Zoning: RM-C2 Maximum Density: One parcel per 40-160 acres/ One house per parcel
-  General Plan: LOW DENSITY RESIDENTIAL Zoning: R-1/S-10S Minimum parcel size: 20,000 sq. ft. Maximum Density: One house per parcel.
-  General Plan: MEDIUM-LOW DENSITY RESIDENTIAL Zoning: R-1/S-94 Minimum Parcel Size: 10,000 sq. ft. Maximum Density: One house per parcel.
-  General Plan: MEDIUM DENSITY RESIDENTIAL Zoning: R-1/S-17 Minimum Parcel Size: 5,000 sq. ft. Maximum Density: One house per parcel.
-  General Plan: MEDIUM-HIGH DENSITY RESIDENTIAL Zoning: R-3-A (Affordable/ market housing mb) Minimum Parcel Size: None Maximum Density: One unit per 2,500 sq. ft. parcel area
-  General Plan: HIGH DENSITY RESIDENTIAL Zoning: R-3 Minimum Parcel Size: 5,000 sq. ft. Maximum Density: One unit per 1,250 sq. ft. parcel area
-  General Plan: INSTITUTIONAL Zoning: R-1 or RM-C2 Permitted Uses: Public/ civic facilities, e.g. schools, hospitals, community centers; Residential
-  General Plan: NEIGHBORHOOD COMMERCIAL Zoning: C-1 Permitted Uses: Neighborhood serving trades and services; Residential (with use permit)
-  General Plan: COASTSIDE COMMERCIAL RECREATION Zoning: CCR Permitted Uses: Visitor serving facilities; e.g. restaurants and lodging; Residential (mixed use only)
-  General Plan: AIRPORT Zoning: M-1 Permitted Uses: Airport, light industrial
-  General Plan: INDUSTRIAL Zoning: M-1 Permitted Uses: Light industrial, manufacturing and R&D Minimum parcel size: 5,000 sq. ft.
-  General Plan: INDUSTRIAL Zoning: W Permitted Uses: Waterfront; marine industrial and light industrial Minimum parcel size: 5,000 sq. ft.
-  General Plan: PUBLIC RECREATION Zoning: RM-C2 Permitted Uses: Parks, recreation facilities, open space; Residential
-  General Plan: OPEN SPACE Zoning: OS-C Permitted Uses: Community open space, public recreation and commercial recreation; Residential Minimum parcel size: 2 acres
-  General Plan: OPEN SPACE Zoning: RM-C2 Permitted Uses: Open space uses, recreation facilities; Residential Maximum Density: One parcel per 40-160 acres/One house per parcel
-  General Plan: AGRICULTURE Zoning: PAD Permitted Uses: Agriculture, open space compatible uses; Residential Maximum Density: One parcel per 40-160 acres/One house per parcel
-  AIRPORT OVERLAY (AO) DISTRICT

----- Urban/Rural Boundary
 - - - - - Project Area Boundary



Note: In some areas the zoning may vary from what is stated on the legend.

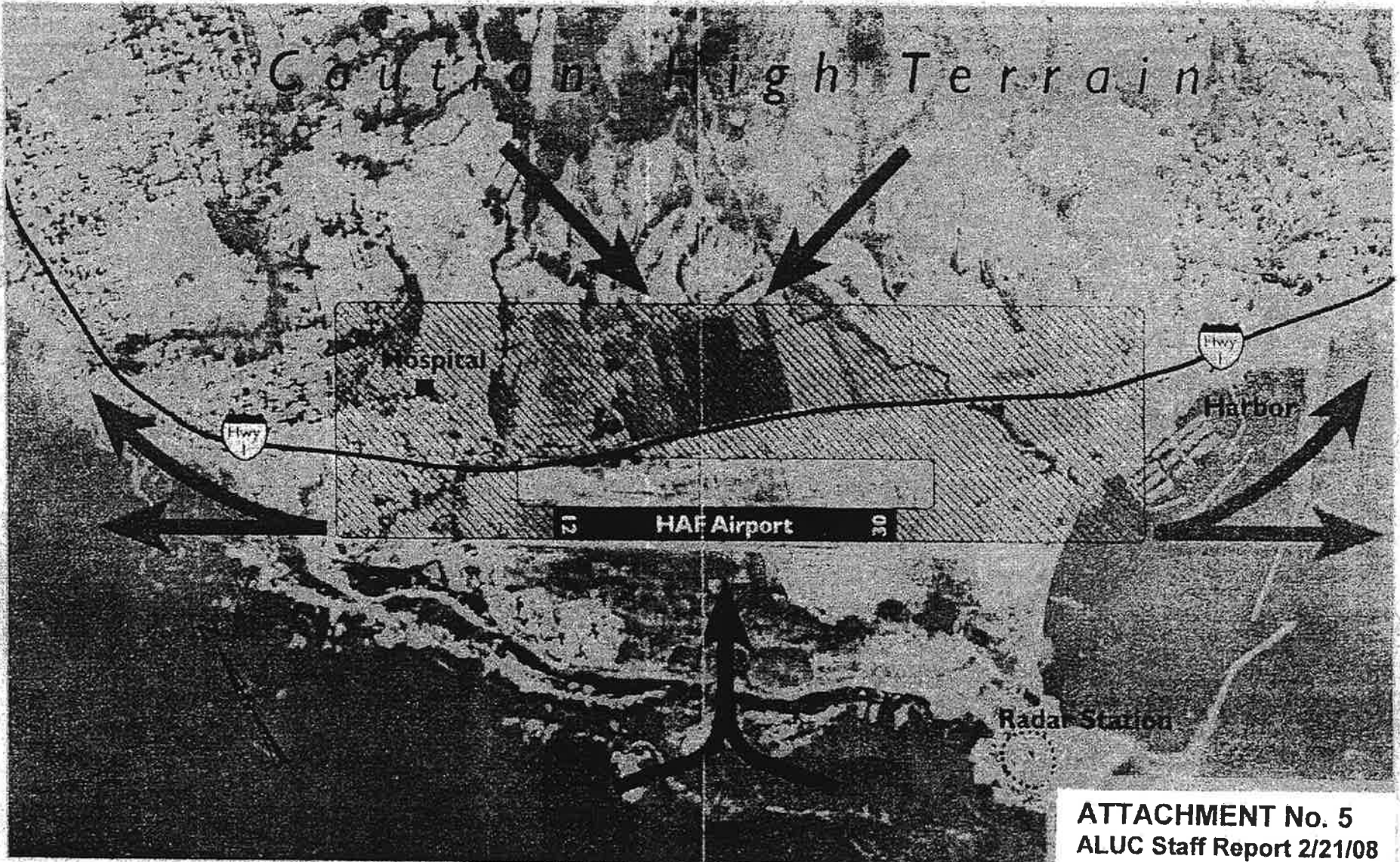


**PRELIMINARY HALF MOON BAY AIRPORT INFLUENCE AREA (AIA) BOUNDARY AND
SAN MATEO COUNTY MID-COAST LOCAL COASTAL PROGRAM (LCP) PROJECT AREA BOUNDARY**

-  AIRPORT PROPERTY
-  AIRPORT INFLUENCE AREA (AIA) BOUNDARY / FEDERAL AVIATION REGULATIONS (F.A.R.) PART 77 CONICAL SURFACE OUTER BOUNDARY

NOTE:
THE AIA BOUNDARY SHOWN HAS NOT BEEN ADOPTED BY THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION.

8 Half Moon Bay Airport—Noise Abatement Procedures



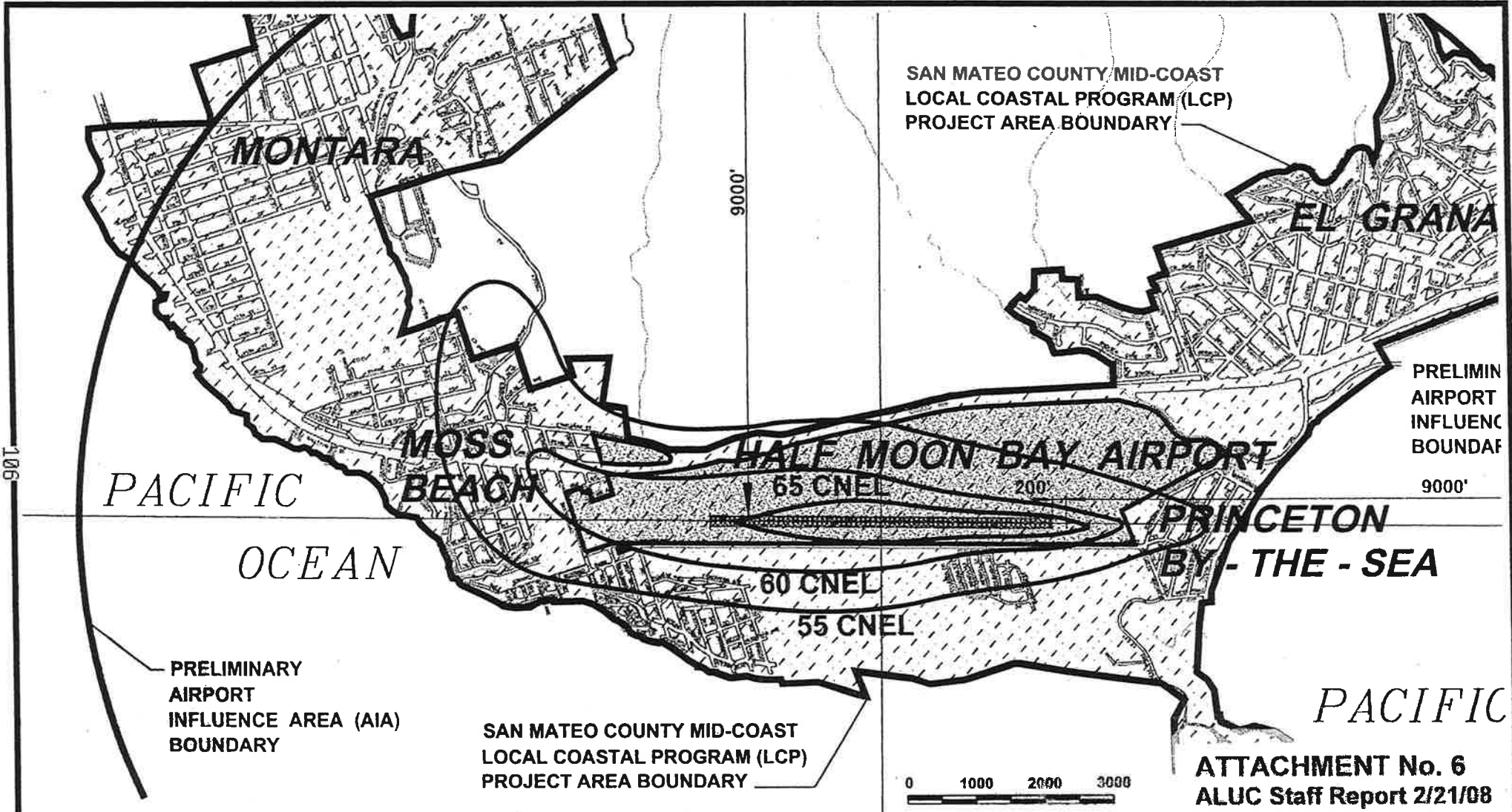
Traffic pattern areas



Arrival & departure routes



Extremely noise sensitive areas

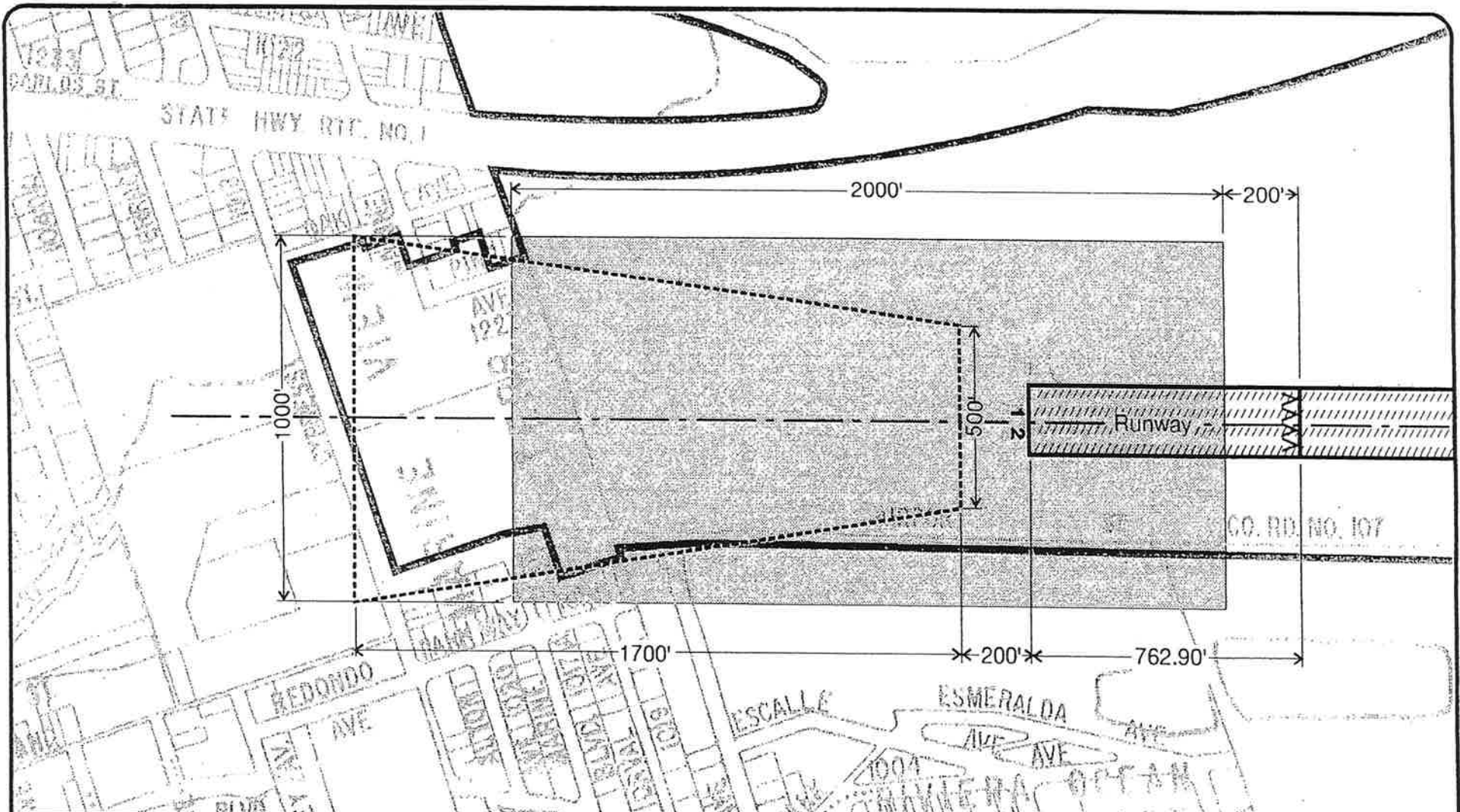


PRELIMINARY HALF MOON BAY AIRPORT INFLUENCE AREA (AIA) BOUNDARY AND SAN MATEO COUNTY MID-COAST LOCAL COASTAL PROGRAM (LCP) PROJECT AREA BOUNDARY WITH 1995 PROJECTED AIRCRAFT NOISE CONTOURS

 AIRPORT PROPERTY
 AIRPORT INFLUENCE AREA (AIA) BOUNDARY / FEDERAL AVIATION REGULATIONS (F.A.R.) PART 77 CONICAL SURFACE OUTER BOUNDARY
 FAUSER\BMP\FILE: 08 DIR\BDC\HALF MOON BAY\AIRC\COMPOSITE2008.BVG 1-4-2008


NOTE:
 THE AIA BOUNDARY SHOWN HAS NOT BEEN ADOPTED BY THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION.

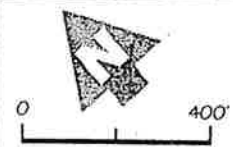
ATTACHMENT No. 6
ALUC Staff Report 2/21/08



Half Moon Bay Airport Safety Zones

Northern Approach - Runway 12

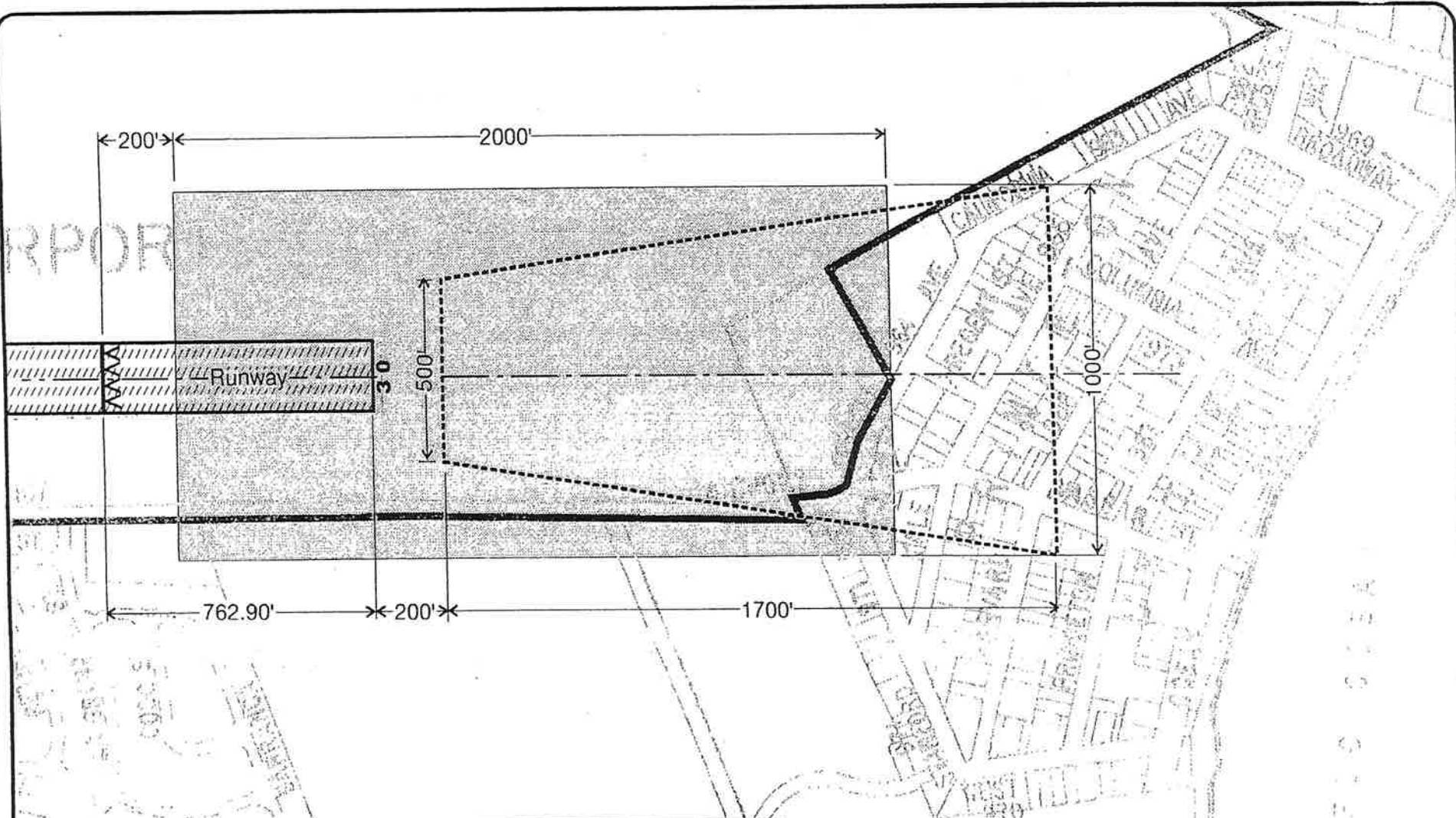
-  Half Moon Bay Airport Property Boundary
-  Approach Protection Zone (APZ)
-  Runway Protection Zone (RPZ)
-  Displaced Runway Threshold



ATTACHMENT No. 7A
ALUC Staff Report 2/21/08

Map HMB-9
III. - 26

Base Map Source: San Mateo County Official Records



Half Moon Bay Airport Safety Zones

Southern Approach - Runway 30

	Half Moon Bay Airport Property Boundary	
	Approach Protection Zone (APZ)	
	Runway Protection Zone (RPZ)	
	Displaced Runway Threshold	

ATTACHMENT No. 7B
ALUC Staff Report 2/21/08

Map HMB-10
III. - 27

Base Map Source: San Mateo
 County Official Records

ATTACHMENT NO. 8
ALUC Staff Report February 21, 2008

**Re: C/CAG Airport Land Use Committee (ALUC) Staff recommendations,
regarding an airport land use plan (CLUP) consistency review of the
County of San Mateo draft *Midcoast Local Coastal Program (LCP) Update Project***

Recommended Condition No. 3.:

Take one of the following actions:

- (a). Amend the *Midcoast Local Coastal Program (LCP) Update Project* document to include a statement that affirms that such amendments are consistent with the applicable airport/land use compatibility criteria contained in *San Mateo County Comprehensive Airport Land Use Plan December 1996*, as amended, for Half Moon Bay Airport, as follows:

“Government Code Section 65302.3 requires that a local agency general plan and/or any affected specific plan must be consistent with the applicable airport/land use compatibility criteria in the relevant adopted airport land use plan (CLUP). The housing policies, goals, programs, and any other provisions to accommodate future housing development, as specified herein, do not conflict with the relevant airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for Half Moon Bay Airport.”

or

- (b). Include a statement in the San Mateo County Board of Supervisors resolution adopting the *Midcoast Local Coastal Program (LCP) Update Project* amendments, that affirms that such amendments are consistent with the applicable airport/land use compatibility criteria contained in *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for Half Moon Bay Airport, as shown below.

“AND, BE IT FURTHER RESOLVED, that the Local Coastal Program (LCP) amendments approved by the provisions of this resolution are consistent with the applicable airport/land use compatibility criteria contained in the adopted Half Moon Bay Airport Land Use Plan.”

C/CAG AGENDA REPORT

Date: March 13, 2008
To: City/County Association of Governments Board of Directors
From: Richard Napier, C/CAG Executive Director
Subject: **Review and Approval of C/CAG Legislative Priorities, Positions and Legislative Update.**

Note: A position may be taken on any legislation, including legislation not previously identified.

(For further information contact Richard Napier at 599-1420)

RECOMMENDATION

That the Board approve the attached monthly update report on pending legislation.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

Attached is a listing of bills and their current status. Summary and detailed information about each bill may be gotten from <http://www.leginfo.ca.gov/>. Alternatively, if any member of the committee wishes to review a particular bill or subject, they may call staff at any time to request that the item be placed on the next agenda. New bills may be added to the list at any time.

From time to time, staff may receive requests to support or oppose a particular bill from a city, county, MTC, League of California Cities, or other entity, in which case, staff will bring it to the attention of the committee for consideration.

The committee may then make recommendations to the C/CAG board to support or oppose a bill. The Board may then direct staff to send a letter of support or opposition to the bill sponsor.

ATTACHMENTS

- Legislative Calendar for 2008
- Monthly update of 2008 priority bills: Status of bills related to C/CAG priorities, positions taken by other entities, and the voting record of our legislative delegation

ITEM 5.1

2008 TENTATIVE LEGISLATIVE CALENDAR
 COMPILED BY THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK
 Revised 10-23-07

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	

MARCH						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

APRIL						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 7** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget Bill must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 18** Last day for **policy committees** to meet and report to Fiscal Committees fiscal bills introduced in their house in 2007 (J.R. 61(b)(1)).
- Jan. 21** Martin Luther King, Jr. Day observed.
- Jan. 25** Last day for any committee to meet and report to the **floor** bills introduced in their house in 2007 (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass **bills** introduced in 2007 in their house (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

- Feb. 11** Lincoln's Birthday observed.
- Feb. 18** Washington's Birthday observed.
- Feb. 22** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).

- Mar. 13** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Mar. 24** Legislature reconvenes from Spring Recess (J.R. 51 (b)(1)).
- Mar. 31** Cesar Chavez Day observed.

- Apr. 18** Last day for **policy committees** to meet and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

- May 2** Last day for **policy committees** to meet and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).

- May 16** Last day for **policy committees** to meet prior to June 2 (J.R. 61(b)(7)).

- May 23** Last day for **fiscal committees** to meet and report to the floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 2 (J.R. 61 (b)(9)).

- May 26** Memorial Day observed.

- May 27 - 30** **Floor session only.** No committee may meet for any purpose (J.R. 61(b)(10)).

- May 30** Last day to **pass bills** out of house of origin (J.R. 61(b)(11)).

2008 TENTATIVE LEGISLATIVE CALENDAR
 COMPILED BY THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK
 Revised 10-23-07

JUNE						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- June 2** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(3)).
- June 26** Last day for a legislative measure to qualify for the Nov. 4 General Election ballot (Elec. Code Sec. 9040).
- June 27** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

JULY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- July 3** **Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).
- July 4** Independence Day observed.

AUGUST						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Aug. 4** Legislature reconvenes from Summer Recess (J.R. 51(b)(2)).
- Aug. 15** Last day for **fiscal committees** to meet and report bills to the floor (J.R. 61(b)(14)).
- Aug. 18 - 31** **Floor session only.** No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(b)(15)).
- Aug. 22** Last day to **amend** bills on the floor (J.R. 61(b)(16)).
- Aug. 31** Last day for **any bill** to be passed (Art. IV, Sec. 10(c), (J.R. 61(b)(17)).
Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2008

- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Nov. 4 General Election.
- Nov. 30 Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).
- Dec. 1 12 m. convening of the 2009-10 Regular Session (Art. IV, Sec. 3(a)).

2009

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

C/CAG LEGISLATIVE PRIORITIES FOR 2008 March Update

No	Prop	Relevant Bills	Description	C/CAG	MTC	LOCC	CSAC	CALCOG	Votes					Status of Bill				
									Ma	Mullin	Ruskin	Simitian	Yee					
Priority #1																		
Protect against the diversion of local revenues including the protection of redevelopment funds and programs.																		
1.1	Support League and CSAC Initiative to protect local revenues including interpretation and implementation																	
		AB 1256	housing density bonus															
		AB 1449	housing density bonus											con	Dead			
		AB 1091	TOD Implementation											2 fl	Dead			
1.2	The 20% redevelopment housing set aside is the primary source of housing funds for cities and counties and must be protected and preserved.												4	3	2	4	4	vetoed
1.3	ADDED Legislation supported by CCAG																	
		AB 23	Pedestrian Countdown Near Schools or Senior Centers	S	S										Dead			
		AB 239	Recording fees: Contra Costa and San Mateo Counties	S						1	2	1			2 policy			
		AB 1493	Affordable Housing Innovation Fund: housing trust fund.	S											Dead			
		AB 1254	Property tax revenue allocations: ERAF reduction: affordable housing	S						1					Dead			
		AB 468	Abandoned Vehicle Abatement	S						3	2	3	2	1	Chaptered			
		SB 279	State highways: public nuisance.	S						1	1	2	0	3	Chaptered			
		SB 613	Reauthorization of \$4 motor vehicle fee	S						2	1	2	2	1	Vetoed			

C/CAG LEGISLATIVE PRIORITIES FOR 2008 March Update

No	Prop	Relevant Bills	Description	C/CAG	MTC	LOCC	CSAC	CALCOG	Votes					Status of Bill	
									Ma	Mullin	Ruskin	Simitian	Yee		
Priority #1 Protect against the diversion of local revenues including the protection of redevelopment funds and programs.															
	84	AB 832	implementation			S									Dead
	84	AB 1253	Funding for local planning			S		S	1	1					chaptered
	84	AB 1303	Grants and loans for local agencies			S				1					Dead
	84	AB 1602	Greening programs			S									2nd policy
	84	SB 167	General plans, grants and incentives			S						1	1		Dead
	84	SB 763	Timely cleanup of brownfields			S									Dead
		AB 57	Safe Routes to Schools						3	2	2	4	4		chaptered

C/CAG LEGISLATIVE PRIORITIES FOR 2008 March Update

No	Prop	Relevant Bills	Description	C/CAG	MTC	LOCC	CSAC	Votes					Status of Bill
								Ma	Mullin	Ruskin	Simitian	Yee	

Priority #2

Protect against increased local costs resulting from State action without 100% State reimbursement for the added costs.

Ensure that there is real local representation on State Boards and Commissions that are establishing policies and 2.1 requirements for local programs.

		ACA 8	Eminent Domain	S		S	S	2	1	1			conference
		AB 887	Eminent Domain	S				1	1	1			2 flr
		ACA 2	Eminent Domain										1st policy
		SB 698	Eminent Domain					1	1	1	1	2	chaptered

S = Support O = Oppose N = Neutral strikeout = dead or gutted bill

Advocate for the appointment of Administration Officials who are sensitive to the fiscal predicament faced by 2.2 local jurisdictions

2.3 Oppose State action to dictate wage and benefits for local employees.

2.4 Oppose State action to restrict the ability of local jurisdictions to contract for services.

2.5 Advocate for State actions that are required to take into consideration the fiscal impact to local jurisdictions.

C/CAG LEGISLATIVE PRIORITIES FOR 2008 March Update

No	Prop	Relevant Bills	Description	C/CAG	MTC	LOCC	CSAC	Votes					Status of Bill
								Ma	Mullin	Ruskin	Simitian	Yee	
Priority #3													
Secure stable funding to pay for increased NPDES mandates.													
3.1 Primary focus on maximizing funds from the adopted infrastructure bonds.													
	84	AB 1297	Regional water management			S						conference	
	84	AB 1315	Flood protection			S						2 flr	
	84	SB 732	Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal			S		1	1		3	3	2yr (inactive)
	1E	SB5	Flood management			S		2	2	1	4	4	chaptered
		AB 1338	Local coastal programs: nonpoint source pollution	pending		S		3	2		1		2 yr

S = Support O = Oppose N = Neutral strikeout = dead or gutted bill

3.2 Support efforts to exempt NPDES from the super majority voting requirements

		SCA 12	Eliminate 2/3 majority vote for stormwater	S		W	S						1st Floor
--	--	--------	--	---	--	---	---	--	--	--	--	--	-----------

3.3 Include NPDES as a priority for funding in new sources of revenues (i.e. water bonds).

3.4 Advocate for C/CAG and San Mateo County jurisdictions to be identified as a pilot project to receive earmarked funding.

3.5 Support efforts to reduce NPDES requirements as a way to stimulate business development while still working to improve the quality of the Ocean, Bay, streams, creeks, and other waterways.

3.6 Support efforts to reform the NPDES program while still working to improve the quality of the Ocean, Bay, streams, creeks, and other waterways.

3.7 Support efforts to place the burden/ accountability of reporting, managing and meeting the NPDES requirements on the responsible source not the City or County.

2.8 Oppose efforts to require quantitative limits and Total Maximum Daily Load (TMDL) measures since there are insufficient scientific methods to evaluate the benefits. For this reason C/CAG instead supports the implementation of Best Management Practices (BMP's) to the maximum extent practicable.

C/CAG LEGISLATIVE PRIORITIES FOR 2008 March Update

No	Prop	Relevant Bills	Description	C/CAG	MTC	LOCC	CSAC	Votes					Status of Bill
								Ma	Mullin	Ruskin	Simitian	Yee	
Priority #4													
Support lowering the 2/3rd super majority vote for local special purpose taxes.													
Support bills that reduce the vote requirement for special taxes such as public safety, infrastructure, and													
4.1 transportation.													
		SCA 12	Eliminate 2/3 majority vote for stormwater	S								1st flr	

Oppose bills that lower the threshold, but dictate beyond the special tax category, how locally generated funds
4.2 can be spent.

Support bills that reduce the vote requirement for special taxes but increase the vote requirement for general
4.3 taxes.

C/CAG LEGISLATIVE PRIORITIES FOR 2008 March Update

No	Prop	Relevant Bills	Description	C/CAG	MTC	LOCC	CSAC	Votes					Status of Bill
								Ma	Mullin	Ruskin	Simitian	Yee	

Priority #5
Encourage the State to protect transportation funding and develop an equitable cost-sharing arrangement to pay for any cost overruns on the construction of the Bay Bridge.

- 5.1 Urge the State to restrict or eliminate transfer of State transportation funds to the State General Fund.
- 5.2 Urge the State to continue to pursue a solution to the Federal Ethanol tax problem.
- 5.3 Urge the State to pay back the previous loans within the next four years.
- 5.4 Direct the C/CAG legislative advocate to monitor and advocate these positions.
- 5.5 Oppose efforts to divert any of the Regional Measure 2 funds to pay for any Bay Bridge cost overruns.

C/CAG LEGISLATIVE PRIORITIES FOR 2008 March Update

No	Prop	Relevant Bills	Description	C/CAG	MTC	LOCC	CSAC	Votes					Status of Bill
								Ma	Mullin	Ruskin	Simitian	Yee	

Priority #6

Advocate for revenue solutions to address State budget issues that are also beneficial to Cities/ Counties

- 6.1 Support measures to realign the property tax with property related services
- 6.2 Support measures to ensure that local governments receive appropriate revenues to service local businesses.
- 6.3 Support measures to collect sales tax on Internet transactions.
- 6.4 Support expansion of the sales tax to personal and professional services.

Energy:

		AB 1223	Public Utilities: Net energy metering					2	1	1			2 policy
		AB 1714	Energy: solar energy systems					1	2		2	1	Chaptered
		AJR 3	Low-income home energy assistance										1st Policy
		SB 451	Energy:renewable energy resource customer-generators	S				2	1	1	3	3	vetoed
		SB 1040	Public utilities					4	2	2	1	1	2nd desk

S = Support O = Oppose N = Neutral strikeout = dead or gutted bill

C/CAG AGENDA REPORT

Date: March 13, 2008
To: City/County Association of Governments Board of Directors
From: Richard Napier, C/CAG Executive Director
Subject: Review and approval of C/CAG's Position on Propositions 99 and 98.
(For further information contact Diana Shu at 599-1414)

RECOMMENDATION

That the Board approve staff's recommendation for a position on Propositions 99 and 98.

FISCAL IMPACT

If Proposition 98 passes, there may be considerable financial impact to local governments who wish to acquire land for public use or public benefit.

If Proposition 99 passes, there may be some financial impact to local governments who wish to acquire residential property for public use or public benefit.

SOURCE OF FUNDS

Not applicable.

LEGISLATIVE PRIORITY

Priority #1 - *Protect against the diversion of local revenues including the protection of redevelopment funds and programs.*

Other Priorities - Guard the right of local jurisdictions to establish and enforce local land use policy (support the efforts of the League, but do not take an active role).

ITEM 5.1.1

BACKGROUND

- Fifth Amendment to the U.S. Constitution – *“No person shall bedeprived of ... property, without due process of law; nor shall private property be taken for public use without just compensation” (FederalLaw)*
- Fourteenth Amendment Section. 1. *“...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” (State and Local Law)*
- In 2005, in a case named Kelo vs. the City of New London, *Supreme Court of Connecticut* stated that Kelo vs. New London, allows the government to consider economic benefit under the definition of “public use.”
 - Proponents of Kelo vs New London, stated that “Promoting economic development is a traditional and long accepted governmental function, and there is no principled way of distinguishing it from the other public purposes the Court has recognized.”
 - Opponents of Kelo vs. New London, believe that this decision was a misinterpretation of the Fifth Amendment which would benefit large corporations at the expense of individual homeowners and local communities.
 - <http://straylight.law.cornell.edu/supct/html/04-108.ZS.html>
 - The Supreme Court stated that if the federal government or the state/local governments want to define “just compensation” and “public use,” they may do so.
- As a result of the Kelo vs New London ruling, 39 states have enacted protections for private property owners to limit the “government taking” for the purpose of increasing local tax base or for general economic benefit to the public by creating jobs, housing, etc.
 - The laws and bills generally fall into the following categories¹:
 - Restricting the use of eminent domain for economic development, enhancing tax revenue or transferring private property to another private entity (or primarily for those purposes).
 - Defining what constitutes public use.
 - Establishing additional criteria for designating blighted areas subject to eminent domain.
 - Strengthening public notice, public hearing and landowner negotiation criteria, and requiring local government approval before condemning property.
 - Placing a moratorium on the use of eminent domain for a specified time period and establishing a task force to study the issue and report findings to the legislature.
- 2006, President Bush issued an executive order stating that the Federal Government must limit its use of taking private property for "public use" with "just compensation", which is also stated in the constitution, for the "purpose of benefiting

the general public." He limits this use by stating that it may not be used "for the purpose of advancing the economic interest of private parties to be given ownership or use of the property taken."

- Proposition 90 (November 2006 Elections) failed in the November 2006 election. The initiative included language requiring that local governments pay financial compensation to any property owners who could successfully argue that regulation caused them significant economic loss.

ANALYSIS

Proposition 98: California Property Owners and Farmland Protection Act (Howard Jarvis Taxpayers Association)

- Restricts the use of eminent domain to a stated public use. Prohibits the use of eminent domain for private use under any circumstances.
- Eliminates rent control. Defines "taken" to include "limiting the price a private owner may charge another person to purchase, occupy or use his or her real property." This would prohibit local rent control ordinances (Cities in California with Rent Control Ordinances):

Berkeley	Hayward	San Francisco
Beverly Hills	Los Angeles	San Jose
Campbell	Los Gatos	Santa Monica
East Palo Alto	Oakland	Thousand Oaks
Fremont	Palm Springs	West Hollywood

- Permits withdrawal of the deposit without waiving the right to challenge the take. Currently, a property owner's withdrawal of the deposit of probable just compensation constitutes a waiver of the right to challenge the take.
- Vastly expands agency liability for attorney's fees and other litigation expenses. Awards attorney's fees and reasonable costs whenever a property owner obtains a judgment for more than the amount offered by the public agency. Current eminent domain law awards attorney's fees and costs only when the public agency's final offer was unreasonable and the property owner's final demand was reasonable.
- Expands property owner's right to repurchase. Affords the property owner with the right to buy back the property before the agency can (a) convey the property or (b) use the property for a use "substantially different" from the stated public use. Requires the public agency to make a good faith effort to locate the property owner and make a written offer to sell the property at the price the agency paid for the property. Does not specify what constitutes a good faith effort, or include a time limit on the right of first refusal.
- Expands categories for which just compensation is recoverable. Enlarges the damages an owner can recover to include temporary business losses, relocation expenses and business reestablishment costs.

- Prohibits the use of eminent domain for the consumption of natural resources. Defines “private use” to include the taking of private property “for the consumption of natural resources.” This provision could preclude the use of eminent domain to construct public water projects.
- Changes the evidentiary standard for challenges to the right to take. Prohibits deference to the agency’s findings in any action to challenge the take. Requires the court to consider all relevant evidence and exercise its independent judgment.

Proposition 99: Homeowners and Private Property Protection Act (League of California Cities)

- Prohibits - with several exceptions - the use of eminent domain to acquire an owner-occupied residence for transfer to a private person. Protects only single family residences, such as detached homes, condominiums, townhouses, or granny units, that were the owner’s principal place of residence for at least one year before the agency’s initial written offer to purchase the property. Does not protect apartment residents, business owners, farms, or churches.
- Permits transfer to a private person if it is for - or incidental to - a public work or improvement. Permits transfer of an owner-occupied residence to a private person if the acquisition is for, or incidental to, a public work or improvement, to protect public health and safety, to prevent serious, repeated criminal activity, to respond to an emergency, or to remedy environmental contamination.
- Supersedes competing measure. Supersedes any rival eminent domain ballot measure if this measure receives a higher number of votes. This means that if Proposition 99 receives more votes than Proposition 98, Proposition 99 becomes the law, even if Proposition 98 passes. If both Proposition 98 and 99 pass but Proposition 98 has more votes, then this does not apply.

DISCUSSION

Per the CALIFORNIA CONSTITUTION, ARTICLE 1 DECLARATION OF RIGHTS

SEC. 19. Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

“Just compensation,” as defined by law is “fair market value.” It does not take into account relocation costs, potential value, qualitative values, etc. but it can. In California, “fair market value” is often an estimate of what a willing buyer would pay to a willing seller, both in a free market, for an asset or any piece of property.

“Public use,” is much more difficult to define. The Supreme Court has consistently upheld that the definition of public use is to be determined by the states. Many states, including California, loosely define public use² as:

1. property to be used by a broad segment of the general public – roads, bridges, dams, etc.
2. anything that benefitted the public – airports, civic centers
3. projects that remove blighted areas – redevelopment communities
4. projects that benefit the public thru economic revitalization- private plants, businesses, railways, etc.

Clearly, Proposition 98 goes beyond simply defining “just compensation,” and “public use” by including language that eliminates rent control, restricts use of natural resources, restricts the power of local jurisdictions to negotiate a fair price for properties under consideration, and increases costs of eminent domain procedures.

Meanwhile, Proposition 99 offers some protection to the property owner of an owner occupied home and leaves the eminent domain issue regarding businesses, churches, farms, etc. unchanged from current laws and protections under “Eminent Domain” laws.

Note that there is legislation currently under review regarding eminent domain, such as **ACA 8** a constitutional amendment to define conditions under which a local jurisdictions may “take” property; and **AB 887** which defines the rules and responsibilities of a redevelopment agency relative to eminent domain and relocation issues for owner and tenant.

RECOMMENDATIONS

Staff strongly recommends opposing Proposition 98 because it adversely affects local government finance and public improvements. Moreover, it goes beyond defining “public use” and “just compensation.”

Staff recommends supporting Proposition 99 because it offers protection to owners of owner-occupied residences against “governmental takes” solely for economic development. League of California Cities is supporting this proposition.

ACTION

1. Accept staff's recommendation to oppose Proposition 98 and support Proposition 99.
2. Other

ATTACHMENTS

- Proposition 98
- Proposition 99
- ACA 8
- AB 887

¹ <http://www.ncsl.org/programs/natres/EMINDOMAIN.htm>

² <http://legal-dictionary.thefreedictionary.com/Expropriating>

HOWARD JARVIS
TAXPAYERS
ASSOCIATION



HOWARD JARVIS, Founder (1903-1986)
ESTELLE JARVIS, Honorary Chairwoman
JON COUPAL, President
TREVOR GRIMM, General Counsel
TIMOTHY BITTLE, Director of Legal Affairs

May 1, 2007

Ms. Patricia Galvan, Initiative Coordinator
Attorney General's Office
1515 K Street, 6th Floor
Sacramento, CA 95814

RECEIVED
MAY - 3 2007

Re: California Property Owners and Farmland Protection Act

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Ms. Galvan:

By this letter, we respectfully request the Attorney General to prepare a title and summary of the chief purpose and points of the California Property Owners and Farmland Protection Act, a copy of which is attached. The undersigned are the proponents of this measure. **We also hereby withdraw Initiative No. 07-0003.** Although our previous initiative and the attached proposal both deal with eminent domain and property rights, there are substantial differences between the two.

Any correspondence regarding this initiative should be directed to Howard Jarvis Taxpayers Association, 921 Eleventh Street, Suite 1201, Sacramento, CA 95814 (916) 444-9950. The proponents' resident addresses are attached to this letter.

Enclosed is the required \$200 filing fee as well as the certification as required by Elections Code Section 18650.

Thank you for your cooperation.

Sincerely,

Doug Moserbar
President, California Farm
Bureau Federation

Sincerely,

Jon Coupal
President Howard
Jarvis Taxpayers
Association

Sincerely,

Jim Nielsen
Chairman, Cal.
Alliance to Protect
Private Property
Rights

SECTION 1. STATEMENT OF FINDINGS

(a) Our state Constitution, while granting government the power of eminent domain, also provides that the people have an inalienable right to own, possess, and protect private property. It further provides that no person may be deprived of property without due process of law, and that private property may not be taken or damaged by eminent domain except for public use and only after just compensation has been paid to the property owner.

(b) Notwithstanding these clear constitutional guarantees, the courts have not protected the people's rights from being violated by state and local governments through the exercise of their power of eminent domain.

(c) For example, the U.S. Supreme Court, in *Kelo v. City of New London*, held that the government may use eminent domain to take property from its owner for the purpose of transferring it to a private developer. In other cases, the courts have allowed the government to set the price an owner can charge to sell or rent his or her property, and have allowed the government to take property for the purpose of seizing the income or business assets of the property.

(d) Farmland is especially vulnerable to these types of eminent domain abuses.

SECTION 2. STATEMENT OF PURPOSE

(a) State and local governments may use eminent domain to take private property only for public uses, such as roads, parks, and public facilities.

(b) State and local governments may not use their power to take or damage property for the benefit of any private person or entity.

(c) State and local governments may not take private property by eminent domain to put it to the same use as that made by the private owner.

(d) When state or local governments use eminent domain to take or damage private property for public uses, the owner shall receive just compensation for what has been taken or damaged.

(e) Therefore, the people of the state of California hereby enact the "California Property Owners and Farmland Protection Act."

SECTION 3. AMENDMENT TO CALIFORNIA CONSTITUTION

Section 19 of Article I of the California Constitution is amended to read:

SEC. 19(a) Private property may be taken or damaged only for a stated public use and when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation. Private property may not be taken or damaged for private use.

(b) For purposes of this section:

(1) "Taken" includes transferring the ownership, occupancy, or use of property from a private owner to a public agency or to any person or entity other than a public agency, or limiting the price a private owner may charge another person to purchase, occupy or use his or her real property.

(2) "Public use" means use and ownership by a public agency or a regulated public utility for the public use stated at the time of the taking, including public facilities, public transportation, and public utilities, except that nothing herein prohibits leasing limited space for private uses incidental to the stated public use; nor is the exercise of eminent domain prohibited to restore utilities or access to a public road for any private property which is cut off from utilities or access to a public road as a result of a taking for public use as otherwise defined herein.

(3) "Private use" means:

(i) transfer of ownership, occupancy or use of private property or associated property rights to any person or entity other than a public agency or a regulated public utility;

(ii) transfer of ownership, occupancy or use of private property or associated property rights to a public agency for the consumption of natural resources or for the same or a substantially similar use as that made by the private owner; or

(iii) regulation of the ownership, occupancy or use of privately owned real property or associated property rights in order to transfer an economic benefit to one or more private persons at the expense of the property owner.

(4) "Public agency" means the state, special district, county, city, city and county, including a charter city or county, and any other local or regional governmental entity, municipal corporation, public agency-owned utility or utility district, or the electorate of any public agency.

(5) "Just compensation" means:

(i) for property or associated property rights taken, its fair market value;

(ii) for property or associated property rights damaged, the value fixed by a jury, or by the court if a jury is waived;

(iii) an award of reasonable costs and attorney fees from the public agency if the property owner obtains a judgment for more than the amount offered by a public agency as defined herein; and

(iv) any additional actual and necessary amounts to compensate the property owner for temporary business losses, relocation expenses, business reestablishment costs, other actual and reasonable expenses incurred and other expenses deemed compensable by the Legislature.

(6) "Prompt release" means that the property owner can have immediate possession of the money deposited by the condemnor without prejudicing his or her right to challenge the determination of fair market value or his or her right to challenge the taking as being for a private use.

(7) "Owner" includes a lessee whose property rights are taken or damaged.

(8) "Regulated public utility" means any public utility as described in Article XII, section 3 that is regulated by the California Public Utilities Commission and is not owned or operated by a public agency. Regulated public utilities are private property owners for purposes of this article.

(c) In any action by a property owner challenging a taking or damaging of his or her property, the court shall consider all relevant evidence and exercise its independent judgment, not limited to the administrative record and without deference to the findings of the public agency. The property owner shall be entitled to an award of reasonable costs and attorney fees from the public agency if the court finds that the agency's actions are not in compliance with this section. In addition to other legal and equitable remedies that may be available, an owner whose property is taken or damaged for private use may bring an action for an injunction, a writ of mandate, or a declaration invalidating the action of the public agency.

(d) Nothing in this section prohibits a public agency or regulated public utility from entering into an agreement with a private property owner for the voluntary sale of property not subject to eminent domain, or a stipulation regarding the payment of just compensation.

(e) If property is acquired by a public agency through eminent domain, then before the agency may put the property to a use substantially different from the stated public use, or convey the property to another person or unaffiliated agency, the condemning agency must make a good faith effort to locate the private owner from whom the property was taken, and make a written offer to sell the property to him at the price which the agency paid for the property, increased only by the fair market value of any improvements, fixtures, or appurtenances added by the public agency, and reduced by the value attributable to any removal, destruction or waste of improvements, fixtures or appurtenances that had been acquired with the property. If property is repurchased by the former owner under this subdivision, it shall be taxed based on its pre-condemnation enrolled value, increased or decreased only as allowed herein, plus any inflationary adjustments authorized by subdivision (b) of Section 2 of Article XIII A. The right to repurchase shall apply only to the owner from which the property was taken, and does not apply to heirs or successors of the owner or, if the owner was not a natural person, to an entity which ceases to legally exist.

(f) Nothing in this section prohibits a public agency from exercising its power of eminent domain to abate public nuisances or criminal activity;

(g) Nothing in this section shall be construed to prohibit or impair voluntary agreements between a property owner and a public agency to develop or rehabilitate affordable housing.

(h) Nothing in this section prohibits the California Public Utilities Commission from regulating public utility rates.

(i) Nothing in this section shall restrict the powers of the Governor to take or damage private property in connection with his or her powers under a declared state of emergency.

SECTION 4. IMPLEMENTATION AND AMENDMENT

This section shall be self-executing. The Legislature may adopt laws to further the purposes of this section and aid in its implementation. No amendment to this section may be made except by a vote of the people pursuant to Article II or Article XVIII.

SECTION 5. SEVERABILITY

The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 6. EFFECTIVE DATE

The provisions of this Act shall become effective on the day following the election ("effective date"); except that any statute, charter provision, ordinance, or regulation by a public agency enacted prior to January 1, 2007, that limits the price a rental property owner may charge a tenant to occupy a residential rental unit ("unit") or mobile home space ("space") may remain in effect as to such unit or space after the effective date for so long as, but only so long as, at least one of the tenants of such unit or space as of the effective date ("qualified tenant") continues to live in such unit or space as his or her principal place of residence. At such time as a unit or space no longer is used by any qualified tenant as his or her principal place of residence because, as to such unit or space, he or she has: (a) voluntarily vacated; (b) assigned, sublet, sold or transferred his or her tenancy rights either voluntarily or by court order; (c) abandoned; (d) died; or he or she has (e) been evicted pursuant to paragraph (2), (3), (4) or (5) of Section 1161 of the Code of Civil Procedure or Section 798.56 of the Civil Code as in effect on January 1, 2007; then, and in such event, the provisions of this Act shall be effective immediately as to such unit or space.

May 10, 2007

RECEIVED

MAY 14 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA PERSONAL DELIVERY

The Honorable Edmund G. Brown, Jr.
Attorney General
1300 I Street
Sacramento, CA 95814

Attention: Patricia Galvan, Initiative Coordinator

Re: Request for Title and Summary- Initiative Constitutional Amendment

Dear Mr. Brown:

I am one of the proponents of the attached initiative constitutional amendment. Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared. Enclosed is a check for \$200.00. My residence address is attached. I also withdraw Initiative No. 07-0006.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814; Attention: Steve Lucas (telephone: 415/389-6800).

Thank you for your assistance.

Sincerely,

Christopher K. McKenzie, Proponent

Enclosure: Proposed Initiative

May 10, 2007

RECEIVED

MAY 14 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA PERSONAL DELIVERY

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Thank you for your assistance.

Sincerely,

Susan Smartt, Proponent

Enclosure: Proposed Initiative

May 10, 2007

RECEIVED

MAY 14 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA PERSONAL DELIVERY

The Honorable Edmund G. Brown, Jr.
Attorney General
1300 I Street
Sacramento, CA 95814

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Thank you for your assistance.

Sincerely,

Kenneth Willis, Proponent

Enclosure: Proposed Initiative

TITLE: This measure shall be known as the "Homeowners and Private Property Protection Act."

SECTION 1: PURPOSE AND INTENT

By enacting this measure, the people of California hereby express their intent to:

- A. Protect their homes from eminent domain abuse.
- B. Prohibit government agencies from using eminent domain to take an owner-occupied home to transfer it to another private owner or developer.
- C. Amend the California Constitution to respond specifically to the facts and the decision of the U.S. Supreme Court in *Kelo v. City of New London*, in which the Court held that it was permissible for a city to use eminent domain to take the home of a Connecticut woman for the purpose of economic development.
- D. Respect the decision of the voters to reject Proposition 90 in November 2006, a measure that included eminent domain reform but also included unrelated provisions that would have subjected taxpayers to enormous financial liability from a wide variety of traditional legislative and administrative actions to protect the public welfare.
- E. Provide additional protection for property owners without including provisions, such as those in Proposition 90, which subjected taxpayers to liability for the enactment of traditional legislative and administrative actions to protect the public welfare.
- F. Maintain the distinction in the California Constitution between Section 19, Article I, which establishes the law for eminent domain, and Section 7, Article XI, which establishes the law for legislative and administrative action to protect the public health, safety and welfare.
- G. Provide a comprehensive and exclusive basis in the California Constitution to compensate property owners when property is taken or damaged by state or local governments, without affecting legislative and administrative actions taken to protect the public health, safety and welfare.

SECTION 2: AMENDMENT TO THE CALIFORNIA CONSTITUTION

Section 19 of Article I of the California Constitution is hereby amended to read:

Sec. 19. (a) Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

(b) *The State and local governments are prohibited from acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person.*

(c) *Subdivision (b) of this Section does not apply when State or local government exercises the power of eminent domain for the purpose of protecting public health and safety; preventing serious, repeated criminal activity; responding to an emergency; or remedying environmental contamination that poses a threat to public health and safety.*

(d) *Subdivision (b) of this Section does not apply when State or local government exercises the power of eminent domain for the purpose of acquiring private property for a Public work or improvement.*

(e) *For the purpose of this Section:*

1. *"Conveyance" means a transfer of real property whether by sale, lease, gift, franchise, or otherwise.*
2. *"Local government" means any city, including a charter city, county, city and county, school district, special district, authority, regional entity, redevelopment agency, or any other political subdivision within the State.*
3. *"Owner-occupied residence" means real property that is improved with a single family residence such as a detached home, condominium, or townhouse and that is the owner or owners' principal place of residence for at least one year prior to the State or local government's initial written offer to purchase the property. Owner-occupied residence also includes a residential dwelling unit attached to or detached from such a single family residence which provides complete independent living facilities for one or more persons.*
4. *"Person" means any individual or association, or any business entity, including, but not limited to, a partnership, corporation, or limited liability company.*
5. *"Public work or improvement" means facilities or infrastructure for the delivery of public services such as education, police, fire protection, parks, recreation, emergency medical, public health, libraries, flood protection, streets or highways, public transit, railroad, airports and seaports; utility, common carrier or other similar projects such as energy-related, communication-related, water-related and wastewater-related facilities or infrastructure; projects identified by a State or local government for recovery from natural disasters; and private uses incidental to, or necessary for, the Public work or improvement.*
6. *"State" means the State of California and any of its agencies or departments.*

SECTION 3. By enacting this measure, the voters do not intend to change the meaning of the terms in subdivision (a) of Section 19, Article I of the California Constitution, including, without limitation, "taken," "damaged," "public use," and "just compensation," and deliberately do not impose any restrictions on the exercise of power pursuant to Section 19, Article I, other than as expressly provided for in this measure.

SECTION 4. The provisions of Section 19, Article I, together with the amendments made by this initiative, constitute the exclusive and comprehensive authority in the California Constitution for the exercise of the power of eminent domain and for the payment of compensation to property owners when private property is taken or damaged by state or local government. Nothing in this initiative shall limit the ability of the Legislature to provide compensation in addition to that which is required by Section 19 of Article I to property owners whose property is taken or damaged by eminent domain.

SECTION 5. The amendments made by this initiative shall not apply to the acquisition of real property if the initial written offer to purchase the property was made on or before the date on which this initiative becomes effective, and a resolution of necessity to acquire the real property by eminent domain was adopted on or before 180 days after that date.

SECTION 6. The words and phrases used in the amendments to Section 19, Article I of the California Constitution made by this initiative which are not defined in subdivision (d), shall be defined and interpreted in a manner that is consistent with the law in effect on January 1, 2007 and as that law may be amended or interpreted thereafter.

SECTION 7. The provisions of this measure shall be liberally construed in furtherance of its intent to provide homeowners with protection against exercises of eminent domain in which an owner-occupied residence is subsequently conveyed to a private person.

SECTION 8. The provisions of this measure are severable. If any provision of this measure or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SECTION 9. In the event that this measure appears on the same statewide election ballot as another initiative measure or measures that seek to affect the rights of property owners by directly or indirectly amending Section 19, Article I of the California Constitution, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and each and every provision of the other measure or measures shall be null and void.

AMENDED IN ASSEMBLY SEPTEMBER 6, 2007

AMENDED IN ASSEMBLY AUGUST 29, 2007

AMENDED IN ASSEMBLY JULY 10, 2007

AMENDED IN ASSEMBLY MAY 31, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

Assembly Constitutional Amendment

No. 8

**Introduced by Assembly Member De La Torre
(Principal coauthors: Assembly Members Huffman, Jones, and
Mullin)**

March 13, 2007

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article I thereof, relating to eminent domain.

LEGISLATIVE COUNSEL'S DIGEST

ACA 8, as amended, De La Torre. Eminent domain.

The California Constitution authorizes private property to be taken or damaged for public use only when just compensation has been paid to, or into court for, the owner of the property.

This measure would require the public use for which the private property is taken to be stated in writing, prior to the commencement of eminent domain proceedings.

The measure would prohibit the state and local governments from acquiring by eminent domain an owner-occupied residence, real property on which a small business is operated, ~~or~~ real property that is used exclusively by the owner for religious worship and is exempt from

property taxes under specified provisions, *or real property in agricultural use*, for the purpose of conveying that property to a private person, except as specified.

The measure would provide that if the property ceases to be used for the stated public use, the former owner would have the right to reacquire the property, as specified. The measure would provide procedures for reacquisition of the property and for assessment of the value of the reacquired property.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved, by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2007–08 Regular
3 Session commencing on the fourth day of December 2006,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California, that the
6 Constitution of the State be amended as follows:
7 First—That Section 19 of Article I thereof is amended to read:
8 SEC. 19. (a) (1) Private property may be taken or damaged
9 for public use only when just compensation, ascertained by a jury
10 unless waived, has first been paid to, or into court for, the owner.
11 The Legislature may provide for possession by the condemnor
12 following commencement of eminent domain proceedings upon
13 deposit in court and prompt release to the owner of money
14 determined by the court to be the probable amount of just
15 compensation.
16 (2) Prior to the commencement of eminent domain proceedings,
17 the public use for which the private property is taken shall be stated
18 in writing.
19 (b) The State or a local government shall not acquire an
20 owner-occupied residence by eminent domain for the purpose of
21 conveying the real property to a private person.
22 (c) The State or a local government shall not acquire by eminent
23 domain any real property on which a small business is operated,
24 for the purpose of conveying the real property to a private person.
25 (d) Notwithstanding subdivision (c), real property that is within
26 the area included in a comprehensive plan to eliminate blight and
27 on which a small business is operated may be acquired by eminent
28 domain for the purpose of conveying the property to a private
29 person only if the small business owner is first provided a

1 reasonable opportunity to participate in the plan. If the small
2 business owner does not participate in the plan, the owner shall
3 be paid reasonable relocation expenses or an amount not less than
4 the fair market value of the small business, at the option of the
5 small business owner. No payment made pursuant to this
6 subdivision shall duplicate any other payment to which the small
7 business may be entitled for the same purpose under law.

8 (e) (1) The State or a local government shall not acquire by
9 eminent domain for conveyance to a private person any real
10 property that is used exclusively by the owner for religious
11 worship, if that property is exempt from property taxation pursuant
12 to subdivision (f) of Section 3 of, or subdivision (d) of Section 4
13 of, Article XIII, or both.

14 (2) *The State or a local government shall not acquire by eminent
15 domain for conveyance to a private person any real property that
16 is currently designated under a formal action of the owner's
17 governing body to be used by the owner exclusively for religious
18 worship, if that formal designation was made at least one year
19 prior to the date of the initial written offer from the State or local
20 government to purchase the real property. The exemption set forth
21 in this paragraph does not apply to real property that is so
22 designated if, within five years following the date of that
23 designation, the real property has not received an exemption from
24 property taxation pursuant to subdivision (f) of Section 3 of, or
25 subdivision (d) of Section 4 of, Article XIII.*

26 (f) *The State or a local government shall not acquire by eminent
27 domain any real property in agricultural use for the purpose of
28 conveying the real property to a private person.*

29 ~~(f) Subdivisions (b), (c), and (e)~~

30 (g) *Subdivisions (b), (c), (e), and (f) do not apply if the stated
31 public use is a public work or improvement. However, if property
32 described in subdivision (b), (c), ~~or (e)~~ (e), or (f) is acquired by
33 eminent domain for a public work or improvement, the owner from
34 whom it was acquired shall have a reasonable opportunity to
35 repurchase the property, in accordance with subdivision ~~(h)~~ (i),
36 before its conveyance for a use other than a public work or
37 improvement.*

38 ~~(g)~~

39 (h) *When any private property was acquired by eminent domain
40 for public use, and the State or local government determines that*

1 the property is no longer required for public use, the owner from
2 whom the property was acquired shall have a reasonable
3 opportunity to repurchase the property in accordance with
4 subdivision ~~(h)~~ (i) before its conveyance by the State or a local
5 government for other than a public use.

6 ~~(h)~~

7 (i) The opportunity of the prior owner to repurchase the property
8 shall be subject to all of the following:

9 (1) The State or local government shall use reasonable diligence
10 to locate the former owner.

11 (2) The opportunity to repurchase shall be at the then current
12 fair market value. However, if the property acquired by eminent
13 domain was an owner-occupied residence, the opportunity to
14 repurchase shall be at a price equal to the assessed value to be
15 enrolled for the property under paragraph (3), increased by the fair
16 market value of any improvements, fixtures, or appurtenances
17 added by the State or local government.

18 (3) Upon reacquisition by the property owner from whom the
19 property was acquired, the assessed value of the property shall be
20 the value in the year of acquisition by the State or local
21 government, adjusted as authorized by subdivision (b) of Section
22 2 of Article XIII A. If the property is reacquired by the property
23 owner, then the acquisition by the State or local government, and
24 the reacquisition by the property owner, shall not constitute a
25 "change of ownership" for purposes of subdivision (a) of Section
26 2 of Article XIII A.

27 (4) The opportunity to repurchase applies only to the property
28 owner from whom the property was acquired, and does not apply
29 to any heirs or successors of the owner, or, if the owner was not a
30 natural person, to an entity that ceases to legally exist. The
31 opportunity to repurchase may be waived in writing.

32 (5) The Legislature may provide a procedure that constitutes a
33 reasonable opportunity to repurchase, and may specify the contents
34 of written notice of the opportunity to repurchase.

35 ~~(i)~~

36 (j) For purposes of this section, the following terms have the
37 following meanings:

38 (1) "Agricultural use" means the lawful use of land to grow or
39 raise plant or animal products for commercial purposes, where
40 that use, at the time the property in question was acquired by the

1 owner, was consistent with applicable general plan and zoning
2 requirements. For purposes of this paragraph, a legal
3 nonconforming use shall not be deemed to be consistent with
4 applicable general plan and zoning requirements.

5 (1)

6 (2) "Conveyance" means a transfer of real property, whether
7 by sale, lease, gift, franchise, or otherwise.

8 (2)

9 (3) "Local government" means any city, including a charter
10 city, county, city and county, school district, special district,
11 authority, regional entity, redevelopment agency, or any other
12 political subdivision within the State.

13 (3)

14 (4) (A) "Owner-occupied residence" means real property that
15 is the owner's principal place of residence for at least one year
16 prior to the State or local government's initial written offer from
17 the State or local government to purchase the property and is
18 improved with either of the following:

19 (i) A single family residence that is a detached home,
20 condominium, or townhouse.

21 (ii) A duplex in which one of the two residential units is
22 occupied by the owner.

23 (B) "Owner-occupied residence" also includes a residential
24 dwelling unit attached to or detached from the single family
25 residence, if the attached dwelling unit provides complete
26 independent living facilities for one or more persons.

27 (4)

28 (5) "Person" means any individual or association, or any
29 business entity, including, but not limited to, a partnership,
30 corporation, or limited liability company.

31 (5)

32 (6) "Public work or improvement" means facilities or
33 infrastructure for the delivery of public services such as education,
34 police, fire protection, parks, recreation, emergency medical
35 services, public health services, libraries, flood protection, streets
36 or highways, public transit, railroads, airports and seaports, utilities,
37 common carrier or other similar projects such as energy-related,
38 communication-related, water-related and wastewater-related
39 facilities or infrastructure, and projects identified by a State or
40 local government for recovery from natural disasters.

1 (6)

2 (7) "Small business" means a business employing no more than
3 the equivalent of ~~25~~ 50 full-time employees, but does not include
4 the owner of the real property that is acquired if the primary
5 business of that owner is to lease the real property to others.

6 (7)

7 (8) "State" means the State of California and any of its agencies
8 or departments.

9 ~~(j) Subdivisions (b), (c), and (e)~~

10 (k) ~~Subdivisions (b), (c), (e), and (f)~~ do not apply when the State
11 or a local government exercises the power of eminent domain for
12 the purpose of protecting public health and safety; preventing
13 serious, repeated criminal activity; responding to an emergency;
14 or remedying environmental contamination that poses a threat to
15 public health and safety.

16 Second—Paragraph (2) of subdivision (a) of, and subdivisions
17 (b) to ~~(j)~~ (k), inclusive, of, Section 19 of Article I of the California
18 Constitution, which would be added by this measure, do not apply
19 to the acquisition of real property if the initial written offer to
20 purchase the property was made on or before January 1, 2008, and
21 a resolution of necessity to acquire the real property by eminent
22 domain was adopted on or before December 31, 2008.

23 Third—The words and phrases used in paragraph (2) of
24 subdivision (a) of, in subdivisions (b) to ~~(h)~~ (i), inclusive, of, and
25 in subdivision ~~(j)~~ (k) of, Section 19 of Article I of the California
26 Constitution, which would be added by this measure, and which
27 would not be defined in subdivision ~~(i)~~ (j) of that section, shall be
28 defined and interpreted in a manner that is consistent with the law
29 in effect on January 1, 2007, and as that law may be amended or
30 construed thereafter.

31 Fourth—Paragraph (2) of subdivision (a) of, and subdivisions
32 (b) to ~~(j)~~ (k), inclusive, of, Section 19 of Article I of the California
33 Constitution, which would be added by this measure, shall be
34 liberally construed in furtherance of their intent to provide
35 homeowners, small businesses, *farms*, and houses of worship with
36 protection against exercises of eminent domain in which property
37 is subsequently conveyed to a private person.

38 Fifth—The provisions of this measure are severable. If any
39 provision of this measure or its application is held invalid, that

- 1 invalidity shall not affect other provisions or applications that can
- 2 be given effect without the invalid provision or application.

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AMENDED IN SENATE JULY 18, 2007

AMENDED IN SENATE JUNE 5, 2007

AMENDED IN ASSEMBLY APRIL 24, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 887

**Introduced by Assembly Member De La Torre
(Principal coauthors: Assembly Members Huffman, Jones, and
Mullin)**

February 22, 2007

An act to add Sections 33391.5 and 33415.5 to the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

AB 887, as amended, De La Torre. Redevelopment: eminent domain: relocation assistance.

(1) The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities for the purposes of addressing the effects of blight, as defined. A redevelopment agency is authorized to employ various methods for the acquisition of real property for redevelopment, including acquisition by eminent domain.

This bill would require a redevelopment agency, on and after January 1, 2008, to comply with certain notification requirements prior to adopting a resolution of necessity for the purposes of acquiring property by eminent domain, and within a specified time prior to taking certain ~~action~~ *actions* relating to redevelopment.

(2) The Community Redevelopment Law requires a redevelopment agency to provide relocation assistance to persons and families displaced by redevelopment.

This bill would require a redevelopment agency to provide certain relocation assistance to small businesses that are displaced by redevelopment and do not participate in the redevelopment project.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33391.5 is added to the Health and Safety
2 Code, to read:

3 33391.5. (a) On and after January 1, 2008, an agency shall
4 comply with this section prior to adopting a resolution of necessity
5 under Article 2 (commencing with Section 1245.210) of Chapter
6 4 of Title 7 of Part 3 of the Code of Civil Procedure to acquire
7 property by eminent domain.

8 (b) The agency shall mail by first-class mail to the owner and
9 tenant of each parcel of real property within the area that may be
10 subject to acquisition by the agency the notice described in
11 subdivision (c) at least 45 days prior to taking any of the following
12 actions:

13 (1) A solicitation for the redevelopment of any portion of the
14 project area through a request for proposals, a request for
15 qualifications, or any other similar method.

16 (2) The approval of an agreement to negotiate exclusively, or
17 any other agreement having the effect of limiting the negotiation
18 for the sale or lease of specified real property to an identified party
19 or parties where the agency has not previously notified property
20 owners and tenants pursuant to paragraph (1).

21 (3) The approval of a disposition and development agreement,
22 an owner participation agreement, or any other agreement having
23 the effect of obligating the agency to acquire or consider the
24 acquisition of real property for conveyance to a private person or
25 entity where the agency has not previously notified property owners
26 and tenants pursuant to paragraph (1) or (2).

27 (c) The notice required under subdivision (b) shall state all of
28 the following:

29 (1) Describe the proposed action.

30 (2) Explain the agency's obligation to do the following:

31 (A) Provide reasonable opportunities for participation in the
32 redevelopment of property in the project area by the owners of all

1 or part of the property if the owners agree to participate in the
2 redevelopment in conformity with the redevelopment plan.

3 (B) Extend reasonable preferences to persons who are engaged
4 in business in the project area to reenter business within the
5 redeveloped area if they otherwise meet the requirements
6 prescribed by the redevelopment plan.

7 (3) Invite the owner and tenant to submit to the agency any of
8 the following:

9 (A) A proposal to redevelop the owner's or tenant's real
10 property, or any other real property within the project area, or any
11 combination thereof, in conformity with the redevelopment plan,
12 including, but not limited to, any design for development, any
13 design guidelines, or any other development criteria adopted by
14 the agency pursuant to the redevelopment plan, together with a
15 description of the owner's or tenant's development experience,
16 qualifications, and financial resources.

17 (B) A proposal to reenter business within the redeveloped area.

18 (4) Notify any small business owner of the agency's obligation
19 to pay certain ~~attorneys~~ *attorney's* fees, as required under
20 subdivision (g).

21 (5) Provide the owner and tenant with a minimum of 30 days
22 from the date of the written notification to respond.

23 (d) ~~The notice required under subdivision (b) shall be mailed~~
24 ~~to property owners and tenants as shown on the records of the~~
25 ~~county assessor and to those other tenants who have requested the~~
26 ~~to all property owners and tenants. The agency shall mail the~~
27 ~~notice to all property owners and tenants as shown on the records~~
28 ~~of the county assessor. The agency shall mail the notice to all~~
29 ~~tenants when the agency can obtain the mailing addresses at a~~
30 ~~reasonable cost. The agency may address these notices to tenants~~
31 ~~to "occupant." The agency shall also mail the notice to any other~~
32 ~~person who has previously requested the notice in writing. If the~~
33 ~~agency has acted in good faith to comply with the notice~~
34 ~~requirements of this section, the failure of the agency to provide~~
35 ~~the required notice to owners or tenants unknown to the agency~~
36 ~~shall not invalidate any subsequent action of the agency.~~

37 (e) (1) Prior to authorizing the execution of an agreement to
38 negotiate exclusively, a disposition and development agreement,
39 an owner participation agreement, or any similar agreement, the
40 agency shall consider in good faith and either accept or reject a

1 proposal submitted by an owner or tenant in response to the
2 notification required by subdivision (b). The acceptance or rejection
3 shall be based upon objective criteria, which may include, but are
4 not limited to, any of the following:

5 (A) The extent to which the proposal would further the purposes
6 or objectives of the agency as set forth in the redevelopment plan
7 or in any design for development, design guidelines, or other design
8 or development criteria adopted by the agency pursuant to the
9 redevelopment plan.

10 (B) Conformity of the proposal with the agency's adopted owner
11 participation rules.

12 (C) The owner's or tenant's experience, qualifications, and
13 financial resources.

14 (2) In addition to the objective criteria listed in paragraph (1),
15 the agency may consider the need to assemble multiple parcels
16 into sites large enough to accommodate modern development
17 patterns, the conversion of property from private to public use,
18 and any other factors that have the effect of reducing the number
19 of, or limiting the type of, owner participation or business reentry
20 opportunities.

21 (f) The agency may adopt developer selection guidelines that
22 establish reasonable preferences for nonprofit developers of
23 residential and mixed-use developments that include housing
24 affordable to persons and families of low and moderate income.

25 (g) (1) A small business to which an agency is required to give
26 notice pursuant to subdivision (b) shall receive from the agency
27 its reasonable attorney's fees actually incurred, not to exceed five
28 thousand dollars (\$5,000), for advising the small business owner
29 or tenant concerning any of the following:

30 (A) The preference extended to businesses to reenter into
31 business within the redeveloped area.

32 (B) The opportunity afforded owners and tenants to participate
33 in the redevelopment of the project area in accordance with the
34 redevelopment plan.

35 (C) The proposed action described in the notice.

36 (2) The agency shall make the payment required under this
37 subdivision to the small business upon receipt of an itemized
38 statement describing the services performed and fees charged by
39 the attorney.

1 (h) For the purposes of this section, “small business” means a
2 business employing no more than the equivalent of 25 full-time
3 employees. “Small business” does not include the owner of real
4 property acquired by the agency, if the primary business of that
5 owner is to lease the real property to others.

6 (i) This section does not apply to property to be acquired for
7 use for a public work or improvement, and to property to be
8 acquired for private uses incidental to, or necessary for, the public
9 work or improvement.

10 SEC. 2. Section 33415.5 is added to the Health and Safety
11 Code, to read:

12 33415.5. (a) If an agency acquires real property for conveyance
13 to a private person or entity that will result in the displacement of
14 a small business, and the small business does not participate in the
15 project, all of the following shall apply:

16 (1) If the small business relocates, the small business shall be
17 paid the actual and reasonable expenses necessary to reestablish
18 the small business, but not to exceed fifty thousand dollars
19 (\$50,000), in addition to one of the following:

20 (A) An amount that will compensate a displaced small business
21 tenant for the increased cost of renting a comparable replacement
22 business location for a period not to exceed three years.

23 (B) An amount that will compensate a displaced small business
24 property owner for any increased interest costs that the owner is
25 required to pay for financing the acquisition of a comparable
26 replacement business location for a period not to exceed three
27 years.

28 (2) If the small business does not relocate, the owner of the
29 small business may elect to be paid one of the following:

30 (A) A payment that is equivalent in amount to that authorized
31 under subdivision (c) of Section 7262 of the Government Code.

32 (B) An amount equal to the fair market value of the small
33 business.

34 (C) An amount equal to 125 percent of the fair market value of
35 the business, if the small business demonstrates to the satisfaction
36 of the agency that it cannot be relocated and remain economically
37 viable.

38 (3) A small business may receive payment under either
39 paragraph (1) or paragraph (2), but shall not receive payment under
40 both of those paragraphs.

- 1 (b) The payment required under this section shall not duplicate
- 2 any other compensation received by the small business tenant or
- 3 owner for the same purpose under Chapter 16 (commencing with
- 4 Section 7260) of Division 7 of Title 1 of the Government Code or
- 5 Title 7 (commencing with Section 1230.010) of Part 3 of the Code
- 6 of Civil Procedure.
- 7 (c) For the purposes of this section, "small business" means a
- 8 business having 25 or fewer full-time equivalent employees. "Small
- 9 business" does not include the owner of real property acquired by
- 10 the agency, if the primary business of that owner is to lease the
- 11 real property to others.

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C/CAG AGENDA REPORT

Date: March 13, 2008
TO: C/CAG Board of Directors
From: Richard Napier- C/CAG
Subject: Presentation on the Regional Water Quality Control Board (RWQCB) March 11, 2008 hearing on the Water Pollution Program permit.

(For further information or response to question's, contact Richard Napier at 650 599-1420)

Matt Fabry, Program Manager of Water Pollution Program, and Richard Napier, C/CAG Executive Director, will provide a report on the Regional Water Quality Control Board (RWQCB) March 11, 2008 hearing on the Water Pollution Program permit. The Board's objective at the meeting was to take testimony on the permits. The Board has scheduled action for a future meeting. The objective of C/CAG was to get the Board Members to direct staff to work with municipalities to modify, prioritize, and phase the proposed requirements consistent with water quality goals and municipal resource limitations.

Attachment: Municipal Regional Stormwater Permit Hearing Talking Points

ITEM 5.2

Municipal Regional Stormwater Permit Hearing
March 11, 2008
Talking Points

Meeting Info: March 11, 2008, starting at 9:00 am
Elihu M. Harris State Building, First Floor Auditorium
1515 Clay Street, Oakland
(BART accessible from City Center BART station)

Length of Presentations: The San Francisco Bay Regional Water Quality Control Board (Water Board) members typically limit presentations to about 3 minutes, but they may allow some extra time as a courtesy to elected officials.

Purpose for the Hearing: The Water Board is soliciting testimony on the formal draft version of the Municipal Regional Stormwater permit (MRP) released for public comment in December 2007. No decision on adopting the permit will be made at this hearing. The Water Board will consider adopting the permit at a subsequent hearing.

Key Players:

Regional Water Board – The Water Board consists of nine members appointed by the Governor. Currently there are three vacancies on the Board, including the two municipal government seats.

Non-Governmental Organizations – The two biggest are Save the Bay and Baykeeper. Save the Bay has orchestrated state and federal legislators submitting support letters for trash and litter control in the MRP and Baykeeper continues to push for numeric limits on stormwater pollutants and additional monitoring requirements.

What We Want to Accomplish:

1. Educate the Water Board members about the major problems in the draft permit.
2. Propose solutions for the problematic provisions.
3. Recommend Water Board staff work with municipalities to resolve issues.
4. Participate in hearing to protect municipalities' legal rights in case permit is appealed to the State Water Resources Control Board or litigated.

GENERAL TALKING POINTS (Recommended for Elected Official Testimony)

1. Municipalities support water quality protection
 - a. Cities have made substantial commitments to improving stormwater quality since the Water Board adopted the first 8-page permit for San Mateo municipalities in 1993.
 - b. Our 2006/07 Fact Sheet (attached) contains numerous examples of the Countywide Program's achievements.
 - c. Municipalities have practical knowledge about stormwater management. Permit should provide flexibility for municipalities to use that knowledge to identify and implement cost-effective solutions for water quality problems appropriate for their jurisdiction.
2. Municipalities and Water Board staff need to work together to maximize efficient use of limited public resources for managing urban runoff.

3. Municipalities have limited ability to increase funding for stormwater programs due to Proposition 218 restrictions. Grant funds do not typically provide an ongoing source of revenue. The State's fiscal crisis threatens to reduce municipal funding even more.
4. Municipalities have spent more than three years on the MRP development process and remain committed to working through the Water Board's permit development process.
5. Permit requirements need to be prioritized, phased, flexible, and cost-effective:
 - a. The highest priority for this permit should be addressing total maximum daily loads for mercury, PCBs and other pollutants impairing the bay.
 - b. A phase-in period is essential for new permit requirements to secure adequate resources for implementation.
 - c. Many proposed provisions are overly prescriptive, inflexible, or unnecessarily costly.
6. Water Board members should provide direction to staff on permit priorities, providing adequate phase-in periods, and removing overly-prescriptive and unnecessarily-costly permit requirements.
7. Permit adoption should not be considered until there are municipal government representatives appointed to the Water Board.

DETAILED TALKING POINTS (Recommended for Technical Staff Testimony)

1. Eliminate or Significantly Modify Unnecessarily-Costly Permit Requirements

Issue: The proposed permit contains some permit requirements that are big ticket items that do not merit what they will cost. The following provides examples.

- **Public Street Rehabilitation, Resurfacing and Repaving:**

Issue: The proposed permit will require that any arterial roads that are rehabilitated down to the gravel base in amounts 10,000 square feet or larger have a stormwater treatment installed to treat runoff from the rehabilitated portion of the road. The current permit allows municipalities to repair their roads without triggering expensive requirements to retrofit stormwater treatment systems into the road system.

1. Municipalities will be able to afford even less roadway maintenance if permanent stormwater treatment systems must be installed and maintained in perpetuity every time 10,000 square feet or more of pavement in an existing arterial street is repaired.
2. The current permit language should be retained in the new permit. This language excludes from stormwater treatment "... pavement surfacing, repaving and road pavement structural section rehabilitation, within the existing footprint, and any other reconstruction work within a public right-of-way where both sides of the right-of-way are developed" (Provision C.3.c.i.3).
3. The San Mateo Program has initiated a Sustainable Green Streets and Parking Lots program to provide technical information and financial support to encourage a few demonstration projects for retrofitting stormwater controls on public streets and parking lots. Any decisions about retrofitting streets with stormwater treatment should wait until after this work has been completed in several years.

- **Monitoring:**

Issue: The proposed amount of monitoring is too extensive and unaffordable. The proposed monitoring does not have a clear benefit to improving stormwater programs.

1. The proposed permit contains many expensive new monitoring requirements that will have little benefit to implementing stormwater controls. Examples are:
 - a. annual long-term trends monitoring of creek water and sediment;
 - b. monitoring projects (including best management practices effectiveness investigations, pump station monitoring, and studies that will be triggered by the results of status monitoring); and
 - c. pollutants of concern monitoring.
2. The proposed monitoring will increase the countywide monitoring costs about 2.5 fold without any clear reason for making this large leap in monitoring.
3. Monitoring should be assigned a low priority because most of the monitoring will not lead to improving water quality.
4. The San Mateo Countywide Water Pollution Prevention Program and its municipalities currently spend a reasonable amount on monitoring totaling about \$315,000 per year. Monitoring is done through the following:
 - a. Contributions to the Regional Monitoring Program (about \$84,000 per year);
 - b. Payment of a monitoring surcharge as part of each municipality's annual permit fees (the monitoring surcharge totals about \$28,500 per year);
 - c. Watershed assessment and monitoring work conducted by the Program countywide (approximately \$203,000 per year).
5. It is recommended that the permit be revised to require that the municipalities develop a scaled-down monitoring plan following adoption of the permit.

2. Reduce, Simplify and Add Flexibility to Overly Prescriptive Permit Requirements

Issue: The proposed permit contains numerous very detailed requirements, including time consuming requirements for recordkeeping and reporting that have no clear management objective and are based on reinventing existing stormwater programs. The following provides some examples:

- **Exempt and Conditionally Exempted Non-Stormwater Discharges**

Issue: The level of water quality testing, reporting, and record keeping for minor types of non-stormwater discharges allowed by the permit is impractical and unproductive.

1. The permit proposes that the municipality become responsible for expensive testing of discharges by third parties, such as residents' foundation drains and crawl space pumps and discharges by potable water utilities, regardless of whether these discharges flow to the municipal storm drain.
2. The permit proposes detailed reporting and record keeping including requirements to notify the Water Board if discharges exceed a certain flow rate.
3. These minor types of discharges do not merit this level of regulation contained in the proposed permit. If the Water Board believes these discharges are a high priority, it should

adopt a General Permit for these minor types of discharges so that municipalities do not have to be responsible for third parties meeting these very expensive and burdensome requirements.

4. The Water Board should continue to allow the use of the permit amendment that it adopted in San Mateo's permit in 2004. This amendment describes San Mateo Countywide Pollution Prevention Program's practical approach for using best management practices and implementation procedures for minor types of non-stormwater discharges that are conditionally exempted from the permit's discharge prohibition.

- **New Development and Redevelopment Requirements**

Issue: The proposed permit contains numerous requirements that are too inflexible and would result in projects that are not as green as they should be.

1. The City/County Association of Governments' transit oriented development program has helped communities build more housing near rail stations. This program won U.S.EPA's National Award for Smart Growth Achievement in 2002.
2. The current permit excludes stormwater treatment for "sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features" in order to promote alternative modes of transportation.
 - a. The proposed permit requires that stormwater treatment be included for new and replaced sidewalks, bicycle lanes, and trails.
 - b. This creates a disincentive to implement these types of projects, and the cost of providing stormwater treatment would result in fewer of these projects being built.
 - c. Burdening the requirements for projects that promote walking and bicycling with stormwater treatment will encourage more greenhouse gas emissions. The reduction of greenhouse gas emissions is a state priority that the Water Board should support.
 - d. We recommend that the current exclusions from stormwater treatment for sidewalks, bicycle lanes, and trails continue to be allowed.
3. The proposed permit also requires that all regulated projects minimize the impervious footprint of the project. In some locations, such as heavily urbanized areas with good transportation and other infrastructure, more impervious surface should be encouraged as a way to lessen sprawl in outlying locations.
4. The proposed permit would allow that alternative compliance with the stormwater treatment requirements be allowed for new infill projects that are one acre or less in size. This good idea should be expanded to allow the use alternative compliance for infill projects that are larger than one acre in size.
5. The proposed permit establishes caps on allowable parking spaces and density for residential development to be considered transit oriented development and qualify for alternative compliance with stormwater treatment. The requirements in the proposed permit are too inflexible and the Water Board should not be involved in this level of detail of land use decisions. (The proposed permit requires at least 30 residential units per acre, no more than one parking space per residential development, and be within one-half mile of a transit station to qualify as transit oriented).
6. The proposed permit imposes requirements that are too inflexible and will have the unintended consequence of, in some cases, promoting policies that are contrary to low impact development and long-term sustainability.

- **Industrial and Commercial Site Controls**

Issue: The requirements for doing industrial and commercial inspections are overly prescriptive in a number of ways that will lead to less efficient stormwater controls.

1. Conducting inspections of commercial and industrial businesses has been a well institutionalized part of the stormwater pollutant control program for 14 years. About 22,000 inspections have been conducted during this period.
2. The proposed permit will take away some of the flexibility and judgment that inspectors have had on which businesses need inspections.
3. Permit will require that all businesses that store hazardous chemicals or wastes be inspected annually, when this type of decision should be left up to the inspectors based on their local knowledge of businesses and how best to allocate their time. There should be flexibility about what businesses are inspected and how frequently - similar to what is currently and successfully being implemented.
4. The proposed permit will require that municipalities inspect mobile businesses who operate within the municipality. We recommend that municipalities only have to inspect mobile businesses whose principle place of business is located in a municipality because it would be impossible to inspect every mobile business that might show up in a municipality.
5. The proposed permit would require annual inspection of open and closed landfills regardless of whether they discharge to the municipality's separate storm sewer system. The Water Board staff already regulates these facilities under permits and should continue to have the lead role in controlling stormwater runoff from landfills.
6. The proposed permit would require that municipalities inspect businesses annually that have coverage under the State Water Resources Control Board's Industrial General Permit. The State Water Resources Control Board is collecting over \$1.1 million per year as fees from these businesses and should have the primary role for their inspection and checking that best management practices are being implemented to curtail stormwater pollutants.

- **Record Keeping and Permitting**

Issue: The permit proposes overly burdensome recording keeping and reporting requirements that consist of a 124-page annual reporting form that includes 57 attached reporting tables and ancillary reporting forms.

1. The inclusion of such a detailed reporting form with the permit sends the wrong message to municipalities and stakeholder that the contents of the permit have already been decided.
2. The reporting form is in some cases inconsistent with the proposed permit and often requires more information than is required to be reported in a specific permit section.
3. The overly detailed recordkeeping and reporting is unnecessary and is unrelated to achieving any defined management objective.
4. Municipal staff time needed to collect and report this amount of information would be better used in helping to implement stormwater pollution prevention and control requirements.
5. The reporting form for the permit should be developed after the permit has been adopted.
6. The reporting form should be limited to 10 to 20 pages of essential information.

3. Allow Phase In Period Tied to Availability of Funding for New, Worthwhile Permit Requirements

Issue: Some of the new, worthwhile permit requirements should be phased in over the entire five-year permit period and possibly subsequent permit periods given their costs and the uncertainties associated with obtaining revenue for their implementation.

4. PCBs, Mercury,

Issue: The proposed permit proposes permit requirements will require additional sources of funding.

1. The total maximum daily load for mercury was adopted by U.S. EPA in February 2008, and Water Board approved a TMDL for PCBs at its meeting last month.
2. In order to focus on these TMDL pollutants, less emphasis should be placed on other aspects of the permit.
3. Municipalities do not have the fiscal resources to abate non-municipality owned contaminated property or municipally owned property that has been contaminated by releases of PCBs and mercury from private properties.
4. The San Mateo Countywide Clean Water Program notified the Water Board staff in June 2003 about four potential sources of PCBs to municipal storm drains in San Carlos, and our understanding is that Water Board staff are just beginning to evaluate whether these sources were contributing to elevated concentrations in nearby storm drains.
5. The proposed permit requires the implementation by July 2011 of sediment and pollutant removal measures that have been shown to be effective in pilot studies. This five-year permit term should focus on conducting pilot studies and the next permit period should begin to address the implementation of proven measures that have been shown to be cost-effective.
6. The requirements to divert stormwater pump station flows to the sanitary sewer should be removed from this permit. It is premature to require these diversions when the results of a feasibility study are not yet available. A feasibility study is needed to determine whether pump station diversions would be a cost-effective and acceptable way to remediate PCBs and mercury.

6. Trash and Litter Reduction

Issue: The proposed permit requires a very prescriptive and expensive method of controlling trash and litter to better protect water quality.

1. Trash and litter are not listed as pollutant impairing local waterways in San Mateo County.
2. Municipalities currently spend a lot of time on trash and litter control.
3. Some of the sources of trash and litter are not under local control, such as Caltrans controlled roadways and schools.
4. The proposed permit should be modified to allow flexibility in addressing trash and litter control problems so that cost-effective solutions may be appropriately tailored.
5. The San Mateo Countywide Water Pollution Prevention Program believes the permit should require that each municipality select one trash problem area in an urban creek or lagoon impacted by its municipal separate storm sewer system, and implement an appropriate solution

or require the responsible parties to implement a solution. Selection of problem areas would be informed by the San Mateo Countywide Water Pollution Prevention Program's urban creek walks and trash assessments.

6. The San Mateo Countywide Water Pollution Prevention Program is preparing to implement sustainable green streets and parking lot demonstration projects. These projects will have an impact on controlling trash and litter, and the permit should be modified to allow a municipality to meet its trash and litter requirements by implementing one of these types of projects.

C/CAG AGENDA REPORT

Date: March 13, 2008

TO: C/CAG Board of Directors

From: Richard Napier- C/CAG Executive Director

Subject: Status Report on the Smart Corridors Traffic Light Synchronization Program (TLSP) application and approval of Resolution 08-07 authorizing the C/CAG staff to fund up to \$1M from the San Mateo County Congestion Relief Program and up to \$1M from the C/CAG Motor Vehicle Fee Program for a total of up to \$2M and to authorize working with the Transportation Authority to get an additional \$3M to provide a total local match of \$5M for the Smart Corridors Project.

(For further information or response to question's, contact Richard Napier at 650 599-1420)

Recommendation:

Accept the status report on the Smart Corridors Traffic Light Synchronization Program (TLSP) application and adoption of Resolution 08-07 authorizing the C/CAG staff to fund up to \$1M from the San Mateo Congestion Relief Program and up to \$1M from the C/CAG Motor Vehicle Fee Program for a total of up to \$2M and to authorize working with the Transportation Authority to get an additional \$3M to provide a total local match of \$5M for the Smart Corridors Project in accordance with the staff recommendation.

Fiscal Impact:

Commit up to \$2M for local match for the Proposition 1B application. Not included in the adopted C/CAG budget.

Source of Funds:

Up to \$1M from the San Mateo Congestion Relief Program and up to \$1M from the C/CAG Motor Vehicle Fee Program for a total of up to \$2M.

Background:

At the February C/CAG Board meeting the Board authorized staff to submit an application for the Smart Corridors Project for Proposition 1B funding. C/CAG staff has been working with Caltrans District 4, Caltrans Headquarters, and California Transportation Commission Staff to advance a project that will be competitive. These agencies feel that the C/CAG project should be competitive. There is only \$100M statewide for the Traffic Light Synchronization Program (TLSP) so it will be highly competitive. C/CAG will be asking for \$10M and will make it clear that it can be scaled to \$5M.

ITEM 5.3

TLSP Local Match:

C/CAG programmed \$10M as a local match in the 2008 State Transportation Improvement Program (STIP) for the Smart Corridors Project. Unfortunately the approved California Transportation Commission (CTC) application guide-lines does not consider STIP funds as a local match. The local match is worth 20 points so it is important to show a local match. Therefore, C/CAG staff has worked with the Transportation Authority staff to do a swap of \$3M that will identify local sales tax as the match. This will be a zero sum to the Transportation Authority and the County since the \$3M will then be paid back with \$3M in State Transportation Improvement Program Funds. The Transportation Authority will identify the project to be funded by the STIP funds. It is requested that the C/CAG Board authorize staff to work with the Transportation Authority staff to get \$3M for a local match. See the attached Transportation Authority Staff Report Dated 3/06/08.

In order to achieve up to a 50% local match, C/CAG would need to have \$5M to match the \$10M in TLSP funds requested. Since \$3M has been identified through the Transportation Authority, \$2M in additional funds needs to be identified by C/CAG. It is requested that the Board Adopt Resolution 08-07 authorizing the C/CAG staff to fund up to \$1M from the San Mateo Congestion Relief Program and up to \$1M from the C/CAG Motor Vehicle Fee Program up to a total of \$2M. In the application C/CAG staff will put in the minimum matching funds necessary to get the maximum score of 20 points.

TLSP Application Funding:

The proposed funding for the Smart Corridors Project is as follows.

Oversight	\$ 0.3M	TA Swap	\$ 3M (Paid back by the STIP)
Engineering	\$ 2.7M	C/CAG	\$ 2M
Construction	\$17.0M	STIP	\$ 5M
		TLSP	\$10M
Project Cost	\$20.0M	Total Funding	\$20M

Attachments:

Transportation Authority Staff Report Dated 3/06/08
Resolution 08-07

Alternatives:

- 1- Accept the status report on the Smart Corridors Traffic Light Synchronization Program (TLSP) application and adoption of Resolution 08-07 authorizing the C/CAG staff to fund up to \$1M from the San Mateo Congestion Relief Program and up to \$1M from the C/CAG Motor Vehicle Fee Program for a total of up to \$2M and to authorize working with the Transportation Authority to get an additional \$3M to provide a total local match of \$5M for the Smart Corridors Project in accordance with the staff recommendation.

- 2- Accept the status report on the Smart Corridors Traffic Light Synchronization Program (TLSP) application and adoption of Resolution 08-07 authorizing the C/CAG staff to fund up to \$1M from the San Mateo Congestion Relief Program and up to \$1M from the C/CAG Motor Vehicle Fee Program for a total of up to \$2M and to authorize working with the Transportation Authority to get an additional \$3M to provide a total local match of \$5M for the Smart Corridors Project in accordance with the staff recommendation with modifications.
- 3- No action.

**SAN MATEO COUNTY TRANSPORTATION AUTHORITY
STAFF REPORT**

TO: Transportation Authority

THROUGH: Michael J. Scanlon
Executive Director

FROM: Ian McAvoy
Chief Development Officer

SUBJECT: **AUTHORIZE A \$3,000,000 INCREASE TO THE 2008 FISCAL YEAR OPERATING BUDGET, AND AUTHORIZE ENTERING INTO A FUNDING AGREEMENT WITH THE CITY/ COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) TO ALLOCATE \$3,000,000 OF MEASURE A FUNDS IN ORDER TO FUND THE ALTERNATE ROUTE INCIDENT MANAGEMENT PLAN**

ACTION

Staff proposes that the Board approve the following:

1. Authorize an amendment to increase the Transportation Systems Management line item of the Fiscal Year 2008 Operating Budget by the amount of \$3,000,000.
2. Authorize the Executive Director or his designee to enter into a funding agreement with C/CAG by which the Authority will allocate \$3,000,000 from the Transportation Systems Management line item to C/CAG to fund the Alternative Route Incident Management Plan in exchange for C/CAG, at a later date, making available \$3,000,000 of State Transportation Improvement Program funding for a future Authority project.

SIGNIFICANCE

On February 14, 2008, the California Transportation Commission adopted the guidelines for the Traffic Light Signalization Program (TLSP), which is a \$250,000,000 program included in Proposition 1B approved by the voters in November 2006. Higher priority and an increased likelihood of securing funding through this program will be given to those candidate projects that have a financial contribution from a local agency. Projects to be considered for funding through this program must be submitted by March 28, 2008.

As part of the San Mateo County Congestion Relief Plan, C/CAG and the Transportation Authority have been working together on the Alternative Route Incident Management Plan (ARIMP) that would help mitigate congestion impacts and reduce vehicle hours of delay in the event of a major incident on the US 101 highway corridor. The ARIMP has established alternative routes that would be used during major incidents on US 101. Through a series of traffic monitoring and controlling elements along designated local streets and roads, the transportation system network would adapt to the shift in traffic volume on parallel alternative routes (see attached). Additionally, this project will improve the traffic flow on the local streets and overall efficiency of the roadway network. The estimated cost for the proposed project is \$20,000,000.

C/CAG has requested \$3,000,000 of Measure A funding for the project. In exchange for this Measure A contribution, C/CAG will make available an equal amount of State Transportation Improvement Program (STIP) funding to the TA in the future. C/CAG proposes applying for \$10,000,000 of TLSP funding with the balance necessary to fully fund the ARIMP coming from other State and non-Measure A local funding.

Both C/CAG and the TA staff believe the ARIMP would result in significant benefits and compete well for the TLSP funding.

BUDGET IMPACT

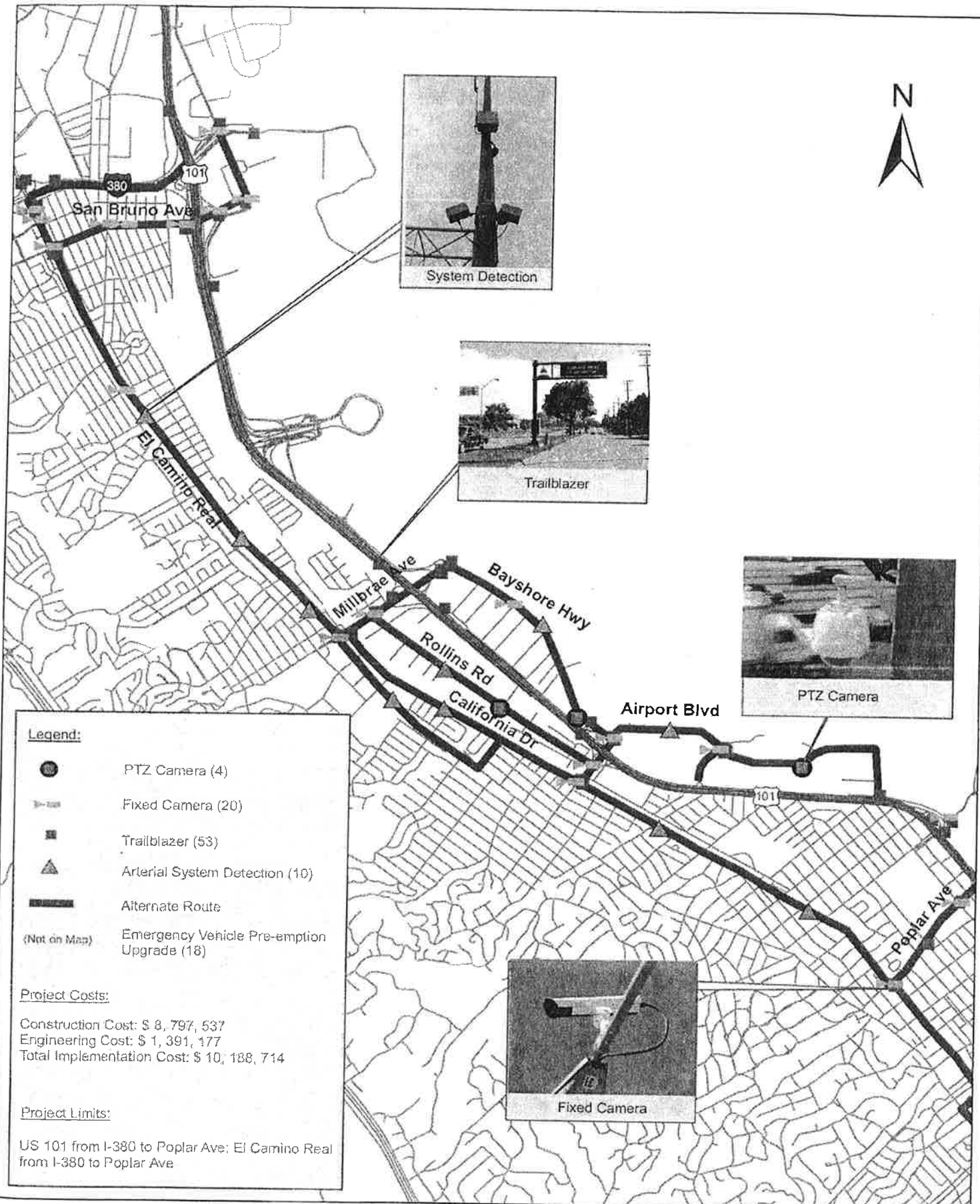
The proposed allocation will require an increase in the FY08 budget by the amount of \$3,000,000. This allocation is conditioned upon the commitment that C/CAG will make available an equal amount of State Transportation Improvement Program (STIP) funding for a future TA Project.

BACKGROUND

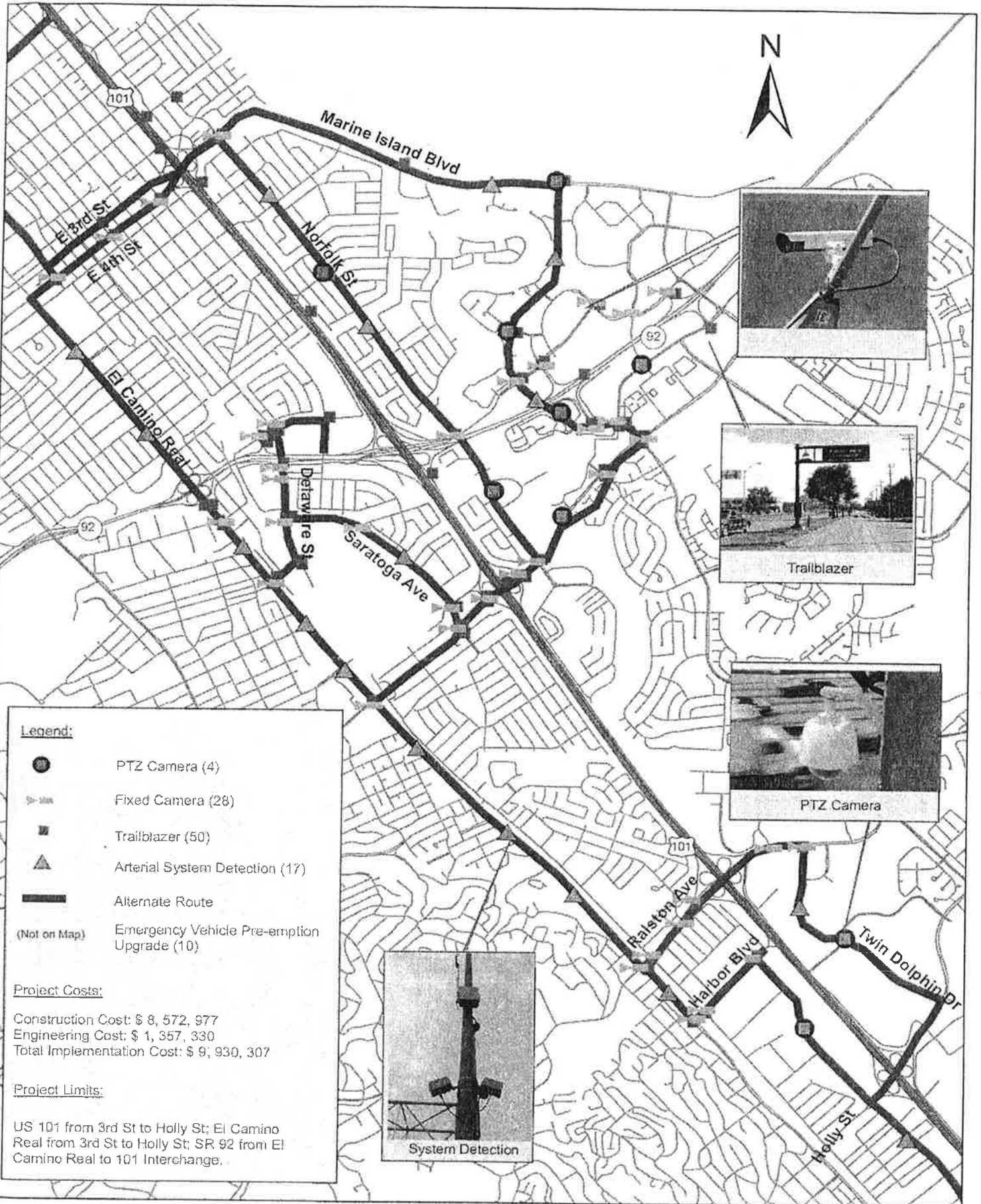
In November 2006, voters passed the Proposition 1B Infrastructure Bond. One of the programs set aside \$250 million for the Traffic Light Synchronization Program. The TLSP focuses on synchronization of local streets and roads with an emphasis on those that benefit the highway system.

The San Mateo County Congestion Relief Plan is a cooperative effort by the City/County Association of Governments of San Mateo County and 21 local jurisdictions, Caltrans, California Highway Patrol (CHP), and countywide and regional transportation agencies. An Incident Management Committee was established to evaluate and strategize projects that can be implemented in San Mateo County to manage traffic congestion during incidents. The program focuses on increasing the coordination between Caltrans, CHP, local agency public safety, and local agency public works staff during freeway incidents when it is desirable to direct traffic off the freeway and onto an alternative route on local streets.







Prepared by: Joseph M. Hurley, Director, Transportation Authority Program 650-508-7942



SAN MATEO COUNTY SMART CORRIDORS PROGRAM



Legend:

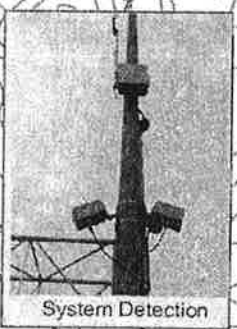
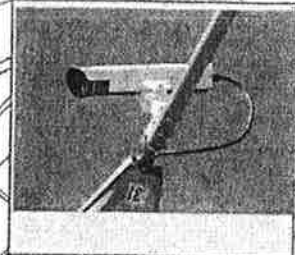
-  PTZ Camera (4)
-  Fixed Camera (28)
-  Trailblazer (50)
-  Arterial System Detection (17)
-  Alternate Route
-  (Not on Map) Emergency Vehicle Pre-emption Upgrade (10)

Project Costs:

Construction Cost: \$ 8, 572, 977
 Engineering Cost: \$ 1, 357, 330
 Total Implementation Cost: \$ 9, 930, 307

Project Limits:

US 101 from 3rd St to Holly St; El Camino Real from 3rd St to Holly St; SR 92 from El Camino Real to 101 Interchange.



SAN MATEO COUNTY SMART CORRIDORS PROGRAM

RESOLUTION NO. 2008 –

**SAN MATEO COUNTY TRANSPORTATION AUTHORITY
STATE OF CALIFORNIA**

AUTHORIZE A \$3,000,000 INCREASE TO THE 2008 FISCAL YEAR OPERATING BUDGET, AND AUTHORIZE ENTERING INTO A FUNDING AGREEMENT WITH C/CAG TO ALLOCATE \$3,000,000 OF MEASURE A FUNDS IN ORDER TO FUND THE ALTERNATE ROUTE INCIDENT MANAGEMENT PLAN

WHEREAS, on June 7, 1988, the voters of San Mateo County approved a ballot measure known as “Measure A,” which increased the local sales tax in San Mateo County by 1/2 percent with the new tax revenues to be used for highway and transit improvements pursuant to the Transportation Expenditure Plan presented to the voters; and

WHEREAS, the Transportation Expenditure Plan included funding for congestion relief within San Mateo County; and

WHEREAS, the Authority and the City/County Association of Governments of San Mateo County (C/CAG) have been jointly funding the Countywide Congestion Relief Plan; and

WHEREAS, the Authority and C/CAG, as part of the Countywide Congestion Relief Plan, have developed the Alternate Route Incident Management Plan (ARIMP), which is intended to mitigate congestion and reduce vehicle delay in the event of a major incident on Route 101; and

WHEREAS, staff recommends approval of the following actions:

1. Authorize an amendment to increase the Transportation Systems Management line item of the 2008 Fiscal Year Operating Budget by the amount of \$3,000,000 for a total of 2008 Fiscal Year Capital and Operating Budget of \$49,910,288.
2. Authorize the Executive Director or his designee to enter into a funding agreement with C/CAG by which the Authority will allocate \$3,000,000 from the Transportation Systems Management line item to C/CAG to fund the ARIMP in exchange for C/CAG,

at a later date, making available \$3,000,000 of State Transportation Improvement Program funding for a future Authority project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Mateo County Transportation Authority hereby authorizes the following actions:

1. Authorize an amendment to increase the Transportation Systems Management line item of the 2008 Fiscal Year Budget by the amount of \$3,000,000 for a total of 2008 Fiscal Year Capital and Operating Budget of \$49,910,288.
2. Authorize the Executive Director or his designee to enter into a funding agreement with C/CAG by which the Authority will allocate \$3,000,000 from the Transportation Systems Management line item to C/CAG to fund the ARIMP in exchange for C/CAG, at a later date, making available \$3,000,000 of State Transportation Improvement Program funding for a future Authority project; and

BE IT FURTHER RESOLVED that the Executive Director or his designee is authorized to take any additional actions necessary to give effect to this resolution.

Regularly passed and adopted this 6th day of March 2008, by the following vote:

AYES:

NOES:

ABSENT:

Chair, San Mateo County Transportation Authority

ATTEST:

Authority Secretary

RESOLUTION 08-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG STAFF TO FUND UP TO \$1M FROM THE SAN MATEO COUNTY CONGESTION RELIEF PROGRAM AND UP TO \$1M FROM THE C/CAG MOTOR VEHICLE FEE PROGRAM FOR A TOTAL OF UP TO \$2M AND TO AUTHORIZE WORKING WITH THE TRANSPORTATION AUTHORITY TO GET AN ADDITIONAL \$3M TO PROVIDE A TOTAL LOCAL MATCH OF \$5M FOR THE SMART CORRIDORS PROJECT.

WHEREAS, the City/County Association of Governments (C/CAG) is the Congestion Management Agency of San Mateo County; and,

WHEREAS, C/CAG has approved an Intelligent Transportation System Plan; and,

WHEREAS, C/CAG has developed a Smart Corridors Project to support incident management; and,

WHEREAS, C/CAG intends to submit an application for Proposition 1B (Traffic Light Synchronization Program) funding; and,

WHEREAS, local match is a significant factor in the scoring process; and,

WHEREAS, the State Transportation Improvement Program (STIP) funds do not count as a local match,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Board:

- 1- Authorizes C/CAG staff to work with the Transportation Authority staff to get \$3M for a local match.
- 2- Authorizes C/CAG staff to fund up to \$1M from the San Mateo Congestion Relief Program and up to \$1M from the C/CAG Motor Vehicle Fee Program for a total of up to \$2M for a local match.

PASSED, APPROVED, AND ADOPTED THIS 13th DAY OF MARCH 2008.

Deborah C. Gordon, C/CAG Chair

C/CAG AGENDA REPORT

Date: March 13, 2008
To: C/CAG Board of Directors
From: Congestion Management & Environmental Quality (CMEQ) Committee
Subject: Review and approval of Resolution 08-06 to endorse the Guiding Principles of the Grand Boulevard Initiative and to recommend member agencies to endorse these Guiding Principles.

(For further information or questions contact Rich Napier at 599-1420 or Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 08-06 to endorse the Guiding Principles of the Grand Boulevard Initiative and to recommend member agencies to endorse these Guiding Principles.

FISCAL IMPACT

None

SOURCE OF FUNDS

N/A.

BACKGROUND/DISCUSSION

The Guiding Principles of the Grand Boulevard Initiative have been approved and recommended by the Grand Boulevard Initiative (GBI) Task Force. They define the GBI vision, that “El Camino Real will achieve its full potential as a place for residents to work, live, shop and play, creating links between communities that promote walking and transit and an improved and meaningful quality of life.” The Principles are written to be general in nature as the Task Force, which sets policy for the Grand Boulevard Initiative, wanted to assure maximum flexibility for each jurisdiction while ensuring that common Principles were put in place. The Guiding Principles are consistent with the El Camino Real Incentive Program adopted by the C/CAG Board.

The Grand Boulevard Initiative (GBI) is a collaboration of 19 cities, the counties of San Mateo and Santa Clara, local and regional agencies, private business, labor and environmental organizations united to improve the performance, safety and aesthetics of Highway 82 on the Peninsula from Daly City to downtown San Jose. (Details, including the Task Force roster, can be found at <http://www.grandboulevard.net>). The Initiative encompasses 43 miles of El Camino Real, from its northern end beginning in Daly City, where it is known as “Mission Street” and

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ends in San Jose near the Diridon Station, where it is known as “The Alameda.” The study area boundaries also includes ¼ mile on both sides, forming the “El Camino Real corridor.”

GBI utilizes a committee system to assure widespread participation in developing specifics of the Initiative. The Task Force, made up of elected officials and executive-level staff from regional agencies and Caltrans, sets policies and makes policy decisions. The detail work is performed by the Working Committee, made up of assigned staff members from the member agencies.

ATTACHMENTS

- Resolution 08-06
- Guiding Principles of the Grand Boulevard

RESOLUTION 08-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) ENDORSING THE GUIDING PRINCIPLES OF THE GRAND BOULEVARD INITIATIVE

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, after one year of research and debate the Grand Boulevard Task Force has approved ten Guiding Principles (copy attached) and recommended their adoption by member agencies; and

WHEREAS, Guiding Principles were formulated as a result of examining the common themes and goals from City and County plans for El Camino Real/Mission Street; and

WHEREAS, the Guiding Principles will further the Grand Boulevard Vision statement, that “El Camino Real will achieve its full potential as a place for residents to work, live, shop and play, creating links between communities that promote walking and transit and an improved and meaningful quality of life”; and

WHEREAS, the Guiding Principles will be an integral part of shaping an improved future for El Camino Real/Mission Street in San Mateo County; and

WHEREAS, the Guiding Principles are consistent with the El Camino Real Incentive Program adopted by the C/CAG Board; and

NOW, THEREFORE, BE IT RESOLVED that the C/CAG Board endorses the Grand Boulevard Guiding Principles as approved and recommended by the Grand Boulevard Task Force.

PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF MARCH 2008.

Deborah C. Gordon, Chair

GRAND BOULEVARD

*Making El Camino Real a Grand Boulevard—
one that reflects our Region's Dynamic Profile*

Guiding Principles

Adopted by the Grand Boulevard Task Force
April 2007

1. Target housing and job growth in strategic areas along the corridor.

Potential Strategies:

- Amend General Plans and implement zoning and Specific Plans that facilitate increases in density, particularly around transit stations and key intersections.
- In accordance with city goals, encourage more housing and business opportunities, with a greater range of affordability and choices, exemplifying high-quality architecture and urban design.
- Preserve significant buildings.
- Provide a system of local and corridor-wide incentives to attract private development and economic investment along the corridor.

2. Encourage compact mixed-use development and high-quality urban design and construction.

Potential Strategies:

- Develop design guidelines to assist in the attainment of the Grand Boulevard vision and challenge statements.
- Accommodate housing.
- Implement zoning and precise plans with design-specific elements that address street orientation, facades, parking, and setbacks
- Provide planning aides and design guidelines, such as the Community Design & Transportation Manual, to developers

3. Create a pedestrian-oriented environment and improve streetscapes, ensuring full access to and between public areas and private developments.

Potential Strategies:

- Provide an integrated pedestrian environment with wide, continuous sidewalks, landscaping, lighting, and signage, all with human-scale details, with a commitment to maintain those amenities. Such amenities should conform to Caltrans standards.

- Continuously clean and maintain the El Camino streetscape and public spaces.
- Preserve sightlines between activity areas.
- Create landmarks and signature buildings to shape the street environment to a pedestrian orientation.
- Repair barriers between activity areas such as discontinuous sidewalks.
- Reduce street crossing distances where appropriate.

4. Develop a balanced multi-modal corridor to maintain and improve mobility of people and vehicles along the corridor.

Potential Strategies:

- Support transit-oriented development (TOD) and increased density around station areas.
- Orient buildings toward transit stops.
- Design transit stops for easy passenger loading, unloading, and fare payment.
- Improve signal timing.
- Implement transit-preferential street treatments such as signal priority, bulb out stops, bus by-pass lanes and high-occupancy vehicle (HOV)/Bus-only lanes where needed and feasible.
- Implement programs designed to reduce auto trips during congestion periods.

5. Manage parking assets.

Potential Strategies:

- Consider trip reduction due to transit when designing parking requirements.
- Pursue the development of public/public and public/private partnerships to develop multi-use parking structures in strategic locations.
- Consider shared parking facilities (e.g. for business during the day and for restaurants at night).
- Consider the trade-offs between TOD and parking at rail stations.
- Preserve street frontage for active uses by placing parking behind buildings.
- Develop and use a network of alleys to access parking and limit vehicular crossings of sidewalks.
- Where appropriate, install parking meters or time-limited parking to encourage turnover
- Review parking requirements when considering new developments, possibly substituting reliance on Transportation Demand Management (TDM) strategies and reducing required parking

6. Provide vibrant public spaces and gathering places.

Potential Strategies:

- Create public spaces of all sizes that will stand the test of time and provide lasting value for future generations

- Design public areas to attract usage
- Orient new development around existing or new gathering places and transit stations.
- Design public spaces to be functional as well as decorative through the careful use of space and amenities.
- Encourage the development of small public spaces and pocket parks.

7. Preserve and accentuate unique and desirable community character and the existing quality of life in adjacent neighborhoods.

Potential Strategies:

- Encourage design that is compatible with or shares design elements with adjacent development and neighborhoods.
- Identify local themes and express them through landscape, architecture and urban design guidelines.
- Preserve diverse local small businesses and create economic opportunities for their continued presence in the revitalized corridor.

8. Improve safety and public health.

Potential Strategies:

- Design intersections for a balance between the needs of autos and pedestrians.
- Design parallel access routes where needed to separate pedestrian and bike movements.
- Provide high-quality pedestrian amenities such as distinct crosswalks, countdown signals, and curb ramps.
- Ensure adequate facilities for people with disabilities.

9. Strengthen pedestrian and bicycle connections with the corridor.

Potential Strategies:

- Reduce the distance between corridor crossings to improve connectivity with adjacent neighborhoods where appropriate.
- For projects near the corridor, encourage design that provides easy access to the corridor or to cross streets.
- Provide pedestrian cut-through linkages to access parking lots, alleys and neighborhood routes between blocks, including additions to “Safe Route to Schools” paths.

10. Pursue environmentally sustainable and economically viable development patterns.

Potential Strategies:

- Provide incentives for LEED (leadership in energy and environmental design) certified projects.
- Pursue design, engineering and construction techniques that assist with the management of storm water runoff, preserve (and possibly increase) soil permeability, and reduce heat island and other negative effects of urban development.

- Pursue cross-jurisdictional shared revenue projects, such a parking structures, that provide mutual benefit to the partners.
- Provide a system of local and corridor-wide incentives to attract private development and economic investment along the corridor.

C/CAG AGENDA REPORT

Date: March 13, 2008
To: City/County Association of Governments Board of Directors
From: Richard Napier, Executive Director
Subject: REVIEW AND APPOINTMENTS OF ONE PUBLIC AND ONE ELECTED MEMBER TO THE CONGESTION MANAGEMENT AND ENVIRONMENTAL QUALITY (CMEQ) COMMITTEE

(For further information or questions contact Sandy Wong at 599-1409)

RECOMMENDATION

That the Board consider the appointment of Millbrae Councilmember Daniel Quigg to the Congestion Management and Environmental Quality (CMEQ) committee to fill one of the vacant seats for elected officials.

And that the Board consider an appointment to fill the one vacant public seat on the CMEQ committee from the following two interested candidates:

- Mr. Steve Dworetzky
- Mr. Gladwyn d'Souza

FISCAL IMPACT

None.

BACKGROUND/DISCUSSION

There is currently **one vacant public seat** and **two vacant elected seats** on the CMEQ committee. Staff distributed recruitment letters to all of the elected officials in San Mateo County as well as all interested parties on all C/CAG mailing lists to solicit interests. We received interest letters from the following. Staff will continue recruitment since there is only one applicant for the two elected seats.

Daniel F. Quigg, councilmember of Millbrae
Steve Dworetzky, public
Gladwyn d'Souza, public

The Congestion Management and Environmental Quality Committee (CMEQ) provides advice and recommendations to the full C/CAG Board on all matters relating to transportation planning, congestion management, and selection of projects for state and federal funding. The Committee also has the specific responsibility for the development and updating of the Congestion Management Program and the Countywide Transportation Plan.

ATTACHMENTS

- Current roster for the CMEQ Committee
- Letters of interest from candidates (Quigg, Dworetzky, d'Souza)

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Current CMEQ Committee Roster

Chair- Irene O'Connell

Vice Chair- Sepi Richardson

Name	Representing
Jim Bigelow	Business Community
Zoe Kersteen-Tucker	San Mateo County Transit District (SamTrans) Board
Judith Christensen	Councilmember of Daly City
William Dickenson	Councilmember of Belmont
Linda Koelling	Councilmember of Foster City
Sue Lempert	Metropolitan Transportation Commission (MTC)
Arthur Lloyd	Peninsula Corridor Joint Powers Board (CalTrain)
Karyl Matsumoto	Councilmember of South San Francisco
Irene O'Connell	Councilmember of San Bruno
Naomi Patridge	Councilmember of Half Moon Bay
Barbara Pierce	Councilmember of Redwood City
Sepi Richardson	Councilmember of Brisbane
Lennie Roberts	Environmental Community
Onnolee Trapp	Agencies with Transportation Interests



City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

Phone: (650) 259-2334 Fax: (650) 259-2415

E-Mail: dquigg@ci.millbrae.ca.us

DANIEL F. QUIGG
Councilman

January 28, 2008

Richard Napier, C/CAG Executive Director
Attention: Sandy Wong
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

Re: **Letter of Interest for Congestion Management and Environmental Quality Committee**

Dear Mr. Napier:

I wish to be considered for appointment to the Congestion Management and Environmental Quality Committee.

I was recently elected to the Millbrae City Council after leaving office in 2005 due to term limits. I served on the City Council from 1993-2005. During that time, I was appointed as the representative and alternate to the Congestion Management and Air Quality Committee and represented the City of Millbrae at those meetings.

The City of Millbrae has aggressively pursued sustainability programs: the new Co-Generation Facility at the Waste Water Treatment Plant and our recent ordinance that limits the use of polystyrene containers are but a few examples of what Millbrae is doing to promote environmental quality and sustainability.

As a member of the committee I would continue to promote environmental quality and sustainability programs for the City of Millbrae and the County as well.

Sincerely,


Daniel F. Quigg
Councilmember



January 4, 2008

Richard Napier, C/CAG Executive Director
Attention: Sandy Wong
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

Re: Vacancy on the CMEQ Committee

Richard/Sandy,

I humbly submit a letter of interest for my filling the vacancy on the CMEQ Committee. My interest to participate in this endeavor stems from my desire to be involved in a regional mindset for the County as a whole. I feel strongly that decisions made by the various political entities on the Peninsula need to take into consideration the effect it will have on the region in total. Coordinating this effort will have the most profound and beneficial impact on all.

I can see where my background and experience would be an asset to the Committee. The issues and tasks the Committee is charged with are of similar ilk that I deal with as a San Mateo County Planning Commission, currently the acting Chair. We often base many of our decisions sensitive to the impacts upon transportation planning, congestion management, travel demand management, coordination of land use and transportation planning, mobile source air quality programs, energy resources and conservation, and other environmental issues. I am confident and comfortable in those areas of concern and can relay my experience accordingly.

In addition, my years of experience in banking give me the same comfort in dealing with budgets, cash flow and the understanding of allocating various funding for projects and activities.

With that, I offer up my time, knowledge and energy to be a compliment to your existing committee. Feel free to contact me if you have further questions or comments. My direct office number is 650-579-1504 and my cell phone is 650-291-8700.

Sincerely,

Steve Dworetzky
SVP

From: "Gladwyn d'Souza" <godsouza@mac.com>
To: "Sandy Wong" <slwong@co.sanmateo.ca.us>
CC: "Tyler Hammer" <tyler@sustainablesanmateo.org>
Date: 1/7/2008 11:20 AM
Subject: CMEQ opening appliation
Attachments: Part.001

Rich Napier, C/CAG Executive Director
ATTN- Sandy Wong,
555 County Center, 5th Floor,
Redwood City, CA 94063
1/7/08

Dear Sir,

I am writing to express my interest in being appointed to the Congestion Management and Environmental Quality Committee (CMEQ) of the City County Associations of Governments of San Mateo County (CCAG).

I am presently a board member at Sustainable San Mateo County (SSMC) where I represent Green Buidings and Sustainable Transportation. I have built and live in a green building which received a green building award from Recycle Works of San Mateo County.

http://www.recycleworks.org/greenbuilding/gbsanmateo_dsouza.html

I am presently Transportation Chair for the Loma Prieta Chapter of the Sierra Club which represents San Mateo County and Santa Clara County.

I was on the Pedestrian Element of the San Jose General Plan ('99), the San Jose Downtown Access Task Force ('02) which recommended the first in the nation conversion of the one way couplets to two way, and am presently on the San Mateo County Green Building Task Force.

I have an ongoing interest in Sustainable Transportation and served as Landuse and Policy director with the Peninsula Bicycle and Pedestrian Coalition from 2004-2007. I was on the board of California Walks, a pedestrian advocacy group that operates at the state level, from 2002-2006. I am involved in solar cooking and solar promotion.

I am particularly interested in local mobility issues and most recently worked with SamTrans and Supervisor Jerry Hill's office to improve bus service on the 260 bus line under my charter as a member of the Ralston Middle School Traffic Safety Committee.

Sincerely,
Gladwyn d'Souza
1473 Sixth Ave, Belmont, CA 94002
Board Member, Sustainable San Mateo County
www.sustainablesanmateo.org
650-804-8224

C/CAG AGENDA REPORT

DATE: March 13, 2008

TO: C/CAG Board of Directors

FROM: Richard Napier, Executive Director

SUBJECT: Election of a Chairperson and Two C/CAG Vice Chairpersons

(For further information please contact Richard Napier at (650) 599-1420)

RECOMMENDATION:

That the Board elect a Chairperson and two Vice Chairpersons. The vote can be by acclamation or a written ballot depending on the preference of the Board.

FISCAL IMPACT:

None.

BACKGROUND/DISCUSSION:

The C/CAG By-Laws, as amended on June 10, 2004, provides for the nomination of officers at the regular February Board meeting and the election of officers shall occur at the regular March Board meeting. This change was to allow time for the candidates to provide the Board Members with background information to assist them in casting their votes.

At the February 14, 2008 Board meeting, Deborah Gordon was nominated for Chair; and Thomas Kasten, and Irene O'Connell were nominated for the two Vice Chairs. No additional nominations may be submitted at the March 8th meeting. The Board can only accept additional nominees from the floor in the event that there are not enough candidates for the available offices.

The voting shall be public. According to legal counsel, this can be done by hand or in writing as long as the Board member's name appears on the ballot and it becomes part of the official record. Written ballots will be available if the Board wants to use them.

ATTACHMENTS:

- Background information for Deborah Gordon, Thomas Kasten, and Irene O'Connell
- Ballots for Chairperson and 2-Vice-Chairpersons

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Deborah C. Gordon
Nominated for Chair

Deborah C. Gordon is the Associate Director for the Preventive Defense Project at Stanford University, co-directed by former Secretary of Defense, William J. Perry, Stanford University and Dr. Ashton B. Carter, Harvard University.

She is currently a council member on the Woodside Town Council; Chair and Director, City/County Association of Governments of San Mateo County; Vice-Chair, Council of Cities; Chair, City Selection Committee; Chair, Legislative Committee; Member, San Mateo County Housing and Community Development Committee; member RHNA Policy Advisory Committee; and Member, League of California Cities. She has additionally served as mayor of Woodside, CA; Vice-Chair, Council of Cities; Vice Chair, City Selection Committee; and member of the San Francisco International Airport Community Roundtable.

Mrs. Gordon has over 30 years of experience in algorithm design, signal processing, network design, and network security and holds several U.S. and Canadian patents for her work in medical instrumentation. She has developed systems for telecommunications, banking, and medical applications for private industry and government agencies. Her business experience includes corporate division management and she was founder and president of InforMD, Inc. Mrs. Gordon holds a B.S. Computer Science from the University of Southern California.

Thomas Kasten
Nominated for Vice- Chair

Tom received his BS and MBA degrees from the University of California at Berkeley, majoring in Marketing.

Tom held a variety of executive positions during his 34-year career at Levi Strauss & Co. Tom served as President of the Youthwear Division, President of the Men's Jeans Division and President of Womenswear. He also was Executive Vice President of New Business Development responsible for new businesses, mergers, acquisitions and licensing and led the LBO of the company (the largest at that time), taking Levi Strauss & Co. private after 14 years as a public company. Tom also led the \$800 million reengineering of the company in the mid-90s and for the next 3 years, he was responsible for all Information Technology for Levi Strauss United States.

Tom has lectured at Stanford, U.C. Berkeley, UCLA and San Francisco State University and been the keynote speaker at many industry and business conferences, both domestically and internationally. Tom has lectured at the Management Centre Europe, the Singapore National Employers Federation, the International Quality and Productivity Center and the Japan Management Association. He has advised multi-national companies such as Hewlett Packard, Frito Lay, Corning, France Telecom, Silicon Graphics, GTE, and Guardent Security on strategy formulation, leadership, organization change, technology/business integration and attracting and retaining talent.

Tom has appeared on FNN and National Public Radio and has been extensively quoted in various business magazines, including *Fortune* and *Fast Company*. He has also been featured in several business books. In 2000, *Computerworld* Magazine named Tom as one of the Premier 100 Information Technology leaders in the U.S.

In 2000, Tom was elected to the City Council of Hillsborough and serves on a variety of city and county taskforces. Tom served as Mayor of the Town of Hillsborough from 2004-2006 and continues to serve on the City Council and as the town's Police Commissioner. He serves on the Board of Directors of the City/County Association of Governments (C/CAG) and is vice chair of its Legislative Committee. He is also on the Board of Directors of the Housing Endowment and Regional Trust of San Mateo County (HEART). Tom is a member of the Board of the Peninsula Traffic Congestion Relief Alliance, Chair of the RHNA Policy Advisory Committee, and serves as the Vice Chair of the Council of Cities.

He is a past member of the Board of Advisors of the Snowmass Forum and of Leadership 2000 – two organizations dedicated to new business models, leadership and human capital issues.

Irene O'Connell
Nominated for Vice- Chair

This year will mark my 12th serving on the San Bruno City Council. I have been on C/CAG 11 of those years. I have grown in knowledge and understanding as we have expanded our role in the county and the state. I have also served on the Legislative committee since the days when we met on Saturday mornings – which should prove my dedication! More recently I have been a member of CMEQ and now serve as that committee's chair. I have rarely missed any meetings for any of the groups. As vice-chair, I will make every effort to keep CCAG a vital organization with a regional outlook that continues to demonstrate leadership and vision.

C/CAG Board
Meeting March 13, 2008
ELECTIONS
For Chairperson

OFFICIAL BALLOT

Chairperson:

Deborah Gordon, Town of Woodside

Print Name

Voter:

Print Name

Signature

Note:

- 1- The ballots must be signed by the voting Board Member in order to be valid.
- 2- Only voting members of the C/CAG Board are eligible to vote.
- 3- The ballots are available to the public upon request.

C/CAG Board
Meeting March 13, 2008
ELECTIONS
For 2-Vice-Chairpersons

OFFICIAL BALLOT

Vice-Chairperson:

Tom Kasten, Town of Hillsborough
Print Name

Vice-Chairperson:

Irene O'Connell, City of San Bruno
Print Name

Voter:

Print Name

Signature

Note:

- 1- The ballots must be signed by the voting Board Member in order to be valid.
- 2- Only voting members of the C/CAG Board are eligible to vote.
- 3- The ballots are available to the public upon request.

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February 20, 2008

The Honorable Tom Lantos
U.S. House of Representatives
2413 Rayburn House Office Building
Washington, D.C. 20515

**Re: Support of SFO FY 2009 Request for Hydrogen and Natural Gas Blended
Fueling Station at SFO Airport**

Dear Congressman Lantos,

On behalf of the City/County Association of Governments of San Mateo County (C/CAG), I write to express strong support of the request for federal appropriations funding of Hydrogen and Natural Gas Blended Fueling Station (HCNG) at San Francisco Airport (SFO Airport). The system will be the first of its kind and will be a significant HCNG demonstration project in the United States.

This project represents the efforts of both public and private partnerships in the advancement of clean fuel vehicles. Currently, 1100 vehicles operate at SFO many are running on CNG. Fourteen (14) of these vehicles were recently awarded a \$500,000 grant to convert to an HCNG blend thus further reducing emissions. Meanwhile, C/CAG is currently operating a pure hydrogen fueled mini bus provided by the California Air Resources Board (CARB) and therefore is also very interested in expanding the range of this mini bus to other areas in San Mateo County and partnering with SFO.

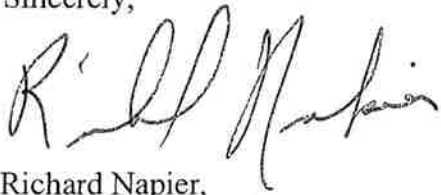
The new hydrogen and hydrogen-blend fueling station will bring together state-of-the-art dispensers for hydrogen and hydrogen-blend fuels. It will be the first step to providing the needed infrastructure to promote the continued deployment of advanced clean vehicle technologies in the county.

I respectfully request your support of this project which will enable SFO and its partnering agencies to meet the increasing air quality and alternative fuel needs of San Mateo County and the region.

ITEM 8.1

Thank you for your consideration of this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Napier". The signature is written in a cursive style with a large initial "R".

Richard Napier,
Executive Director, C/CAG

Attachment: proposed project – application sent to Congress Member Pelosi’s office.

Hydrogen and Natural Gas Blended Fueling Station at SFO Airport

(Feb 19, 2008)

Proposed Project:

To develop, site and operate a combined Hydrogen ("H₂") and Hydrogen-Natural Gas Blended ("HCNG") Fueling Station adjacent to the existing Trillium compressed natural gas ("CNG") station at San Francisco International Airport ("SFO"), for a demonstration period of 5 years. For low initial cost, minimum footprint, high flexibility, and the ability to grow easily, the appropriate technology includes a liquid hydrogen storage tank, liquid pump, ambient vaporizer, high-pressure blending system, gas storage, and fast-fill automated dispensers. This equipment can be expanded in duplicate modules as the number of vehicles increases over time, thus maximizing the use of the seed investment. The resulting station will be the most advanced station in the United States and will be able to fuel any of the advanced Hydrogen or Hydrogen-Natural Gas blended vehicle technologies that are being developed.

Background:

Advanced technology programs are a critical step in further reducing vehicle emissions. Approximately 1100 clean-fuel vehicles operate at SFO. Most of these vehicles are powered by CNG. SFO is interested in continually improving CNG vehicle emission profiles.

Hydrogen is a zero carbon fuel and CNG is a low carbon fuel compared to diesel, thus hydrogen and CNG blended fuels are promising stepping stone to full hydrogen powered vehicles.

The Bay Area Air Quality Management District (BAAQMD) recently awarded \$500,000 to SFO for the conversion of 14 existing CNG shuttle vans manufactured by BAF to run on the Hythane[®] blend (20% H₂ and 80% CNG). SFO supports this project and is considering the lowering of trip fees to those operators who take part in the vehicle conversion demonstration grant. **However, in order to operate the converted vehicles, SFO needs to have a Hydrogen and Hydrogen-Natural Gas Blended Fueling Station located at the airport to produce HCNG.**

SFO currently operates two CNG fueling stations which are easily accessed by the public at the North and South entrances to the airport. The South station, built and operated by Trillium USA, is located next to a potential expansion site.

The County and City Association of Governments of San Mateo County ("CCAG") is an active partner in supporting the use of Hydrogen and HCNG vehicles. A memorandum of understanding was signed by the Airport Commission and CCAG on May 1st, 2006 to work together on the development of a compressed hydrogen fueling station and hydrogen powered shuttle fleet. CCAG is currently operating a pure Hydrogen fueled Mini-Bus provided through the California Air Resources Board ("CARB") Hydrogen Highway funding program. They are currently disadvantaged by having to use a fueling station a substantial distance away and outside of their service area, and are in critical need of an appropriate place to fuel the vehicle in their area.

Objectives:

- To be able to fuel the SFO Shuttle Van Conversion and Demonstration Program
- To be able to fuel the CCAG pure Hydrogen Mini-Bus at SFO.
- To be able to fuel all other Hydrogen and Hydrogen-Natural Gas Blended vehicles in the Bay Area at a premier showcase location using the latest and best available technology for clean vehicles

Justification:

1. The SFO project would be the most significant HCNG demonstration project in the U.S, and will serve as a model for other urban areas in the nation.
2. SFO would benefit from this investment as an important step in continually improving the emissions profile of airport related vehicles.
3. The project will provide the needed infrastructure to promote the continued deployment of advanced clean vehicle technologies.

Hydrogen and Natural Gas Blended Fueling Station at SFO Airport (page 2)

Project Description:

- Pure Hydrogen Fueling Station Equipment including Compression, Storage, and Dispensing ("CSD").
- Blending and Dispensing Equipment including Blenders, Storage, and Dispensers to make and dispense blends of Hydrogen and Natural Gas
- Site improvements and installation
- Operating and Maintenance costs for 5 years
- With SFO as the Site Host and Project Coordinator, the Industry Participants and their roles are:
 - Hythane Company – vehicle conversions and blending technology
 - Trillium USA – CNG supply
 - Air Products and Chemicals – Hydrogen supply, Hydrogen Fueling Station Equipment

Funding:

\$3.5 Million total required for full scale, 5-year demonstration of Hydrogen and HCNG fueling at SFO.

Local resources committed to date:

- \$500,000 for vehicle acquisition and development costs from the Bay Area Air Quality Management District, granted in 2007 and ranked #1 of 57 grant applications submitted
- \$200,000 for station hardware from the San Mateo City/County Association of Governments, pledged
- Approximately \$300,000 for the CCAG Hydrogen Shuttle by California Air Resource Board plus fuel costs funded by CCAG.
- Staff support and coordination provided by the City and County of San Francisco, including the Airport Commission

Federal Funding Request:

- \$2 million for station design, equipment, and installation.
- \$1.5 million to support operating costs, including fuel cost differentials for airport vehicle operators for 5 years.

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February 20, 2008

The Honorable Tom Lantos
U.S. House of Representatives
2413 Rayburn House Office Building
Washington, D.C. 20515

Re: Support of SamTrans FY 2009 Request for Revenue Collection System Project

Dear Congressman Lantos,

On behalf of the City/County Association of Governments of San Mateo County (C/CAG), I write to express strong support of the request for federal appropriations funding of the Revenue Collection System project. This project will replace outdated bus fleet fare boxes with a modern electronic system that will offer versatility and convenience by allowing customers to pay fares with smart cards, cash or tokens and reduce costs currently incurred by fare box maintenance.

Further benefits include more accurate tracking of specific rider groups and improved passenger trip data gathering, which can be used for developing marketing strategies and aid in the planning of future route development. In addition, the system will improve fare accounting as all transactions will be electronically recorded for more accurate counting and increased security.

For SamTrans to retain its reputation as an award-winning bus transit system serving an average of 50,000 customers a day, a modern onboard fare acceptance system is essential. I respectfully request your support of this project which will improve access and quality of service for riders.

Thank you for your consideration of this important project.

Sincerely,



Richard Napier,
Executive Director C/CAG

ITEM 8.2

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February 20, 2008

The Honorable Anna Eshoo
U.S. House of Representatives
205 Cannon House Office Building
Washington, D.C. 20515

Re: Support of Caltrain FY 2009 Request for Collision Avoidance System Project

Dear Congresswoman Eshoo,

On behalf of the City/County Association of Governments of San Mateo County (C/CAG), I write to express strong support of the request for federal appropriations funding of Caltrain's Collision Avoidance System project. The system is an integrated signal and communication system that will improve train performance, reliability and safety while enabling Caltrain to respond to consistent demand for expanded service along the U.S. 101 corridor.

Having experienced a 54% increase in ridership since 1992, Caltrain has also achieved a record high average weekday ridership of 39,000 passengers, with many trains approaching 100 percent occupancy at peak load point. Demand is projected to double in the next 20 years. To address steadily increasing ridership, Caltrain developed a 20-year plan (Caltrain 2025), which will allow the commuter rail to expand service to new riders, implement important safety measures and reduce greenhouse gas emissions by converting the rail system from diesel to electric engines. A key component to the success of this plan is the Collision Avoidance System.

The new system will bring together state-of-the-art communications based train control that will substantially improve capacity and quality of service while enabling more intelligent control of grade crossing highway warning systems. Caltrain is coordinating the development of this project with the support of the Federal Railroad Administration and other regulatory agencies, railroads and transit agencies.

I respectfully request your support of this project which will enable Caltrain to meet the increasing transportation needs of San Mateo County and the region.

Thank you for your consideration of this important project.

Sincerely,



Richard Napier,
Executive Director, C/CAG

ITEM 8.3

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February 22, 2008

The Honorable Anna Eshoo
U.S. House of Representatives
205 Cannon House Office Building
Washington, D.C. 20515

Re: Support of San Mateo County FY 2009 Sewer Pipe Replacement Project

Dear Congresswoman Eshoo:

On behalf of the City/County Association of Governments of San Mateo County (C/CAG), I write to express strong support of the request for federal appropriations funding of Sewer Pipe Replacement Project. This project will replace old and deteriorated sewer pipes within the ten sewer districts (Districts) maintained and operated by San Mateo County Department of Public Works.

The Districts provide sewer service to approximately 60,000 people within various areas of the County primarily in the unincorporated areas. Many segments of the sewer systems have exceeded their useful life. In order to preserve the integrity of the sewer systems and continue to provide satisfactory service to the customers, capital improvements are essential. In addition, capital improvements can reduce costly emergency repairs and unanticipated sanitary sewer overflows which pollutes the environment and threatens public health.

I respectfully request your support of this project which will enable San Mateo County to upgrade portions of its sewer systems to preserve system integrity and reduce sewer overflows.

Thank you for your consideration of this important project.

Sincerely,



Richard Napier,
Executive Director, C/CAG

ITEM 8.4

Chron

C/CAG
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February 27, 2008

The Honorable Anna Eshoo
U.S. House of Representatives
205 Cannon House Office Building
Washington, D.C. 20515

**Re: Support of C/CAG FY 2009 Request for San Mateo County Smart Corridors
Project – Revised Funding Request**

Dear Congresswoman Eshoo,


Please accept this letter and revised Fiscal Year 2009 Funding Request. This request supersedes the previous submitted request.

On behalf of the City/County Association of Governments of San Mateo County (C/CAG), I am pleased to present our request for federal appropriations funding for C/CAG's San Mateo County Smart Corridors Project. This project is located along portions of the US 101 corridor and will provide much needed traffic congestion relief to the most congested corridor in San Mateo County.

Attached please find a completed application package with detailed information about our project and letters of support.

I respectfully request your support of this project which will enable C/CAG not only to reduce traffic congestion, improve traffic operations, and optimize existing roadway facilities in San Mateo County and the region but also to help local and state agencies to respond quickly and effectively to major incidents on US 101. As was the case on January 29, 2008 when an oil tanker was hit and spilled 2,400 gallons of gasoline onto the freeway. Due to hazardous materials and safety concerns, US 101 was fully and partially closed for two days for a combined 39 hours while cleanup and roadway repair operations were performed. As a result, hundreds of thousands of motorists had to find alternative routes home and to work.

Thank you for your consideration of this important project. Should you have any questions, please contact me at 650-599-1420.

Sincerely,

Richard Napier,
Executive Director of C/CAG

Enclosure

ITEM 8.5

INFORMATION FOR
FISCAL YEAR 2009 FUNDING REQUESTS

(Please provide the following information separately for each request.)

Deadline: February 22, 2008

Return via email to: eshoo.appropriations@mail.house.gov

PLEASE EMAIL THIS FORM IN WORD FORMAT

ACCOMPANYING LETTERS SHOULD BE SIGNED AND SUBMITTED IN PDF FORMAT

*ORIGINALS MAY BE MAILED TO:

Congresswoman Anna G. Eshoo

698 Emerson Street

Palo Alto, California 94301

This is not a substitute for email submissions*

1) NAME OF AGENCY/ORGANIZATION SEEKING FEDERAL FUNDING:

City/County Association of Governments of San Mateo County (C/CAG)

2) LOCAL CONTACT:

Name: Richard Napier
Title: Executive Director
Address: 555 County Center, 5th Floor, Redwood City, CA 94063
Telephone: 650-599-1420
Facsimile: 650-361-8227
Email: rnapiet@co.sanmateo.ca.us

Is the required letter from the head of the organization (e.g., mayor, board of supervisors' chairperson, CEO) attached?

 X YES NO

3) WASHINGTON CONTACT (if applicable):

Name: N/A
Address: _____
Telephone: _____
Facsimile: _____
Email: _____

4) NAME OF PROJECT:

San Mateo County Smart Corridors Project – Segment 3

5) BRIEF DESCRIPTION OF PROJECT:

The project, located along portions of the US 101 corridor including SR 82 and local arterial streets, will implement inter-jurisdictional traffic management strategies by deploying integrated Intelligent Transportation Systems (ITS) elements and providing local jurisdictions the tools to mitigate recurring/non-recurring traffic congestion, improve traffic operations, and optimize existing roadway facilities.

(See attached Project Fact Sheet for additional information and description of the three segments along the corridor)

6) PRIORITY:

The San Mateo County Smart Corridors Project is ranked Number 1 on C/CAG’s priority list. The Smart Corridors Project consists of the following three segments:

Segment	Location	Limits	Total Cost (estimated)
1	SFO Vicinity	US 101 and SR 82 (El Camino Real) between I-380 and Poplar Avenue	\$10.2M
2	US 101/SR 92 I/C	US 101 and SR 82 (El Camino Real) between 3 rd St. and Holly St. and SR 92 between SR 82 (El Camino Real) to the 101 Interchange	\$9.9M
3	US101/SR 84 I/C	US 101 from Holly St and the Santa Clara County Line	\$9.2M

This Fiscal Year 2009 funding request seeks federal funds for Segment 3, which is located entirely within the 14th Congressional District.

7) AMOUNT OF FISCAL YEAR 2008 FEDERAL FUNDING REQUEST:

The total Federal Funds amount requested is \$3,000,000.

We are seeking funds from the following appropriations bill:

- 2008 Transportation, Housing, and Urban Development Appropriations Bill

We are also seeking funds from the following federal agencies:

- U.S. Department of Transportation – Federal Highway Administration (FHWA)
 - Program
 - Federal-aid Highways

- Surface Transportation Program, National Highway System, Congestion Mitigation & Air Quality Improvement, Highway Safety Improvement Program, Projects of National and Regional Significance, ITS Research
 - Miscellaneous Highway Trust Funds
 - Transportation, Community, and System Preservation (TCSP)
 - Highways for Life
 - Other qualifying programs
 - Congestion Initiative Activities:
 - Corridors of the Future Program
 - Real-time System Management Information Program
 - ITS R&D program to expand congestion-related research activities
 - U.S. Department of Transportation – Research and Innovative Technology Administration (RITA)
 - Program
 - Intelligent Transportation Systems (ITS) Operational Testing to Mitigate Congestion (ITS-OTMC)
 - Other qualifying programs
 - US Department of Transportation – National Highway Traffic Safety Administration

8) AMOUNT AND SOURCE OF LOCAL/PRIVATE MATCHING FUNDS:

The total Local Matching Funds is \$6,200,000 for a total project cost of \$9,200,000. The source and breakdown of local funds are as follows:

- County Share of the State Transportation Improvement Program (STIP): \$5,000,000
- San Mateo County Transportation Authority Local ½ Cents Sales Tax for Transportation – Measure A: \$1,200,000

9) BRIEF BUDGET BREAKDOWN

The following project budget and schedule applies to the San Mateo County Smart Corridors Project – Segment 3.

Project Budget

Support Costs	Amount
- Preliminary Engineering / Environmental Documents (PA/ED)	\$ 400,000
- Design	\$ 750,000
- Construction / Right-of-Way (ROW)	\$ 850,000
Subtotal	\$ 2,000,000
Capital Costs	
- Right-of-way (ROW)	\$ 50,000
- Construction	\$ 7,150,000
Subtotal	\$ 7,200,000
TOTAL	\$ 9,200,000

The \$3,000,000 in federal funding sought for this project combined with the local match of \$6,200,000 (total project cost of \$9,200,000) will fully fund and complete the project. No additional funding will be sought for future years for this project segment.

Project Schedule

A Project Study Report (PSR) is in the final phase of approval and the development of the PA/ED document will be initiated. The project completion dated is expected to be June 2011. The project schedule and timeline for completion is as follows:

Project Milestone	Date
PSR	03/01/08
PA&ED	07/01/08
Project PS&E	02/01/09
Right-of-Way-Certification	03/01/09
Ready to List	04/01/09
Advertising	05/01/09
Approve construction contract	07/01/09
Contract Acceptance	04/01/11
End Project	06/30/11

10) ADMINISTRATION SUPPORT

This specific project is not in the budget request the Administration has submitted to Congress, however the project concepts have been supported by the U.S. DOT's FHWA and RITA agencies is supported through previously approved funding programs.

11) FEDERAL INTEREST:

Sections 5201 and 5306 of the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU), Public Law Number 109-59 (August 10, 2005) provide legislative authority for cooperative agreements, grants, and contracts for transportation projects.

The Intelligent Transportation Systems (ITS) Program has been administered by the U.S. DOT since the enactment of the Inter-modal Surface Transportation Efficiency Act of 1991 (ISTEA). The ITS program has focused on the development of various solutions towards congestion mitigation including, advanced real-time adaptive traffic signals, transit signal priority systems, innovative surveillance systems, improved incident detection and response systems, advanced transit management systems, and multi-modal traveler information systems.

The San Mateo County Smart Corridors Project supports this national strategy.

12) LOCAL IMPACT:

The San Mateo County Smart Corridors Project – Segment 3 impacts all jurisdictions within the County with specific concentration on the southern portion of San Mateo County as well as the adjacent Santa Clara County jurisdictions within the vicinity of the county line.

The total requested amount of \$3M combined with local match of \$6.2M (total project cost of \$9.2M) would be fully expended for jurisdictions located within the 14th Congressional District that includes:

- Town of Atherton
- City of Belmont
- City of East Palo Alto
- City of Menlo Park
- City of Redwood City
- County of San Mateo

The Smart Corridors project is an inter-jurisdictional project that implements traffic management strategies and communication/coordination between all jurisdictions within the project limits therefore a fully implemented project will impact all cities.

13) PREVIOUS FEDERAL FUNDING:

The project has not received any federal funding in the past.

14) ENDORSEMENTS:

Please see attachment

San Mateo County Smart Corridors Project

PROJECT FACT SHEET

Revised 02/20/08

Background

The San Mateo County Smart Corridors Project is a cooperative effort by the San Mateo City/County Association of Governments (C/CAG) and twenty-one local jurisdictions, Caltrans, California Highway Patrol (CHP), and countywide and regional transportation agencies. An Incident Management Committee (IMC) was established to evaluate and strategize programs that can be implemented in San Mateo County to manage traffic congestion during incidents. The program focuses on increasing the coordination between Caltrans, CHP, local agency public safety, and local agency public works staff during freeway incidents when it is desirable to direct traffic off the freeway and onto an alternative route on local streets.

The *San Mateo County Incident Management - Alternative Route Plan* (currently in draft) identified parallel arterial streets that are the best candidates as alternative routes for moving a higher demand of traffic during incidents and seek to contain and/or minimize the impacts of the diverted traffic onto the local street network. The San Mateo County Smart Corridors Program builds upon the foundation identified in the *Incident Management - Alternative Route Plan*.

Project Description

The San Mateo County Smart Corridors Project will implement traffic management strategies by deploying ITS elements along state routes and major local streets such that these designated routes will have the tools to manage traffic congestion and improve mobility. The initial phase of the San Mateo County Smart Corridor Project includes the following corridors (see Vicinity Map):

Segment	Location	Limits	Total Cost (estimated)
1	SFO Vicinity	US 101 and SR 82 (El Camino Real) between I-380 and Poplar Avenue	\$10.2M
2	US 101/SR 92 I/C	US 101 and SR 82 (El Camino Real) between 3 rd St. and Holly St. and SR 92 between SR 82 (El Camino Real) to the 101 Interchange	\$9.9M
3	US101/SR 84 I/C	US 101 from Holly St and the Santa Clara County Line	\$9.2M

The San Mateo County Smart Corridors Project will deploy and/or integrate:

- Traffic signal improvements (controller upgrades, transit signal priority/emergency preemption, signal coordination, flush plans)
- On-ramp metering (existing)
- Signal Interconnect
- Communications network
- Freeway changeable message signs (CMS)
- Non-intrusive arterial vehicle detection system
- Arterial travel time data
- Arterial electronic trailblazer signs
- Fixed and pan-tilt-zoom CCTV cameras

- Caltrain at-grade rail crossing advanced warning equipment
- Integration with 511 and Caltrans TMC
- Communications network

Project Purpose and Need

The purpose of this project is to implement Intelligent Transportation System (ITS) elements along state and local routes in San Mateo County to manage recurring traffic congestion, manage non-recurring traffic congestion due to incidents along the freeways, and improve mobility on local streets. The primary focus of the project will be to integrate technology-based improvements along the US 101 and SR 82 (El Camino Real) corridor enabling Caltrans and the local agencies to implement the following solutions to manage traffic congestion management strategies:

- A multi-modal/multi-user system
- A plan to direct freeway traffic to appropriate local streets to manage congestion due to an incident.
- Management of traffic to minimize impact on local arterials, and return regional traffic back to the freeway as soon as possible.
- Collection and dissemination of real-time travel conditions along arterials.
- Rapid response to and clearing of incidents on freeways and surface streets.
- Accurate and timely information about the corridors to agency transportation managers and to public.
- Implementation of traffic responsive and time-of-day signal timing to improve traffic signal coordination and reduce delays along major corridors
- Sharing of resources between agencies for more unified transportation management operations along corridors.
- Sharing of traffic information between agencies to improve coordination and management activities.
- The capability for shared control and operation of the SMART Corridors components if desired by the agencies.

The ultimate goal of the Smart Corridors program is to allow the participating agencies to better manage incidents and congestion along regional and local routes through ITS implementation. Providing these traffic management tools along these corridors will enable Caltrans and the local agencies to proactively coordinate traffic management during incidents; define clear alternative routes for drivers during incidents and special events; promote use of Caltrain and SamTrans as alternative modes of transportation; proactively manage traffic signals along major surface streets; and achieve a balanced traffic flow.

Project Benefits

The implementation of the Smart Corridors Project and deployment of ITS tools to proactively manage traffic congestion would result in the following benefits:

- Minimize the impact of freeway incident traffic on local streets through proactive traffic management;
- Ability to collect and disseminate arterial travel times;
- Ability to implement traffic responsive and time-of-day signal timing to improve traffic signal coordination and reduce delays along major corridors and freeway connectors;
- A responsive plan to effectively manage freeway traffic that utilizes local streets during freeway incidents;
- Ability to share traffic information between Caltrans and local agencies to improve coordination and management activities;
- Ability to collect and disseminate transit information to encourage alternative mode choices and create a multi-modal/multi-user system;
- Ability to provide accurate and timely information about the corridors to agency transportation managers and to public;

- Improved response to and clearing of incidents on freeways and surface streets

Project Stakeholders

City of San Mateo	City of Menlo Park	Town of Atherton
City of Millbrae	City of Foster City	City of East Palo Alto
City of San Bruno	City of San Carlos	City of Belmont
City of South San Francisco	City of Redwood City	California Highway Patrol (CHP)
City of Burlingame	Caltrans	County of San Mateo
SMCTA	C/CAG	MTC
San Mateo County OES	San Francisco International Airport	

Project Cost

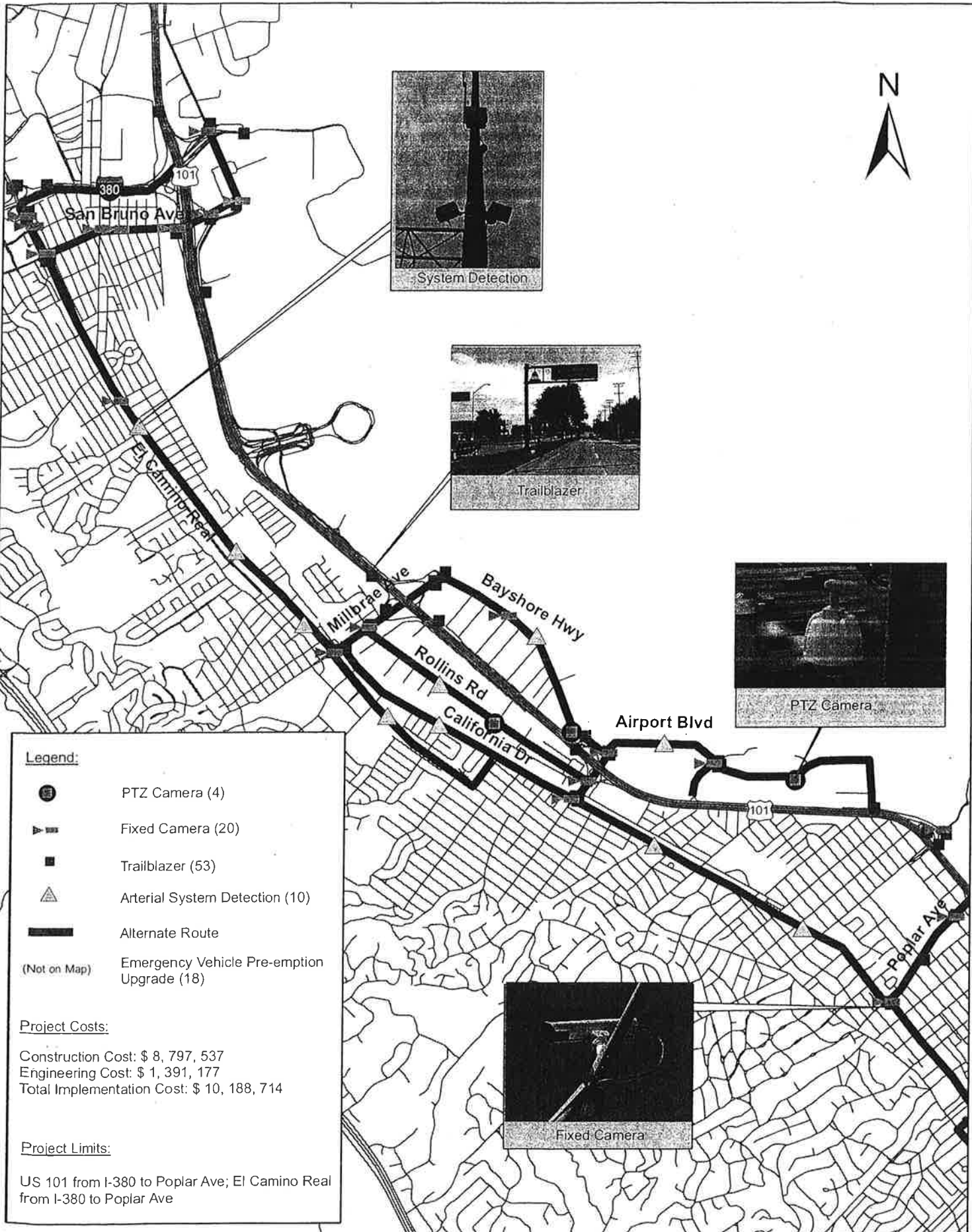
Support Costs	TOTAL	SEG 1	SEG 2	SEG 3
Preliminary Engineering	433,937	150,728	146,925	136,284
Environmental	250,000	250,000	250,000	250,000
Design (PS&E)	2,984,524	860,460	831,934	752,129
ROW	20,000	20,000	20,000	20,000
Construction	2,603,619	904,368	881,547	817,704
Subtotal	6,292,079	2,185,557	2,130,406	1,976,117
Capital Costs				
ROW	120,000	40,000	40,000	40,000
Construction	23,034,338	8,003,157	7,799,901	7,231,280
Subtotal	23,154,338	8,043,157	7,839,901	7,271,280
TOTAL	29,446,417	10,228,714	9,970,307	9,247,396

Project Schedule







Project Milestone	Date
PSR	03/01/08
PA&ED	07/01/08
Project PS&E	02/01/09
Right-of-Way-Certification	03/01/09
Ready to List	04/01/09
Advertising	05/01/09
Approve construction contract	07/01/09
Contract Acceptance	04/01/11
End Project	06/30/11

Project Location Maps

Attachment



Legend:

-  PTZ Camera (4)
-  Fixed Camera (20)
-  Trailblazer (53)
-  Arterial System Detection (10)
-  Alternate Route
-  (Not on Map) Emergency Vehicle Pre-emption Upgrade (18)

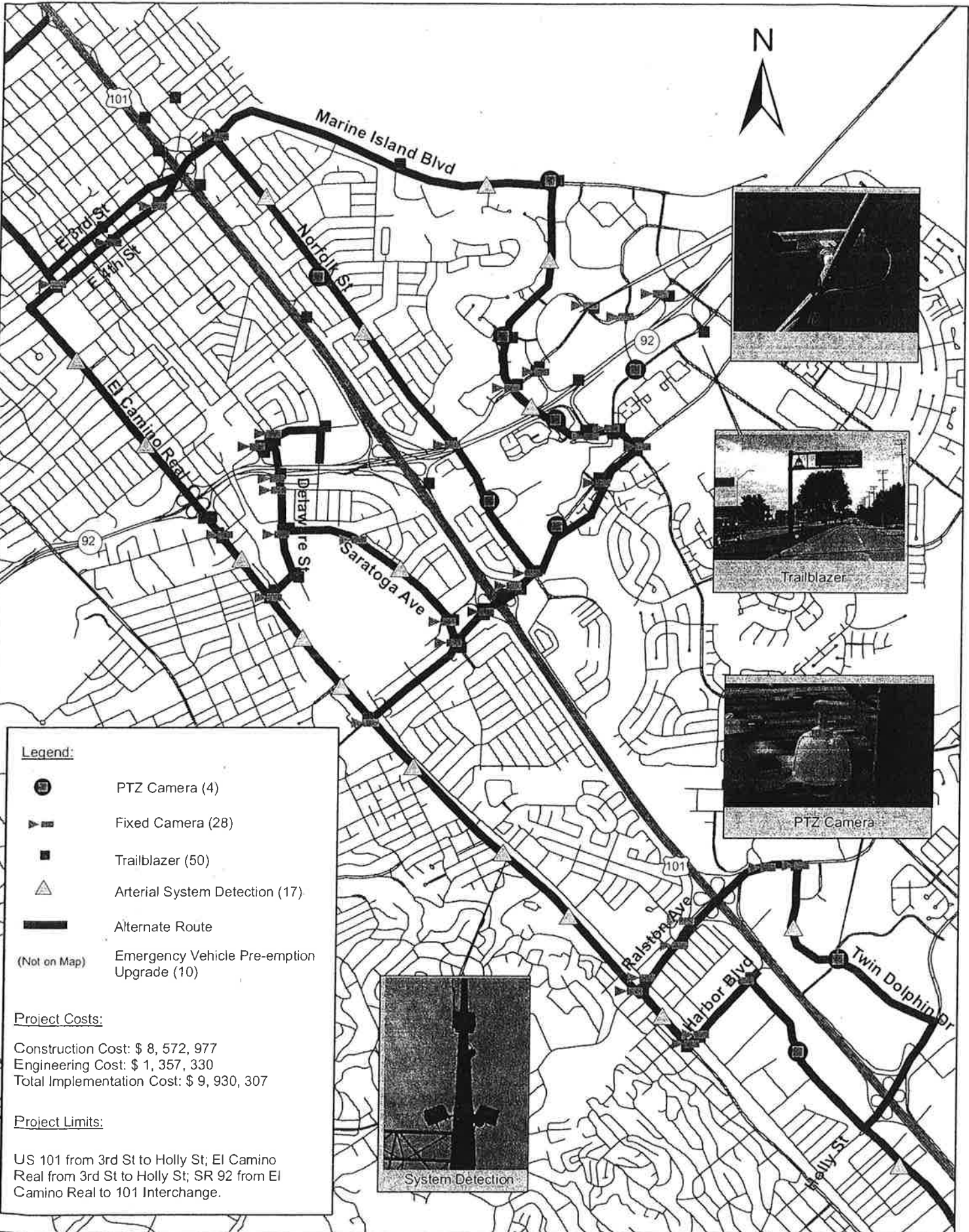
Project Costs:

Construction Cost: \$ 8, 797, 537
 Engineering Cost: \$ 1, 391, 177
 Total Implementation Cost: \$ 10, 188, 714







Project Limits:

US 101 from I-380 to Poplar Ave; El Camino Real from I-380 to Poplar Ave

SAN MATEO COUNTY SMART CORRIDORS PROGRAM



Legend:

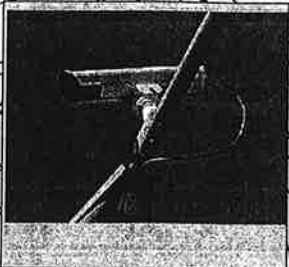
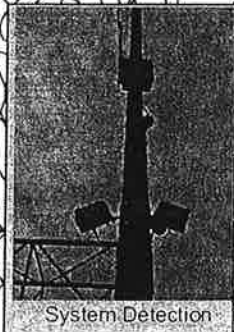
-  PTZ Camera (4)
-  Fixed Camera (28)
-  Trailblazer (50)
-  Arterial System Detection (17)
-  Alternate Route
-  (Not on Map) Emergency Vehicle Pre-emption Upgrade (10)

Project Costs:

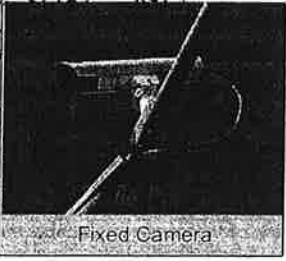
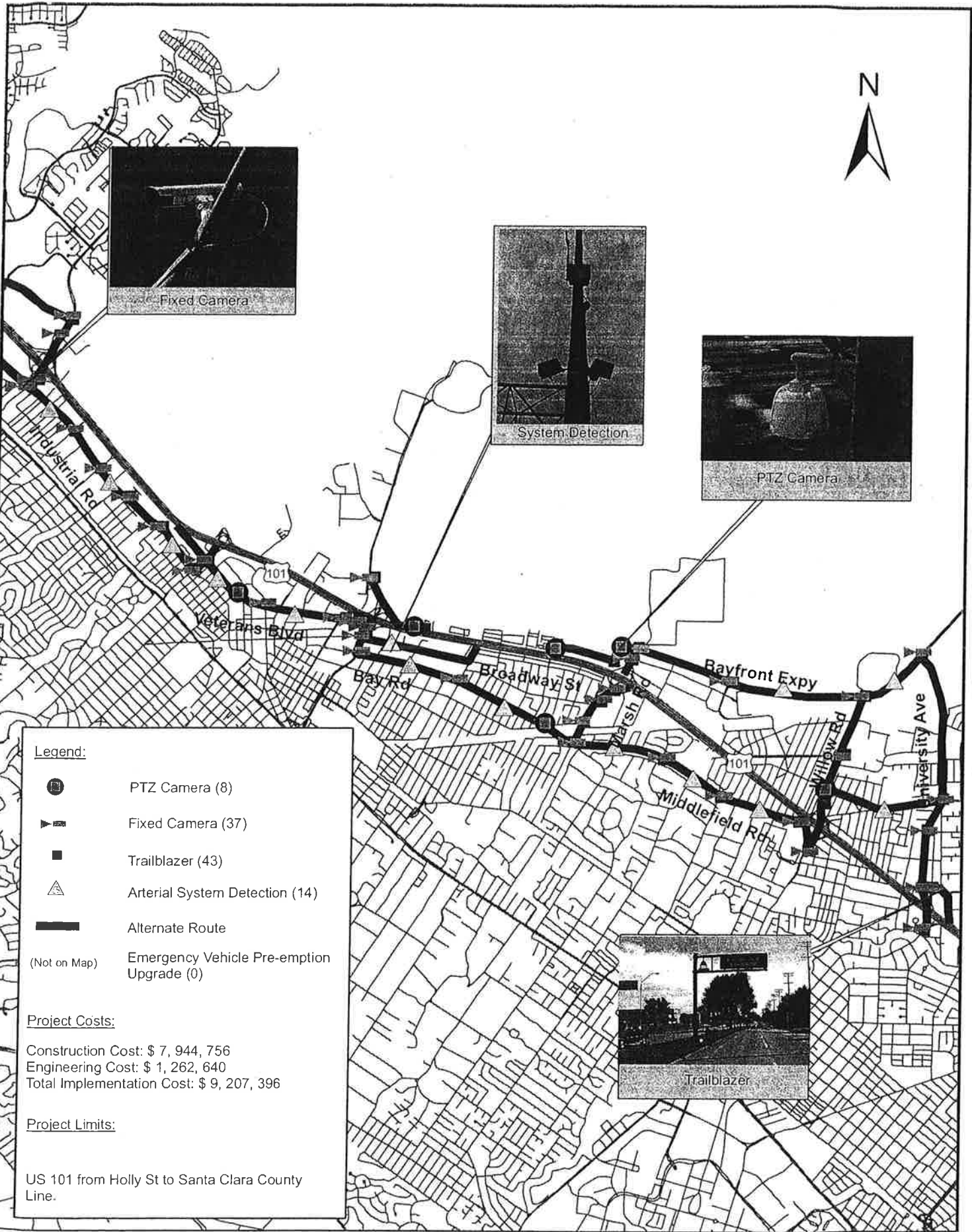
Construction Cost: \$ 8, 572, 977
 Engineering Cost: \$ 1, 357, 330
 Total Implementation Cost: \$ 9, 930, 307

Project Limits:

US 101 from 3rd St to Holly St; El Camino Real from 3rd St to Holly St; SR 92 from El Camino Real to 101 Interchange.



SAN MATEO COUNTY SMART CORRIDORS PROGRAM



Legend:

- PTZ Camera (8)
- Fixed Camera (37)
- Trailblazer (43)
- Arterial System Detection (14)
- Alternate Route
- Emergency Vehicle Pre-emption Upgrade (0)

(Not on Map)

Project Costs:
 Construction Cost: \$ 7, 944, 756
 Engineering Cost: \$ 1, 262, 640
 Total Implementation Cost: \$ 9, 207, 396

Project Limits:
 US 101 from Holly St to Santa Clara County Line.

SAN MATEO COUNTY SMART CORRIDORS PROGRAM

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae
Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

Senator Barbara Boxer
112 Hart Senate Office Building
Washington, D.C. 20510

Re: San Mateo County Solar Genesis Project

Dear Senator Boxer:

On behalf of the City/ County Association of Governments of San Mateo County (C/CAG) I want to take this opportunity to express our whole-hearted support for San Mateo County's federal Appropriations request for their Solar Genesis Project. We are all working in earnest and cooperation to come to grips with the monumental task of combating man-made global warming and recognize the critical importance of undertaking highly visible and meaningful projects now in order to encourage and generate the interest and investment on the part of private individuals and businesses throughout the San Francisco Bay Area.

The Solar Genesis project site will be readily visible from US highway 101, a major thoroughfare running the length of the peninsula from Silicon Valley to the City of San Francisco. This is a wise investment that is sure to pay big dividends for years to come by serving to mobilize grass roots support for renewable energy development. We know that you share our goals of someday achieving a net-zero carbon footprint for the region and urge you to give this project serious consideration as you weight it against all the competing demands that you receive.

C/CAG has been working with San Mateo County on an Energy Strategy. This project is consistent with this strategy. As a result, we support the Solar Genesis project and respectfully ask that you join us. Thank you for your consideration.

Sincerely,



Richard Napier
Executive Director