

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. 273

- DATE:** Thursday, December 11, 2014
- TIME:** **6:30 P.M.**
- 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
Caltrain: San Carlos Station.
Trip Planner: <http://transit.511.org>

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 PLEDGE OF ALLEGIANCE
- 3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Note: Public comment is limited to two minutes per speaker.
- 4.0 PRESENTATIONS/ ANNOUNCEMENTS
 - 4.1 Certificate of Appreciation to Naomi Patridge for her years of dedicated service to C/CAG. p. 1
 - 4.2 Presentation on Pavement Condition Index from Metropolitan Transportation Commission (MTC) staff. p. 5

5.0 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.

- 5.1 Approval of the minutes of regular business meeting No. 272 dated November 13, 2014. ACTION p. 7
- 5.2 Review and approval of Resolution 14-50 authorizing the CCAG Chair to execute an agreement with the City of Brisbane for the provision of a full-time NPDES Program Coordinator. ACTION p. 13
- 5.3 Review and approval of Resolution 14-56, authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo, Department of Public Works for staff services for climate action planning for calendar year 2015 for an amount not to exceed \$40,000. ACTION p. 21
- 5.4 Airport Land Use Compatibility Plan (ALUCP) consistency reviews:
 - 5.4.1 City of Foster City Housing Element 2015-2023 (Draft September 15, 2014). ACTION p. 31
 - 5.4.2 City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014). ACTION p. 41
 - 5.4.3 City of San Bruno Draft Housing Element 2014-2022. ACTION p. 49
 - 5.4.4 City of Burlingame Draft 2015-2023 Housing Element. ACTION p. 63
 - 5.4.5 Town of Colma Housing Element Public Review Draft - September 2014. ACTION p. 73
 - 5.4.6 City of Redwood City Housing Element 2015-2023. ACTION p. 77
- 5.5 Receive a copy of Amendment No. 1 to the agreement with SCI Consulting Group, Inc., extending the term through June 30, 2015 at no additional cost, as executed by the Executive Director consistent with the C/CAG Procurement Policy. INFORMATION p. 81
- 5.6 Review and approval of Resolution 14-58 waiving the RFP process and authorizing the C/CAG Chair to execute a contract amendment extending an agreement with DNV GL (Kema) from January 31, 2015 to December 31, 2015 and adding \$127,125 for a total amount not to exceed \$372,125 to provide technical assistance to cities for climate action planning. ACTION p. 85
- 5.7 Review and approval to waive the request for proposal (RFP) process and authorizing the C/CAG chair to execute an Agreement with Parviz Mokhtari, an individual, for project management services on the Smart Corridors Project until task completion in an amount not to exceed \$34,000. ACTION p. 103

6.0 REGULAR AGENDA

6.1 Review and approval of Resolution 14-54 adopting the 2015 C/CAG Investment Policy
ACTION p. 111

6.2 Review and approval of the C/CAG Legislative Policies for 2015.
ACTION p. 129

6.3 Review and approval of Resolution 14-57 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with Eisenberg, Olivieri, and Associates, extending the contract through June 30, 2015 at an additional cost not to exceed \$789,773 to continue providing technical compliance assistance to member agencies in accordance with requirements of the Municipal Regional Permit. ACTION p. 135

7.0 COMMITTEE REPORTS

7.1 Committee Reports (oral reports).

7.2 Chairperson's Report

7.3 Boardmembers Report

8.0 EXECUTIVE DIRECTOR'S REPORT

9.0 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 650 599-1406 or nblair@smcgov.org or download a copy from C/CAG's website – www.ccag.ca.gov.

9.1 Letter via email from Wally Abrazaldo, Transportation Programs Specialist, to Jill Ekas, Contract Planner, City of Redwood City, dated 11/26/14. RE: Notice of Preparation of a Draft Environmental Impact Report for the Proposed Redwood City Inner Harbor Specific Plan. p. 143

9.2 Letter via email from Sandy Wong, C/CAG Executive Director, to Christopher Calfee, Senior Counsel, Governor's Office of Planning and Research (OPR), dated 11/21/14. RE: Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743. p. 145

10.0 CLOSED SESSION (Pursuant to Government Code Sec. 54957.6):

10.1 Conference with Labor Negotiators

C/CAG Representatives: C/CAG Compensation Committee, Patricia Martel

Unrepresented Employee: Executive Director

11.0 RECONVENE OPEN SESSION

11.1 Report on Closed Session.

12.0 Action on Compensation Adjustment for Executive Director. Approval of agreement between C/CAG and Executive Director. ACTION

13.0 Approval of 2015 Performance Objectives for Executive Director. ACTION

14.0 ADJOURN

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.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the City/ County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making those public records available for inspection. The documents are also available on the C/CAG Internet Website, at the link for agendas for upcoming meetings. The website is located at: <http://www.ccag.ca.gov>.

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: Sandy Wong 650 599-1409

Administrative Assistant: Nancy Blair 650 599-1406

MEETINGS

Dec. 11, 2014 Legislative Committee - SamTrans 2nd Floor Auditorium - 5:30 p.m.

Dec. 11, 2014 C/CAG Board - SamTrans 2nd Floor Auditorium - 6:30 p.m.

Dec. 18, 2014 CMP Technical Advisory Committee - SamTrans, 2nd Floor Auditorium - 1:15 p.m.

Dec. 18, 2014 Stormwater Committee - SamTrans, 2nd Floor Auditorium - 2:30 p.m.

Dec. 22, 2014 Administrators' Advisory Committee - 555 County Center, 5th Fl, Redwood City - Noon

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors

ITEM 4.1

From: Sandy Wong, Executive Director

Subject: Certificate of Appreciation to Naomi Patridge for her years of dedicated service to C/CAG.

(For further information or questions contact Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board present a Certificate of Appreciation to Naomi Patridge, former C/CAG Board Member, for her years of dedicated service to C/CAG.

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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

FOR HER DEDICATED SERVICE TO THE C/CAG BOARD OF DIRECTORS

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

Whereas, Naomi Patridge has served as Council Member for the City of Half Moon Bay from 1985 through 2001, 2005 through 2014, and Mayor in 1989, 1994, 1995, 1998, 2006, and 2011; and,

Whereas, Naomi Patridge has served on the C/CAG Board of Directors, representing the City of Half Moon Bay as a Representative, during the years of 2010 through 2012; and,

Whereas, during this time, Naomi Patridge, dedicated her services to the people of San Mateo County through her active participation on the C/CAG Board of Directors; and,

Whereas, during those years, Naomi Patridge, dedicated her services to the people of San Mateo County through her participation on the Congestion Management & Environmental Quality (CMEQ) Committee during the years 2006 through 2014; and the Bicycle & Pedestrian Advisory Committee from 2006 through 2014; and

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

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF December, 2014.

Mary Ann Nihart, Chair

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors

ITEM 4.2

From: Sandy Wong, Executive Director

Subject: Presentation on Pavement Condition Index from Metropolitan Transportation Commission (MTC) staff.

(For further information or questions contact Ellen Barton at 650-599-1420)

RECOMMENDATION

That the C/CAG Board receive a presentation on Pavement Condition Index from Metropolitan Transportation Commission (MTC) staff.

FISCAL IMPACT

None.

SOURCE OF FUNDS

N/A

BACKGROUND

Staff from the Metropolitan Transportation Commission will give a presentation on the current status of pavement conditions in San Mateo County and in the State. This presentation will describe what the pavement condition index is; describe statewide and local system needs and the funding needed to bring the system into a good state of repair.

ATTACHMENTS

None.

C/CAG

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BOARD MEETING MINUTES

Meeting No. 272
November 13, 2014

ITEM 5.1

1.0 CALL TO ORDER/ROLL CALL

Chair Nihart called the meeting to order at 6:30 p.m. Roll call was taken.

Cary Wiest – Atherton
David Braunstein - Belmont
Terry O’Connell - Brisbane
Terry Nagel - Burlingame
Joseph Silva - Colma
David Canepa - Daly City
Laura Martinez - East Palo Alto (6:44)
Art Kiesel - Foster City
Jay Benton - Hillsborough
Kirsten Keith - Menlo Park (7:24)
Mary Ann Nihart - Pacifica
Maryann Moise Derwin - Portola Valley(6:38)
John Seybert - Redwood City (6:37)
Irene O’Connell - San Bruno
Mark Olbert - San Carlos
Jack Matthews - San Mateo
Don Horsley - San Mateo County (6:34)
Karyl Matsumoto - South San Francisco
Deborah Gordon - Woodside

Absent:

Half Moon Bay
Millbrae

Others:

Sandy Wong, Executive Director C/CAG
Nancy Blair, C/CAG Staff
Nirit Eriksson, C/CAG Legal Counsel
Tom Madalena, C/CAG Staff
John Hoang, C/CAG Staff
Jean Higaki, C/CAG Staff

Matt Fabry, C/CAG Staff
Wally Abrazaldo, C/CAG Staff
Ellen Barton, C/CAG and County Staff
Kim Springer, County of San Mateo
Joe La Mariana, County of San Mateo
Susan Wright – County of San Mateo
Bill Chiang, PG&E, Local Government Relations Representative

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker.

- 3.1 Ellen Barton, Active Transportation Coordinator, announced the location of her office has been changed from C/CAG, to the Office of Sustainability. She thanked Sandy Wong for the tremendous work she has done to make her feel welcomed, and thanked C/CAG staff for their support.
- 3.2. Bill Chiang, PG&E, provided an update on the inline inspection of Line 101. Line 101 runs 21 miles from Palo Alto to Millbrae. The deadline to finish this project is the first half of December 2014.

4.0 PRESENTATIONS/ ANNOUNCEMENTS

None.

5.0 CONSENT AGENDA

Board Member O'Connell (San Bruno) MOVED approval of 5.1, 5.2, 5.3, 5.5, 5.6, and 5.7.
Board Member Canepa SECONDED. **MOTION CARRIED UNANIMOUSLY 18-0**

- 5.1 Approval of the minutes of regular business meeting No. 271 dated October 9, 2014. APPROVED
- 5.2 Review and approve the appointment of Brad Underwood from the City of San Mateo to the Congestion Management Program Technical Advisory Committee (CMP TAC) and Stormwater Committee. APPROVED
- 5.3 Review and approval of 2015 C/CAG Board Calendar. APPROVED
- 5.5 Review and approval of Resolution 14-55 authorizing the C/CAG Chair to execute Amendment No. 4 to the agreement between C/CAG and Iteris Corporation for Smart Corridor south segment design and construction support extending the completion date to November 30, 2014, with no change in cost. APPROVED

5.6 Receive a copy of Amendment No. 1 to the agreement between C/CAG and Apis Media adding \$5,000 for a total contract amount not to exceed \$20,000, executed by the C/CAG Executive Director consistent with C/CAG procurement policy. INFORMATION

5.7 Receive a copy of the Five-Year Review Report of Countywide Integrated Waste Management Plan for San Mateo County (an information item). INFORMATION

Item 5.4 was removed from the Consent Calendar agenda.

5.4 Review and approval of Resolution 14-45 authorizing the C/CAG chair to execute Amendment 1 to the El Camino Real Incentive Program agreement between C/CAG and San Bruno for a time extension only. APPROVED

Board Member O'Connell (San Bruno) thanked C/CAG for extending the deadline and allowing the City of San Bruno to receive funding for the El Camino Real Incentive Program.

Board Member O'Connell MOVED approval of Resolution 14-45. Board Member Nagel SECONDED. **MOTION CARRIED UNANIMOUSLY 18-0.**

6.0 REGULAR AGENDA

6.1 Review and approval C/CAG investment recommendations from the Finance Committee and accept the Quarterly Investment Report as of September 30, 2014. APPROVED

The Finance Committee met on November 7. The Committee recommends no change to the portfolio, and to continue to monitor the accounts, as funds fluctuate, with the target of keeping the funds in the middle of the range of the life of the pool funds.

Board Member Benton MOVED approval of Item 6.1. Board Member Kiesel SECONDED. **MOTION CARRIED UNANIMOUSLY 18-0.**

6.2 Review and approval of Resolution 14-54 adopting the 2015 C/CAG Investment Policy ACTION

This item has been tabled to the December 11 C/CAG Board meeting.

Board members requested San Carlos Finance staff to provide information regarding market risk and interest rate risk at the December meeting.

No action was taken.

6.3 Presentation on San Mateo County Energy Watch (SMCEW) program progress. ACTION

SMCEW staff provided a presentation and answered questions from the Board.

Board Member Nagel requested for detail performance data by city, as well as suggested these types of energy saving information be presented to chambers of commerce.

No action was taken. This item is an information item.

- 6.4 Review and approval of Resolution 14-52 authorizing the C/CAG Chair to execute Contract Change Orders to the Master Service Agreement and Contract Work Authorization between C/CAG and Pacific Gas and Electric Company, adding \$603,713 and extending the San Mateo County Energy Watch program cycle for one year through December 31, 2015. APPROVED

Staff's recommendation is for the Board to approve Resolution 14-52 to authorize the C/CAG Chair to execute the agreement with PG&E upon final recommendation from Staff and Legal Counsel. A signed copy will be provided to the Board at the next meeting.

Board Member O'Connell (San Bruno) MOVED approval of Item 6.4. Board Member Gordon SECONDED. **MOTION CARRIED UNANIMOUSLY 18-0.**

- 6.5 Review and approval of Resolution 14-53 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo for staff services for the San Mateo County Energy Watch 2015 calendar year for an amount not to exceed \$450,000. APPROVED

Board Member O'Connell (San Bruno) MOVED approval of Item 6.5. Board Member Gordon SECONDED. **MOTION CARRIED UNANIMOUSLY 18-0.**

7.0 COMMITTEE REPORTS

7.1 Committee Reports (oral reports).

None.

7.2 Chairperson's Report

None.

7.3 Board Members Report

The City of San Bruno will be celebrating their City's final Centennial event with a semi-formal Gala at Skyline College on Saturday, December 6, from 6 p.m. to 11 p.m.

8.0 EXECUTIVE DIRECTOR'S REPORT

1. The Executive Director has attended meetings for Super Bowl 50 – Transportation. The game will be hosted at the Levi Stadium, Santa Clara County, on February 7, 2016. The hosting committee has invited all transportation officials in the Bay Area and outer regions to collaborate on making transportation as smooth as possible. Their goal is to make this event a spectacular experience for those who come to the Bay Area.

Leading up to the Super Bowl, a week of events is being planned, many of which will take place in San Francisco. There will be a lot of transportation demands with people traveling between San Francisco and the South Bay. The transportation group is looking for ways to meet the demands. Any input or suggestions would be welcomed.

2. The Executive Director introduced Jean Higaki to share some early results of ramp metering on US 101, in the Northbound direction from State Route 92 to the San Francisco County Line.

On November 4, ramp meters were activated, but rested solid green. On November 12 the ramp meters started cycling during Northbound PM peak time from 3:00 p.m. to 8:00 p.m. On November 18, ramp meters will start cycling during the Northbound AM peak time from 6:00 a.m. to 10:00 a.m.

There has been a one day observation where a Caltrans team performed on-site travel time runs to monitor travel time along the corridor. The first day showed a 3 to 5 minute travel time savings along the 101 corridor with the meters on. Additional monitoring will be conducted.

9.0 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 650 599-1406 or nblair@smcgov.org or download a copy from C/CAG's website – www.ccag.ca.gov.

- 9.1 Letter from Sandy Wong, C/CAG Executive Director, to Ms. April Chan, Executive Officer, Planning and Development, San Mateo County Transit District (SamTrans), dated 10/30/14. RE: Caltrans Sustainable Communities Grant – “Grand Boulevard Initiative – Addressing Multi-modal Mobility” Letter of Support.
- 9.2 Letter from Sandy Wong, C/CAG Executive Director, to Ms. Therese W. McMillan, Acting Administrator, Federal Transit Administration, dated 10/30/14. RE: Caltrans application to FTA Pilot Program for Transit Oriented Development Planning.
- 9.3 Letter from Sandy Wong, C/CAG Executive Director, to Caltrans Sustainable Transportation Planning, Grant Program, District 4, dated 10/29/14. RE: San Mateo County Santa Cruz Avenue Bicycle Improvements Proposal.
- 9.4 Letter sent via email from Sandy Wong, C/CAG Executive Director, to Mr. Mike McCoy, Executive Director, Strategic Growth Council, dated 10/31/14. RE: Affordable Housing and Sustainable Communities Program Guidelines.

10.0 ADJOURN

The meeting adjourned at 7:37 p.m. in honor of Al Teglia. Teglia served five terms on Daly City's City Council, including four terms as mayor. Besides representing Daly City, Teglia held numerous other posts, both political and charitable. He served on the Board of SamTrans, and was closely involved in various programs to help the less fortunate, including San Mateo County Jobs for Youth and other county Children's Funds.

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors

ITEM 5.2

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 14-50 authorizing the CCAG Chair to execute an agreement with the City of Brisbane for the provision of a full-time NPDES Program Coordinator

(For further information or questions contact Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 14-50 authorizing the CCAG Chair to execute an agreement with the City of Brisbane for the provision of a full-time NPDES Program Coordinator.

FISCAL IMPACT

The cost of providing a full time professional staff for stormwater program management is estimated at \$206,000 for calendar year 2015. C/CAG will pay the actual cost for the full-time position, including salary and benefits, and five (5) percent city administration fee, to the City of Brisbane to provide staff service. Funding to provide staff services has been included in the C/CAG budget.

SOURCE OF FUNDS

Funding for staff service comes from NPDES program fee, Measure M, and C/CAG member fees.

BACKGROUND/DISCUSSION

C/CAG contracts with its member agencies, where appropriate, to meet its staffing needs. C/CAG has been contracting with the City of Brisbane to provide stormwater program management professional staff service since 2006. The current agreement for such service between C/CAG and Brisbane expires on December 31, 2014. Both parties desire to continue the arrangement. C/CAG fully reimburses the City of Brisbane for the cost to provide staff services on a monthly basis. Each year, C/CAG includes funding in its budget for staff services to manage the stormwater pollution prevention program.

The proposed agreement is perpetual unless terminated in writing by either party.

ATTACHMENTS

- Resolution 14-50.
- Agreement between C/CAG and the City of Brisbane to provide a full-time NPDES Program Coordinator.

RESOLUTION 14-50

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO
EXECUTE AN AGREEMENT WITH THE CITY OF BRISBANE FOR THE
PROVISION OF A FULL-TIME NPDES PROGRAM COORDINATOR**

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

WHEREAS, C/CAG is a joint powers agency comprised of the twenty cities in the County and the County; and

WHEREAS, C/CAG contracts with its member agencies, where appropriate, for assistance in meeting its staffing needs; and

WHEREAS, C/CAG has made provisions to fund a full-time NPDES Program Coordinator staff position and desires to contract with the City of Brisbane for said staff services; and

WHEREAS, the City of Brisbane is willing and able to provide said staff services to C/CAG and an Agreement for said staff services has been prepared; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the C/CAG Chair is authorized to execute the staff services agreement with the City of Brisbane, and further authorize the C/CAG Executive Director to negotiate final terms of said agreement prior to execution by the Chair, subject to C/CAG legal counsel review.

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF DECEMBER 2014.

Mary Ann Nihart, Chair

DRAFT
**AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) AND THE
CITY OF BRISBANE TO PROVIDE A FULL-TIME NPDES PROGRAM
COORDINATOR**

This Agreement entered this ____ Day of ____ 2014, by and between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, a joint powers agency formed for the purpose of preparation, adoption and monitoring of a variety of county-wide state-mandated plans, hereinafter called "C/CAG" and the CITY OF BRISBANE, hereinafter called "CITY."

W I T N E S S E T H

WHEREAS, C/CAG is joint powers agency composed of all 21 local jurisdictions in San Mateo County, including every city, town, and the county; and

WHEREAS, C/CAG looks to its member agencies, where appropriate, for assistance in meeting its staffing needs; and

WHEREAS, C/CAG and CITY have entered into agreement, and its subsequent amendments, for CITY to provide a full-time NPDES Stormwater Program Coordinator (staff) to C/CAG; and

WHEREAS, C/CAG wishes to continue to contract with CITY for said staff to perform services as directed by C/CAG; and

WHEREAS, CITY is willing and able to provide said staff to C/CAG; and

WHEREAS, C/CAG agrees to allow CITY to charge a five (5) percent administration fee.

NOW, THEREFORE, IT IS HEREBY AGREED by the parties as follows:

1. **Services to be provided by CITY.** The CITY shall provide the services of Matt Fabry, a full-time NPDES Stormwater Program Coordinator, to perform staff services as directed by C/CAG.
2. **Payments.** In consideration of the services rendered in accordance with all terms, conditions and specifications, CITY shall submit monthly invoice to C/CAG for costs for such full-time position, including salary and benefits, and five (5) percent city administration fee. C/CAG shall make payments within 60 days after receipt and approval of monthly invoices from the CITY. The total cost for calendar year 2015 is estimated at \$205,608.

3. **Relationship of the Parties.** It is understood that this is an Agreement by and between Independent Contractor(s) and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.
4. **Non-Assignability.** CITY shall not assign this Agreement or any portion thereof to a third party without the prior written consent of C/CAG, and any attempted assignment without such prior written consent in violation of this Section automatically shall terminate this Agreement.
5. **Contract Term.** This Agreement shall be in effect as of January 1, 2015 and shall terminate upon notice by either party by giving ninety (90) days written notice to the other party specifying the effective date of such termination. In the event of termination under this paragraph, CITY shall be paid for all services provided to the date of termination.
6. **Hold Harmless/ Indemnity.** CITY shall defend, indemnify and save harmless C/CAG and its member agencies and their employees, agents and officers from all claims, suits, damages or actions arising from CITY's performance under this Agreement.

C/CAG shall defend, indemnify and save harmless CITY, and their employees, agents and officers from all claims, suits, damages or actions arising from C/CAG's performance under this Agreement.

The duty of the parties to indemnify and save harmless as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

7. **Workers' Compensation Coverage.** Statutory Workers' Compensation Insurance and Employer's Liability Insurance will be provided by the CITY with limits of not less than one million dollars (\$1,000,000) for any and all persons employed directly or indirectly by CITY. In the alternative, CITY may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code. In such case, excess Workers' Compensation Insurance with limits of not less than five million dollars (\$5,000,000) shall be maintained. The insurer, if insurance is provided, and the CITY, if a program of self-insurance is provided, shall waive all rights of subrogation against C/CAG for loss arising from worker injuries sustained under this Agreement.
8. **Liability Insurance.** CITY shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect CITY, its employees, officers and agents while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all operations under this Agreement, whether such operations be by CITY or by any sub-contractor or by anyone directly or indirectly employed by either of them. In the alternative, CITY may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code.

In the event of the breach of any provision of this section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, C/CAG, at its option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work pursuant to this Agreement.

9. **Non-discrimination.** CITY and its subcontractors performing the services on behalf of the CITY shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.
10. **Accessibility of Services to Disabled Persons.** CITY, not C/CAG, shall be responsible for compliance with all applicable requirements regarding services to disabled persons, including any requirements of Section 504 of the Rehabilitation Act of 1973.
11. **Substitutions.** If particular people are identified herein or in Exhibit A as working on this Agreement, COUNTY will not assign others to work in their place without written permission from C/CAG. Any substitution shall be with a person of commensurate experience and knowledge.
14. **Amendments.** Any changes in the services to be performed under this Agreement shall be incorporated in written amendments, which shall specify the changes in work performed and any adjustments in compensation and schedule. All amendments shall be executed by the C/CAG Executive Director or a designated representative, and CITY's City Manager or his/her designated representative. No claim for additional compensation or extension of time shall be recognized unless contained in a duly executed amendment.
15. **Governing Law.** This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

IN WITNESS WHEREOF, the parties hereto have affixed their hands on the day and year indicated.

CITY OF BRISBANE

By _____
W. Clarke Conway, Mayor

Date

By _____
City Attorney

Date

CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG)

By _____
Mary Ann Nihart
C/CAG - Chair

Date

By _____
Nirit Eriksson
C/CAG Legal Counsel

Date

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors **ITEM 5.3**

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 14-56, authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo, Department of Public Works for staff services for climate action planning for calendar year 2015 for an amount not to exceed \$40,000.

(For further information or response to questions, contact Sandy Wong at 650-599-1409)

RECOMMENDATION

Review and approve Resolution 14-56 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo, Department of Public Works for staff services for climate action planning for calendar year 2015 for an amount not to exceed \$40,000

FISCAL IMPACT

Up to \$40,000.

SOURCE OF FUNDS

Congestion Relief funds in the amount of \$40,000.

BACKGROUND

On September 16, 2010 the C/CAG Board adopted Resolution 10-53 authorizing the C/CAG chair to execute an agreement with the BAAQMD to receive a \$50,000 grant, launching the C/CAG Climate Action Plan Template and Tool project. On March 7, 2011, the C/CAG Board adopted Resolution No. 11-11 for a PG&E Contract Work Authorization No. 2500458103 between C/CAG and PG&E for \$125,000. The total grant funding for Climate Action Plan Template was \$175,000, and with C/CAG's commitment to match funds, the total project budget was \$350,000 through calendar year 2012. The project eventually came to be known as the Regionally Integrated Climate Action Planning Suite (RICAPS).

C/CAG began contracting with the County of San Mateo, Department of Public Works to provide staff services for RICAPS December 2012 for \$60,000, and has continued funding for climate action planning in 2013 and 2014 for \$50,000 and \$40,000 respectively. The funds for staff services are a match from C/CAG to funds provided in the C/CAG – PG&E Local Government Partnership. Since climate action planning support is given for all sectors of emissions: energy, transportation, solid waste and other emissions, PG&E asks that C/CAG provide additional funding for emissions outside of energy-related emissions, tied to development of climate action plans in San Mateo County. The goal of RICAPS is for every city in San Mateo County and the County to have a plan to reduce greenhouse gas emissions and to provide ongoing support.

Resolution 14-56 and the Staff Services Agreement are provided as attachments to this staff report.

ATTACHMENTS

- Resolution 14-56
- Staff Services Agreement between C/CAG and County of San Mateo, Department of Public Works

RESOLUTION NO. 14-56

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO EXECUTE AN AGREEMENT BETWEEN C/CAG AND THE COUNTY OF SAN MATEO, DEPARTMENT OF PUBLIC WORKS FOR STAFF SERVICES FOR CLIMATE ACTION PLANNING FOR CALENDAR YEAR 2015 FOR AN AMOUNT NOT TO EXCEED \$40,000

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

WHEREAS, C/CAG, by action of the Board, entered into grant agreements with the Bay Area Air Quality Management District and PG&E to fund Climate Action Planning starting in September 2010 and has continued to receive funding from PG&E to support climate action efforts countywide through Contract Work Authorizations (CWAs) in 2010- 2012 and 2013-2014; and

WHEREAS, PG&E asks that C/CAG provide matching funds for development of climate action plans to compensate for sectors of emissions in those plans, outside of energy-related emissions; and

WHEREAS, progress continues to be made and deliverables for the CWAs continue to be completed by C/CAG staff and County of San Mateo, Department of Public Works staff through an existing staffing agreement that expires on December 31, 2014; and

WHEREAS, C/CAG desires to both continue the RICAPS project on behalf of the cities in San Mateo County and the County, and for County of San Mateo, Department of Public Works staff to continue work on the Project and explore additional grant funding for Climate and Adaptation Planning for San Mateo County cities;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to execute an Agreement between C/CAG and the County of San Mateo, Department of Public Works for staff services for climate action planning for calendar year 2014, for an amount not to exceed \$40,000.

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF DECEMBER, 2014.

Mary Ann Nihart, Vice Chair

**AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY (C/CAG) AND THE COUNTY OF SAN MATEO DEPARTMENT
OF PUBLIC WORKS TO PROVIDE STAFF AND MANAGEMENT
SERVICES FOR COUNTYWIDE CLIMATE ACTION PLANNING FOR AN
AMOUNT NOT TO EXCEED \$40,000 FOR CALENDAR YEAR 2015**

This Agreement entered this ____ Day of ____ 2014, by and between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, a joint powers agency formed for the purpose of preparation, adoption and monitoring of a variety of county-wide, state-mandated plans, hereinafter called "C/CAG" and the COUNTY OF SAN MATEO, DEPARTMENT OF PUBLIC WORKS, hereinafter called "COUNTY DPW."

W I T N E S S E T H

WHEREAS, the City/County Association of Governments (C/CAG) is committed to working with the cities in San Mateo County on issues related solid waste, resource conservation and climate protection; and

WHEREAS, C/CAG desires to obtain services from COUNTY DPW to provide staff services for the Regionally Integrated Climate Action Planning Suite (RICAPS) project; and

WHEREAS, the COUNTY DPW is committed to providing staff services;

NOW, THEREFORE, IT IS HEREBY AGREED by the parties as follows:

1. **Services to be provided by COUNTY DPW.** COUNTY DPW shall provide services as described in Exhibit A, attached hereto and incorporated by reference herein.
2. **Payments.** In consideration of the services rendered in accordance with all terms, conditions and specifications set forth herein and in Exhibit A, C/CAG shall reimburse COUNTY DPW for eligible costs as set forth in Exhibit A, up to \$40,000. Payments shall be made within 30 days after receipt and approval of monthly invoices from COUNTY DPW.
3. **Relationship of the Parties.** It is understood that COUNTY DPW enters into this Agreement as an Independent Contractor and the Agreement is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.
4. **Non-Assignability.** COUNTY DPW shall not assign this Agreement or any portion thereof to a third party without the prior written consent of C/CAG, and any attempted assignment without such prior written consent is in violation of this Section and shall be grounds for termination of this Agreement.

5. **Contract Term.** This Agreement shall be in effect and cover costs as set out in Exhibit A from January 1, 2015 and shall terminate on December 31, 2015; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' written notice to COUNTY DPW. COUNTY DPW may terminate this Agreement at any time for any reason by providing 30 days' written notice to C/CAG, termination will be effective on the date specified in the notice. In the event of termination under this paragraph, COUNTY DPW shall be paid for all services provided to the date of termination.
6. **Hold Harmless/Indemnity.** COUNTY DPW shall defend, indemnify and save harmless C/CAG and its member agencies and their employees, agents and officers from all claims, suits, damages or actions arising from COUNTY DPW's performance under this Agreement.

C/CAG shall defend, indemnify and save harmless COUNTY DPW and its member agencies and their employees, agents and officers from all claims, suits, damages or actions arising from C/CAG's performance under this Agreement.

The duty of the parties to indemnify and save harmless as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

7. **Workers' Compensation Coverage.** Statutory Workers' Compensation Insurance and Employer's Liability Insurance will be provided by the COUNTY DPW with limits of not less than one million dollars (\$1,000,000) for any and all persons employed directly or indirectly by COUNTY DPW. In the alternative, COUNTY DPW may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code. In such case, excess Workers' Compensation Insurance with statutory limits shall be maintained. The insurer, if insurance is provided, and the COUNTY DPW, if a program of self-insurance is provided, shall waive all rights of subrogation against C/CAG for loss arising from worker injuries sustained under this Agreement.
8. **Liability Insurance.** COUNTY DPW shall take out and maintain during the life of this Agreement, in an amount not less than one million dollars (\$1,000,000), such Bodily Injury Liability and Property Damage Liability Insurance as shall protect COUNTY DPW, its employees, officers and agents while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all operations under this Agreement, whether such operations be by COUNTY DPW or by any sub-contractor or by anyone directly or indirectly employed by either of them. In the alternative, COUNTY DPW may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code.

In the event of the breach of any provision of this Section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled,

C/CAG, at its option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work pursuant to this Agreement.

9. **Non-discrimination.** COUNTY DPW and its subcontractors performing the services on behalf of the COUNTY DPW shall not discriminate or permit discrimination against any person or group of persons on the basis or race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.
10. **Accessibility of Services to Disabled Persons.** COUNTY DPW, not C/CAG, shall be responsible for compliance with all applicable requirements regarding services to disabled persons, including any requirements of Section 504 of the Rehabilitation Act of 1973.
11. **Substitutions.** If particular people are identified in Exhibit A as working under this Agreement, COUNTY DPW will not assign others to work in their place without written permission from C/CAG. Any substitution shall be with a person of commensurate experience and knowledge.
12. **Joint Property.** As between C/CAG and COUNTY DPW any system or documents developed, produced or provided under this Agreement shall become the joint property of C/CAG and the COUNTY DPW.
13. **Access to Records.** COUNTY DPW shall retain, for a period of no less than five years, all books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions, and shall provide C/CAG, its member agencies, and or their auditors with access to said books and records.

COUNTY DPW shall maintain all required records for five years after C/CAG makes final payments.
14. **Merger Clause.** This Agreement constitutes the sole agreement of the parties hereto with regard to the matters covered in this Agreement. Any prior agreement, promises, negotiations or representations between the parties not expressly stated in this document are not binding.
15. **Amendments.** Any changes in the services to be performed under this Agreement shall be incorporated in written amendments, which shall specify the changes in work performed and any adjustments in compensation and schedule. All amendments shall be executed by the C/CAG Executive Director or a designated representative, and the Director of Public Works. No claim for additional compensation or extension of time shall be recognized unless contained in a duly executed amendment.

16. **Governing Law.** This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

IN WITNESS WHEREOF, the parties hereto have affixed their hands on the day and year indicated.

County of San Mateo

By _____
James C. Porter
County Department of Public Works - Director

Date

Approved as to Form By

County Counsel

Date

City/County Association of Governments (C/CAG)

By _____
Mary Ann Nihart, C/CAG Chair

Date

Approved as to Form By

C/CAG Legal Counsel

Date

Exhibit A

STAFF SERVICES FOR RICAPS FOR 2015

SCOPE OF WORK

- 1.0 Introduction - The City/ County Association of Governments of San Mateo County (C/CAG) is committed to working with the cities in San Mateo County on issues related to solid waste, resource conservation and climate protection. C/CAG desires to contract with the County of San Mateo, Department of Public Works (County DPW) to provide staff services for the administration and project management of C/CAG's RICAPS Project (Project) pursuant to this Scope of Work. The Project will be funded through C/CAG under their PG&E Master Service Agreement No. 4400004093 and associated Contract Work Authorizations between C/CAG and PG&E (Grant Agreement).
- 2.0 Management and Staffing Oversight - County DPW shall provide staff support to C/CAG to accomplish deliverables as provided in the current PG&E Specific Conditions (Contract Work Authorization) for Climate Action Planning Support to the cities in San Mateo County and the County for calendar year 2015. The County DPW shall provide project administration and project management to include: coordination of a working group of city staff, contracting and managing the consultants, reviewing and commenting on consultant submittals, preparing and submitting required grant reports, and managing the Project in accordance with the stipulated timelines to ensure the progress of the Project.
- 3.0 Scope of Work – the County DPW shall:
 - 3.1 Support the completion of the Project scope, for which C/CAG is providing funding through the Grant Agreement for technical support for work completed by the County in calendar year 2015, up to a maximum amount of \$40,000 pursuant to this Agreement.
 - 3.2 Explore planning and funding options for climate adaptation for the cities in San Mateo County and, if approved by C/CAG, apply for those funds.
- 4.0 Reporting - The County DPW shall report to the C/CAG Board and other C/CAG committees and staff on activities and Project progress related to this scope of work upon request during the term of this Agreement.
- 5.0 Payments - The County DPW shall submit invoices for services provided along with supporting documentation including labor hours and rates for management and staffing. C/CAG shall pay invoices within 30 days of receipt.
- 6.0 The parties understand and agree that the County DPW personnel assigned to perform services under this Agreement shall be, initially, Kim Springer and Susan Wright. Staff may be reassigned by the County, subject to the provisions of Section 11 of this Agreement.

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: SFO and San Carlos Airport Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Reviews – City of Foster City Housing Element 2015-2023 (Draft September 15, 2014).

ITEM 5.4.1

(For further information or response to questions, contact Tom Madalena at 650-599-1460)

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of Foster City Housing Element 2015-2023 (Draft September 15, 2014) is consistent with the applicable airport/land use compatibility policies and criteria contained in the adopted 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP) and the 1996 San Mateo County Comprehensive Airport Land Use Plan for San Carlos Airport (SQL CLUP).

FISCAL IMPACT

None

SOURCE OF FUNDS

Funding for the consistency determinations is derived from the C/CAG general fund.

BACKGROUND

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term general plan for the future physical development of the community. The Housing Element is one of seven mandated elements of a local general plan (the general plan also includes a land use element and a noise element). Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. As a result, housing policy in the State of California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The City of Foster City has referred its Housing Element 2015-2023 (Draft September 15, 2014) to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP and SQL CLUP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The Housing Element 2015-2023 (Draft September 15, 2014) is a policy document that identifies goals, policies, programs, and other city actions to address existing and projected housing needs in the city. The Association of Bay Area Governments (ABAG) projected regional housing allocation for the

City of Foster City is for 430 new dwelling units between 2015 and 2023 (page 4-20). According to the Housing Element, the City of Foster City has sufficient dwelling units under construction, under review, or has the potential for increased density at existing apartment developments to meet the required 430 units. It was noted that increased density at existing apartment developments is allowed under the current City of Foster City zoning regulations through the use of density bonus with additional density allowed pursuant to the proposed Affordable Housing Overlay (AHO) zone (page 4-22).

DISCUSSION

I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in SFO ALUCP and SQL CLUP that relate to the proposed general plan amendment. These include: (a) consistency with noise compatibility policies, (b) safety criteria, and (c) airspace compatibility criteria. The following sections address each issue.

(a) Noise Policy Consistency Analysis

The 65 db CNEL (Community Noise Equivalent Level) aircraft noise contour defines the state and federal threshold for aircraft noise-sensitive land use impacts. This is the threshold used by the SFO ALUCP. As seen in **Attachment 1**, the City of Foster City housing opportunity sites are all located in the northern half of the City. The City of Foster City is located outside of the 65 dB CNEL aircraft noise exposure contour for San Francisco International Airport as shown in the SFO ALUCP depicted on **Attachment 2**. The SQL CLUP uses the 55 CNEL noise contours for determining land use compatibility. The City of Foster City housing opportunity sites are also located outside the 55 CNEL aircraft noise exposure contour for San Carlos Airport as shown in the SQL CLUP depicted on **Attachment 3**.

Based upon this analysis, the Foster City housing opportunity sites are located outside both the noise exposure contour boundaries established in the SFO ALUCP and SQL CLUP. Therefore, the Foster City Housing Element 2015-2023 Draft (September 15, 2014) is consistent with both the SFO ALUCP and SQL CLUP noise policies.

(b) Safety Criteria

The California Airport/Land Use Planning Handbook requires airport land use compatibility plans to include safety zones for each runway end. The SFO ALUCP and SQL CLUP include safety zones and related land use compatibility policies and criteria. The safety zone configurations established for the SFO ALUCP and the SQL CLUP are located outside the municipal boundary of the City of Foster City (See **Attachments 2 and 3**). Therefore, the City of Foster City Housing Element 2015-2023 (Draft September 15, 2014) is consistent with both the SFO ALUCP and SQL CLUP safety policies.

(c) Height of Structures, Use of Airspace, and Airspace Compatibility

Both the SFO ALUCP and SQL CLUP incorporate the provisions in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77), "Objects Affecting Navigable Airspace," as amended, to establish height restrictions and federal notification requirements related to proposed development within the 14 CFR Part 77 airspace boundaries for San Francisco International Airport and San Carlos

Airport. The 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 Federal Aviation Administration (FAA) of certain proposed construction or alteration of structures that may affect the navigable airspace, and (3) the initiation of aeronautical studies, by the FAA, to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace.

As seen in **Attachment 2**, the northern portion of the City of Foster City is within the outer boundary of the Terminal Instrument Procedure (TERPS) approach and One Engine Inoperative (OEI) departure surface boundary. **Table 1** illustrates the housing sites within the TERPS approach/OEI departure surface boundary.

Table 1 Housing Opportunity Sites City of Foster City			
Name	Address	Located within the SFO 14 CFR Part 77/ TERPS/OEI Surfaces	Obstruction Clearance (ft)
<i>New Housing Sites</i>			
Waverly	1166 Triton Drive	Yes	+210'
Pilgrim Triton Phase C	565 Pilgrim Drive	Yes	+210'
Triton Pointe	551 Foster City Blvd.	Yes	+210'
Foster Square	N/A	Yes	+324'
<i>Housing Redevelopment Sites</i>			
Harbor Cove	900 E Hillsdale Blvd.	Yes	+800'
Sand Cove Apartments (1)	777 Shell Blvd.	Yes	+421'
Sand Cove Apartments (2)	N/A	Yes	+378'
Beach Cove	703 Catamaran St.	Yes	+408'
Shadow Cove Apartments	1055 Foster City Blvd.	Yes	+800'
Franciscan Apartments	888 Foster City Blvd.	Yes	+210'

Based on analysis provided by the SFO Planning Staff using SFO's iALP Airspace Tool, the Waverly, Pilgrim Triton Phase C, Triton Pointe, and Franciscan Apartment sites that fall within the 14 CFR Part 77 approach surfaces as identified by the SFO Planning Staff. Sites within the 14 CFR Part approach surfaces could be built out with structures as long as the building heights do not penetrate 210 feet above mean sea level (AMSL) that was identified by SFO Planning Staff. Based on the current zoning in the City of Foster City, which allows for high density housing to be up to 45 feet (See City of Foster City Statute Title 17-Zoning), the Housing Element would be consistent with the SFO ALUCP as it relates to airspace protection. According to the current analysis of airspace and zoning limits, all of the proposed housing opportunity sites are consistent with the SFO ALUCP airspace.

A small portion of southern Foster City falls within the 14 CFR Part 77 surface depicted in the SQL CLUP for San Carlos Airport (See **Attachment 3**). The Foster City housing opportunity sites are all outside of the San Carlos Airport 14 CFR Part 77 surface and therefore consistent with the SQL CLUP airspace criteria.

Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. The city should notify project sponsors of proposed projects at the earliest opportunity to file form 7460-1 *Notice of Proposed Construction or Alteration*,

if required, with the Federal Aviation Administration (FAA) to determine whether a project will constitute a hazard to air navigation. Subpart B of 14 CFR Part 77 provides guidance on determining when this form should be filed. The FAA has also developed an online tool for project sponsors to use when determining whether they are required to file the *Notice of Proposed Construction or Alteration*. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

II. Real Estate Disclosure

This section is included to reinforce the concept that real estate disclosure exists per State law and it is part of the real estate transaction process. This would occur during a real estate transaction and is outside of the City of Foster City's responsibility.

California Public Utilities Code PUC Section 21670 (a and b) states the following:

“(a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports.....

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission....”

The California Business and Professional Code, Section 11010(b.13) (A and B) states the following:

“(A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

Notice of Airport in Vicinity:

This property is presently located in the vicinity of an airport, within what is known as the 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.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”

Chapter 496, Statutes of 2002 (formerly AB 2776 (Simitian)) affects all sales 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 AIA boundary and (2) that the property may be subject to certain impacts from airport/aircraft operations.

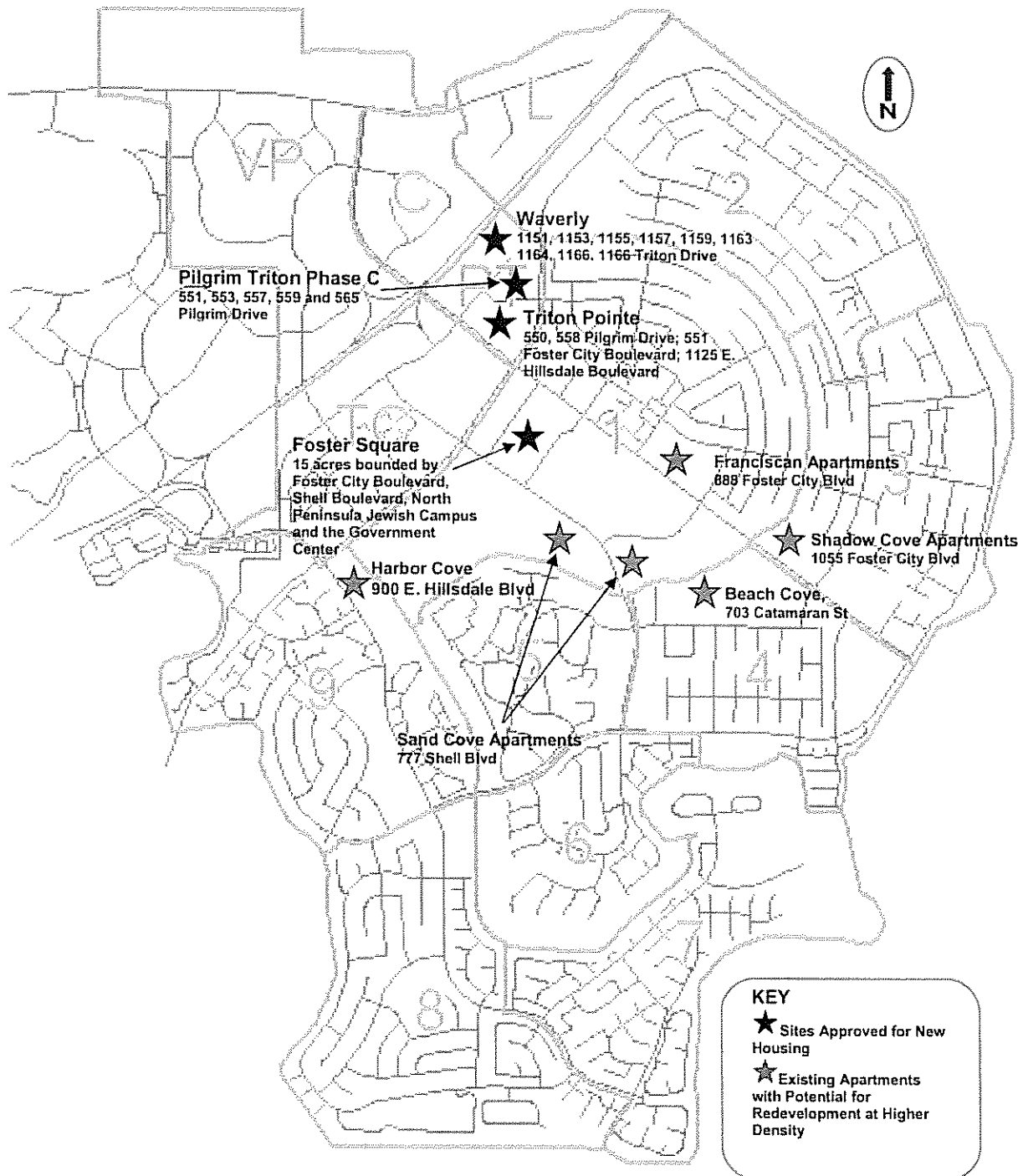
III. Compliance with California Government Code Section 65302.3

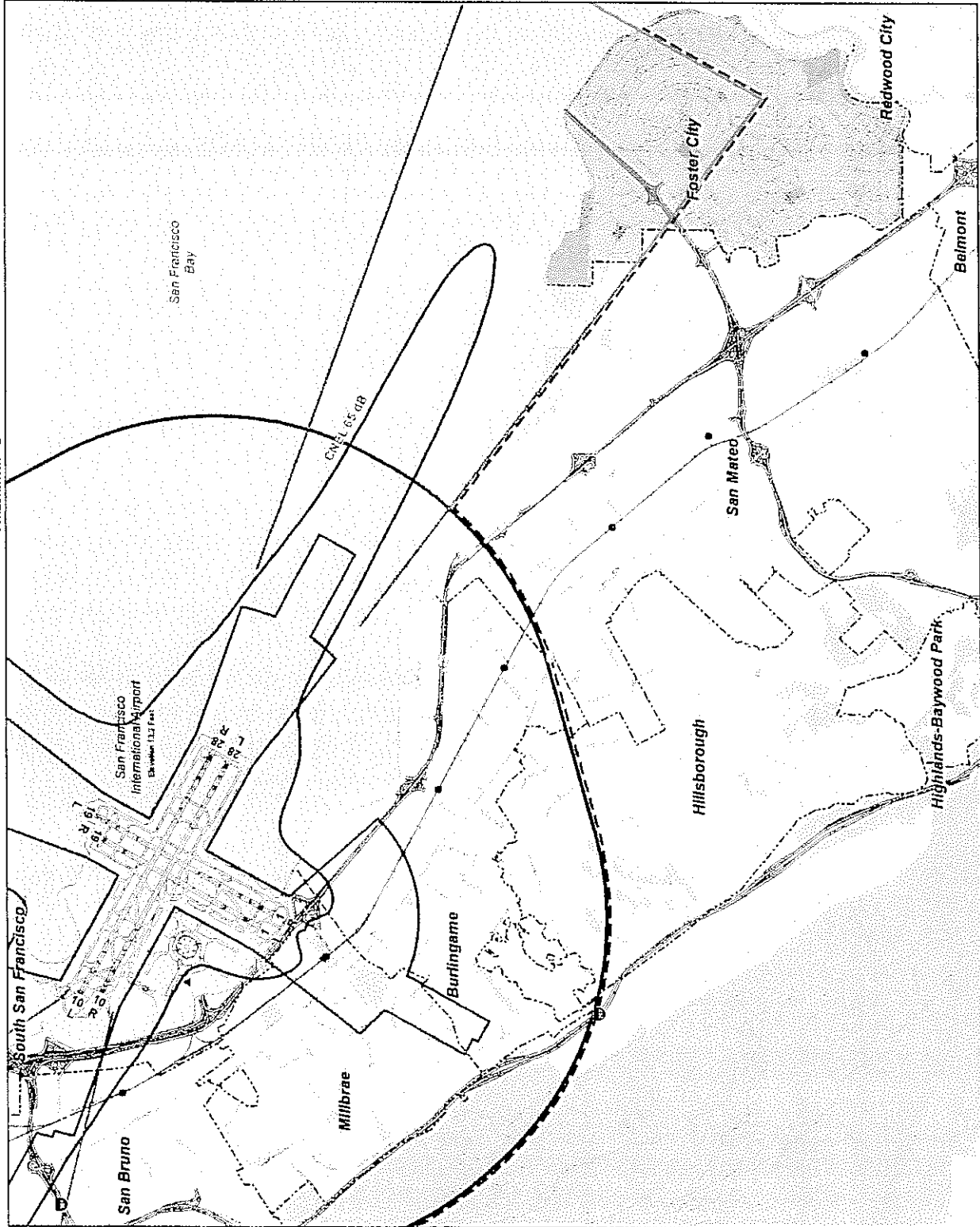
California Government Code Section 65302.3 states that a local agency general plan and/or any affected specific plan must be consistent with the applicable airport/land use compatibility criteria in the relevant adopted ALUCP. The City of Foster City Housing Element 2015-2023 (Draft September 15, 2014) should include appropriate text that indicates the goals, objectives, policies, and programs contained in the Housing Element document that are consistent with the relevant airport/land use compatibility criteria contained in the SFO ALUCP and SQL CLUP.

ATTACHMENTS

- Attachment 1 - Map of Foster City Housing Opportunity Sites from Housing Element 2015-2023 (Draft September 15, 2014)
- Attachment 2 - San Francisco International Airport Land Use Compatibility Plan Influence Area- B, southeast side.
- Attachment 3 - San Carlos Airport Noise, Safety, and Airspace Protection Zones.
- Attachment 4 - Revised Airport Influence Area for San Carlos Airport.

Housing Opportunity Sites Map





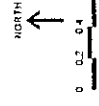
LEGEND

- Boundary for Airport Influence Area B
- Outer Boundary of Safety Zones
- CNEL Contour: 200 Footcandle
- 14 CFR Part 77 Canal Surface
- Outer Boundary of TERPS Approach and Obstacle Clearance Surfaces
- Airport Property
- BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road
- Local Pers. Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space
- Police City

Sources

- 100 L FAA Notification Zone, Ricardo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B, Section 77.9.
- Outer Boundary of TERPS Approach and Obstacle Clearance Surfaces, San Francisco International Airport, Jacobs Consultancy and Planning Technology Inc., 2009
- Safety Compatibility Zones, Jacobs Consultancy Team, 2009, Ricardo & Associates, Inc. 2011

Note: Contour: URS Corporation and Brighter International, Civil/Environmental Assessment, San Francisco International Airport Proposed Runway Safety Area Program, June 2011.



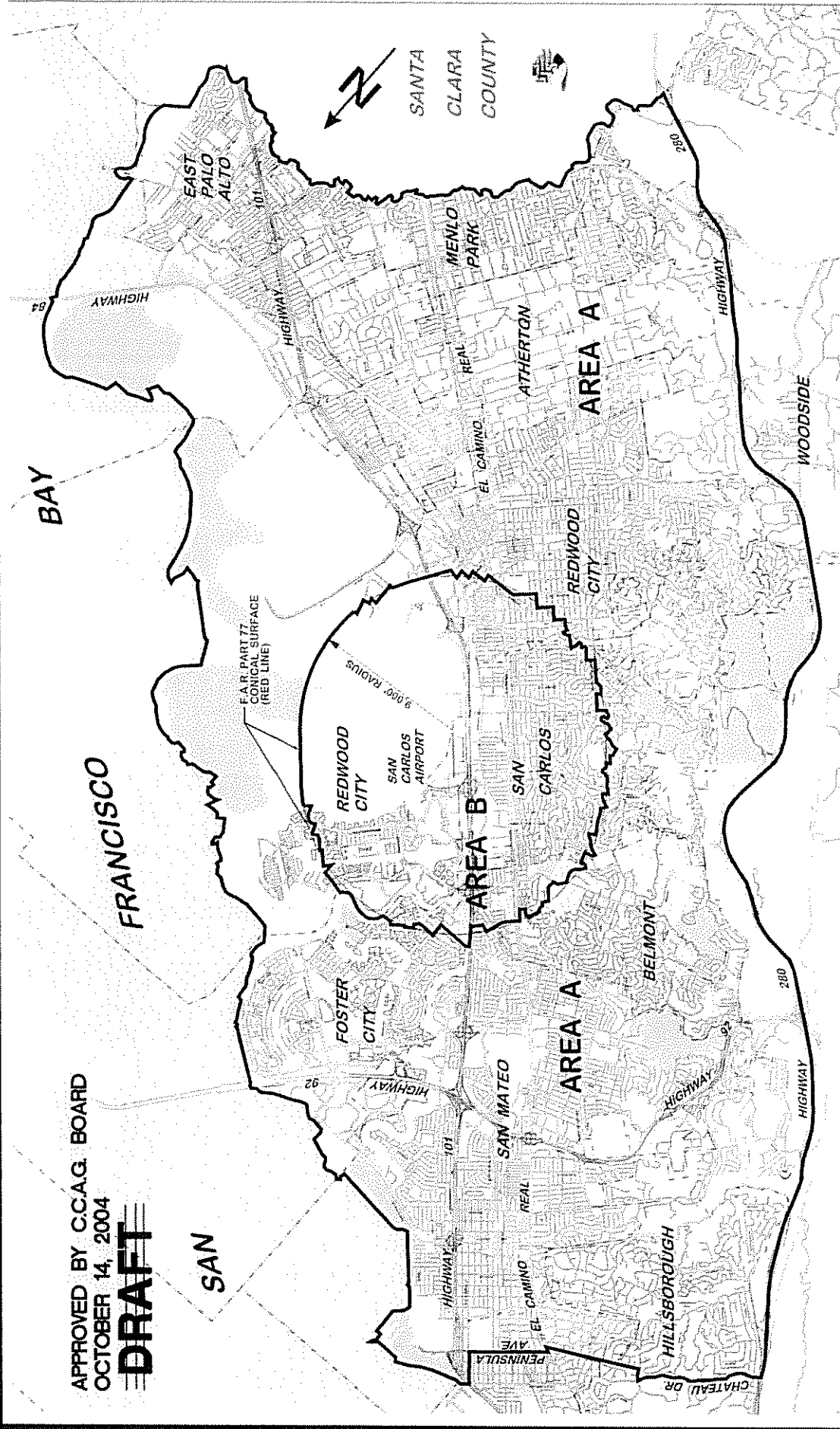
Embarcadero
AIRPORT INFLUENCE AREA B – SOUTHEAST SIDE
 Comprehensive Airport Land Use Plan
 for the Environs of San Francisco International Airport
CICAG
 City/County Association of Governments
 of San Mateo County, California



San Carlos Airport Noise, Safety, and Airspace Protection Zones

APPROVED BY C.C.A.G. BOARD
OCTOBER 14, 2004

DRAFT



**CCAG LANDUSE COMMITTEE RECOMMENDATION
REVISED AIRPORT INFLUENCE AREA BOUNDARY
FOR SAN CARLOS AIRPORT -- AREAS A & B (OCTOBER 2004)**

AREA A: PROPOSED REVISED AIRPORT INFLUENCE AREA (AIA) BOUNDARY (real estate disclosure only)
 AREA B: PROPOSED CCAG/ALUC REVIEW AREA BOUNDARY (real estate disclosure and formal CCAG/ALUC review)
 • This boundary is a refinement of the current CCAG/ALUC review boundary.

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014)

ITEM 5.4.2

(For further information or response to questions, contact Tom Madalena at 650-599-1460)

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of South San Francisco proposed general plan amendment, Housing Element 2015-2023 (Draft October 24, 2014) is consistent with the applicable airport/land use compatibility policies and criteria contained in the adopted 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

FISCAL IMPACT

None

SOURCE OF FUNDS

Funding for the consistency determinations is derived from the C/CAG general fund.

BACKGROUND

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term general plan for the future physical development of the community. The Housing Element is one of seven mandated elements of a local general plan (the general plan also includes a land use element and a noise element). Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. As a result, housing policy in the State of California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The City of South San Francisco has referred its Housing Element 2015-2023 (Draft October 24, 2014) to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The Housing Element 2015-2023 (Draft October 24, 2014) is a policy document that identifies goals, policies, programs, and other city actions to address existing and projected housing needs in the city. The Association of Bay Area Governments (ABAG) allocated housing unit production needs for each county within the Bay Area and, with the exception of San Mateo County, also allocated housing unit production need to the city level. In the case of San Mateo County, the county formed a subregion in

partnership with all twenty cities in its jurisdiction for the purposes of conducting the Regional Housing Needs Allocation (RHNA), as allowed by State law. The San Mateo subregion designated the C/CAG as the entity responsible for coordinating and implementing the subregional RHNA process. The countywide RHNA process determined a need for 1,864 housing units in South San Francisco between January 1, 2014 and October 31, 2022 (page 35). According to the Housing Element, the City of South San Francisco's analysis of housing opportunity sites indicates the potential to develop 2,083 units of new housing during the current planning period, and up to 2,163 units of new housing with the adoption of the proposed Downtown Plan. **Attachment 1** depicts the housing opportunity sites. Nearly all opportunity sites would support housing densities of 30 units per acre or greater, providing favorable prospects for affordable units. Compared against the RHNA, the City's housing opportunity sites offer a development capacity that exceeds the needs determination by more than 200 units. With the adoption of the proposed Downtown Plan, which includes higher densities on sites in the downtown, the development capacity exceeds the needs determination by nearly 300 units.

DISCUSSION

I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in SFO ALUCP that relate to the proposed general plan housing element amendment. These include: (a) consistency with noise compatibility policies, (b) safety criteria, and (c) airspace compatibility criteria. The following sections address each issue.

(a) Noise Policy Consistency Analysis

The 65 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the state and federal threshold for aircraft noise-sensitive land use impacts. This is the threshold used by the SFO ALUCP. Portions of City of South San Francisco are located inside of the 65 dB CNEL aircraft noise exposure contour for San Francisco International Airport as shown in the SFO ALUCP depicted on **Attachment 1**. However, the City of South San Francisco housing opportunity sites are all located in the northern portion of the City and outside the 65 dB CNEL noise exposure contour as depicted on **Attachment 1**.

In addition, the City of South San Francisco has adopted policies to prohibit residential development in areas with major environmental hazards, to abate existing hazards, and to mitigate airport noise for residents. These policies are implemented through the CEQA process, as well as the City-Sponsored Housing Rehabilitation Program, minor home repair program, and airport noise insulation program. In accordance with state law, disclosures are provided to potential buyers of homes that are located in the 65 to 69 dB CNEL aircraft noise contour areas, and there are added restrictions placed on new homes within the 65 to 69 dB CNEL aircraft noise contour.

Based upon this analysis, the City of South San Francisco housing opportunity sites are all located outside the noise exposure contour boundaries established in the SFO ALUCP. Therefore, the City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014) is consistent with the SFO ALUCP.

(b) Safety Criteria

The California Airport/Land Use Planning Handbook requires airport land use compatibility plans to include safety zones for each runway end. The SFO ALUCP includes safety zones and related land use compatibility policies and criteria. The City of South San Francisco housing opportunity sites are all located outside the safety zone configurations established for the SFO ALCUP (See **Attachment 1**). Therefore, the City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014) is consistent with the SFO ALUCP safety policies.

(c) Height of Structures, Use of Airspace, and Airspace Compatibility

The SFO ALUCP incorporates the provisions in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77), “Objects Affecting Navigable Airspace,” as amended, to establish height restrictions and federal notification requirements related to proposed development within the 14 CFR Part 77 airspace boundaries for San Francisco International Airport. The 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 Federal Aviation Administration (FAA) of certain proposed construction or alteration of structures that may affect the navigable airspace, and (3) the initiation of aeronautical studies, by the FAA, to determine the potential effect(s), if any, of the proposed construction or alterations of structures on the subject airspace.

As shown on **Attachment 1**, housing opportunity Sites 1-5 are located in the SFO TERPS approach/One Engine Inoperative (OEI) departure surface boundary. The remaining 12 sites are all located within the 14 CFR Part 77 Conical surface. **Table 1** illustrates the housing sites within the Terminal Instrument Procedures (TERPS) approach/OEI departure surface and 14 CFR Part 77 conical surface boundaries.

The SFO Planning Staff, using SFO’s iALP Airspace Tool, provided an analysis of the obstruction height for the centroid of each housing opportunity site. This analysis determined that all 17 housing opportunity sites would not obstruct the TERPS approach/OEI departure surface and 14 CFR Part 77 conical surface based upon the identified zoning and allowable maximum heights of structures for each parcel (See **Table 1**). Therefore, based upon analysis of airspace and zoning height limits, all of the proposed housing opportunity sites are consistent with the SFO ALUCP airspace.

Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. The city should notify project sponsors of proposed projects at the earliest opportunity to file form 7460-1 *Notice of Proposed Construction or Alteration*, if required, with the Federal Aviation Administration (FAA) to determine whether a project will constitute a hazard to air navigation. Subpart B of 14 CFR Part 77 provides guidance on determining when this form should be filed. The FAA has also developed an online tool for project sponsors to use when determining whether they are required to file the *Notice of Proposed Construction or Alteration*. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oecaa.faa.gov/oecaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

TABLE 1
Housing Opportunity Sites
City of South San Francisco

Site	APN #s	Latitude ¹	Longitude ¹	Located within the SFO 14 CFR Part 77 or TERPS/OEI Surfaces	Zoning and Maximum Allowable Height(ft) ²	Obstruction Clearance (ft) ³
1	011-171-500	37° 39' 49.2280"	122° 26' 27.9660"	Yes	TV-RM- (35')	+215.45
	011-171-330					
2	010-292-130	37° 39' 39.6930"	122° 26' 28.1100"	Yes	ECR/C-MXH (120')	+215.12
	010-292-280					
	010-292-270					
3	039-312-060	37° 39' 29.5240"	122° 26' 10.4620"	Yes	ECR/C-RH & ECR/C-MXH (120')	+203.00
	093-312-050					
4	011-327-050	37° 39' 29.2430"	122° 25' 59.5070"	Yes	RH-30 (50')	+200.84
5	011-326-030	37° 39' 21.5630"	122° 26' 6.4940"	Yes	ECR/C-MXH (120')	+182.53
6	012-145-370	37° 39' 33.1550"	122° 24' 30.3080"	Yes	DMX (50')	+198.78
7	012-174-300	37° 39' 31.2470"	122° 24' 30.9770"	Yes	DMX (50')	+194.53
8	012-314-010	37° 39' 24.4080"	122° 24' 33.3660"	Yes	DC (60')	+179.44
9	012-311-330	37° 39' 24.7590"	122° 24' 42.4050"	Yes	DC (60')	+166.06
10	012-311-260	37° 39' 23.7310"	122° 24' 37.7590"	Yes	DC (60')	+173.88
	012-311-250					
	012-311-240					
	012-311-230					
11	012-334-130	37° 39' 15.6640"	122° 24' 35.5960"	Yes	DC (60')	+154.57
	012-334-160					
	012-334-030					
	012-334-040					
12	012-316-100	37° 39' 16.7910"	122° 24' 33.2240"	Yes	DC (60')	+155.09
	012-316-110					
	012-316-090					
	012-316-080					
	012-316-060					
	012-316-040					
13	012-335-100	37° 39' 13.0670"	122° 24' 33.0600"	Yes	DC (60')	+141.8
	012-335-110					
14	012-318-080	37° 39' 19.5680"	122° 24' 28.4140"	Yes	DC (60')	+162.48
	012-314-220					
15	012-314-220	37° 39' 22.5100"	122° 24' 32.2340"	Yes	DC (60')	+174.27
16	012-317-110	37° 39' 22.1860"	122° 24' 27.0500"	Yes	DC (60')	+170.11
	012-317-100					
	012-317-090					
17	012-314-100	37° 39' 21.8990"	122° 24' 29.3020"	Yes	DC (60')	+173.00

¹ Latitude and Longitude of parcel centroid.

² Maximum allowable height based upon zoning descriptions in the City of South San Francisco Housing Element, Tables 4.1-3 and 5.1-3. City of South San Francisco zoning ordinance.

³ San Francisco International Airport Planning Staff

II. Real Estate Disclosure

This section is included to reinforce the concept that real estate disclosure exists per state law and it is part of the real estate transaction process. This would occur during a real estate transaction and is outside of the City of South San Francisco's responsibility.

California Public Utilities Code (PUC) Section 21670 (a and b) states the following:

“(a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports...

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission.”

The California Business and Professional Code, Section 11010(b.13) (A and B) states the following:

“(A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

Notice of Airport in Vicinity:

This property is presently located in the vicinity of an airport, within what is known as the 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.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”

Chapter 496, Statutes of 2002 (formerly AB 2776 [Simitian]) affects all sales 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 AIA boundary and (2) that the property may be subject to certain impacts from airport/aircraft operations.

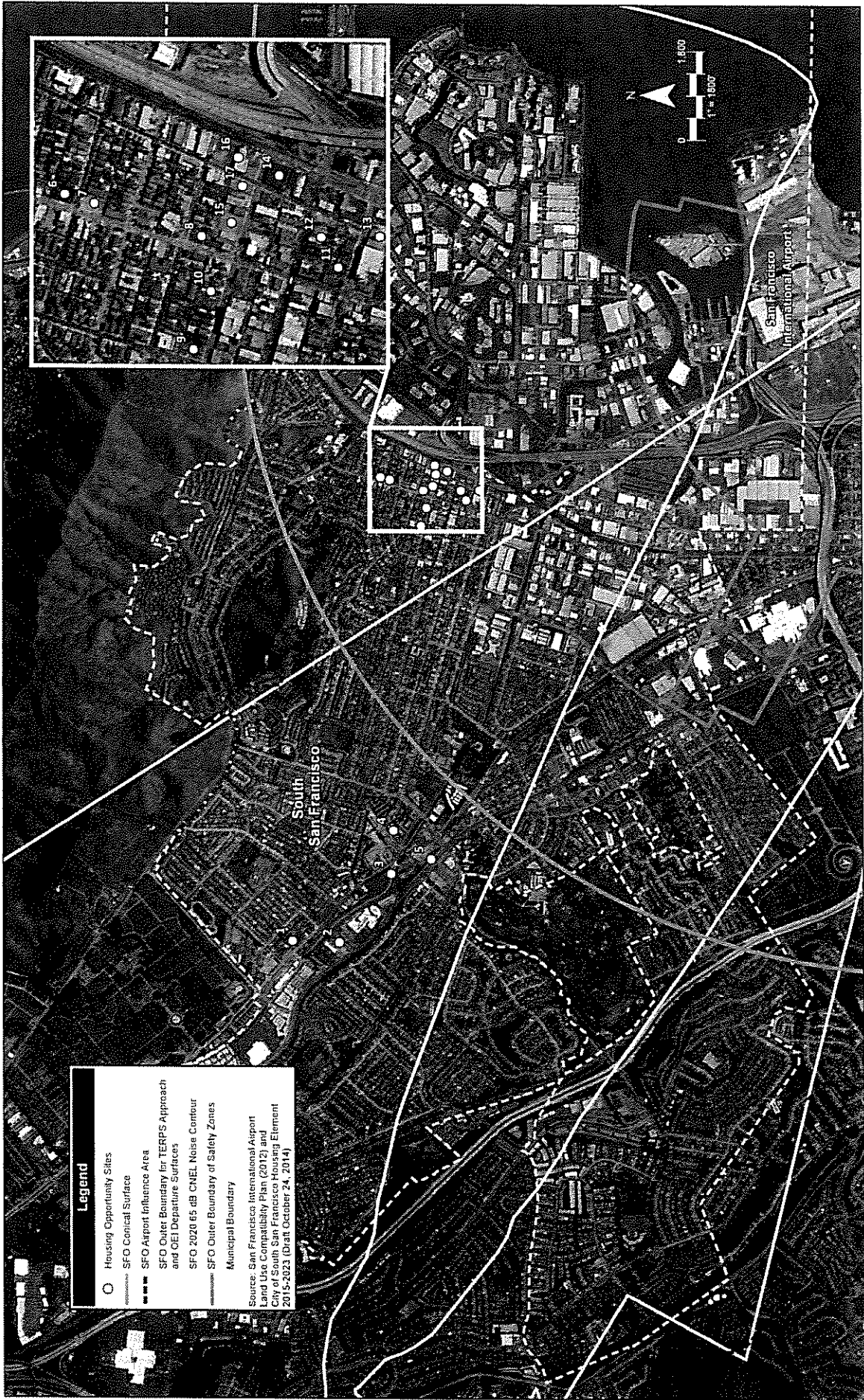
III. Compliance with California Government Code Section 65302.3

California Government Code Section 65302.3 states 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 ALUCP. While the South San Francisco Housing Element 2015-2023 (Draft October 24, 2014) does reference the SFO ALUCP noise section, it should also include appropriate text that indicates the goals, objectives, policies, and programs contained in the Housing Element document

that are consistent with the relevant airport/land use compatibility criteria contained in the SFO ALUCP.

ATTACHMENTS

- Attachment 1 - San Francisco International Airport Compatibility Zones and South San Francisco Housing Element 2015-2023 (Draft October 24, 2014) housing opportunity sites



Attachment 1
 SAN FRANCISCO INTERNATIONAL AIRPORT COMPATIBILITY ZONES
 SOUTH SAN FRANCISCO HOUSING OPPORTUNITY SITES

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors ITEM 5.4.3

From: Sandy Wong, Executive Director

Subject: SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of San Bruno Draft Housing Element 2014-2022

(For further information or response to questions, contact Tom Madalena at 650-599-1460)

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of San Bruno proposed general plan amendment, Draft Housing Element 2014-2022 (the Draft Plan) is conditionally consistent with the 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP). The Draft Plan would become fully consistent with the SFO ALUCP if the following conditions are met:

A) Noise Compatibility

The Draft Plan is conditionally consistent with noise compatibility policies of the SFO ALUCP provided the following conditions are adhered to in implementation of the 2014-2022 Housing Element:

1. For new residential development exposed to noise above CNEL 65 dB, sound insulation will be provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower.
2. For the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater, the granting of an aviation easement to the City and County of San Francisco as operator of SFO shall be required. The aviation easement to be used in fulfilling this condition is presented in Appendix G of the SFO ALUCP.

Reference: 2012 SFO ALUCP, Section 4.3.

B) Airspace Protection

The Draft Plan is conditionally consistent with the airspace protection policies of the ALUCP, provided the following policies (summarized from the SFO ALUCP Section 4.5.4) are adhered to in implementation of the 2014-2022 Housing Element:

(1) COMPLIANCE WITH 14 CFR PART 77, SUBPART B, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

- A) LOCAL GOVERNMENT RESPONSIBILITY TO NOTIFY PROJECT SPONSORS
Local governments have the responsibility to notify sponsors of proposed projects at the earliest opportunity to file Form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA for any proposed project that would exceed the FAA notification heights, as

shown approximately on Exhibit IV-10. Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77.

B) FAA AERONAUTICAL STUDY FINDINGS REQUIRED PRIOR TO PROCESSING DEVELOPMENT APPLICATION

The sponsor of a proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10, shall present to the local government permitting agency with his or her application [*sic*] for a development permit, a copy of the findings of the FAA's aeronautical study, or evidence demonstrating that he or she is exempt from having to file an FAA Form 7460-1. It is the responsibility of the local agency to consider the FAA determination study findings as part of its review and decision on the proposed project.

(2) COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES

Project sponsors shall be required to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the building design and height and any recommended marking and lighting of their structures for their proposed projects to be deemed consistent with the SFO ALUCP.

(3) MAXIMUM COMPATIBLE BUILDING HEIGHT

The maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibits IV-17 and IV-18), or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

Compliance with the zoning district height and the SFO critical aeronautical surfaces map does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1 *Notice of Proposed Construction or Alteration*, if required, and to comply with the determinations resulting from the FAA's aeronautical study.

No local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which has not received a favorable determination from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

(4) OTHER FLIGHT HAZARDS SHALL BE PROHIBITED

Proposed land use actions that include land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight shall be prohibited in Area B. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations must be provided to the Airport Land Use Commission (C/CAG Board of Directors) by the sponsor of the proposed land use action.

Specific characteristics that may create hazards to aircraft in flight and which shall be prohibited include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport;

- (b) Distracting lights that that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting;
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport;
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar;
- (e) Sources of thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight;
- (f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars.

(5) PROJECTS WITHIN THE TRANSIT CORRIDORS PLANNING AREA

Future site-specific development proposals within the Transit Corridors Area shall be referred to the Airport Land Use Commission C/CAG for SFO ALUCP Consistency Determination. If FAA review is required for a project, C/CAG will not proceed with the ALUCP Consistency Determination until the FAA Determination has been finalized.

FISCAL IMPACT

None

SOURCE OF FUNDS

Funding for the consistency determinations is derived from the C/CAG general fund.

BACKGROUND

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term general plan for the future physical development of the community. The housing element is one of seven mandated elements of a local general plan (the general plan also includes a land use element and a noise element). Housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. As a result, housing policy in the State of California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The City of San Bruno has referred its Draft 2014-2022 Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

DISCUSSION

Detail discussion is included in the memorandum from Mark Johnson, AICP and Laura Brunn, PMP, of Ricondo & Associates to Sandy Wong, C/CAG Executive Director, dated November 12, 2014.

ATTACHMENTS

- November 12, 2014 memorandum from Ricondo & Associates to Sandy Wong



MEMORANDUM

VIA EMAIL

Date: November 12, 2014

To: Sandy Wong
Executive Director, C/CAG

From: Mark R. Johnson, AICP and Laura L. Brunn, PMP

Subject: AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY REVIEW OF DRAFT CITY OF SAN BRUNO 2014-2022 HOUSING ELEMENT

FINDINGS

Review of the City of San Bruno's Draft 2014-2022 Housing Element finds that it is conditionally consistent with the policies of the *2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Plan would become fully consistent with the ALUCP if the following conditions are met:

Noise Compatibility

The Final 2014-2022 Housing Element should include directly, or by reference to SFO ALUCP Section 4.3, the following conditions:

1. For new residential development exposed to noise above CNEL 65 dB, sound insulation will be required to reduce interior noise levels from exterior sources to CNEL 45 dB or lower.
2. For the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater, the granting of an aviation easement to the City and County of San Francisco as operator of SFO shall be required.

Airspace Protection

1. The Final 2014-2022 Housing Element shall include direct reference to the ALUCP's Airspace Protection Policies (ALUCP Section 4.5.4), which state the City's and project sponsor's obligations that are required for ALUCP consistency.
2. Future site-specific development proposals within the Transit Corridors Area shall be referred to the Airport Land Use Commission (C/CAG) for a determination of consistency with the SFO ALUCP. If FAA review is required for a project, C/CAG will not proceed with the ALUCP Consistency Determination until the FAA Determination has been finalized.



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NOVEMBER 12, 2014
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SUMMARY OF PROPOSED ACTION

The City of San Bruno has referred its Administrative Draft 2014-2022 Housing Element (Plan) to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Project is subject to Airport Land Use Commission (C/CAG) review, pursuant to California Public Utilities Code (PUC) Section 21676 (b), which states that a local agency General Plan and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted ALUCP.

As part of the General Plan process, each city and county in California is required to develop a plan for its housing needs through the preparation and implementation of a Housing Element, which is one of the seven mandatory elements of a local General Plan (other elements include land use, circulation, conservation, open space, noise, and safety). San Bruno's future housing needs for the 2014-2022 planning period are projected at 1,155 new units. This forecasted need was developed in partnership with San Mateo County's twenty-one cities, the County itself, as well as the Association of Bay Area Governments (ABAG) through the Regional Housing Needs Allocation (RHNA) planning process.

The Draft Housing Element (Plan) is a policy document that identifies goals, policies, and programs through:

1. An analysis of the City's demographic, household and housing characteristics and related housing needs.
2. A review of potential market, governmental, and infrastructure constraints to meeting San Bruno's identified housing needs.
3. An evaluation of residential sites and financial and administrative resources available to address the City's housing goals.
4. The Housing Element Work Program for addressing San Bruno's housing needs, including housing goals, policies, and programs.

Of these components, this Consistency Evaluation focuses on the locations of future residential sites and the consistency of the Plan's goals and policies with the SFO ALUCP (components 3-4, listed above).

CONSISTENCY EVALUATION

The evaluation of San Bruno's Housing Element and its consistency with the SFO ALUCP is organized into three sections: (1) consistency with noise compatibility policies; (2) consistency with safety compatibility policies; and (3) consistency with height restriction/airspace protection policies.



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A proposed local agency land use policy or development action must be compatible with each of these elements for the Airport Land Use Commission (the C/CAG Board) to determine that the proposed action is consistent with the ALUCP. If a proposed action is incompatible with any of these criteria, the Airport Land Use Commission (the C/CAG Board) shall determine that the proposed action is inconsistent with the ALUCP.

Noise Compatibility Policies

Applicable Background:

In the SFO ALUCP, The airport noise/land use compatibility standards relevant to the Plan are provided in Table 1.

Table 1
Aircraft Noise/Land Use Compatibility Standards for San Francisco International Airport Plan Area
Excerpted from SFO ALUCP Table IV-1

LAND USE	COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)			
	BELOW 65 dB	65-70 dB	70-75 dB	75 dB AND OVER
Residential				
Residential, single family detached	Y	C	N (a)	N
Residential, multi-family and single family attached	Y	C	N (a)	N
Transient lodgings	Y	C	C	N

Notes:

CNEL = Community Noise Equivalent Level, in A-weighted decibels.

Y (Yes) = Land use and related structures compatible without restrictions.

C (conditionally compatible) = Land use and related structures are permitted, provided that sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower and that an avigation easement is granted to the City and County of San Francisco as operator of SFO. See Policy NP-3.

N (No) = Land use and related structures are not compatible.

(a) Use is conditionally compatible only on an existing lot of record zoned only for residential use as of the effective date of the ALUCP. Use must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources. The property owners shall grant an avigation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building or structure. If the proposed development is not built, then, upon notice by the local permitting authority, SFO shall record a notice of termination of the avigation easement.

Source: *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, November 2012, p. IV-18

Prepared by: Ricondo & Associates, Inc. November 2014

The compatibility criteria indicate whether a proposed land use is "compatible," "conditionally compatible," or "not compatible" within each zone, designated by the identified CNEL ranges.



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- "Compatible" shall mean that the proposed land use is compatible with the CNEL level indicated in the table and shall be permitted without any special requirements related to the attenuation of aircraft noise.
- "Conditionally compatible" shall mean that the proposed land use is compatible, subject to the conditions indicated in Table IV-1, and that it shall be permitted if the required conditions are met.
- "Not compatible" shall mean that the proposed land use is incompatible with aircraft noise at the indicated CNEL level and shall not be permitted.

Discussion:

As shown in Table 1, the Community Noise Equivalent Level (CNEL) 65 dB aircraft noise contour defines the SFO ALUCP's threshold for residential aircraft noise compatibility. The majority of San Bruno is exposed to noise below the CNEL 65 dB level for SFO with the exception of 570 acres (approximate) along the city's northeast boundary (SFO ALUCP Exhibit IV-9). None of the proposed "Housing Opportunity Sites" (Sites) are located in a noise contour area greater than CNEL 70 dB, although several are within the CNEL 65-70 dB noise contour range.

The sites that are located within the CNEL 65-70 dB exposure range, are part of the San Bruno Avenue: Mixed Use/TOD Corridor (Transit Corridors Specific Plan (TCP), approved in February 2013). As required for SFO ALUCP consistency and also as discussed within Chapter 3, Page 3-28 of the Plan, new residential development within the CNEL 65 dB contour, regardless of zoning status, will require sound attenuation measures in compliance with SFO ALUCP Policy NP-2.

Findings:

The Draft Plan is conditionally consistent with noise compatibility policies of the ALUCP provided the following conditions are adhered to in implementation of the 2014-2022 Housing Element:

- (1) For new residential development exposed to noise above CNEL 65 dB, sound insulation will be provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower.
- (2) For the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater, the granting of an aviation easement to the City and County of San Francisco as operator of SFO shall be required. The aviation easement to be used in fulfilling this condition is presented in Appendix G of the SFO ALUCP.

Refer to SFO ALUCP, Section 4.3 for detailed discussion of the preceding conditions.



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Safety Compatibility Policies

Applicable Background:

The 2012 SFO ALUCP established four safety zones, as follows:

Runway Protection Zone (RPZ, **Zone 1**) - The RPZ is an area of relatively high accident risk that FAA encourages airport proprietors to own and keep free of objects, structures, and incompatible uses, including places of assembly (housing, churches, schools, shopping centers, hospitals, and the like), fuel storage, and wildlife attractants.

Inner Approach/Departure Zone (IADZ, **Zone 2**) - The IADZ is an area of secondary accident risk that tends to be overflowed by most aircraft arrivals and departures off that runway end.

Inner Turning Zone (ITZ, **Zone 3**) - The ITZ is an area overflowed by aircraft making turns at low altitude immediately after takeoff. It tends to be subject to lower accident risk than the IADZ.

Outer Approach/Departure Zone (OADZ, **Zone 4**) - The OADZ extends along the extended runway centerline immediately beyond the IADZ. It is subject to overflights of aircraft on approach and straight-out departures.

Discussion:

A portion of the northeastern region of the City of San Bruno is located within the SFO ALUCP's safety compatibility zones (SFO ALUCP Exhibit IV-8). Several of the Plan's "Opportunity Sites" are located within the boundaries of SFO's Inner Turning Zone, Safety Zone 3, and are therefore subject to review for consistency with the SFO ALUCP's Safety Compatibility Policies.

Consistency Findings:

Land use/safety criteria are defined in Section 4.3, Table IV-2 of the SFO ALUCP. The criteria include two categories – uses that are prohibited and uses that are to be avoided in the respective zones. Residential land uses are not among the uses to be prohibited or avoided in Safety Zone 3, and, consequently, are considered compatible land uses. Additionally, the SFO ALUCP's Safety Compatibility policies do not condition or restrict densities of residential land uses. Therefore, the Plan is consistent with the SFO ALUCP's safety compatibility policies.

Airspace Protection Policies

Applicable Background:

In the SFO ALUCP, the Airport Land Use Commission (C/CAG Board) has adopted a two-part standard for establishing maximum allowable structure heights in Airport Influence Area B.



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1. First, any structures that would penetrate the airspace surfaces depicted on the "Critical Aeronautical Surfaces Map" (Exhibits IV-17 and IV-18 in the ALUCP) would be considered incompatible with the SFO ALUCP.
2. Second, any structure determined by the FAA to be a hazard to air navigation, even if it would not penetrate a "critical aeronautical surface" as depicted in Exhibits IV-17 and IV-18, would be considered incompatible with the SFO ALUCP, unless a permit for the structure is issued by the Caltrans Division of Aeronautics.

Title 14 Code of Federal Regulations (CFR) Part 77 - Part 77 contains three key elements related to airspace protection: (1) requirements for project sponsors to provide notice to the FAA of certain proposed construction or alteration of structures that may affect the navigable airspace (Subpart B); (2) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection (Subpart C); and (3) the initiation of aeronautical studies, by the FAA, to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace (Subpart D).

Part 77, Subpart B, Section 77.9 requires any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in that section, to prepare an FAA Form 7460-1, Notice of Proposed Construction or Alteration, and submit the notice to the FAA. The FAA then reviews the proposed project in accordance with the procedures described in Part 77, Subpart D. The Part 77 regulations apply to buildings and other structures or portions of structures, such as mechanical equipment, flag poles, and other projections that may exceed the aforementioned elevations. SFO ALUCP Exhibit IV-11 depicts the approximate elevations at which the Part 77 notification requirements would be triggered for projects within the City of San Bruno. This exhibit is provided for informational purposes only, and official determinations of the areas and elevations within which the federal notification requirements apply are subject to the authority of the FAA. SFO ALUCP Appendix F describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

Part 77, Subpart C, establishes obstruction standards for the airspace around airports including approach zones, conical zones, transitional zones, and horizontal zones known as "imaginary surfaces." (Exhibit IV-15, SFO ALUCP). The FAA considers any objects penetrating these surfaces as obstructions to air navigation. Obstructions may occur without compromising safe air navigation, but they must be marked, lighted, and noted on aeronautical publications to ensure that pilots can see and avoid them.

Critical Aeronautical Surfaces - As defined within the SFO ALUCP, critical aeronautical surfaces include those established in accordance with FAA Order 8260.3B, U.S. Standard for Terminal Instrument Procedures (TERPS), and a surface representing the airspace required for One-Engine Inoperative (OEI) departures from Runway 28L. Exhibit IV-17 depicts the lowest elevations from the combination of the OEI



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procedure surface and all TERPS surfaces. These surfaces indicate the maximum feasible height at which structures can be considered compatible with Airport operations.

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map, or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study.

In consultation with C/CAG, SFO developed the iALP Airspace Tool to evaluate the relationship of proposed buildings with the Airport's critical airspace surfaces. The iALP Airspace Tool is designed to assist planners, developers, and other interested persons with the implementation of the airspace protection policies of the SFO ALUCP. The tool helps users determine the maximum allowable building height at a given site and/or whether a building penetrates a critical airspace surface. A detailed description of the iALP Airspace Tool is presented in the SFO ALUCP Appendix J. Use of this tool does not relieve a project sponsor of the duty to comply with all federal regulations, including the obligation to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA.

Discussion:

All new development projects and land use policy actions, regardless of location within the City of San Bruno, are subject to the ALUCP's Airspace Protection Policies.

To meet San Bruno's future housing needs, the City has identified lands (Opportunity Sites) in the Administrative Draft Housing Element that are available to be developed or redeveloped. Although specific parcels are identified, site-specific information (e.g., building locations, heights of proposed structures, or requirements that sites be rezoned) is not clearly defined within the Draft Housing Element. The absence of these details is typical of a broad planning-level document such as a General Plan element.

As the City moves forward in implementing the Plan through development and/or redevelopment of the Opportunity Sites, the City has the responsibility to ensure compliance with the ALUCP's airspace protection policies, as described below in the Consistency Findings. If the specific land development project requires a land use policy action (Rezone or General Plan Amendment), the project must be referred to C/CAG, as defined within the SFO ALUCP Section 3.2, General Policy 8.1.

Specific Discussion for the Transit Corridors Planning Area

The Airport Land Use Commission (C/CAG) has reviewed the City's Economic Enhancement Initiative (Measure N), approved by voters on November 4, 2014, which will increase the allowable zoned heights for buildings within the San Bruno Transit Corridors Planning area (TCP). These heights were



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contemplated within the TCP's Specific Plan¹ and reviewed by the Airport Land Use Commission (C/CAG) in June 2012². In 2012, the Airport Land Use Commission (C/CAG) determined that the maximum building heights of 90 feet above ground level around the Caltrain Station Area may create a hazard to airspace through the penetration of the critical airspace surfaces by four to five feet. Chapter 5, Maximum Height Regulations, of the Final TCP discusses the site-specific Airport Land Use Commission (C/CAG) consistency review requirements for all future development proposals. As stated within the TCP, Page 91:

*"At a height of 90 feet, future development within the Station Area could potentially encroach upon certain of the critical aeronautical surfaces that protect airspace required for the various departure procedures from Runways 28... Future site-specific development proposals within the Station Area, as well as other portions of the Transit Corridors Area, would be referred to the San Mateo County C/CAG Airport Land Use Committee (ALUC) for a determination of consistency with the ALUCP. Depending on site-specific ground elevations and critical aeronautical surfaces, the ALUC determinations may result in maximum allowed building heights on any given site slightly lower than the maximum allowed by the Transit Corridors Plan."*³

Consistency Findings:

The Draft Plan is conditionally consistent with the airspace protection policies of the ALUCP, provided the following policies (summarized from the SFO ALUCP Section 4.5.4) are adhered to in implementation of the 2014-2022 Housing Element:

(1) COMPLIANCE WITH 14 CFR PART 77, SUBPART B, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

A) LOCAL GOVERNMENT RESPONSIBILITY TO NOTIFY PROJECT SPONSORS

Local governments have the responsibility to notify sponsors of proposed projects at the earliest opportunity to file Form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10. Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77.

B) FAA AERONAUTICAL STUDY FINDINGS REQUIRED PRIOR TO PROCESSING DEVELOPMENT APPLICATION

¹ San Bruno Transit Corridor Plan was approved by the City of San Bruno in February 2013.

² The Airport Land Use Plan in effect at the time of review was the 1996 Comprehensive Land Use Plan (CLUP) for San Mateo County. During this period of evaluation, a comprehensive update to the CLUP for SFO, now referred as the Airport Land Use Compatibility Plan (ALUCP), was under final review for approval. Consequently, the draft ALUCP, adopted July 2012, was also considered by the Airport Land Use Commission (C/CAG) in review of the TCP.

³ The TCP stipulation requiring Airport Land Use Commission (C/CAG) for project-specific review is carried through within the *Consistency Findings*, Condition **(5)**.



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The sponsor of a proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10, shall present to the local government permitting agency with his or her application *[sic]* for a development permit, a copy of the findings of the FAA's aeronautical study, or evidence demonstrating that he or she is exempt from having to file an FAA Form 7460-1. It is the responsibility of the local agency to consider the FAA determination study findings as part of its review and decision on the proposed project.

(2) COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES

Project sponsors shall be required to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the building design and height and any recommended marking and lighting of their structures for their proposed projects to be deemed consistent with the SFO ALUCP.

(3) MAXIMUM COMPATIBLE BUILDING HEIGHT

The maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibits IV-17 and IV-18), or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

Compliance with the zoning district height and the SFO critical aeronautical surfaces map does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1 *Notice of Proposed Construction or Alteration*, if required, and to comply with the determinations resulting from the FAA's aeronautical study.

No local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which has not received a favorable determination from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

(4) OTHER FLIGHT HAZARDS SHALL BE PROHIBITED

Proposed land use actions that include land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight shall be prohibited in Area B. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations must be provided to the Airport Land Use Commission (C/CAG Board of Directors) by the sponsor of the proposed land use action.



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Specific characteristics that may create hazards to aircraft in flight and which shall be prohibited include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport;
- (b) Distracting lights that that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting;
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport;
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar;
- (e) Sources of thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight;
- (f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars.

(5) PROJECTS WITHIN THE TRANSIT CORRIDORS PLANNING AREA

Future site-specific development proposals within the Transit Corridors Area shall be referred to the Airport Land Use Commission C/CAG for SFO ALUCP Consistency Determination. If FAA review is required for a project, C/CAG will not proceed with the ALUCP Consistency Determination until the FAA Determination has been finalized.

Policy Review

The ALUC has reviewed the Draft Plan's implementing policies and finds that the Plan does not contain policies or language that are inconsistent with the policies of the SFO ALUCP.

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of Burlingame Draft 2015-2023 Housing Element

ITEM 5.4.4

(For further information or response to questions, contact Tom Madalena at 650-599-1460)

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of Burlingame's Draft 2015-2023 Housing Element is conditionally consistent with the policies of the 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP). The Plan would become fully consistent with the ALUCP if the following condition is met:

- The Final 2015-2023 Housing Element should include direct reference to the ALUCP's Airspace Protection Policies (ALUCP Section 4.5.4), which state the City's and project sponsor's obligations that are required for ALUCP consistency.

FISCAL IMPACT

None

SOURCE OF FUNDS

Funding for the consistency determinations is derived from the C/CAG general fund.

BACKGROUND

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term general plan for the future physical development of the community. The housing element is one of seven mandated elements of a local general plan (the general plan also includes a land use element and a noise element). Housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. As a result, housing policy in the State of California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The City of Burlingame has referred its Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP). The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

DISCUSSION

Detail discussion is included in the memorandum from Mark Johnson, AICP and Laura Brunn, PMP, of Ricondo & Associates to Sandy Wong, C/CAG Executive Director, dated October 28, 2014.

ATTACHMENTS

- October 28, 2014 memorandum from Ricondo & Associates to Sandy Wong



MEMORANDUM

VIA EMAIL

Date: October 28, 2014

To: Sandy Wong
Executive Director, C/CAG

From: Mark R. Johnson, AICP and Laura L. Brunn, PMP

Subject: AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY REVIEW OF DRAFT CITY OF BURLINGAME 2015-2023 HOUSING ELEMENT

FINDINGS

Review of the City of Burlingame's Draft 2015-2023 Housing Element finds that it is conditionally consistent with the policies of the 2012 *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Plan would become fully consistent with the ALUCP if the following condition is met:

- The Final 2015-2023 Housing Element should include direct reference to the ALUCP's Airspace Protection Policies (ALUCP Section 4.5.4), which state the City's and project sponsor's obligations that are required for ALUCP consistency.

SUMMARY OF PROPOSED ACTION

The City of Burlingame has referred its Draft 2015-2023 Housing Element (Plan) to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Project is subject to ALUC/C/CAG review, pursuant to California Public Utilities Code (PUC) Section 21676 (b) which states that a local agency General Plan and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted ALUCP.

As part of the General Plan process, each city and county in California is required to develop a plan for its housing needs through the preparation and implementation of a Housing Element, which is one of the seven mandatory elements of a local General Plan (other elements include land use, circulation, conservation, open space, noise, and safety). Burlingame's future housing needs for the 2015-2023 planning period are projected at 863 units. This forecasted need was developed in partnership with San Mateo County's twenty-one cities, the County itself, as well as the Association of Bay Area Governments (ABAG) through the Regional Housing Needs Allocation (RHNA) planning process.



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The Draft Housing Element (Plan) is a policy document that identifies goals, policies, and programs through:

1. An analysis of the City's demographic, household and housing characteristics and related housing needs.
2. A review of potential market, governmental, and infrastructure constraints to meeting Burlingame's identified housing needs.
3. An evaluation of residential sites and financial and administrative resources available to address the City's housing goals.
4. The Housing Element Work Program for addressing Burlingame's housing needs, including housing goals, policies, and programs.

Of the components listed above, this Consistency Evaluation focuses on the locations of future residential sites and the consistency of the Plan's goals and policies with the SFO ALUCP (components 3-4).

CONSISTENCY EVALUATION

The evaluation of Burlingame's Housing Element and its consistency with the SFO ALUCP is organized into three sections: (1) consistency with noise compatibility policies; (2) consistency with safety compatibility policies; and (3) consistency with height restriction/airspace protection policies.

A proposed local agency land use policy or development action must be compatible with each of these elements for the Airport Land Use Commission (the C/CAG Board) to determine that the proposed action is consistent with the ALUCP. If a proposed action is incompatible with any of these criteria, the Airport Land Use Commission (the C/CAG Board) shall determine that the proposed action is inconsistent with the ALUCP.

Noise Compatibility Policies

Discussion:

All future development sites contemplated within the 2015-2023 Housing Element for Burlingame are located outside of the Noise Compatibility Zones (defined as CNEL 65 CNEL or greater noise contour area) of SFO's ALUCP.

Findings:

The Plan's future development sites are not subject to Noise Compatibility Policies of the SFO ALUCP. Therefore, the Plan is not inconsistent with the SFO ALUCP.



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Safety Compatibility Policies

Discussion:

The 2012 SFO ALUCP established four safety zones, as follows:

Runway Protection Zone (RPZ, **Zone 1**) - The RPZ is an area of relatively high accident risk that FAA encourages airport proprietors to own and keep free of objects, structures, and incompatible uses, including places of assembly (housing, churches, schools, shopping centers, hospitals, and the like), fuel storage, and wildlife attractants.

Inner Approach/Departure Zone (IADZ, **Zone 2**) - The IADZ is an area of secondary accident risk that tends to be overflown by most aircraft arrivals and departures off that runway end.

Inner Turning Zone (ITZ, **Zone 3**) - The ITZ is an area overflown by aircraft making turns at low altitude immediately after takeoff. It tends to be subject to lower accident risk than the IADZ.

Outer Approach/Departure Zone (OADZ, **Zone 4**) - The OADZ extends along the extended runway centerline immediately beyond the IADZ. It is subject to overflights of aircraft on approach and straight-out departures.

Discussion:

A portion of the west/northwestern region of the City of Burlingame is located within the SFO ALUCP's safety compatibility zones (SFO ALUCP Exhibit IV-9). A number of the Plan's future opportunity sites are located within the boundaries of Safety Zones 2 and 3 and, therefore, are subject to review for consistency with the SFO ALUCP's Safety Compatibility Policies.¹

Consistency Findings:

Land use/safety criteria are defined in Section 4.3, Table IV-2 of the SFO ALUCP. The criteria include two categories – uses that are prohibited and uses that are to be avoided in the respective zones. Residential land uses are not among the uses to be prohibited or avoided in Safety Zones 2 and 3 and, consequently, are considered compatible land uses. Additionally, the SFO ALUCP's Safety Compatibility policies do not condition or restrict densities of residential land uses. Therefore, the Project under review is consistent with the SFO ALUCP's Safety Compatibility Policies.

¹ The precise number cannot be determined from the maps provided in the draft Housing Element.



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Airspace Protection Policies

Applicable Background:

In the SFO ALUCP, the Airport Land Use Commission (C/CAG Board) has adopted a two-part standard for establishing maximum allowable structure heights in Airport Influence Area B.

1. First, any structures that would penetrate the airspace surfaces depicted on the "Critical Aeronautical Surfaces Map" (Exhibits IV-17 and IV-18 in the ALUCP, attached) would be considered incompatible with the SFO ALUCP.
2. Second, any structure determined by the FAA to be a hazard to air navigation, even if it would not penetrate a "critical aeronautical surface" as depicted in Exhibits IV-17 and IV-18, would be considered incompatible with the SFO ALUCP, unless a permit for the structure is issued by the Caltrans Aeronautics Program

Title 14 Code of Federal Regulations (CFR) Part 77 - Part 77 contains three key elements related to airspace protection: (1) requirements for project sponsors to provide notice to the FAA of certain proposed construction or alteration of structures that may affect the navigable airspace (Subpart B); (2) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection (Subpart C); and (3) the initiation of aeronautical studies, by the FAA, to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace (Subpart D).

Part 77, Subpart B, Section 77.9 requires any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in that section, to prepare an FAA Form 7460-1, Notice of Proposed Construction or Alteration, and submit the notice to the FAA. The FAA then reviews the proposed project in accordance with the procedures described in Part 77, Subpart D. The Part 77 regulations apply to buildings and other structures or portions of structures, such as mechanical equipment, flag poles, and other projections that may exceed the aforementioned elevations. SFO ALUCP Exhibit IV-12 depicts the approximate elevations at which the Part 77 notification requirements would be triggered for projects within the City of Burlingame. This exhibit is provided for informational purposes only and official determinations of the areas and elevations within which the federal notification requirements apply are subject to the authority of the FAA. SFO ALUCP Appendix F describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

Part 77, Subpart C, establishes obstruction standards for the airspace around airports including approach zones, conical zones, transitional zones, and horizontal zones known as "imaginary surfaces." (Exhibit IV-15, SFO ALUCP). The FAA considers any objects penetrating these surfaces as obstructions to air



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navigation. Obstructions may occur without compromising safe air navigation, but they must be marked, lighted, and noted on aeronautical publications to ensure that pilots can see and avoid them.

Critical Aeronautical Surfaces - As defined within the SFO ALUCP, critical aeronautical surfaces include those established in accordance with FAA Order 8260.3B, U.S. Standard for Terminal Instrument Procedures (TERPS), and a surface representing the airspace required for One-Engine Inoperative (OEI) departures from Runway 28L. Exhibit IV-18 depicts the lowest elevations from the combination of the OEI procedure surface and all TERPS surfaces. These surfaces indicate the maximum feasible height at which structures can be considered compatible with Airport operations.

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map, or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study.

In consultation with C/CAG, SFO developed the iALP Airspace Tool to evaluate the relationship of proposed buildings with the Airport's critical airspace surfaces. The iALP Airspace Tool is designed to assist planners, developers, and other interested persons with the implementation of the airspace protection policies of the SFO ALUCP. The tool helps users determine the maximum allowable building height at a given site and/or whether a building penetrates a critical airspace surface. A detailed description of the iALP Airspace Tool is presented in the SFO ALUCP Appendix J. Use of this tool does not relieve a project sponsor of the duty to comply with all federal regulations, including the obligation to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA.

Discussion:

All new development projects and land use policy actions, regardless of location within the City of Burlingame's jurisdictional boundaries, are subject to the ALUCP's Airspace Protection Policies.

To meet Burlingame's future housing needs, the City has identified lands (Opportunity Sites) in the Draft Housing Element that are available to be developed or redeveloped. Although specific parcels are identified, site-specific information (e.g., building locations, heights of structures, or requirements that sites be rezoned) is not clearly defined within the Draft Housing Element. The absence of these details is typical of a broad planning-level document such as a General Plan element.

As the City moves forward in implementing the Housing Element through development and/or redevelopment of the Opportunity Sites, the City has the responsibility to ensure compliance with the ALUCP's airspace protection policies, as described below in the Consistency Findings. If the specific land development project requires a land use policy action (Rezone or General Plan Amendment), the project must be referred to the ALUC, as defined within the SFO ALUCP Section 3.2, General Policy 8.1.



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Consistency Findings:

The Draft Plan is conditionally consistent with Airspace Protection Policies of the ALUCP provided the following policies (summarized from the SFO ALUCP Section 4.5.4) are adhered to in implementation of the 2015-2023 Housing Element:

(1) COMPLIANCE WITH 14 CFR PART 77, SUBPART B, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

A) LOCAL GOVERNMENT RESPONSIBILITY TO NOTIFY PROJECT SPONSORS

Local governments have the responsibility to notify sponsors of proposed projects at the earliest opportunity to file Form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10. Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77.

B) FAA AERONAUTICAL STUDY FINDINGS REQUIRED PRIOR TO PROCESSING DEVELOPMENT APPLICATION

The sponsor of a proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10, shall present to the local government permitting agency with his or her application *[sic]* for a development permit, a copy of the findings of the FAA's aeronautical study, or evidence demonstrating that he or she is exempt from having to file an FAA Form 7460-1. It is the responsibility of the local agency to consider the FAA determination study findings as part of its review and decision on the proposed project.

(2) COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES

Project sponsors shall be required to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the building design and height and any recommended marking and lighting of their structures for their proposed projects to be deemed consistent with the SFO ALUCP.

(3) MAXIMUM COMPATIBLE BUILDING HEIGHT

The maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibits IV-17 and IV-18), or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

Compliance with the zoning district height and the SFO critical aeronautical surfaces map does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1 *Notice of*



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Proposed Construction or Alteration, if required, and to comply with the determinations resulting from the FAA's aeronautical study.

No local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which has not received a favorable determination from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

(4) OTHER FLIGHT HAZARDS SHALL BE PROHIBITED

Proposed land use actions that include land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight shall be prohibited in Area B. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations must be provided to the Airport Land Use Commission (C/CAG Board of Directors) by the sponsor of the proposed land use action.

Specific characteristics that may create hazards to aircraft in flight and which shall be prohibited include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport;
- (b) Distracting lights that that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting;
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport;
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar;
- (e) Sources of thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight;
- (f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars.



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Policy Review

The ALUC has reviewed the Draft Plan's implementing policies and finds that the Draft Plan does not contain policies or language that are inconsistent with the policies of the SFO ALUCP.

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – Town of Colma Housing Element Public Review Draft – September 2014

ITEM 5.4.5

(For further information or response to questions, contact Tom Madalena at 650-599-1460)

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, determine that the Town of Colma proposed general plan amendment, Housing Element Public Review Draft – September 2014 is consistent with the applicable airport/land use policies and criteria contained in the adopted 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

FISCAL IMPACT

None

SOURCE OF FUNDS

Funding for the consistency determinations is derived from the C/CAG general fund.

BACKGROUND

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term general plan for the future physical development of the community. The housing element is one of seven mandated elements of a local general plan (the general plan also includes a land use element and a noise element). Housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. As a result, housing policy in the State of California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The Town of Colma has referred its Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The Town of Colma Housing Element is a policy document that identifies goals, policies, programs, and other city actions to address existing and projected housing needs in the town. The Association of Bay Area Governments (ABAG) projected regional housing allocation requires the Town of Colma to plan for the construction 59 new dwelling units between 2014 and 2022.

The Housing Element document identifies 6 potential housing sites in Colma that are likely to be available for additional housing by 2014. The estimated total number of future dwelling units that could be built on these sites is 75.

DISCUSSION

I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in the Comprehensive Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Francisco International Airport that relate to the proposed general plan amendment. These include: (a.) Consistency with noise compatibility policies, (b.) Height of Structures, Use of Airspace, and Airspace Compatibility, and (c.) Safety Criteria. The following sections address each issue.

(a) Consistency with Noise Policies

The 65 db CNEL (Community Noise Equivalent Level) aircraft noise contour defines the state and federal threshold for aircraft noise impacts. The Town of Colma is located outside of the most recent 65 dB CNEL aircraft noise contour for San Francisco International Airport as shown in the adopted 2012 SFO ALUCP.

(b) Height of Structures, Use of Airspace, and Airspace Compatibility

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 related to proposed development within the FAR Part 77 airspace boundaries for San Francisco International Airport. The 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 certain proposed construction or alteration of structures that may affect the navigable airspace and (3.) the initiation of aeronautical studies, by the Federal Aviation Administration (FAA), to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace.

All six of the potential housing sites identified in the plan are located within the Outer Boundary of (Terminal Instrument Procedures) TERPS Approach and One Engine Inoperative (OEI) Departure Surfaces for San Francisco International Airport.

Based on analysis provided by the San Francisco International Airport (SFO) Planning Staff using SFO's iALP Airspace Tool, the 6 sites that fall within the Outer Boundary of TERPS Approach and OEI Departure Surfaces as identified in the SFO ALUCP could be built out with structures as long as the building heights do not penetrate the 240 feet above ground level that was identified as the nearest critical airspace surface. Based on the current zoning in Colma which allows up to a maximum of 50 feet in the Commercial District (which allows residential) and up to a maximum of 27 feet in the R-S Zone - Neighborhood Residential, the housing element would be consistent with the SFO ALUCP as it relates to airspace protection. According to the current analysis of airspace and existing Colma zoning the six sites would not likely require FAA review.

Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. The city should notify project sponsors of proposed

projects at the earliest opportunity to file form 7460-1 *Notice of Proposed Construction or Alteration*, if required, with the Federal Aviation Administration (FAA) to determine whether a project will constitute a hazard to air navigation. Subpart B of 14 CFR Part 77 provides guidance on determining when this form should be filed. The FAA has also developed an online tool for project sponsors to use when determining whether they are required to file the *Notice of Proposed Construction or Alteration*. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

(c.) Safety Criteria

The California Airport/Land Use Planning Handbook requires airport land use compatibility plans to include safety zones for each runway end. The ALUCP includes the required safety zones and related land use compatibility policies and criteria. The safety zone configurations established for the SFO ALCUP do not affect the Town of Colma.

II. Real Estate Disclosure

This section is included to reinforce the concept that real estate disclosure exists per State law and it is part of the real estate transaction process. This would occur during a real estate transaction and is outside of the Town of Colma's responsibility.

California Public Utilities Code PUC Section 21670 (a and b) states the following:

“(a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports.

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission....”

The California Business and Professional Code, Section 11010(b.13) (A and B) states the following:

“(A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

Notice of Airport in Vicinity:

This property is presently located in the vicinity of an airport, within what is known as the 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.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission."

Chapter 496, Statutes of 2002 (formerly AB 2776 (Simitian)) affects all sales 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 AIA boundary and (2) that the property may be subject to certain impacts from airport/aircraft operations.

III. Compliance with California Government Code Section 65302.3

California Government Code Section 65302.3 states 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 compatibility plan (ALUCP). The Town of Colma 2015 Housing Element should include appropriate text that indicates the goals, objectives, policies, and programs contained in the Housing Element document are consistent with the relevant airport/land use compatibility criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors **ITEM 5.4.6**

From: Sandy Wong, Executive Director

Subject: San Carlos Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – City of Redwood City Housing Element 2015-2023

(For further information or response to questions, contact Tom Madalena at 650-599-1460)

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of Redwood City proposed general plan amendment, Housing Element 2015-2023 is consistent with the applicable airport/land use compatibility policies and criteria contained in the adopted 1996 Comprehensive Airport Land Use Plan for the San Carlos Airport.

FISCAL IMPACT

None

SOURCE OF FUNDS

Funding for the consistency determinations is derived from the C/CAG general fund.

BACKGROUND

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term general plan for the future physical development of the community. The housing element is one of seven mandated elements of a local general plan (the general plan also includes a land use element and a noise element). Housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. As a result, housing policy in the State of California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The City of Redwood City has referred its Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the San Carlos Airport Land Use Plan. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The City of Redwood City Housing Element is a policy document that identifies goals, policies, programs, and other city actions to address existing and projected housing needs in the town. The Association of Bay Area Governments (ABAG) projected regional housing allocation requires the City of Redwood City to plan for the construction 2,789 new dwelling units between 2014 and 2022.

The Housing Element document identifies 46 potential housing sites in Redwood City that are likely to be available for additional housing by 2014. The 46 sites include 6 mixed use opportunity sites, 11 downtown opportunity sites and 29 vacant sites. The estimated total number of future dwelling units that could be built on all of these sites is 3,333.

The Housing Element document identifies 6 potential housing sites in Colma that are likely to be available for additional housing by 2014. The estimated total number of future dwelling units that could be built on these sites is 75.

DISCUSSION

I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in the San Carlos Airport Land Use Plan that relate to the proposed general plan amendment. These include: (a.) Consistency with noise compatibility policies, (b.) Height of Structures, Use of Airspace, and Airspace Compatibility, and (c.) Safety Criteria. The following sections address each issue.

(a) Consistency with Noise Policies

The Airport Land Use Commission recognizes the 55 db CNEL noise contour at San Carlos Airport as the noise level threshold for reviewing and evaluating proposed land use policy actions. Portions of the City of Redwood are located inside of the most recent 55 dB CNEL aircraft noise contour for San Carlos Airport. The downtown opportunity sites and mixed use opportunity sites are not located inside of the 55 db CNEL noise contour. Staff was unable to determine the exact location of 29 housing site locations as they were not mapped. Although, according to Redwood City staff none of the 29 housing site locations are located in the Redwood Shores area of the city, which is the portion of Redwood City that falls within the 55 db CNEL noise contour.

As noted in Table IV-1 of the San Mateo County Comprehensive Airport Land Use Plan there are compatibility standards which apply to residential development in the 55-60 db CNEL noise contour. These compatibility standards for residential that apply include:

1. Conditionally compatible; new construction or development should be undertaken only after an analysis of noise reduction requirements is made and the required noise insulation features or attenuation elements are included in the design.
2. The Airport Land Use Commission will request the local referring agency (land use authority) to require a grant of an aviation easement to the County of San Mateo (airport proprietor) as a condition of approval. The appropriate easement document to be used will be specified by the Commission.

Should any of the housing sites in Redwood City fall within the 55-60 db CNEL noise contour, the City of Redwood City will be required to submit the development project to C/CAG for a consistency review to comply with the noise compatibility standards.

(b) Height of Structures, Use of Airspace, and Airspace Compatibility

Four of the potential housing sites (Mixed Use Opportunity and Downtown Opportunity Sites) as well as a number of the Vacant Sites identified in the Redwood City Housing Element fall within the

established FAR Part 77 Civil Airport Imaginary Surfaces Height Restrictions for Conical Surfaces. The elevations for the conical surfaces range from 152 feet to 352 feet. The maximum allowable building height allowed under current Redwood City zoning is 136 feet. Therefore the Redwood City Housing Element is consistent with the airspace protection policies of the San Carlos Airport Land Use Compatibility Plan.

Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. The city should notify project sponsors of proposed projects at the earliest opportunity to file form 7460-1 *Notice of Proposed Construction or Alteration*, if required, with the Federal Aviation Administration (FAA) to determine whether a project will constitute a hazard to air navigation. Subpart B of 14 CFR Part 77 provides guidance on determining when this form should be filed. The FAA has also developed an online tool for project sponsors to use when determining whether they are required to file the *Notice of Proposed Construction or Alteration*. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://ocaaa.faa.gov/ocaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

(c.) Safety Criteria

The safety zone configuration established for the San Carlos Airport Land Use Plan includes what is referred to as the Approach Zone off of Runway 30. The housing sites identified by the City of Redwood City are not located within the approach zone. Therefore, the Housing Element is consistent with the safety zone criteria established for the San Carlos Airport Land Use Plan.

II. Real Estate Disclosure

This section is being included to reinforce the concept that real estate disclosure exists per State law and it is part of the real estate transaction process. This would occur during a real estate transaction and is outside the City of Redwood City's responsibility.

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 October 2011 states the following:

Notice of Airport in Vicinity:

"This property is presently located in the vicinity of an airport, within what is known as the 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."

Chapter 496, Statutes of 2002 (formerly AB 2776 (Simitian)) affects all sales 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.

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors

ITEM 5.5

From: Sandy Wong, Executive Director

Subject: Receive a copy of Amendment No. 1 to the agreement with SCI Consulting Group, Inc., extending the term through June 30, 2015 at no additional cost, as executed by the Executive Director consistent with the C/CAG Procurement Policy

(For further information or questions, contact Matthew Fabry at 650-599-1419)

RECOMMENDATION

Receive a copy of Amendment No. 1 to the agreement with SCI Consulting Group, Inc., extending the term through June 30, 2015 at no additional cost and enabling continued technical support for a potential countywide stormwater funding initiative, as executed by the Executive Director consistent with the C/CAG Procurement Policy.

FISCAL IMPACT

None – amendment is a no-cost time extension only. Sufficient funds are already included in the adopted C/CAG Budget for Fiscal Year 2014-15 for the existing contract work.

SOURCE OF FUNDS

The agreement is funded out of the NPDES Stormwater Fund.

BACKGROUND

C/CAG's agreement with SCI Consulting Group, Inc. (SCI) expired at the end of June. Contract work with SCI was put on hold pending reissuance of the Municipal Regional Permit by the San Francisco Bay Regional Water Quality Control Board. In order to keep the contract active, C/CAG's Executive Director signed a one-year no cost time extension until June 30, 2015 consistent with C/CAG's Procurement Policy. Staff anticipates revisiting the potential funding initiative and SCI's contract in early 2015 and will bring a recommended action on further extending or amending before the agreement expires at the end of June.

ATTACHMENTS

1. Amendment No 1 to SCI's Funding Agreement

**AMENDMENT (No. 1) TO THE AGREEMENT BETWEEN THE CITY/COUNTY
ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AND SCI
CONSULTING GROUP, INC.**

WHEREAS, the Board of Directors of the City/County Association of Governments for San Mateo County (hereinafter referred to as C/CAG) and SCI Consulting Group, Inc., (hereinafter referred to as Consultant) are parties to an agreement for consulting services dated January 1, 2013 (the "Existing Agreement"); and

WHEREAS, C/CAG desires ongoing consulting services to support a potential countywide funding initiative for stormwater pollution prevention programs mandated in the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit; and

WHEREAS, under the Existing Agreement, Consultant will provide services to support a potential initiative; and

WHEREAS, the Municipal Regional Permit is in the process of being reissued and decisions on a potential funding initiative are generally on hold until a revised permit is issued; and

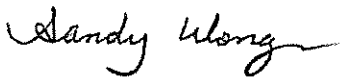
WHEREAS, the Existing Agreement expires on June 30, 2014; and

WHEREAS, Consultant and C/CAG wish to extend the Existing Agreement for an additional twelve months at no additional cost;

IT IS HEREBY AGREED by C/CAG and Consultant that:

1. The Existing Agreement is amended to provide that its term is extended to June 30, 2015.
2. All other provisions of the Existing Agreement shall remain in full force and effect.
3. Upon signature by both parties, the terms hereof amending the Existing Agreement shall be retroactively effective as of June 30, 2014.
4. In the event of a conflict between the terms of this Amendment and the terms of the Existing Agreement, the terms of this Amendment shall prevail.

For C/CAG:



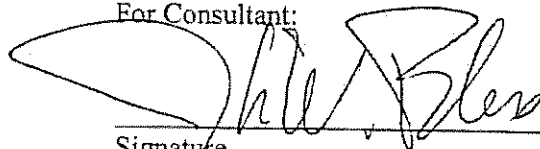
Sandy Wong, Executive Director

Date: December 4, 2014

Approved as to form:


C/CAG Legal Counsel

For Consultant:



Signature

By: John W. Bliss

C/CAG AGENDA REPORT

Date: February 14, 2013

To: City/County Association of Government Board of Directors

From: Kim Springer

Subject: Review and approval of Resolution 14-58 waiving the RFP process and authorizing the C/CAG Chair to execute a contract amendment extending an agreement with DNV GL (Kema) from January 31, 2015 to December 31, 2015 and adding \$127,125 for a total amount not to exceed \$372,125 to provide technical assistance to cities for climate action planning.

ITEM 5.6

(For further information, contact Sandy Wong at (650)599-1409)

RECOMMENDATION

Review and approve Resolution 14-58 waiving the RFP process and authorizing the C/CAG Chair to execute a contract amendment extending an agreement with DNV GL from January 31, 2015 to December 31, 2015 and adding \$127,125 for a total amount not to exceed \$372,125 to provide technical assistance to cities for climate action planning.

FISCAL IMPACT

Up to \$40,000 matching funds for climate action planning under the San Mateo County Energy Watch (SMCEW) contract with Pacific Gas and Electric (PG&E).

SOURCE OF FUNDS

The \$40,000 in matching funds will come from San Mateo Congestion Relief Plan funds.

BACKGROUND/DISCUSSION

On September 16, 2010, the C/CAG Board adopted Resolution No. 10-53 authorizing an agreement between C/CAG and the Bay Area Air Quality Management District (BAAQMD) to complete a Climate Action Plan (CAP) template project for the cities in San Mateo County and Cupertino. The work was contracted to KEMA Services, Inc. (KEMA), through a procurement process. Eventually, this project became known statewide as the Regionally Integrated Climate Action Planning Suite (RICAPS).

On March 10, 2011, the C/CAG Board adopted Resolution No. 11-11 authorizing C/CAG to enter an agreement with PG&E for \$125,000 adding to the same project. A portion of these funds were contracted to KEMA to develop a “menu” of climate action plan measures, a forecasting tool and a user’s manual for RICAPS.

On August 11, 2011, the C/CAG Board adopted Resolution No.11-39, authorizing the agreement with Hara Software, Inc. (Hara) for climate action planning (CAP) software for \$200,000. KEMA teamed with Hara (as a subcontractor) to support that contract with technical assistance.

On August 11, 2011, the C/CAG Board adopted Resolution No. 11-51, authorizing the agreement with KEMA for up to \$60,000 to provide technical support to cities in San Mateo County to help complete five city CAPs and provide technical support to C/CAG to develop a countywide transportation CAP. An amendment was also passed to add an additional \$30,000 to that agreement.

In February 14, 2013, the C/CAG Board adopted Resolution 13-08, authorizing an agreement with DNV GL (formerly Kema Services) for \$245,000, paid for through the C/CAG – PG&E local government partnership agreement for 2013-2014. Because DNV GL was originally selected through a competitive process and was involved in the early stages and development of the climate action planning tools, they were selected to continue to complete and support adoption of additional climate action plans and to provide updated greenhouse gas emission inventories for the cities in San Mateo County.

Staff desires to amend the current agreement for \$245,000, adding \$127,125 and extending the agreement through December 31, 2015. Staff intends to complete a formal RFP process for calendar year 2016 and beyond, when staff expects that all of the first climate action plans for each city will be finalized.

Staff believes that it is in the best interest of C/CAG, the cities, and the County to waive the RFP process, given DNV GL's existing in-depth interactions with multiple cities in San Mateo County. At this time, DNV GL staff are engaged with Atherton, Brisbane, Half Moon Bay, Portola Valley, Woodside on climate action plans, and Burlingame, Colma, Pacifica, South San Francisco and the County on local government greenhouse gas emission inventories. Given the details of these processes and the use of the tools that DNV GL helped develop, it is unlikely that an RFP process would yield any significant cost savings. Further, an RFP process, selecting a new contractor, would result in months of delays as a result of a new contractor needing time to acquire an understanding of each of the cities' projects.

Funding for this contract amendment is being provided in the Local Government Partnership (LGP) contract between C/CAG and PG&E.

Attachments

Resolution No. 14-58

Contract Amendment No. 1

2015 RICAPS Program Description Brief and Scope of Work

RESOLUTION NO. 14-58

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO EXECUTE AMENDMENT No. 1 EXTENDING THE AGREEMENT WITH DNV GL KEMA FROM JANUARY 31, 2015 TO DECEMBER 31, 2015 AND ADDING \$127,125 FOR A TOTAL AMOUNT NOT TO EXCEED \$372,125.

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

WHEREAS, C/CAG has entered into two grant agreements by action of the C/CAG Board and matched funds to those grant agreements for the development of the Regionally Integrated Climate Action Planning Suite (RICAPS), tools to support cities in the development of climate action plans; and

WHEREAS, staff from thirteen cities in San Mateo County have now used the RICAPS tools and have successfully completed or are writing draft climate action plans for adoption by said cities; and

WHEREAS, C/CAG desires to obtain additional services from DNV GL for technical assistance to fulfill ongoing climate action planning needs funded under the 2015 Local Government Partnership Agreement between C/CAG and PG&E; and

WHEREAS, C/CAG staff desires to waive the RFP process until calendar year 2016 and contract with Kema because it is in the best interest of C/CAG and the cities in San Mateo County and the County, given DNV GL's existing engagements with the cities, experience and knowledge of this project, and because an RFP process will yield no significant cost savings and could cause time delays;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County authorizing a waiver to the RFP process and authorizing the Chair to execute a Amendment No. 1 extending an agreement with DNV GL Kema from January 31, 2015 to December 31, 2015 and adding \$127,125 for a total amount not to exceed \$372, 125.

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF DECEMBER, 2014.

Mary Ann Nihart, Chair

**AMENDMENT NO.1 TO THE AGREEMENT
BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
DNV GL (formerly Kema Services, Inc.)**

WHEREAS, the City/County Association of Governments for San Mateo County (hereinafter referred to as "C/CAG") and DNV GL (hereinafter referred to as "Contractor") are parties to an agreement originally dated February 14, 2013, for climate action technical services for cities in San Mateo County, the County and C/CAG; and

WHEREAS, the existing agreement expires on January 31, 2015; and

WHEREAS, the contractor business name has changed from Kema Services, Inc. to DNV GL; and

WHEREAS, C/CAG desires to add \$127,125 to the agreement for additional services in 2015; and

WHEREAS, the parties desire to amend the technical support contract as set forth herein.

IT IS HEREBY AGREED by C/CAG and Contractor as follows:

1. Section 1 of the technical assistance agreement is hereby replaced in its entirety by the following:

Services to be provided by Contractor. In consideration of the payments hereinafter set forth, Contractor agrees to perform the services described in Exhibits A, attached hereto (the "Services"). All Services are to be performed and completed by December 31, 2015.

2. Section 2 of the technical assistance agreement is hereby replaced in its entirety by the following:

Payments. In consideration of Contractor providing the Services, C/CAG shall reimburse Contractor on a time and materials basis based on the cost rates set forth in Exhibit A up to a maximum amount of three hundred and seventy two thousand one hundred and twenty five dollars (\$372,125) for Services provided during the Contract Term as set forth below. Payments shall be made to Contractor month based on an invoice submitted by Contractor that identifies expenditures and describes services performed in accordance with the agreement. C/CA shall have the right to receive, upon request, documentation substantiating charges billed to C/CAG.

3. Section 5 of the technical assistance agreement is hereby replaced in its entirety by the following:

Contract Term: This agreement shall be in effect as of February 15, 2013 and shall terminate on December 31, 2015; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, Contractor shall be paid for all Services provided to the date of termination. Either party shall have the right to terminate this Agreement and/or and Task Order should the other party default in its obligation under this Agreement or any Task Order, and either fail to correct such default within ten (10) days after receipt of written notice specifying same, or, in the default in not curable within such time, fail to take the reasonable and necessary steps to begin to cure the default.

4. Except as expressly amended herein, all other provisions of the technical services agreement shall remain in full force and effect.
5. This amendment shall take effect upon the date of execution by both parties.

City/County Association of Governments
(C/CAG)

DNV GL (Contractor)

Mary Ann Nihart, Chair

By

Title: _____

Date: _____

Date: _____

Approved as to form:

Legal Counsel for C/CAG

2015 RICAPS Program Description

Brief and Scope of Work

Prepared for C/CAG
December 3, 2014



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1. Introduction

The purpose of this document is to present the proposed activities for the Regionally Integrated Suite of Programs (RICAPS). This scope of work is designed to build upon the tools and templates developed to date under RICAPS in order to extend climate action planning services to additional cities in San Mateo County while also continuing to engage cities with completed CAPs as they begin implementation and monitoring of their plans.

2. 2015 RICAPS Brief

In this section we briefly describe the climate action services proposed for the RICAPS 2015 program year.

2.1 Community GHG inventories

The RICAPS program will provide community-wide greenhouse gas (GHG) inventory updates to each of the 21 jurisdictions in San Mateo County for the years 2011, 2012, 2013 and 2014. The community-wide inventories will be completed consistent with the 2010 community-wide GHG inventory updates completed by DNV GL.

The 2010 inventory updates were completed in compliance with the U.S. Protocol for Community-scale Greenhouse Gas Emissions, the LGOP, and the BAAQMD CEQA Guidance and GHG Plan Level Guidance.¹ However, based on feedback from individual jurisdictions, some changes were made to assumptions (e.g., use of Caltrain ridership rather than Caltrain miles of track) to better match each jurisdiction’s 2005 baseline GHG emissions inventory. For instance, a few jurisdictions chose to use origin-destination for transportation emissions based on their 2005 inventory, while other jurisdictions used in-boundary method.

The RICAPS program will provide updated annual community-wide GHG emissions inventories in a manner consistent with each city’s preferred methodology for emissions accounting, per the 2010 community-wide inventories completed by DNV GL. Each jurisdiction will receive the data in an Excel workbook, along with a brief Word summary of the community-wide GHG inventory results. The summary will provide a high level overview of changes for each year’s inventory, as well as a short appendix of key assumptions and data sources.

¹ Prepared by the Bay Area Air Quality Management District (BAAQMD); available at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>

Included in this program component are 1-2 meetings with each jurisdiction to discuss the initial results, any recommended edits and the final document.

Finally, the RICAPS program will prepare a summary of community GHG emissions county-wide for 2005, 2010, 2011-2014. This summary will represent a roll-up of all emissions utilizing each of the individual jurisdiction community GHG inventories, recognizing there may be some differences in methodology (e.g., in-boundary or origin-destination). The roll-up may include some additional analysis per the request of C/CAG.

Community GHG Inventory Deliverables:

- Draft and final Excel workbook of community-wide GHG inventory data for 2011-2014 for 21 jurisdictions in San Mateo County
- Draft and final summary of community-wide GHG inventory results in Word document.
- 1-2 phone meetings with each jurisdiction to confirm results
- Draft and final summary of the county-wide roll-up of GHG inventory for 2005, 2010-2014.

2.2 Municipal GHG inventories

On a requested basis, the RICAPS program will also provide technical assistance to jurisdictions wishing to complete a municipal GHG inventory related to government operations (e.g., city-owned facilities, city-paid utility bills, fleet vehicles, etc). RICAPS will develop customized Excel data collection templates for each city to use in its data collection efforts.

The customized templates will be based on each city’s previous municipal GHG inventory (e.g., 2005 or other baseline year) and include the necessary data fields (e.g., related to wastewater treatment plant (if any), type of fleet data previously obtained, list of buildings, etc. DNV GL will include the PG&E data where possible and GHG emissions factors. The GHG emissions results will be organized by department or category (e.g., buildings, lighting or water, etc), pending feedback from the individual jurisdiction.

Our overall approach to assisting the jurisdictions will be to develop customized tools and templates, and be available for questions and technical assistance, support and training; with city staff completing the bulk of the work needed to collect the data and follow up with the necessary contacts to obtain and compile the actual data.

This task assumes that cities will use their existing municipal operations GHG inventory report as a template, and this report template will not require additional development. RICAPS will

provide general training to the participating jurisdictions on how to write an inventory update report. Each jurisdiction will customize the template and add their jurisdiction-specific results to produce final municipal operations GHG update report.

Finally, RICAPS will provide technical assistance to answer questions from jurisdictions and provide recommended assumptions/calculation methodologies and data sources, where needed.

Municipal GHG Inventory Deliverables:

- Customized municipal GHG inventory data collection Excel templates that generate GHG emissions data
- Answer questions related to the template and provide additional support as needed

2.3 Monthly RICAPS meetings

RICAPS will continue to host monthly meetings related to the technical aspects of climate action planning and implementation. These meetings will be primarily held by conference call, with 4 in-person meetings planned in 2015. The purpose of these meetings is three-fold:

- 1) To provide training and technical assistance in the use of the RICAPS tools to enable cities to complete CAPs by the end of 2012;
- 2) To enable information sharing amongst the jurisdictions;
- 3) To encourage regional collaboration in regards to emission reduction activities.

The monthly RICAPS working group meetings are not only unique, they are extremely effective. A regional collaborative group encompassing the cities with larger, high-energy-use residential sectors was previously formed to develop new GHG emission reduction strategies for the residential sector. Significant collaboration is also underway to coordinate commercial direct install marketing and outreach. A key benefit of the monthly meetings is providing a forum for city staff to share information, best practices, and lessons learned in relation to developing and implementing their CAPs.

RICAPS will continue to bring together speakers around timely topic areas and to facilitate discussions amongst the jurisdictions around effective methodologies for tracking and monitoring climate action plan progress.

C/CAG staff will outreach to speakers, including any coordination calls amongst speakers, and put together the agendas and presentation templates for the meetings.

Monthly RICAPS Meeting Deliverables:

- Attendance and assistance in leading monthly RICAPS working group meetings (assume 12 meetings in 2015; with 4 in-person and 8 by conference call)
- Attend and participate in RICAPS monthly strategic planning sessions
- Provide to C/CAG progress reports, tracking sheets and other reports, as needed

2.4 Technical support for cities

As of end of July 2014, sixteen jurisdictions (15 cities and the County) have draft climate action plans, with 10 formally adopted. Of the remaining 5 cities:

- Two are actively working on the draft climate action plans now: Towns of Atherton and Woodside
- One has received formal approval to begin on the climate action plan: City of Half Moon Bay (kick-off meeting August 2014)
- One is in the beginning process of getting approval to begin an Energy/Environmental Action Plan: City of Brisbane
- One remains inactive: City of Daly City with a climate action plan that is not quantified.

RICAPS will continue to provide support for cities to develop CAPs using the RICAPS tools. Typically, the cities need most help in regards to developing a GHG emissions forecast and reduction target, selecting and analyzing the emission reduction measures appropriate for their jurisdiction, and in customizing the CAP Template with their results. Cities may also request assistance related to review of their existing baseline GHG inventory or engagement with internal or external stakeholders.

RICAPS will also provide assistance to other cities in the County to formally adopt the climate action plans. These include the following 6 jurisdictions: cities of Belmont, Foster City, Millbrae, Portola Valley, San Bruno, and South San Francisco. The assistance for these cities include answering questions and providing technical assistance with revising draft CAPs to address stakeholder comments and bring to Council.

The RICAPS program will also work towards an April 2015 Earth Day progress report for each city to present to City Council to celebrate the achievements related to their climate action plan activities. DNV GL will develop a template progress report (Word document) with some stock (or standard) language for each city to use and customize. DNV GL will provide to C/CAG

the community GHG inventory results in spreadsheet format. Each city will be responsible for collating their data and information.

Technical Assistance Deliverables:

The following deliverables will be completed and customized for jurisdictions developing their climate action plans:

- Review baseline inventory for compliance with the Bay Area Air Quality Management District (BAAQMD) Guidelines
- GHG Forecast and Reduction Target tool
- Menu of Measures: Select and Analyze Emission Reduction Measures
- CAP Template document
- Attend kick-off meetings with new cities starting CAPs and one City Council meeting for adoption.

For cities with draft (or final) climate action plans, this task includes:

- Conference calls and additional assistance for jurisdictions (e.g., those with questions about updating the climate action plan, or assistance with revisions/initial study/negative declarations or bringing the CAP to City Council for adoption)

The following deliverables will be associated with the Earth Day Progress report and progress tracking:

- Develop template Earth Day progress report in Word

3. Estimated Costs

The estimated costs provided in this section assume that DNV GL will provide the services described above, on behalf of and in collaboration with C/CAG for implementation of the RICAPS program.

TASK	Number (Units)	Cost per Unit	Hours per Unit	Total cost
Community GHG inventories				
Collect data and calculate emissions	21 jurisdictions	\$ 1,000	6	\$ 21,000
Draft summary results and work with cities to finalize	21 jurisdictions	\$ 1,500	9	\$ 31,500
County-wide roll-up of emissions 2005, 2010-2014	1 county	\$ 6,000	35	\$ 6,000
Total Task 1				\$ 58,500
Municipal GHG inventories				
Customized data template to include GHG calculations and answer questions	2 jurisdictions	\$ 5,000	29	\$ 10,000
Total Task 2				\$ 10,000
Monthly RICAPS working group meetings				
Planning and preparation of materials, (e.g., surveys, outreach, planning calls, etc)	12 months	\$ 833	4	\$ 10,000
Monthly RICAPS meetings (assume 1-2 staff, 4 in-person)	12 months	\$ 1,100	6	\$ 13,200
Total Task 3				\$ 23,200
Technical support for cities**				
Assist with drafting climate action plan	1.5 cities	\$ 9,950	59	\$ 14,925
Assist cities to finalize CAPs and bring to Council	9 cities	\$ 1,500	9	\$ 13,500
Develop Earth Day Progress Report template with stock language	21 jurisdictions	\$ 7,000	41	\$ 7,000
Total Task 4				\$ 35,425
Project Total:				\$ 127,125

** For 2015 budgeting purposes, let's assume:

- Daly City begins their CAP in 2015 and Brisbane gets halfway done with their energy/environmental action plan this year
- Atherton, Woodside and Half Moon Bay finish their draft CAPs this year

Title/role	2015 Hourly rates
Principal	\$210
Senior Engineer	\$190
Senior Consultant	\$170
Consultant	\$160
Senior Analyst	\$140
Junior Consultant	\$120
Junior Sustainability Professional	\$100
Administrative Support	\$85

Our vision

Our vision is to have a Global impact for a safe and sustainable future. We provide classification and technical assurance along with software and independent expert advisory services to the maritime, oil and gas, and energy industries. We also provide certification services to customers across a wide range of industries. Operating in more than 100 countries, our 16,000 professionals are dedicated to helping our customers make the world safer, smarter and greener. For more information on DNV GL, visit www.dnvgl.com.

C/CAG AGENDA REPORT

Date: December 11, 2014
To: C/CAG Board of Directors
From: Sandy Wong, Executive Director
Subject: Review and approval to waive the request for proposal (RFP) process and authorizing the C/CAG chair to execute an Agreement with Parviz Mokhtari, an individual, for project management services on the Smart Corridors Project until task completion in an amount not to exceed \$34,000.

ITEM 5.7

(For further information contact Jean Higaki at 599-1462)

RECOMMENDATION

That the C/CAG Board of Directors review and approve to waive the request for proposal (RFP) process and authorizing the C/CAG chair to execute an agreement with Parviz Mokhtari, an individual, for project management services on the Smart Corridors Project until task completion in an amount not to exceed \$34,000.

FISCAL IMPACT

The total amount for this contract with Parviz Mokhtari, an individual, is \$34,000. Concurrently, \$34,000 is being defunded from an existing contract with Mokhtari Engineering, Inc. which is being terminated, due to the closure of the firm.

SOURCE OF FUNDS

Fund sources for Smart Corridor Project Management Services come from State Transportation Improvement Program (STIP), C/CAG Measure M – Countywide Intelligent Transportation System program, and Congestion Relief Fund.

BACKGROUND

Mokhtari Engineering, Inc. (an engineering firm) was originally selected through a formal RFP procedure in 2008, and Mr. Mokhtari has been successfully functioning as the Project Manager for the Smart Corridor project from the concept of operations through final design and civil construction until December 2014.

Mokhtari Engineering, Inc. will be closed for business in December 2014, because the owner desires to retire. As of December 1, 2014, approximately \$34,000 remains unspent on the contract with Mokhtari Engineering, Inc.

Mr. Mokhtari is willing to continue to support the ongoing Smart Corridors tasks which have been under his management as part of Mokhtari Engineer, Inc. Examples of tasks included:

ensure fiber optics are connected to each participating jurisdiction's city hall or city corporation yard, coordination and scheduling of the installation of new traffic signal controllers, and the coordination of finalizing incident response plans.

Because the contract with Mokhtari Engineering, Inc. will no longer be valid upon closure of the firm, and based on the knowledge and expertise possessed by Mr. Mokhtari, staff recommends the use the remaining contract funds from Mokhtari Engineering, Inc. to execute a new contract with Parviz Mokhtari, as an individual, to support the on-going tasks described above.

C/CAG procurement policy:

It is requested that the request for proposal (RFP) process be waived, for this contract, as Parviz Mokhtari has been successfully functioning as the project manager since 2008. Per Section 5 of the C/CAG Procurement Policy:

“Once a contractor has been selected through either the formal RFP procedure or another procedure as per 6, 7, 8, or 9, the contractor may be used to provided additional services, if the work is substantially similar to that which was included in the original contract, for a period of up to three years beyond the initial contract ending dated. This may be done through either the execution of an amendment to the existing contract or though the execution of a new contract. The approval of the amendment or new contract shall be subject to the approval requirements in 6., 7., or 8., depending on the amount of funding to be included in the amendment or new contract.”

Mr. Mokhtari has been the primary focal point on the Smart Corridors project representing C/CAG in working with Caltrans, local cities, county, and contractors. He has institutional knowledge of the project, and has developed a working relationship with project partners and contractors. Conducting a RFP to bring in a new project manager at this stage of the project would not benefit the project in time or cost.

Since Mr. Mokhtari desires to fully retire in the near future, staff will investigate alternative options to complete other remaining longer term Smart Corridor related activities. Those activities include facilitating institutional agreements for future Smart Corridor operations, coordinating technical training for Smart Corridor equipment operation, and future maintenance agreements.

ATTACHMENT

1. Agreement with Parviz Mokhtari for Smart Corridors project management services.

**FUNDING AGREEMENT BETWEEN
PARVIZ MOKHTARI AND
THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS
FOR PROJECT MANAGEMENT CONSULTANT SERVICES FOR THE
COMPLETION OF THE SMART CORRIDORS PROJECT**

THIS AGREEMENT is entered into as of the 11 day of December 2014, effective as of December 1, 2014, by and between Parviz Mokhtari (Consultant) and the City/County Association of Governments of San Mateo County (C/CAG), a public joint powers agency.

WITNESSETH

WHEREAS, C/CAG is the sponsor agency for the development and implementation of the Smart Corridors Project in San Mateo County; and

WHEREAS, the Smart Corridors Project (the "Project") is a cooperative effort by the San Mateo City/County Association of Governments (C/CAG), SMCTA, multiple local jurisdictions, Caltrans, and countywide and regional transportation agencies; and

WHEREAS, the Smart Corridors Project will implement traffic management strategies by deploying Intelligent Transportation System (ITS) elements along conventional state highway routes and major local streets to manage traffic congestion and improve mobility; and

WHEREAS, C/CAG has determined that Project Management services are needed to oversee the construction and integration phase of the Smart Corridors project; and

WHEREAS, under competitive process, C/CAG had selected Mokhtari Engineering, Inc. to provide these services for the development and design of the Smart Corridors project; and

WHEREAS, Parviz Mokhtari has been providing project management services through Mokhtari Engineering, Inc.; and

WHEREAS, Mokhtari Engineering, Inc. will close operations in December 2014; and

WHEREAS, C/CAG wishes to execute a new contract with Parviz Mokhtari as an individual to continue to provide services until completion of the Smart Corridors Project.

NOW, THEREFORE, the parties hereto agree as follows:

1. SCOPE OF SERVICES

The Consultant agrees to perform tasks as directed by the Executive Director from the

services described in Exhibit A, Scope of Work, attached hereto (“Services”).

2. TIME OF PERFORMANCE

The services funded by this agreement shall commence on or after December 1, 2014 and shall be completed upon project completion, unless earlier terminated as hereinafter provided. Either party may terminate the Agreement without cause by providing thirty (30) days advanced written notice to the other.

3. FUNDING AND METHOD OF PAYMENT

- a. C/CAG agrees to pay the Consultant to perform tasks as directed by the Executive Director from the services described in Exhibit A, Scope of Work, attached hereto (“Services”).
- b. The billing rate for Consultant services will at \$160.00 (one hundred sixty dollars) per hour.
- c. Consultant will submit activity reports and invoices to C/CAG as proof that Consultant performed the Tasks. Upon receipt of the activity reports, C/CAG shall issue payment to the Consultant within sixty (60) days of receipt of the invoice.
- d. Subject only to duly executed amendments, it is expressly understood and agreed that in no event will the total funding commitment or funds paid by C/CAG under this Agreement exceed the sum of \$34,000, unless specifically agreed to in writing by C/CAG.

4. AMENDMENTS

Any changes to this agreement shall be incorporated in written amendments, which shall specify any adjustments in compensation and schedule. In order to be effective, any and all amendments must be in writing and executed by the parties. No claim for additional compensation or extension of time shall be recognized unless contained in a duly executed amendment.

5. NOTICES

All notices or other communications to either party by the other shall be deemed given when made in writing and delivered or mailed to such party at their respective addresses as follows:

To C/CAG: Attention: Jean Higaki
 City/County Association of Governments
 555 County Center, 5th Floor
 Redwood City, CA 94063

To Consultant: Attention: Parviz Mokhtari
 3101 Lake Albano Cir
 San Jose, CA 95135.

6. INDEPENDENT CONTRACTOR

It is understood that Consultant is an Independent Contractor and this Agreement is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.

7. GOVERNING LAW

This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

8. HOLD HARMLESS/ INDEMNITY

Consultant shall indemnify and save harmless C/CAG, its agents, officers and employees from all claims, suits or actions to the extent caused by the negligence, errors, acts or omissions of the Consultant, its agents, officers or employees related to or resulting from performance or non-performance under this Agreement.

Consultant’s duty to indemnify and save harmless as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

9. ASSIGNMENT

Neither party shall assign, transfer or otherwise substitute its interest or obligations in this funding agreement without the prior written consent of the other party.

IN WITNESS WHEREOF, this Funding Agreement for project management consulting services for the San Mateo Smart Corridors has been executed by the parties hereto the day and year first written above.

CITY/COUNTY ASSOCIATION OF
GOVERNMENTS

CONSULTANT

Mary Ann Nihart,
C/CAG Chair

Parviz Mokhtari, Consultant

Approved as to form:

C/CAG Counsel

EXHIBIT A

PROJECT DESCRIPTION

The Smart Corridors project involves civil work, extensive Intelligent Transportation Systems (ITS) device installations, communication networking, traffic engineering efforts, and signal/detection integration.

The objective of the Smart Corridors project is to identify a well-defined alternate route, utilizing arterial streets to handle naturally diverted traffic, in the event of a major freeway incident on US101. Signal phasing along these identified routes would be optimized and signage would be added to effectively manage traffic on alternate routes.

The San Mateo County Smart Corridors Project will deploy and/or integrate:

- Traffic signal improvements (controller upgrades and signal coordination)
- On-ramp metering (existing)
- Signal Interconnect
- Communications network
- Non-intrusive arterial vehicle detection system
- Arterial travel time data
- Arterial electronic trailblazer signs
- Fixed and pan-tilt-zoom CCTV cameras
- Integration with Caltrans TMC

This project's interactive/integrated transportation management and information system will be based on real-time, computer assisted transportation management and communications.

Implementing partners include the City / County Association of Governments (C/CAG), Caltrans District 4, County of San Mateo, City of Belmont, City of Burlingame, City of Millbrae, City of Redwood City, City of San Bruno, City of San Carlos, City of San Mateo, Town of Atherton, City of Menlo Park, City of East Palo Alto, Metropolitan Transportation Commission (MTC), and San Mateo County Transportation Authority (SMCTA).

The project's funding partners include C/CAG, SMCTA, and MTC. The Smart Corridors total project budget is approximately 30 million dollars in State and Federal funding.

Remaining Items of Work

The civil construction contract of the project is nearly complete. The signal system integration is also near completion. A few outstanding issues remain including but not limited to bringing the fiber connection to a few cities, connecting power supplies to approximately 7 equipment locations, installing new controllers, developing incident signal timing system plans with the cities, and developing maintenance agreements with Caltrans.

SCOPE OF WORK

Attend technical meeting and other meetings as directed.

- Attend project team meetings
- Work with regulatory agencies, Caltrans, and local agencies to remove delivery obstacles as directed.

Make recommendations to the C/CAG Executive Director and C/CAG staff, relative to the Project, in terms of corrective action plans to keep the project on track.

- Bring major Project decisions and changes regarding design, maintenance, and operations, to the attention of the C/CAG Executive Director.
- Inform C/CAG Executive Director and staff of technical issues and decisions made by Caltrans.
- Consult with C/CAG Executive Director and staff, and affected agencies before making of decisions that need to be made on the behalf of C/CAG or local agencies.
- Track consultant expenses and provide copy to CCAG Executive Director and staff on a monthly basis.
- Properly document and process any changes to the project's integration scope, schedule, and budget.

Complete agreed upon task:

- Ensure all fiber connections to city halls and/ or city corporation yards are completed.
- Review and approve consultant invoices.
- Coordinate between cities and Kimley-Horn and Associates, Inc. to ensure that new signal controllers are installed/ replaced.
- Coordinate between Caltrans, cities, and Kimley-Horn and Associates, Inc. to complete incident response plans.

The Consultant will continue to report directly to the C/CAG Executive Director and will provide other unspecified project related services as directed.

Deliverables:

- Provide email/ written project updates to C/CAG Executive Director and staff.
- Document major project decisions made at team meeting.
- Provide other deliverables as requested by the C/CAG Executive Director.
- Provide other support to complete the project as needed and as directed.

FEE SCHEDULE

In consideration of the services provided by Consultant above, the City/ County Association of Governments (C/CAG) shall pay the Consultant based on the following fee schedule:

Project Manager \$160/hour

In no event shall the total payment to Consultant under agreement exceed the maximum obligation of \$34,000.

C/CAG AGENDA REPORT

Date: December 11, 2014
To: C/CAG Board of Directors
From: Sandy Wong, Executive Director
Subject: Review and approval of Resolution 14-54 adopting the 2015 C/CAG Investment Policy
(For further information or questions contact Sandy Wong at 599-1409)

ITEM 6.1

RECOMMENDATION:

That the C/CAG Board of Directors review and approve Resolution 14-54 adopting the 2015 C/CAG Investment Policy with one of the following options:

[Option 1 – Not including specific language for "interest rate risk".]

[Option 2 –Including specific language for “interest rate risk”]

NOTE: Specific language for Options 1 and 2 are shown on page 2 of 13 of the attached policy.

FISCAL IMPACT:

Adoption of the Investment Policy will potentially reduce the return on investments while reducing or eliminating the potential for loss of principal.

SOURCE OF FUNDS:

The Investment Policy applies to all C/CAG funds held by the C/CAG Fiscal Agent (City of San Carlos).

BACKGROUND/DISCUSSION:

At the November 13, 2014 C/CAG Board meeting, staff presented the proposed 2015 C/CAG Investment Policy. Based on the adopted Investment Policy, edits were made primarily to be consistent with current state and local laws. Additional language was included to clarify current review and reporting process.

At the November meeting, the C/CAG Board deferred the adoption of the 2015 C/CAG Investment Policy to December, pending an explanation from C/CAG Fiscal Agent staff regarding the difference between "market risk" and "interest rate risk".

Historically, and at present, C/CAG investment portfolio includes investments in two funds: 1) the California Local Agency Investment Fund (LAIF); 2) the San Mateo County Pool (POOL) Fund. Those two funds have strict compliance and oversight requirements.

The C/CAG Finance Committee has reviewed and recommended approval of the “2015 C/CAG Investment Policy” at its November 7, 2014 meeting.

ATTACHMENTS:

- Resolution 14-54
- 2015 C/CAG Investment Policy

RESOLUTION 14-54

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) ADOPTING THE 2015 C/CAG INVESTMENT POLICY

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

WHEREAS, the City of San Carlos is the Fiscal Agent for C/CAG; and

WHEREAS, the City of San Carlos invests the C/CAG funds under its control; and

WHEREAS, it is important for the C/CAG Board to provide clear Investment Policy direction.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the attached 2015 C/CAG Investment Policy is approved and adopted.

PASSED, APPROVED, AND ADOPTED, THIS 11TH DAY OF DECEMBER 2014.

Mary Ann Nihart, Chair

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
(C/CAG)**

INVESTMENT POLICY

To be adopted on December 11, 2014

POLICY

The investment of the funds of the City and County Association of Governments (C/CAG) is directed to the goals of safety, liquidity and yield. This Investment Policy incorporates the policies defined by the certified investment policy standards recommended by the Association of Public Treasurers. The authority governing investments for municipal governments is set forth in the California Government Code, Sections 53601 through 53659. C/CAG's portfolio shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

The three objectives, in priority order, of the investment policy of the City and County Association of Governments are:

- 1- SAFETY OF PRINCIPAL - The primary objective of the investment policy of the City and County Association of Governments is SAFETY OF PRINCIPAL. Investments shall be placed in those securities as outlined by type and maturity sector in this document to achieve this objective. The portfolio should be analyzed not less than quarterly by the C/CAG Finance Committee and modified as appropriate periodically as recommended by the Finance Committee and approved by the C/CAG Board, to respond to changing circumstances in order to achieve the Safety of Principal.
- 2- LIQUIDITY TO MEET NEEDS - Effective cash flow management and resulting cash investment practices are recognized as essential to good fiscal management and control. The portfolio should have adequate liquidity to meet the immediate and short term needs.
- 3- RETURN ON INVESTMENT - A reasonable return on investment should be pursued. Safety of Principal should not be reduced in order to achieve higher yield.

C/CAG's investment portfolio shall be designed and managed in a manner responsive to the public trust and consistent with State and local laws. Portfolio management requires continual analysis and as a result the balance between the various investments and maturities may change in order to give C/CAG the optimum combination of Safety of Principal, necessary liquidity, and optimal yield based on cash flow projections.

SCOPE

The investment policy applies to all financial assets of the City and County Association of Governments as accounted for in the Annual Financial Statements. Policy statements outlined in this document focus on C/CAG's pooled funds.

PRUDENCE

The standard to be used by investment officials shall be that of a "prudent investor" and shall be applied in the context of managing all aspects of the overall portfolio. When investing,

reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.

It is C/CAG's full intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal dollars.

However, it is realized that market prices of securities will vary depending on economic and interest rate conditions at any point in time. It is further recognized that in a well-diversified investment portfolio, occasional measured losses are inevitable due to economic, bond market or individual security credit analysis. These occasional losses must be considered within the context of the overall investment program objectives and the resultant long-term rate of return.

The Administrative Services Director of the City of San Carlos (City) and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

OBJECTIVES

Safety of Principal

Safety of principal is the foremost objective of the City and County Association of Governments. Each investment transaction shall seek to ensure that capital losses are avoided, whether from securities default, broker-dealer default or erosion of market value. **[Option 1: C/CAG shall seek to preserve principal by mitigating the two types of risk: credit risk and market risk.]** **[Option 2: C/CAG shall seek to preserve principal by mitigating the three types of risk: credit risk, market risk, and interest rate risk.]**

Credit risk, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm C/CAG's capital base and cash flow.

Market risk, defined as market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by limiting the average maturity of C/CAG's investment portfolio to two years, the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term speculation.

[Option 2: Interest rate risk, defined as pursuing higher yields at the cost of increasing the risk of loss of principal, shall be mitigated by accepting a lower return with increased safety of principal, by investing in investment grade securities, and by diversifying the investment.]

Liquidity

Historical cash flow trends are compared to current cash flow requirements on an ongoing basis in an effort to ensure that C/CAG's investment portfolio will remain sufficiently liquid to enable C/CAG to meet all reasonably anticipated operating requirements. The C/CAG Executive Director will provide a projected cash flow schedule in consultation with the C/CAG Chair.

MATURITY MATRIX

Maturities of investments will be selected based on liquidity requirements to minimize interest rate risk and maximize earnings. Current and expected yield curve analysis will be monitored and the portfolio will be invested accordingly. The weighted average maturity of the pooled portfolio should not exceed two years and the following percentages of the portfolio should be invested in the following maturity sectors:

Maturity Range	Suggested Percentage
1 day to 7 days	10 to 50%
7 days to 180	10 to 30%
180 days to 360 days	10 to 30%
1 year to 2 years	10 to 20%
2 years to 3 years	0 to 20%
3 years to 4 years	0 to 20%
4 years to 5 years	0 to 20%

No more than 30% of the portfolio shall have a maturity of 2-5 years.

PERFORMANCE EVALUATION

Day to day management of C/CAG's portfolio is conducted by the C/CAG Fiscal Agent Financial Services Manager. Investment performance is monitored and evaluated by the Fiscal Agent's Investment Committee and provided to the C/CAG Finance Committee and C/CAG Board on a quarterly basis. Investment performance statistics and activity reports are generated on a quarterly basis for review by the Fiscal Agent's Investment Committee and presentation to the C/CAG Finance Committee, and to the C/CAG Board. Annually, a statement of investment policy, and any proposed changes to the policy, will be rendered to the C/CAG Finance Committee and to the C/CAG Board for consideration at a public meeting.

C/CAG's investment portfolio is designed to at least attain a market average rate of return through economic cycles. The market average rate of return is defined as average return on the Local Agency Investment Fund (assuming the State does not adversely affect LAIF's returns due to budget constraints).

DELEGATION OF AUTHORITY

The Joint Powers Authority Agreement of the City and County Association of Governments of San Mateo County and the authority granted by the C/CAG Board, assign the responsibility of investing unexpended cash to the City's Administrative Services Director. Daily management responsibility of the investment program may be delegated to the City's Financial Services Manager, who shall establish procedures for the operation consistent with this investment policy. For the longer term investments the C/CAG Fiscal Agent shall invest in accordance with the directions provided by C/CAG Board.

FISCAL AGENT INVESTMENT COMMITTEE

An investment committee consisting of the City of San Carlos Treasurer, City Manager, and Administrative Services Director shall be established to provide general oversight and direction concerning the policy related to management of C/CAG's investment pool. The Financial Services Manager shall not be a member of the committee but shall serve in a staff and advisory capacity. The committee shall review and approve quarterly investment reports prepared by the Finance Department and reviewed by the Financial Services Manager or meet as necessary to discuss changes to the report or the investment strategy. The Investment Committee serving as the legislative body of the Investment Policy will have the quarterly reports for their review within thirty (30) days following the end of the quarter covered by the report as per Section 53646 (b)(1) of the California Government Code.

ETHICS AND CONFLICTS OF INTEREST

The C/CAG Finance Committee, Officers, and employees involved in the investment process shall refrain from personal business activity that conflicts with proper execution of the investment program, or impairs their ability to make impartial investment decisions. Additionally the Fiscal Agent's Administrative Services Director and the Financial Services Manager, are required to annually file applicable financial disclosures (Form 700 etc.) as required by the Fair Political Practices Commission (FPPC).

SAFEKEEPING OF SECURITIES

To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by C/CAG shall be held in safekeeping by a third party bank trust department, acting as agent for C/CAG under the terms of a custody agreement. All trades executed by a dealer will settle delivery versus payment (DVP) through C/CAG's safekeeping agent.

A receipt shall be provided for securities held in custody for C/CAG and shall be monitored by the Fiscal Agent's Administrative Services Director to verify investment holdings.

All exceptions to this safekeeping policy must be approved by the Fiscal Agent's Administrative Services Director in written form and included in the quarterly reporting to the C/CAG Board.

INTERNAL CONTROL

Separation of functions between the Fiscal Agent's Administrative Services Director or Financial Services Manager and/or the Senior Accountant is designed to provide an ongoing internal review to prevent the potential for converting assets or concealing transactions.

Investment decisions are made by the Fiscal Agent's Administrative Services Director, executed by the Fiscal Agent's Administrative Services Director or Financial Services Manager and confirmed by the Senior Accountant. All wire transfers initiated by the Fiscal Agent's Administrative Services Director or Financial Services Manager must be reconfirmed by the appropriate financial institution by the Senior Accountant. Proper documentation obtained from confirmation and cash disbursement wire transfers is required for each investment transaction. Timely bank reconciliation is conducted to ensure proper handling of all transactions.

The investment portfolio and all related transactions are reviewed and balanced to appropriate general ledger accounts by the Fiscal Agent's Senior Accountant on a monthly basis. An independent analysis by an external auditor shall be conducted annually to review and perform procedure testing on the Agency's cash and investments that have a material impact on the financial statements. The Fiscal Agent's Administrative Services Director and/or C/CAG Executive Director shall review and assure compliance with investment process and procedures.

REPORTING

The Fiscal Agent's Investment Committee shall review and render quarterly reports to the C/CAG Executive Director and to the C/CAG Board which shall include the face amount of the cash investment, the classification of the investment, the name of the institution or entity, the rate of interest, the maturity date, the current market value and accrued interest due for all securities. The quarterly reports will be submitted to the Fiscal Agent's Investment Committee within thirty (30) days following the end of the quarter covered by the report as per Section 53646 (b)(1) of the California Government Code. Once approved by the Fiscal Agent's Investment Committee, the quarterly report is submitted to the C/CAG Executive Director and the C/CAG Finance Committee for review. The quarterly reports shall be placed on C/CAG's meeting agenda for its review and approval no later than 75 days after the quarter ends.

QUALIFIED BROKER/DEALERS

C/CAG shall transact business only with banks, savings and loans, and with broker/dealers registered with the State of California or the Securities and Exchange Committee. The broker/dealers should be primary or regional dealers. Investment staff shall investigate dealers wishing to do business with C/CAG's staff to determine if they are adequately capitalized, have pending legal action against the firm or the individual broker and make markets in the securities

appropriate to C/CAG's needs. The Investment staff shall recommend additions to the approved dealer list to the C/CAG Executive Director for approval.

COLLATERAL REQUIREMENTS

Collateral is required for investments in certificates of deposit. In order to reduce market risk, the collateral level will be at least 110% of market value of principal and accrued interest. Collaterals should be held by an independent third party. Collaterals should be required for investments in CDs in excess of FDIC insured amounts.

AUTHORIZED INVESTMENTS

Investment of C/CAG's funds is governed by the California Government Code Sections 53600 et seq. The level of investment in all areas will be reviewed by the C/CAG Executive Director. Within the context of the limitations, the following investments are authorized, as further limited herein:

1. United States Treasury Bills, Bonds, and Notes or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no percentage limitation of the portfolio that can be invested in this category, although a five-year maturity limitation is applicable.
2. Obligations issued by the Government National Mortgage Association (GNMA), the Federal Farm Credit System (FFCB), the Federal Home Loan Bank Board (FHLB), the Federal National Mortgage Association (FNMA), the Student Loan Marketing Association (SLMA), and the Federal Home Loan Mortgage Corporation (FHLMC). There is no percentage limitation of the portfolio that can be invested in this category, although a five-year maturity limitation is applicable.

Investments detailed in items 3 through 10 are further restricted to a percentage of the cost value of the portfolio in any single issuer name to a maximum of 5%. The total value invested in any one issuer shall not exceed 5% of the issuer's net worth. Again, a five-year maximum maturity limitation is applicable unless further restricted by this policy.

3. Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as banker's acceptances. Banker's acceptances purchased may not exceed 180 days to maturity or 30% of the cost value of the portfolio.
4. Commercial paper ranked P1 by Moody's Investor Services or A1+ by Standard & Poor's, and issued by domestic corporations having assets in excess of \$500,000,000 and having an AA or better rating on its' long term debentures as provided by Moody's or Standard & Poor's. Purchases of eligible commercial paper may not exceed 270 days to

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maturity nor represent more than 5% of the outstanding paper of the issuing corporation. Purchases of commercial paper may not exceed 25% of the cost value of the portfolio.

5. Negotiable Certificates of Deposit issued by nationally or state chartered banks (FDIC insured institutions) or state or federal savings institutions. Purchases of negotiable certificates of deposit may not exceed 30% of total portfolio. A maturity limitation of five years is applicable.
6. Local Agency Investment Fund (LAIF) which is a State of California managed investment pool, and San Mateo County Investment pool, may be used up to the maximum permitted by California State Law. A review of the pool/fund is required when they are part of the list of authorized investments.
7. Time deposits, non-negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. Since time deposits are not liquid, no more than 25% of the investment portfolio may be invested in this investment type.
8. Medium Term Corporate Notes, with a maximum maturity of five years may be purchased. Securities eligible for investment shall be rated AA or better by Moody's or Standard & Poor's rating services. Purchase of medium term notes may not exceed 30% of the market value of the portfolio and no more than 5% of the market value of the portfolio may be invested in notes issued by one corporation. Commercial paper holdings should also be included when calculating the limitation. The C/CAG portfolio should also be included when calculating the 15% limitation.
9. Ineligible investments are those that are not described herein, including but not limited to, common stocks and long term (over five years in maturity) notes and bonds are prohibited from use in this portfolio. It is noted that special circumstances may arise that necessitate the purchase of securities beyond the five-year limitation. On such occasions, requests must be reviewed by the C/CAG Executive Director and approved by the C/CAG Board prior to purchase.
10. Various daily money market funds administered for or by trustees, paying agents and custodian banks contracted by the City and County Association of Governments may be purchased as allowed under State of California Government Code. Only funds holding U.S. Treasury or Government agency obligations can be utilized.

The following summary of maximum percentage limits, by instrument, is established for C/CAG's total pooled funds portfolio:

Authorized Investment Type	Maximum Maturity	Minimum Credit Quality	Maximum in Portfolio	Maximum Investment in One Issuer
Local Agency Investment Fund (LAIF)	Upon Demand	N/A	\$40 million per account	N/A
San Mateo County Investment Pool	Upon Demand	N/A	\$40 million per account	N/A
Treasury Bills	5 Years	N/A	100%	N/A
US Government Agency and Federal	5 Years	N/A	100%	N/A

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Agency Securities				
Bankers Acceptances	180 Days	N/A	30%	(A), (B)
Commercial Paper	270 Days	AA	25%	(A), (B)
Negotiable Certificates of Deposit	5 Years	N/A	30%	(A), (B)
Time Certificates of Deposit – Banks or Savings and Loans	5 Years	N/A	25%	(A), (B)
Medium Term Corporate Notes	5 Years	AA	30%	(A), (B)

(A) 5% of outstanding paper of issuing corporation

(B) 5% of the portfolio in one corporation

DERIVATIVE INVESTMENTS

Derivatives are investments whose value is "derived" from a benchmark or index. That benchmark can be almost any financial measure from interest rates to commodity and stock prices. The use of derivatives is prohibited under this policy.

LEGISLATIVE CHANGES

Any State of California legislative action that further restricts allowable maturities, investment type, or percentage allocations will be incorporated into the City and County Association of Governments' Investment Policy and supersede any and all previous applicable language.

INTEREST EARNINGS

All moneys earned and collected from investments authorized in this policy shall be allocated quarterly based on the cash balance in each fund at quarter end as percentage of the entire pooled portfolio.

LIMITING MARKET VALUE EROSION

The longer the maturity of securities, the greater their market price volatility. Therefore, it is the general policy of C/CAG to limit the potential effects from erosion in market values by adhering to the following guidelines:

All immediate and anticipated liquidity requirements will be addressed prior to purchasing all investments.

Maturity dates for long-term investments will coincide with significant cash flow requirements where possible, to assist with short term cash requirements at maturity.

All long-term securities will be purchased with the intent to hold all investments to maturity under then prevailing economic conditions. However, economic or market conditions may change, making it in C/CAG's best interest to sell or trade a security prior to maturity.

PORTFOLIO MANAGEMENT ACTIVITY

The investment program shall seek to augment returns consistent with the intent of this policy, identified risk limitations and prudent investment principals. These objectives will be achieved by use of the following strategies:

Active Portfolio Management. Through active fund and cash flow management, taking advantage of current economic and interest rate trends, the portfolio yield may be enhanced with limited and measurable increases in risk by extending the weighted maturity of the total portfolio.

Portfolio Maturity Management. When structuring the maturity composition of the portfolio, C/CAG shall evaluate current and expected interest rate yields and necessary cash flow requirements. It is recognized that in normal market conditions longer maturities produce higher yields. However, the securities with longer maturities also experience greater price fluctuations when the level of interest rates change.

Security Swaps. C/CAG may take advantage of security swap opportunities to improve the overall portfolio yield. A swap, which improves the portfolio yield, may be selected even if the transactions result in an accounting loss. Documentation for swaps will be included in C/CAG's permanent investment file documents. No swap may be entered into without the approval of the C/CAG Executive Director and the C/CAG Board.

Competitive Bidding. It is the policy of C/CAG to require competitive bidding for investment transactions that are not classified as "new issue" securities. For the purchase of non-"new issue" securities and the sale of all securities at least three bidders must be contacted. Competitive bidding for security swaps is also suggested, however, it is understood that certain time constraints and broker portfolio limitations exist which would not accommodate the competitive bidding process. If a time or portfolio constraining condition exists, the pricing of the swap should be verified to current market conditions and documented for auditing purposes.

POLICY REVIEW

The City/County Association of Governments' investment policy shall be adopted by resolution of the C/CAG Board on an annual basis. This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. The Investment Policy, including any amendments to the policy shall be forwarded to the C/CAG Board for approval.

Glossary of Terms

Accrued Interest- Interest earned but not yet received.

Active Deposits- Funds which are immediately required for disbursement.

Amortization- An accounting practice of gradually decreasing (increasing) an asset's book value by spreading its depreciation (accretion) over a period of time.

Asked Price- The price a broker dealer offers to sell securities.

Basis Point- One basis point is one hundredth of one percent (.01).

Bid Price- The price a broker dealer offers to purchase securities.

Bond- A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows, including periodic interest payments and a principal repayment.

Bond Swap - Selling one bond issue and buying another at the same time in order to create an advantage for the investor. Some benefits of swapping may include tax-deductible losses, increased yields, and an improved quality portfolio.

Book Entry Securities - Securities, such stocks held in "street name," that are recorded in a customer's account, but are not accompanied by a certificate. The trend is toward a certificate-free society in order to cut down on paperwork and to diminish investors' concerns about the certificates themselves. All the large New York City banks, including those that handle the bulk of the transactions of the major government securities dealers, now clear most of their transactions with each other and with the Federal Reserve through the use of automated telecommunications and the "book-entry" custody system maintained by the Federal Reserve Bank of New York. These banks have deposited with the Federal Reserve Bank a major portion of their government and agency securities holdings, including securities held for the accounts of their customers or in a fiduciary capacity. Virtually all transfers for the account of the banks, as well as for the government securities dealers who are their clients, are now effected solely by bookkeeping entries. The system reduces the costs and risks of physical handling and speeds the completion of transactions.

Bearer and Registered Bonds - In the past, bearer and registered bonds were issued in paper form. Those still outstanding may be exchanged at any Federal Reserve Bank or branch for an equal amount of any authorized denomination of the same issue. Outstanding bearer bonds are interchangeable with registered bonds and bonds in "book-entry" form. That is, the latter exist as computer entries only and no paper securities are issued. New bearer and registered bonds are no longer being issued. Since August 1986, the Treasury's new issues of marketable notes and bonds are available in book-entry form only. All Treasury bills and more than 90% of all other marketable securities are now in book-entry form. Book-entry obligations are transferable only pursuant to regulations prescribed by the Secretary of the Treasury.

Book Value- The value at which a debt security is shown on the holder's balance sheet. Book value is acquisition cost less amortization of premium or accretion of discount.

Broker - In securities, the intermediary between a buyer and a seller of securities. The broker, who usually charges a commission, must be registered with the exchange in which he or she is trading, accounting for the name registered representative.

Certificate of Deposit- A deposit insured up to \$100,000 by the FDIC at a set rate for a specified period of time.

Collateral- Securities, evidence of deposit or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

Constant Maturity Treasury (CMT)- An average yield of a specific Treasury maturity sector for a specific time frame. This is a market index for reference of past direction of interest rates for the given Treasury maturity range.

Coupon- The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

County Pool- County of San Mateo managed investment pool.

Credit Analysis- A critical review and appraisal of the economic and financial conditions or of the ability to meet debt obligations.

Current Yield- The interest paid on an investment expressed as a percentage of the current price of the security.

Custody- A banking service that provides safekeeping for the individual securities in a customer's investment portfolio under a written agreement which also calls for the bank to collect and pay out income, to buy, sell, receive and deliver securities when ordered to do so by the principle.

Delivery vs. Payment (DVP)- Delivery of securities with a simultaneous exchange of money for the securities.

Discount- The difference between the cost of a security and its value at maturity when quoted at lower than face value.

Diversification- Dividing investment funds among a variety of securities offering independent returns and risk profiles.

Duration- The weighted average maturity of a bond's cash flow stream, where the present value of the cash flows serve as the weights; the future point in time at which on average, an investor has received exactly half of the original investment, in present value terms; a bond's zero-coupon equivalent; the fulcrum of a bond's present value cash flow time line.

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Fannie Mae- Trade name for the Federal National Mortgage Association (FNMA), a U.S. sponsored corporation.

Federal Reserve System- The central bank of the U.S. that consists of a seven member Board of Governors, 12 regional banks and 5,700 commercial banks that are members.

Federal Deposit Insurance Corporation (FDIC)- Insurance provided to customers of a subscribing bank that guarantees deposits to a set limit (currently \$100,000) per account.

Fed Wire- A wire transmission service established by the Federal Reserve Bank to facilitate the transfer of funds through debits and credits of funds between participants within the Fed system.

Fiscal Agent - The organization that is essentially the checkbook for C/CAG funds.

Freddie Mac- Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a U.S. sponsored corporation.

Ginnie Mae- Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the U.S. Government.

Inactive Deposits- Funds not immediately needed for disbursement.

Interest Rate- The annual yield earned on an investment, expressed as a percentage.

Investment Agreements- An agreement with a financial institution to borrow public funds subject to certain negotiated terms and conditions concerning collateral, liquidity and interest rates.

Local Agency Investment Fund (LAIF) - State of California managed investment pool.

Liquidity- Refers to the ability to rapidly convert an investment into cash.

Market Value- The price at which a security is trading and could presumably be purchased or sold.

Maturity- The date upon which the principal or stated value of an investment becomes due and payable.

New Issue- Term used when a security is originally "brought" to market.

Perfected Delivery- Refers to an investment where the actual security or collateral is held by an independent third party representing the purchasing entity.

Portfolio- Collection of securities held by an investor.

Primary Dealer- A group of government securities dealers that submit daily reports of market activity and security positions held to the Federal Reserve Bank of New York and are subject to its informal oversight.

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Purchase Date- The date in which a security is purchased for settlement on that or a later date.

Rate of Return- The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (REPO)- A transaction where the seller (bank) agrees to buy back from the buyer (C/CAG) the securities at an agreed upon price after a stated period of time.

Reverse Repurchase Agreement (REVERSE REPO)- A transaction where the seller (C/CAG) agrees to buy back from the buyer (bank) the securities at an agreed upon price after a stated period of time.

Risk- Degree of uncertainty of return on an asset.

Safekeeping- see custody.

Sallie Mae- Trade name for the Student Loan Marketing Association (SLMA), a U.S. sponsored corporation.

Secondary Market- A market made for the purchase and sale of outstanding issues following the initial distribution.

Settlement Date- The date on which a trade is cleared by delivery of securities against funds.

Time Deposit - A deposit in an interest-paying account that requires the money to remain on account for a specific length of time. While withdrawals can generally be made from a passbook account at any time, other time deposits, such as certificates of deposit, are penalized for early withdrawal.

Treasury Bills- U.S. Treasury Bills which are short-term, direct obligations of the U.S. Government issued with original maturities of 13 weeks, 26 weeks and 52 weeks; sold in minimum amounts of \$10,000 in multiples of \$5,000 above the minimum. Issued in book entry form only. T-bills are sold on a discount basis.

U.S. Government Agencies- Instruments issued by various US Government Agencies most of which are secured only by the credit worthiness of the particular agency.

Yield- The rate of annual income return on an investment, expressed as a percentage. It is obtained by dividing the current dollar income by the current market price of the security.

Yield to Maturity- The rate of income return on an investment, minus any premium or plus any discount, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond, expressed as a percentage.

Yield Curve- The yield on bonds, notes or bills of the same type and credit risk at a specific date for maturities up to thirty years.

C/CAG AGENDA REPORT

Date: December 11, 2014
To: C/CAG Board of Directors
From: Sandy Wong, Executive Director
Subject: Review and approval of the C/CAG Legislative Policies for 2015

ITEM 6.2

(For further information or response to questions, contact Jean Higaki at 650-599-1462)

RECOMMENDATION

That the C/CAG Board review and approve of the C/CAG Legislative Policies for 2015.

FISCAL IMPACT

Many of the policies listed in the attached document have the potential to increase or decrease the fiscal resources available to C/CAG member agencies.

SOURCE OF FUNDS

New legislation

BACKGROUND

Each year, the C/CAG Board adopts a set of legislative policies to provide direction to its Legislative Committee, staff, and legislative advocates. In the past, the C/CAG Board established policies that:

- Clearly defined a policy framework at the beginning of the Legislative Session.
- Identified specific policies to be accomplished during this session by C/CAG's legislative advocates.
- Limited the activities of C/CAG to areas where we can have the greatest impact.

The adoption of a list of policies will hopefully maximize the impact of having legislative advocates represent C/CAG in Sacramento and will also significantly reduce the amount of C/CAG staff time needed to support the program.

On December 11, 2014 the Legislative Committee will review revisions made by staff, shown as track changes. Staff will verbally present any modifications recommended by the Legislative Committee at the C/CAG Board meeting.

ATTACHMENTS

1. Attachment A: Draft C/CAG Legislative Policies for 2015

Attachment A

DRAFT C/CAG LEGISLATIVE POLICIES FOR 20142015

Policy #1 -

Protect against the diversion of local revenues.

- 1.1 Support League and CSAC Initiatives to protect local revenues.
- 1.2 Provide incentives to local government to promote economic vitality and to alleviate blighted conditions.
- 1.3 Support the reinstatement of state funding for economic development and affordable housing.

Policy #2 -

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

- 2.1 Oppose any State action that restricts local human resource (HR) decisions.
- 2.2 Oppose State action to restrict the ability of local jurisdictions to contract for services.
- 2.3 Require all State actions to take into consideration the fiscal impact to local jurisdictions, by ensuring that adequate funding is made available by the State, for delegated re-alignment responsibilities and by ensuring that all State mandates are 100% reimbursed.

Policy #3 -

Support actions that help to meet municipal stormwater permit requirements and secure stable funding to pay for current and future regulatory mandates.

- 3.1 Primary focus on securing additional revenue sources for both C/CAG and its member agencies for funding state and federally mandated stormwater compliance efforts.
 - a. Support additional efforts to exempt storm sewers from the voting requirements imposed by Proposition 218, similar to water, sewer, and refuse services, or efforts to reduce the voter approval threshold for special taxes related to stormwater management.
 - b. ~~Support legislation that provides C/CAG, as a Joint Powers Authority, the flexibility to levy taxes, assessments, or fees upon voters or property owners approval consistent with Proposition 218 requirements~~
 - e.b. Include water quality and stormwater management as a priority for funding in new sources of revenues (e.g. water bonds) and protect against a geographically unbalanced North-South allocation of resources.

- d.c. Support efforts to coordinate stormwater quality concerns with other statewide and regional efforts to achieve greenhouse gas reductions and climate change adaptation strategies.
 - e.d. Track and advocate for resources for stormwater quality in State and Federal grant and loan programs.
 - f.e. Support stormwater fee reform to 1) ensure regulatory permit fees are used to -support Regional Water Quality Control Board staff resources, 2) eliminate fee setting under emergency regulations and coordinate process with local budgeting procedures, and 3) ensure fees are consistent with level of service provided by state agencies.
 - g.f. Support efforts to identify regulatory requirements that are unfunded state mandates and ensure provision of state funding for such requirements.
 - h.g. Pursue and support efforts that provide additional funding from Federal, State, or local governments outside the ~~Bay Area~~San Mateo County to regional or statewide associations of stormwater quality agencies (i.e., BASMAA – regional and CASQA – statewide) for programs and projects that reduce or eliminate the need for C/CAG and its member agencies to fund and implement similar programs and projects locally.
- 3.2 Pursue and support efforts that control pollutants at the source and extend producer responsibility, especially in regard to trash and litter control.
 - 3.3 Support efforts to place the burden/ accountability of reporting, managing, and meeting municipal stormwater requirements on the responsible source rather than the cities or county, such as properties that are known pollutant hot spots and third party utility purveyors.
 - 3.4 Advocate for the development of statewide stormwater policies that establish consistent and practical approaches for stormwater regulatory and management programs that help protect water quality and beneficial uses.
 - 3.5 Pursue and support pesticide regulations that protect water quality and reduce pesticide toxicity.
 - 3.6 Track stormwater-related regulatory initiatives that may impact member agencies, such as the proposed statewide trash policy, Caltrans stormwater permits, special exceptions for Areas of Special Biological Significance, and the Phase II Municipal Stormwater Permit for smaller rural municipalities.

***Policy #4 -
Support lowering the 2/3rd super majority vote for local special purpose taxes and fees.***

- 4.1 Support bills that reduce the vote requirements for special taxes and fees.
- 4.2 Oppose bills that impose restrictions on the expenditures, thereby reducing flexibility, for special tax category.
- 4.3 Support modification or elimination of the Proposition 26 two-thirds requirements.

***Policy #5-
Protect and support transportation funding.***

- 5.1 Oppose the transfer of additional State transportation funds to the State General Fund and support the redirection of truck weight fees to the State Highway Account.
- 5.2 Support additional revenues for transportation funding.
- 5.3 Protect existing funding and support additional funding for maintenance of streets and roads.
- 5.4 Monitor recommendations of implementing “Road User Charges”.
- 5.45 Protect existing funding and support new funding for the State of California SHOPP program, which provides resources for maintenance of State highways.
- 5.5-6 Support revisions in the Peninsula Joint Powers Agreement that provide equitable funding among the Caltrain partners.
- 5.67 Support a dedicated funding source for the operation of Caltrain.
- 5.78 Support efforts to secure the appropriation and allocation of “cap and trade” revenues towards transportation to support San Mateo County needs.

***Policy #6 -
Advocate for revenue solutions to address State budget issues that are also beneficial to Cities/
Counties***

- 6.1 Support measures to ensure that local governments receive appropriate revenues to service local communities.

***Policy #7 -
Support reasonable climate protection action, Greenhouse Gas reduction, and energy conservation
legislation***

- 7.1 Support incentive approaches toward implementing AB32.
- 7.2 Oppose climate legislation that would conflict with or override projects approved by the voters.
- 7.3 Support funding for both transportation and housing investments, which support the implementation of SB 375, so that housing funds are not competing with transportation funds.
- 7.4 Alert the Board on legislation that would require recording of vehicle miles of travel (VMT) as part of vehicle registration.
- 7.5 Support local government partnerships to foster energy conservation, as well as the generation and use of renewable and/ or clean energy sources (wind, solar, etc.)

***Policy #8 -
Protection of water user rights***

- 8.1 Support the Bay Area Water Supply and Conservation Association (BAWSCA) efforts in the protection of water user rights for San Mateo County users.

***Policy #9 –
Other***

- 9.1 Support/sponsor legislation to allow transportation planning funds to be used to fund airport/land use compatibility plans.
- 9.2 Support efforts that will engage the business community in mitigating industry impacts associated with stormwater, transportation congestion, greenhouse gas emissions, and energy consumption.

C/CAG AGENDA REPORT

Date: December 11, 2014

To: C/CAG Board of Directors **ITEM 6.3**

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 14-57 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with Eisenberg, Olivieri, and Associates, extending the contract through June 30, 2015 at an additional cost not to exceed \$789,773 to continue providing technical compliance assistance to member agencies in accordance with requirements of the Municipal Regional Permit.

(For further information or questions, contact Matthew Fabry at 650-599-1419)

RECOMMENDATION

The C/CAG Board waive the Request for Proposals process and approve Resolution 14-57 authorizing the C/CAG Chair to execute Amendment No. 9 to the agreement with Eisenberg, Olivieri, and Associates (EOA), extending the contract through June 30, 2015 at an additional cost not to exceed \$789,773 to continue providing technical compliance assistance to member agencies in accordance with requirements of the Municipal Regional Permit.

FISCAL IMPACT

The additional cost to provide services from January 1 through June 30, 2015 is \$789,773. Sufficient funding is included in the NPDES Stormwater Fund of the adopted 2014-15 C/CAG budget to cover EOA's costs.

SOURCE OF FUNDS

The Countywide Program is funded through the NPDES Stormwater Fund (annual property tax assessments) and the Measure M Fund (\$10 vehicle registration fees). Consultant costs are being split evenly between stormwater funds and vehicle registration funds. Sufficient revenue exists between these two sources, in addition to existing fund balances, to pay for the proposed costs.

BACKGROUND

EOA is contracted to provide technical support to C/CAG staff and member agencies in association with requirements from the San Francisco Bay Regional Water Quality Control Board (Water Board) via municipal stormwater permits. Technical support from EOA comes in two main forms – direct support to agencies for their local compliance programs (primarily through the Stormwater Committee, Stormwater Technical Advisory Committee, seven technical

subcommittees, and annual training workshops) or through performing compliance activities directly on behalf of member agencies (such as monitoring water quality throughout the county or implementing pilot pollutant control reduction programs).

C/CAG previously approved Resolution 07-19, awarding a three year technical consultant contract to EOA that allowed for up to three one-year extensions (awarded prior to C/CAG's current Procurement Policy that limits contracts to no more than three years). During approximately the first two and a half years of the contract term, C/CAG's member agencies were covered under a countywide stormwater permit while C/CAG staff and permittees actively engaged in negotiations with the Water Board on a regional stormwater permit. The Municipal Regional Permit (MRP) was eventually adopted in October 2009 and covers municipalities in San Mateo, Santa Clara, Alameda, and Contra Costa counties.

Negotiations on the MRP lasted five years, so when EOA's contract was approved in 2007, funding was only included for the first fiscal year and each subsequent year was addressed through contract amendments. Once the MRP was adopted, permit requirements significantly increased and became much more costly, primarily due to water quality monitoring requirements and pollutant control programs for trash, mercury, and polychlorinated biphenyls (PCBs). The third one-year contract extension covered Fiscal Year 2012-13, after which the C/CAG Board waived a Request for Proposals process and extended EOA's contract for an additional 18 months to coincide with the remainder of the MRP term (expired November 30, 2014, although all requirements remain in effect until a new permit is issued).

Figure 1 illustrates the dates, terms, dollar amounts, and general purpose for each contract amendment that has been approved to date. With the exception of Amendment No. 1, which enabled EOA to assist C/CAG staff in developing a Green Streets and Parking Lots Program, each of the amendments has provided funding for technical support to C/CAG's member agencies in relation to the countywide and regional stormwater permit requirements. As can be seen in Figure 1, technical support/compliance costs progressively increased during each year of the MRP, primarily due to the trash, monitoring, and mercury and PCB requirements, all of which ramped up during the permit term.

Regional Water Board staff has now indicated reissuance of the MRP will be delayed, at least until July 1, 2015. Given that the MRP requirements remain in effect until such time as the permit is reissued and all permittees are required to continue implementing compliance programs, staff is recommending a waiver of the Request for Proposals process and approval of a six-month contract extension to allow EOA to continue supporting C/CAG's member agencies through the remainder of the fiscal year and anticipated final months of the MRP term. The waiver is requested pursuant to C/CAG's Procurement Policy on the basis that EOA has unique experience and expertise in ensuring C/CAG and its member agencies meet the mandated permit requirements in the MRP (given its role in providing said services throughout the current permit term), and given that the time for another firm to acquire said knowledge and expertise would potentially result in an unacceptable delay and jeopardize member agencies' compliance with MRP terms.

Figure 1 – Summary of Contract Amendments to Date

Item	Reso.	Time Period	Funding Amount	Purpose
Original Agreement	07-19	July 1, 2007 – June 30, 2010, (and up to three one-year extensions)	\$651,500	Funding for technical support services in FY 2007-08 (countywide permit)
Amendment No. 1	07-21	No Change	\$62,000	Funds to support Green Streets and Parking Lots Program using \$4 VLF
Amendment No. 2	08-29	No Change	\$632,000	Funding for technical support services in FY 2008-09 (countywide permit)
Amendment No. 3	09-25	No Change	\$632,000	Funding for technical support services in FY 2009-10 (countywide permit)
Amendment No. 4	10-06	No Change	\$109,500	MRP adopted in October 2009, additional funding for initial high-priority tasks (~Year 1 of MRP)
Amendment No. 5	10-32	Extension #1: FY 2010-11	\$731,994	Funding for technical support services in FY 2010-11 (~Year 2 of MRP)
Amendment No. 6	11-34	Extension #2: FY 2011-12	\$1,130,148	Funding for technical support services in FY 2011-12 (~Year 3 of MRP)
Amendment No. 7	12-32	Extension #3: FY 2012-13	\$1,686,360	Funding for technical support services in FY 2012-13 (~Year 4 of MRP)
Amendment No. 8	13-15	July 1, 2013 – December 31, 2014	FY 2013-14: \$1,892,407 July-Dec 2014: \$797,195	Funding for technical support services in FY 2013-14 and first half of 2014-15 (~Year 5 of MRP)
	TOTAL:	7.5 years	\$8,325,104	

Water Board staff plans to release a public draft of the revised MRP in early 2015, and C/CAG staff intends to perform a Request for Proposals process for technical consultant needs in the spring based on such a draft. If the draft is further delayed, staff will still perform a competitive process next spring, with plans to have new consultant contracts in place by July 1, 2015 – the challenge will be establishing appropriate funding for tasks associated with a new permit term if there are continued delays by the Water Board in issuing a draft and adopting a final permit.

Attached is EOA's proposed amended scope of work and budget for Fiscal Year 2014-15. The proposed amendment totals \$789,773. Approval of this amendment would bring the total cost for EOA's services in Fiscal Year 2014-15 to \$1,586,968, which is approximately \$300,000 less than Fiscal Year 2013-14 due to reduced MRP requirements. EOA's hourly rates remain unchanged from 2012-13 rates. Over the duration of the contract, there has also been approximately \$380,000 in savings/unspent funds, some of which is unspent annual contingency funds and some from tasks completed under budget.

ATTACHMENTS

1. Resolution 14-57
2. Proposed Contract Amendment #9
3. Exhibit A – EOA's Proposed Workplan and Budget (at www.ccag.ca.gov/committees/board-of-directors/)

RESOLUTION 14-57

AUTHORIZING THE C/CAG CHAIR TO EXECUTE AMENDMENT NO. 9 TO THE AGREEMENT WITH EISENBERG, OLIVIERI, AND ASSOCIATES (EOA), EXTENDING THE CONTRACT THROUGH JUNE 30, 2015 AT A COST NOT TO EXCEED \$789,773 TO CONTINUE PROVIDING TECHNICAL COMPLIANCE ASSISTANCE TO MEMBER AGENCIES IN ACCORDANCE WITH REQUIREMENTS OF THE MUNICIPAL REGIONAL PERMIT

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

WHEREAS, C/CAG administers the Countywide Water Pollution Prevention Program; and

WHEREAS, C/CAG requires outside consulting services to provide technical assistance through the end of the five-year term of the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit (MRP) to meet mandated requirements; and

WHEREAS, Regional Water Quality Control Board staff has indicated the MRP reissuance will be delayed by approximately six months, with the new permit term expected to start on July 1, 2015; and

WHEREAS, C/CAG approved Resolution 07-19 authorizing a three-year contract with up to three one-year extensions with EOA for technical consulting services to the Countywide Water Pollution Prevention Program; and

WHEREAS, C/CAG approved Resolution 13-15 authorizing an eighteen-month extension to EOA's contract through December 2014; and

WHEREAS, C/CAG's Procurement Policy supports waiving a Request for Proposals process given that EOA has obtained unique expertise and experience in providing technical support to C/CAG during the term of the existing contract and given that the time required for another firm to acquire such expertise and experience could potentially result in an unacceptable delay in providing support services and jeopardize C/CAG's member agencies ability to comply with the MRP; and

WHEREAS, C/CAG authorizes extending EOA's contract to provide uninterrupted compliance support services during the remainder of the 2014-15 fiscal year; and

WHEREAS, EOA prepared a scope of work and budget for support through June 30, 2015;

NOW, THEREFORE BE IT RESOLVED that C/CAG hereby waives the requirement for a Request for Proposals process and authorizes the C/CAG Chair to execute an extension to EOA's contract, extending the term through June 30, 2015 at a cost not to exceed \$789,773 to provide

continued technical support to the Countywide Water Pollution Prevention Program. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the final terms of said agreement prior to its execution by the C/CAG Chair, subject to approval as to form by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 11TH DAY OF DECEMBER, 2014.

Mary Ann Nihart, Chair

**AMENDMENT (No. 9) TO THE AGREEMENT BETWEEN THE CITY/COUNTY
ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AND EISENBERG,
OLIVIERI & ASSOCIATES, INC.**

WHEREAS, the Board of Directors of the City/County Association of Governments for San Mateo County (hereinafter referred to as C/CAG) and Eisenberg, Olivieri & Associates, Inc. (hereinafter referred to as Consultant) are parties to an agreement for consulting services dated June 14, 2007, with subsequent amendments dated August 9, 2007, June 12, 2008, May 14, 2009, February 11, 2010, June 10, 2010, June 9, 2011, June 14, 2012, and June 13, 2013 (the "Existing Agreement"); and

WHEREAS, C/CAG desires ongoing consulting services to meet requirements in the Municipal Regional Permit; and

WHEREAS, Consultant submitted an amended scope of work for Fiscal Year 2014-15, including a budget of \$789,773 for services it will provide under an extension and amendment of the Existing Agreement during the second half of Fiscal Year 2014-15 (through June 30, 2015); and

WHEREAS, Consultant has reviewed and accepted this amendment to the Existing Agreement;

IT IS HEREBY AGREED by C/CAG and Consultant that:

1. Consultant will provide the consulting services described in the attached Exhibit A (the "Extended Scope of Work") under the terms and conditions of the Existing Agreement, as amended hereby.
2. The funding provided to Consultant by C/CAG for the Extended Scope of Work will be no more than \$789,773 for the second half of Fiscal Year 2014-15 (through June 30, 2015).
3. The term of the Existing Agreement is extended to June 30, 2015.
4. Payment for services for the Extended Scope of Work shall be on a time and materials basis, based upon the receipt of invoices for the actual costs, and with services to be performed only upon the request of C/CAG staff after review of specific work plans for individual tasks.
5. All other provisions of the Existing Agreement shall remain in full force and effect.
6. Upon signature by both parties, the terms hereof amending the Existing Agreement shall be retroactively effective as of December 31, 2014.

For C/CAG:

For Consultant:

Mary Ann Nihart, Chair

Signature

Date: December 11, 2014

By: _____

Approved as to form:

Date: _____

C/CAG Legal Counsel

EXHIBIT A

EOA's Proposed Workplan

Scope of Work and Budget
for
Fiscal Year 2014/15

Technical Assistance to the
San Mateo Countywide Water Pollution Prevention Program

(AVAILABLE AT www.ccag.ca.gov/committees/board-of-directors/)

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

November 26, 2014

ITEM 9.1

SENT VIA E-MAIL

Jill Ekas, Contract Planner
1017 Middlefield Road
P.O. Box 391
Redwood City, CA 94064

RE: Notice of Preparation of a Draft Environmental Impact Report for the Proposed Redwood City Inner Harbor Specific Plan

Dear Ms. Ekas:

Thank you for offering C/CAG the opportunity to review the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Proposed Redwood City Inner Harbor Specific Plan. The following comments are provided for your consideration in complying with the San Mateo County Congestion Management Program (CMP) Traffic Impact Analysis (TIA) Policy. In preparing a TIA and DEIR for this project, refer to Appendix L of the 2013 CMP: http://ccag.ca.gov/wp-content/uploads/2014/05/2013-CMP-Appendices_Final-Nov13.pdf.

Please forecast and discuss the expected impacts of the project on the CMP roadway network as outlined in the TIA policy. The scope of the TIA should not only include the immediate project area, but also other areas that may be impacted by the project. Please consult with C/CAG staff for any clarification on the scope and parameters of the analysis. The TIA policy provides a detailed definition of project impacts on CMP intersections, freeway segments, and arterial segments.

If the project will significantly impact the CMP roadway network, mitigation measures are required to reduce the impact of the project. Potential mitigation strategies are documented in the TIA Policy and include, but are not limited to, reducing project scope, collecting traffic mitigation fees, and requiring project sponsors to implement transportation demand management (TDM) programs to reduce trip demand.

We request the opportunity to review and comment on the TIA, DEIR, and project TDM plan (if applicable) upon their completion. If you have any questions, please contact me at wabrazaldo@smcgov.org or 650-599-1455.

Sincerely,



Wally Abrazaldo
Transportation Programs Specialist

C/CAG

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November 21, 2014

ITEM 9.2

VIA E-MAIL

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research (OPR)
1400 Tenth Street
Sacramento, CA 95814

RE: **Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743**

Dear Mr. Calfee:

Thank you for providing an opportunity for the City/County Association of Governments of San Mateo County (C/CAG) to comment on the *Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing Senate Bill 743*. C/CAG is a joint powers agency that represents all 21 local jurisdictions in San Mateo County, including every city, town, and the county, and is designated as the county's congestion management agency. We appreciate OPR's work to develop a preliminary draft of changes to the CEQA guidelines implementing Senate Bill 743.

C/CAG staff reviewed the draft and participated in public workshops and discussions of the proposed changes to the CEQA guidelines sponsored by OPR and public agencies in the San Francisco Bay Area. In general, we support the goal of modifying the CEQA guidelines to promote a reduction of greenhouse gases and facilitate infill development. We offer the following comments for your consideration in refining the proposed updates to the CEQA guidelines.

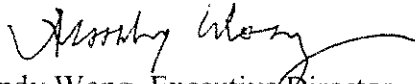
- **Defer statewide implementation of the updated CEQA guidelines until further study of the application of the vehicle miles traveled (VMT) metric in transit corridors is completed.** Page 11 of the preliminary discussion draft suggests that changes to the CEQA guidelines will be phased to "allow OPR to continue studying the application of vehicle miles traveled in the environmental review process, and to propose further changes to this section if necessary." However, the proposed text of Section 15064.3(d) on Page 15 indicates that the changes to the CEQA guidelines will apply statewide after January 1, 2016, notwithstanding the results of any further study. We recommend that the implementation of changes to the CEQA guidelines be phased such that statewide application of the VMT metric is made contingent upon further study of the metric in areas where the guidelines are immediately applied.
- **Provide technical examples of applications of the CEQA guidelines updates.** Several agencies in San Mateo County have raised concerns about the apparent focus of the CEQA guidelines updates on land development projects and the lack of concrete examples for a wider range of project types. For example, what type of analysis and mitigation measures would be appropriate for an interchange reconfiguration or roadway operational improvement project? We recommend that OPR develop case studies that demonstrate the application of the CEQA guidelines updates to a wider range of project types and make these examples available in a standalone document outside the formal CEQA guidelines.

- **Consider analysis exemptions for additional types of transportation projects.** The discussion draft indicates that several types of transportation projects may generally be presumed to have less than a significant impact, including bicycle and pedestrian facilities, transit enhancement facilities, safety and operational improvements, and maintenance or rehabilitation projects. Following on the recommendation of the Institute of Transportation Engineers (ITE) in their comments to OPR on the preliminary discussion draft, we request that OPR exempt transportation projects that result in a travel time savings of five minutes or less from needing additional analysis. According to ITE, these projects generally would not warrant an upward adjustment of travel demand. Additionally, we request that OPR develop an exemption process for transportation projects that are included in a Regional Transportation Plan (RTP) and SCS.
- **Specify that sub-regional averages may be appropriate thresholds of significance in addition to the regional average.** The changes to the CEQA guidelines highlight the use of the regional average for the land use type as a potential threshold of significance for determining a project's transportation impacts. Given the large variance in VMT within a diverse region such as the San Francisco Bay Area, a sub-regional average (i.e. countywide average) may also be an appropriate indicator of significance. We recommend that OPR specify that sub-regional averages, such as countywide averages, may also be appropriate thresholds of significance for determining a project's transportation impacts in the CEQA guidelines.
- **Address the potential for conflict between transportation impact analyses conducted under CEQA and those performed to comply with local plans and policies that are based on level of service (LOS).** While the preliminary discussion draft indicates that changes to the CEQA guidelines will not limit public agencies from analyzing and requiring mitigation for congestion impacts based on local general plans and zoning codes, the changes to the CEQA guidelines may create the potential for conflict at the local level. For example, local policies based on LOS may require project sponsors to implement mitigations that have significant transportation impacts under CEQA. Given that lead agencies may choose to continue analyzing LOS impacts in accordance with local plans and policies, how might these conflicts be reconciled and addressed?
- **Clarify the impact of the changes to the CEQA guidelines on Congestion Management Program (CMP) implementation.** California Government Code Section 65089(b)(4) allows for the land use impact analysis program element of the CMP to be implemented under CEQA to avoid duplicative analysis. The preliminary discussion draft indicates that the existing reference to CMPs will be removed from Appendix G of the CEQA guidelines. This change may encumber compliance with CMP policies. We recommend that OPR clarify that the analyses required by CMPs may continue to be conducted during the environmental review process.

We appreciate the opportunity to comment on the changes to the CEQA guidelines proposed by OPR. In closing, we want to underscore the need for a phased approach toward implementation that provides for further evaluation of the VMT metric in areas where updates to the CEQA guidelines are immediately applied. At present, there is a high level of uncertainty about how the proposed changes to the CEQA guidelines will work in practice. Further study of the VMT metric in the environmental review process will support successful implementation of Senate Bill 743 statewide.

Thank you for your consideration.

Sincerely,


Sandy Wong, Executive Director