

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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C/CAG BOARD MEETING NOTICE MEETING NOTICE and SAN MATEO COUNTY AIRPORT LAND USE COMMITTEE MEETING NOTICE

Meeting No. 355

Date: Thursday, July 14, 2022

Time: 6:30 P.M.

On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings remotely via telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), the C/CAG Board meeting will be conducted via remote conferencing. Members of the public may observe or participate in the meeting remotely via one of the options below.

Join by Zoom:

<https://us02web.zoom.us/j/89665521620?pwd=W3o8PjYbnLB3N74-cBd4k5rS66TF1.1>

Meeting ID: 896 6552 1620

Password: 071422

Join by Phone: (669) 900-6833

Persons who wish to address the C/CAG Board on an item to be considered at this meeting, or on items not on this agenda, are asked to submit written comments to mcrume@smcgov.org. Spoken public comments will also be accepted during the meeting through Zoom. Please see instructions for written and spoken public comments at the end of this agenda.

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES
- 3.0 COVID-19 PANDEMIC STATE OF EMERGENCY
 - 3.1 Review and approval of Resolution 22-59 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors and C/CAG legislative bodies to meet safely in person. ACTION p.1

4.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker. Please refer to the instructions at the end of this agenda for details regarding how to provide public comments during a videoconference meeting.

5.0 PRESENTATIONS/ ANNOUNCEMENTS

5.1 None

6.0 ACTION TO SET AGENDA AND APPROVE CONSENT AGENDA ITEMS

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. 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.

- 6.1 Approval of the minutes of regular business meeting No. 354 dated June 9, 2022. ACTION p. 6
- 6.2 Biennial review of the C/CAG Conflict of Interest Code with no change. ACTION p. 14
- 6.3 Review and approval of Resolution 22- 60 authorizing the C/CAG Chair to execute an Agreement between C/CAG and San Mateo County Economic Development Association for a \$75,000 10% local Match for the Pre-PID scope of the Dumbarton Corridor project. ACTION p. 19
- 6.4 Review and approval of Resolution 22-61 determining that the proposed Genesis Station Project, comprised of two attached 17-story office/life science buildings, including General Plan and Zoning Amendments for property located at 121 East Grand Avenue, South San Francisco, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. ACTION p. 23
- 6.5 Review and approval of Resolution 22-62 determining that the proposed 40 Airport Boulevard Project, an 8-story, 292-unit multi-family residential building on a 1.63-acre site, in South San Francisco, including related General Plan, Specific Plan and Zoning Ordinance Amendments, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. ACTION p. 30
- 6.6 Review and approval of Resolution 22-63 determining that the proposed Amendments to the Millbrae Station Area Specific Plan to allow for uses classified as “Biotechnology Level 2” within portions of the Transit Oriented Development Zone located east of El Camino Real, west of the railroad corridor and north of Millbrae Avenue, which are located within Safety Compatibility Zone 2 are not consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. ACTION p. 36
- 6.7 Review and approval of Resolutions regarding consistency with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport for two project alternatives proposed for 180 El Camino Real, an 11.2-acre site in South San Francisco.

6.7.1 Review and approval of Resolution 22-64 determining that the 180 El Camino Real, South San Francisco “Preferred Site Plan”, comprised of three life science/research and development (R&D) buildings, a 7-level parking structure, and a multi-family residential building is not consistent with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. ACTION p. 41

6.7.2 Review and approval of Resolution 22-65 determining that the 180 El Camino Real, South San Francisco “Alternative Site Plan”, comprised of four life science/R&D buildings and a 9-level parking garage is conditionally consistent with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. ACTION p. 41

6.8 Review and approval of Resolution 22-66 authorizing the C/CAG Chair to execute an agreement with Kimley Horn and Associates to provide Smart Corridor Signal System Maintenance Support in an amount not to exceed \$198,000 over three years, waiving the Request for Proposal process. ACTION p. 54

6.9 Review and approval of Resolution 22-67 authorizing the C/CAG Executive Director to execute the Memorandum of Understanding (MOU) with the San Mateo County Transportation Authority (SMCTA) for the US 101/SR 92 Interchange Direct Connector Project. ACTION p. 58

7.0 REGULAR AGENDA

7.1 Review legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.) POSSIBLE ACTION p. 70

7.2 Review and approval of Resolution 22-68 authorizing the C/CAG Chair to execute three-year Agreements with Eisenberg, Olivieri & Associates, Inc. and Craftwater Engineering, Inc. for on-call technical support services to the Countywide Stormwater Program and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$1,905,000 for fiscal year 2022-23. ACTION p. 76

7.3 Receive a presentation on the C/CAG Federal advocacy program. INFORMATION p. 88

7.4 Receive an update on the MTC One Bay Area Grant 3 (OBAG 3) County & Local Program. INFORMATION p. 89

8.0 COMMITTEE REPORTS

8.1 Committee Reports (oral reports)

8.2 Chairperson’s Report

8.3 Board Members Report/Communication

9.0 EXECUTIVE DIRECTOR'S REPORT

10.0 COMMUNICATIONS - Information Only

10.1 Written Communication: 4 Letters

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11.0 ADJOURNMENT

Next scheduled meeting September 8, 2022

PUBLIC NOTICING: All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Court Yard, 555 County Center, Redwood City, CA, and on C/CAG's website at: <http://www.ccag.ca.gov>.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular Board 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 public records available for inspection. Such public records are also available on C/CAG's website at: <http://www.ccag.ca.gov>. Please note that C/CAG's office is temporarily closed to the public; please contact Mima Crume at (650) 599-1406 to arrange for inspection of public records.

PUBLIC PARTICIPATION DURING VIDEOCONFERENCE MEETINGS: Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Crume at (650) 599-1406, five working days prior to the meeting date.

Written comments should be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to mcrume@smcgov.org.
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. Members of the public are limited to one comment per agenda item.
4. If your emailed comment is received at least 2 hours prior to the meeting, it will be provided to the C/CAG Board members, made publicly available on the C/CAG website along with the agenda. Emails received less than 2 hours before the meeting will be provided to the C/CAG Board members and included in the administrative record of the meeting as soon as practicable.

Spoken comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The C/CAG Board meeting may be accessed through Zoom at the online location indicated at the top of this agenda.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by your name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the C/CAG Clerk or Chair call for the item on which you wish to speak, click on "raise hand." The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called on to speak.
5. When called, please limit your remarks to the time allotted.

If you have any questions about this agenda, please contact C/CAG staff:

Executive Director: Sean Charpentier (650) 599-1409

Clerk of the Board: Mima Crume (650) 599-1406

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-59 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors and C/CAG legislative bodies to meet safely in person.

(For further information, contact Melissa Andrikopoulos at mandrikopoulos@smcgov.org)

RECOMMENDATION

Approval of Resolution 22-59 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person for meetings of the C/CAG Board of Directors and all other C/CAG legislative bodies would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors and C/CAG legislative bodies to meet safely in person.

FISCAL IMPACT

There is no fiscal impact.

SOURCE OF FUNDS

Not applicable

BACKGROUND

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunset on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during the COVID-19 emergency. AB 361 allows a local agency legislative body to continue to use teleconferencing under the same basic rules as provided

in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the legislative body.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows legislative bodies to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present an imminent risk to health or safety. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

AB 361 also requires that, if the state of emergency remains active for more than 30 days, the legislative body must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. Specifically, the legislative body must find that the need for teleconferencing persists due to risks posed by the ongoing state of emergency. Effectively, this means that local agencies must either agendaize a Brown Act meeting once every thirty days to make these findings, or, if a local agency has not made such findings within the prior 30 days, the local agency must re-adopt the initial findings if it wishes to conduct a remote meeting.

Public agencies that wish to continue with the option for remote meetings due to the COVID-19 emergency have and are continuing to make the required AB 361 findings. The San Mateo County Board of Supervisors approved a similar resolution at its September 28, 2021 meeting, and has continued to renew the findings since then.

At its October 14, 2021 meeting, the C/CAG Board adopted Resolution 21-79, making the findings necessary to continue remote meetings for both the C/CAG Board and standing C/CAG Committees for 30 days; the Board has subsequently adopted similar resolutions making findings to continue remote meetings.

DISCUSSION

The County's high vaccination rate successfully implemented local health measures (such as indoor masking), and best practices by the public (such as voluntary social distancing) have proven effective, in combination, at controlling the local spread of COVID-19.

However, reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. While local agency public meetings are an essential government function, the last 18 months have demonstrated that conducting such meetings virtually is feasible.

Public meetings pose high risks for COVID-19 spread for several reasons. These meetings bring together people from throughout a geographic region, increasing the opportunity for COVID-19 transmission. Further, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Moreover, some of the safety measures used by private businesses to control these risks may be less effective for public agencies.

These factors combine to make in-person public meetings imminently risky to health and safety.

We recommend that the Board avail itself of the provisions of AB 361 allowing continuation of remote meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees and that the state of emergency continues to directly impact the ability of members to meet safely in person. A resolution to that effect, and directing staff to take such other necessary or appropriate actions to implement the intent and purposes of the resolution, is attached hereto.

ATTACHMENT

1. Resolution 22-59

RESOLUTION 22-59

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY, MEETING IN PERSON FOR MEETINGS OF THE C/CAG BOARD OF DIRECTORS AND ALL OTHER C/CAG LEGISLATIVE BODIES WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES, AND THAT THE STATE OF EMERGENCY CONTINUES TO DIRECTLY IMPACT THE ABILITY OF MEMBERS OF THE BOARD OF DIRECTORS AND C/CAG LEGISLATIVE BODIES TO MEET SAFELY IN PERSON.

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

WHEREAS, on March 4, 2020, pursuant to California Government Code section 8550, *et seq.*, Governor Newsom proclaimed a state of emergency related to the COVID-19 novel coronavirus, and subsequently, the San Mateo County Board of Supervisors declared a local emergency related to COVID-19, and the proclamation by the Governor and declaration by the Board of Supervisors remain in effect; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions in the California Open Meeting law, Government Code section 54950 *et seq.* (the “Brown Act”), related to teleconferencing by local agency legislative bodies, provided certain requirements were met and followed; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which extended provisions of Executive Order N-29-20 that waive otherwise-applicable Brown Act requirements related to remote/teleconference meetings by local agency legislative bodies through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 into law, and AB 361 provides that a local agency legislative body subject to the Brown Act may continue to meet without complying with the otherwise-applicable requirements in the Brown Act related to remote/teleconference meetings by local agency legislative bodies, provided that a state of emergency has been declared and the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and provided that the legislative body makes such findings at least every thirty (30) days during the term of the declared emergency; and

WHEREAS, the C/CAG Board of Directors concludes that there is a continuing threat of COVID-19 to the community, and that Board meetings have characteristics that give rise to risks to health and safety of meeting participants (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to participate fully in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings); and

WHEREAS, the C/CAG Board of Directors has an important governmental interest in protecting the health and safety of those who participate in its meetings; and

WHEREAS, on October 14, 2021, the C/CAG Board of Directors approved Resolution 21-79

making the findings necessary to continue holding remote meetings of the C/CAG Board of Directors and all other C/CAG legislative bodies; and

WHEREAS, at subsequent meetings, the C/CAG Board of Directors adopted resolutions making the findings necessary to continue remote meetings for both the C/CAG Board of Directors and all other C/CAG legislative bodies; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the C/CAG Board of Directors deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees, and that the COVID-19 state of emergency continues to directly impact the ability of members of the Board of Directors and all other C/CAG legislative bodies to meet safely in person, and thus intends to continue to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that

1. The recitals set forth above are true and correct.
2. The C/CAG Board of Directors has reconsidered the circumstances of the state of emergency caused by the spread of COVID-19.
3. The C/CAG Board of Directors finds that the state of emergency caused by the spread of COVID-19 continues to directly impact the ability of members of the Board of Directors and all other C/CAG legislative bodies to meet safely in person.
4. The C/CAG Board of Directors further finds that holding meetings of the C/CAG Board Directors and all other C/CAG legislative bodies in person would present imminent risks to the health or safety of attendees.
5. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY 2022.

Davina Hurt, Chair

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*

C/CAG BOARD

MINUTES

Meeting No. 354
June 9, 2022

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. On June 11, 2021, the Governor issued Executive Order N-08-21 extending the suspension of these provisions to September 30, 2021. Thus, pursuant to Executive Order N-08-21, C/CAG Board meetings will be conducted via remote conferencing. Members of the public may observe or participate in the meeting remotely via one of the options below.

1.0 CALL TO ORDER/ ROLL CALL

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

Atherton	– Elizabeth Lewis
Belmont	– Davina Hurt
Brisbane	– Karen Cunningham (departed 7:26 p.m.)
Burlingame	– Ricardo Ortiz
Daly City	– Pamela DiGiovanni
East Palo Alto	– Lisa Gauthier
Foster City	– Jon Froomin
Half Moon Bay	– Debbie Ruddock (arrived 6:33 p.m.)
Hillsborough	– Marie Chuang
Millbrae	– Gina Papan
Pacifica	– Sue Vaterlaus
Portola Valley	– Maryann Moise Derwin
Redwood City	– Alicia Aguirre
San Bruno	– Michael Salazar
San Mateo	– Diane Papan (arrived 6:35 p.m.)
South San Francisco	– Mark Nagales
Woodside	– Dick Brown
SMCTA (Non-Voting)	– Rico Medina

Absent:

Belmont
Colma
Menlo Park

San Carlos

SMCTD (Non-Voting)

Others:

Sean Charpentier	– C/CAG Executive Director
Mima Crume	– C/CAG Clerk of the Board
Tim Fox	– C/CAG Legal Counsel
Kaki Cheung	– C/CAG Staff
Van Ocampo	– C/CAG Staff
Jeff Lacap	– C/CAG Staff
Reid Bogert	– C/CAG Staff
Susy Kalkin	– C/CAG Staff
Kim Wever	– C/CAG Staff
Kim Springer	– C/CAG Staff
Eva Gaye	– C/CAG Staff
Audrey Shiramiza	– C/CAG Staff
Theresa Vallez-Kelly	– SRTS
Drew Clark	– SSV
Christy Wagner	– SamTrans

Other members of the public attended.

2.0 BRIEF OVERVIEW OF TELECONFERENCE MEETING PROCEDURES

Clerk Crume gave an overview of the teleconference meeting procedures.

Chair Hurt announced that Tim Fox, County Counsel, will support this Board meeting for legal concerns and questions.

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker. Please refer to the instructions at the end of this agenda for details regarding how to provide public comments during a videoconference meeting.

Clerk Crume announced that there were no public comments.

4.0 PRESENTATIONS/ ANNOUNCEMENTS

4.1 Receive an update on the San Mateo County Safe Routes to School Program Annual Report for FY 2020-2021.

The Board received a presentation on the San Mateo County Safe Routes to School Program Annual Report for FY 2020-2021. Many activities of the SRTS program transitioned from in person to online. Ms. Vallez-Kelly has described the changes that were made and reported on the program performance.

Board Member Nagales commented that 140 bikes were given out to two schools and will push for a bike parade for the kids.

Board Member DiGiovanni thanked SRTS and C/CAG for the safety and the fun in education.

Board Member Gauthier thanked Theresa for her partnership. SRTS has made a huge difference in the City of East Palo Alto.

5.0

ACTION TO SET AGENDA AND APPROVE CONSENT AGENDA ITEMS

This item is to set the final consent and regular agenda, and to approve the items listed on the consent agenda. All items on the consent agenda are approved by one action. 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. 353 dated May 12, 2022.
APPROVED
- 5.2 Review and approval of Resolution 22-36 finding that, as a result of the continuing COVID-19 pandemic state of emergency, meeting in person would present imminent risks to the health or safety of attendees, and that the state of emergency continues to directly impact the ability of members of the Board of Directors and C/CAG legislative bodies to meet safely in person.
APPROVED.
- 5.3 Review and approval of Resolution 22-37 authorizing the C/CAG Chair to execute Amendment No. 10 to the agreement between C/CAG and the City of San Carlos to provide financial services to C/CAG for an amount not to exceed \$100,500 for Fiscal Year 2022-23.
APPROVED
- 5.4 Review and accept the Finance Committee's recommendation of no change to the investment portfolio and accept the Quarterly Investment Report as of March 31, 2022.
APPROVED
- 5.5 Review and approval of Resolution 22-38 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County Office of Sustainability for staff support for the Regionally Integrated Climate Action Planning Suite program in an amount of \$25,000 for fiscal year 2022-23.
APPROVED
- 5.6 Review and approval of Resolution 22-39 authorizing the C/CAG Chair to execute a Cooperative Agreement with the San Mateo County Department of Housing for a Joint Workplan for Housing-Related Activities for FY 2022-23 in an amount not to exceed \$150,000.
APPROVED
- 5.7 Review and approval of Resolution 22-40 authorizing the C/CAG Chair to execute Amendment No. 8 to the Agreement with the Bay Area Water Supply and Conservation Agency for the Rain Barrel and Rain Garden Rebate Program, extending the term to June 30, 2023 and adding an amount not to exceed \$25,000 for Fiscal Year 2022-23, for a new total contract amount not to exceed \$135,000.
APPROVED
- 5.8 Review and approval of Resolution 22-41 authorizing the C/CAG Chair to execute Amendment No. 2 to Task Order EOA-13 with Eisenberg, Olivieri, and Associates, Inc., adding an amount not to exceed \$82,676 for Fiscal Year 2022-23, with a new total amount

- not to exceed \$1,164,663, for general support to the Countywide Stormwater Program including 2021-22 Annual Reporting and additional on-call support. APPROVED
- 5.9 Review and approval of Resolution 22-42 authorizing the C/CAG Chair to execute Amendment No. 2 to Task Order LWA-07 with Larry Walker Associates extending the Task Order to September 30, 2022 for green infrastructure and pollutants of concern load reduction technical support services to the Countywide Stormwater Program for no additional cost. APPROVED
- 5.10 Review and approval of Resolution 22-43 authorizing the C/CAG Chair to execute Amendment No. 1 to Task Order SGA-07 with S. Groner Associates, extending the Task Order to September 30, 2022 and adding an amount not to exceed \$10,000 for Fiscal Year 2022-23, with a new total amount not to exceed \$270,000, for public outreach support to the Countywide Stormwater Program on 2021-22 Annual Reporting and web maintenance. APPROVED
- 5.11 Review and approval of Resolution 22-44 authorizing the C/CAG Executive Director to execute Amendment No. 1 to Task Order URD-03 with Urban Rain Design for green infrastructure outreach technical support services to the Countywide Stormwater Program, extending the Task Order to September 30, 2022 for no additional cost. APPROVED
- 5.12 Review and approval of Resolution 22-45 waiving the Request for Proposals process, consistent with C/CAG's procurement policy, and authorizing the C/CAG Chair to execute a license agreement with Engineering Data Software, Inc. to provide annual property fee assessment support to the Countywide Stormwater Program for an annual amount not to exceed \$25,000 and a total amount not to exceed \$125,000 for the license agreement term set to expire December 31, 2027. APPROVED
- 5.13 Review and approval of Resolution 22-46 authorizing the C/CAG Chair to execute Amendment No. 2 to the Agreement with Steer for the implementation of the Measure M Strategic Plan, and extending the contract term to December 31, 2022 at no additional cost. APPROVED
- 5.14 Review and approval of Resolution 22-47 authorizing the C/CAG Chair to execute Amendment No. 2 to the Agreement with Gray Bowen Scott for on-call consultant services for Federal and State funded project coordination and grant administration, extending the contract term to December 31, 2022 for no additional cost. APPROVED
- 5.15 Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) (40%) Program for San Mateo County:
- 5.15.1 Approval of Resolution 22-48 authorizing the C/CAG Chair to execute a Program Manager Funding Agreement with the Bay Area Air Quality Management District (BAAQMD) for the Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) Program in an amount up to \$1,095,304. APPROVED
- 5.15.2 Approval of Resolution 22-49 authorizing the C/CAG Chair to execute a funding agreement with Commute.org in an amount up to \$600,000 under the Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) Program to provide services related to the Countywide Voluntary Trip Reduction Program. APPROVED

- 5.15.3 Approval of Resolution 22-50 authorizing the C/CAG Chair to execute a funding agreement with Commute.org the in an amount up to \$136,000 using Fiscal Year 2022/23 Transportation Fund for Clean Air (TFCA) Program fund for the BART Shuttle Program. APPROVED
- 5.16 Review and approval of Resolution 22-51 authorizing the C/CAG Chair to execute an agreement with the Commute.org in the amount of \$510,000 to provide services related to the FY 2022/23 Countywide Voluntary Trip Reduction Program. APPROVED
- 5.17 Review and approval of Resolution 22-52 authorizing the C/CAG Chair to execute Amendment No. 2 to the Agreement with the City of South San Francisco for fiber conduit purchase of the Smart Corridor Extension Project, extending the contract term to December 31, 2022 at no additional cost. APPROVED
- 5.18 Approval of the request for reallocation of Transportation Development Act (TDA) Article 3 FY 2019/20 funds for the City of San Mateo's TOD Pedestrian Access Plan (\$75,117.35). APPROVED
- 5.19 Review and approval of Resolution 22-53 supporting the submittal of a joint application on the development of a San Mateo Countywide Autonomous Vehicle Strategic Plan, in partnership with the San Mateo County Transportation Authority, for Measure A Alternative Congestion Relief And Measure W Transportation Demand Management program funding, and authorize a local match of \$20,000. APPROVED
- 5.20 Review and approval of Resolution 22-56 for the third year subscription to StreetLight Data Services and authorizing the C/CAG Chair to execute a second amended and restated Memorandum of Understanding (MOU) with participating agencies for one year beginning September 1, 2022 in the amount of \$363,000. APPROVED
- 5.21 Approval of the final composition of the evaluation panel for the One Bay Area Grant 3 (OBAG 3) County & Local Program Call for Projects. APPROVED
- 5.22 Review and approval of Resolution 22-57 authorizing the C/CAG Chair to execute the Second Amendment to the Cooperative Funding Agreement (Operating Loan) with the San Mateo County Express Lanes Joint Powers Authority (SMCEL-JPA) in the amount of \$1,314,045 to partially fund the Fiscal Year 2022-21 operations of the SMCEL-JPA. APPROVED.
- 5.23 Review and approval of Resolution 22-58 authorizing the prefunding of OPEB in an amount of \$20,823 for Fiscal Year 2021-22 through the California Employers' Retiree Benefit Trust Program (CERBT) of CalPERS. APPROVED

Board Member Ortiz MOVED to approve the consent agenda items 5.1 through 5.23.
 Board Member Aguirre SECONDED. Roll call was taken. **MOTION CARRIED 18-0-0**

6.0 REGULAR AGENDA

- 6.1 Review and approval of Resolution 22-55 adopting the C/CAG Fiscal Year 2022-23 Program Budget and Member Fees. (Special voting procedures apply). APPROVED

The Board received a brief presentation on the C/CAG Final FY2022-23 Budget and Member Fees.

Board Member Chuang MOVED to approve item 6.1. Board Member Nagales SECONDED.

A Special Voting Procedure was taken by roll call. **MOTION CARRIED 18-0-0.**
Results: 18 Agencies approving. This represents 86% of the Agencies representing 91% of the population.

Ayes:

Atherton - Elizabeth Lewis
Belmont - Davina Hurt
Brisbane - Karen Cunningham
Burlingame - Ricardo Ortiz
Daly City - Pamela DiGiovanni
East Palo Alto - Lisa Gauthier
Foster City - Jon Froomin
Half Moon Bay - Debbie Ruddock
Hillsborough - Marie Chuang
Millbrae - Gina Papan
Pacifica - Sue Vaterlaus
Portola Valley - Maryann Moise Derwin
Redwood City - Alicia Aguirre
San Bruno - Michael Salazar
San Mateo - Diane Papan
South San Francisco - Mark Nagales
San Mateo County - David Canepa
Woodside - Dick Brown

Noes:

Absent:

Colma
San Carlos
Menlo Park

- 6.2 Review legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.) **NO ACTION**

Staff reported that the C/CAG Legislative Committee did meet earlier in the evening. There were no changes to the existing C/CAG legislative positions on bills contained in the SYASL report included in the C/CAG Board packet or other actions taken.

Staff also reported that C/CAG's legislative consultant in Sacramento provided a debrief on the election, various aspects of any available information on the budget, a potential change in House speaker leadership, the Seamless bill, and a review of any updates related to legislation for which C/CAG has already taken a position.

- 6.3 Receive a presentation on the adoption of the reissued Municipal Regional Stormwater Permit. **INFORMATION**

The Board received a brief presentation summarizing the outcomes from the MRP 3.0

adoption hearing and next steps towards implementing the new requirements.

- 6.4 Receive an update on the results of an Intelligent Transit Signal Priority project in City of East Palo Alto. INFORMATION

The Board received an update on the results of an Intelligent Transit Signal Priority project in City of East Palo Alto. The cloud-based iTSP system used in this pilot provided more accurate time of arrival data, yielding real-time insights and mapping capabilities not offered by traditional TSP systems.

- 6.5 Receive a presentation on the OBAG 3 Call for Projects. INFORMATION

The Board received a presentation on the OBAG 3 Call for Projects. The 3rd cycle of OBAG guides how MTC distributes federal transportation funding from the FHWA to projects and programs that improve safety, spur economic development and help the Bay Area meet climate change and air quality improvement goals.

7.0 COMMITTEE REPORTS

- 7.1 Committee Reports (oral reports)

None.

- 7.2 Chairperson's Report

Chair Hurt reported that she attended the June 2nd mid-coast multi-modal trail project groundbreaking. She spoke alongside with Board Member Medina, Supervisor Horsley and County Manager Callagy. On June 10th, she will join Board Nagales on the SSF phase 2 groundbreaking of Orange Memorial Park restoration project. She announced that the C/CAG Board is off in August. She has announced Sean Charpentier has served as Executive Director for one year and a review will take place. She has asked for two Board Members to help with the process and to email her if interested. Board Member Aguirre has volunteered to help with the process. We are projecting a retreat in September or October. She has asked the Board to send her an email if they had any great interest in topics.

- 7.3 Board Members Report/Communication

MTC Commissioner/C/CAG Board Member Gina Papan reported on equity measures as related to toll violations on bridges, about \$50M to \$100M unpaid tolls that need to be turned over to DMV. Penalties have been reduced from \$5 for the first one, \$10 for the second. They need to get the funding to keep the bridges going. They're going to turn over the commercial violators, and work through your average people and hopefully they'll come up with a system that is fair. The blue-ribbon transit aspects are still moving ahead. Want to make transportation more convenient for the riders, more equitable for everybody. On highspeed rail their EIR is being released tomorrow. Some cities like Millbrae and Brisbane have objections to the current plans. We would like to see it all happen, just not in the way they're suggesting because San Mateo County is the economic engine for the entire region.

8.0 EXECUTIVE DIRECTOR'S REPORT

Sean Charpentier reported out that as we wrap up the fiscal year, he would like to thank the Board Members for another fiscal year of hard work and effort. Second, we have a vacancy on our CMEQ for an elected official. CMEQ is a variety of elected officials and stakeholders and sees many of the items that come before the Board and provide us with committee level and policy level input. It's a very influential and important committee. Third, we are a member of Calcog, which is California Association of Council of Governments. Kaki Cheung successfully completed the Calcog Regional Leadership Academy.

9.0 COMMUNICATIONS - Information Only.

9.1 Written Communication - 6 Letters (written communications are available on the C/CAG Website: <http://ccag.ca.gov/committees/board-of-directors/>)

10.0 ADJOURNMENT – 8:07 p.m.

C/CAG AGENDA REPORT

ITEM 6.2

Date: July 14, 2022
To: City/County Association of Governments of San Mateo County Board of Directors
From: Melissa Andrikopoulos, Deputy County Counsel
Subject: Biennial review of the C/CAG Conflict of Interest Code with no change.

(For further information or questions, contact Sean Charpentier at scharpentier@smcgov.org)

RECOMMENDATION

That the C/CAG Board accept the biennial review of the C/CAG Conflict of Interest Code with no change.

FISCAL IMPACT

None.

SOURCE OF FUNDS

Not applicable.

BACKGROUND

California Government Code § 87306.5 requires each local agency to review its Conflict of Interest Code biennially to determine if it is accurate or, alternatively, if it must be amended. The C/CAG Board conducted its last biennial review on July 9, 2020. Although staff has not received the 2022 Conflict of Interest Code Biennial Review Notice from the San Mateo County Assessor – County Clerk – Recorder yet, following last cycle’s calendar, the review form must be returned by September 1st. Since the C/CAG Board is not scheduled to meet in August, staff recommends the Board act on this item at the July 14, 2022 meeting.

Upon review of C/CAG’s Conflict of Interest Code, it is found that the current information for C/CAG is accurate and no change to the code is required.

ATTACHMENTS

1. Conflict of Interest Code City/County Association of Governments of San Mateo County, as updated on August 11, 2016.
2. Draft 2022 Local Agency Biennial Notice form

CONFLICT OF INTEREST CODE
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO
COUNTY (C/CAG)

The purposes of this Conflict of Interest Code are to provide for the disclosure of investments, real property, income and business positions of designated City/County Association of Governments of San Mateo County (hereinafter referred to as "C/CAG") officials and employees that may be materially affected by their official actions and to provide for the disqualification of designated officials and employees from participation in C/CAG decisions in which they may have a financial interest.

Background

The Political Reform Act of 1974 (Government Code Sections 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations Section 18730, which contains the terms of a standard conflict of interest code. This regulation and any amendments thereto may be incorporated by reference by local agencies and, together with the designation of employees and disclosure categories, meets the requirements of the Political Reform Act.

Adoption of Conflict of Interest Code

The terms of Title 2 California Code of Regulations Section 18730 are hereby incorporated by reference and, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the City/County Association of Governments of San Mateo County.

Pursuant to the Political Reform Act and its regulations, all designated officials and employees shall file statements of economic interests with C/CAG, which shall retain a copy and forward the originals to the San Mateo County Clerk, which shall be the filing officer. The San Mateo County Board of Supervisors shall be the code reviewing body.

Subsequent amendments to Title 2 California Code of Regulations Section 18730 duly adopted by the Fair Political Practices Commission, after public notice and hearings, are also incorporated by reference unless C/CAG, within 90 days after the date on which an amendment to Section 18730 becomes effective, adopts a resolution providing that the amendment is not to be incorporated into this Code.

City/County Association of Governments of San Mateo County (C/CAG)
Conflict of Interest Code

List of Designated C/CAG Board Members and Employees,
Description of Financial Disclosure Categories

Each person holding any position listed below must file statements disclosing the kinds of financial interest shown for the identified position. Statements must be filed at the times and on the forms prescribed by law. Failure to file statements on time may result in penalties including but not limited to late fines.

<u>Designated Members or Employee</u>	<u>Disclosure Category</u>
Member	1, 2, 3, 4
Alternate Member	1,2, 3, 4
Ex Officio Member	1, 2, 3, 4
Executive Director	1,2, 3, 4
Consultants*	1,2, 3, 4

*Those consultants who, within the meaning of 2 Ca. Code of Regulations § 18700.3(a)(2) are required to file statements of economic interests, shall do so. During each calendar year, C/CAG shall maintain a list of such consultants for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any consultant from any other provision of the Conflict of Interest Code, specifically those dealing with disqualification.

Disclosure Categories

Category 1. A designated official or employee assigned to Category 1 is required to disclose direct or indirect investments in any business entity that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

Category 2. A designated official or employee assigned to Category 2 is required to disclose interests in any real property that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

Category 3. A designated official or employee assigned to Category 3 is required to disclose any source of income that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

Category 4. A designated official or employee assigned to Category 4 is required to disclose any business entity in which the designated official or employee is a director, officer, partner, trustee, employee or holds any position of management that may foreseeably be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

2022 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

Attention: Juliet Fernandez
Office of the Assessor-County Clerk-Recorder
555 County Center, Redwood City, CA 94063

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

C/CAG AGENDA REPORT

ITEM 6.3

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22- 60 authorizing the C/CAG Chair to execute an Agreement between C/CAG and the San Mateo County Economic Development Association for a \$75,000 10% local Match for the Pre-PID scope of the Dumbarton Corridor project.

(For further information or questions, contact Kim Springer at kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approval of Resolution 22- 60 authorizing the C/CAG Chair to execute an Agreement between C/CAG and the San Mateo County Economic Development Association (SAMCEDA) for a \$75,000 10% local Match for the Pre-PID scope of the Dumbarton Corridor project.

FISCAL IMPACT

None. \$75,000 to this Agreement will be provided by SAMCEDA from the private sector.

BACKGROUND

On June 7, 1988 the voters of San Mateo County approved Measure A and, subsequently, reapproved the Measure on November 2, 2004; a one-half percent transaction and use tax for highway and transit improvements. On November 6, 2018 the voters authorized Measure W, an additional one-half percent sales tax.

The San Mateo County Transportation Authority (SMCTA) issues calls for projects for use of the Measure A and Measure W funds, including the Short-Range Highway Plan program. The most recent issuance was on August 6, 2021 and C/CAG staff responded with an application for the Short-Range Highway Plan on September 24, 2021, for PIDs for a Dumbarton Roadway Improvements Project (Project). The C/CAG Board adopted Resolution 21-69 supporting the Dumbarton Corridor Project Initiation Document (PID) project and authorizing the submittal of the application.

Staff requested \$4,500,000 of Measure A and Measure W funds and committed to a ten percent match of \$500,000. Prior to submission, staff received a letter from SAMCEDA committing to \$500,000, all of the required matching and private funds for the Project.

The Project will analyze the options for managed lane roadway facilities for express buses, other transit, shuttles, and high occupancy vehicles with the goal of reducing vehicle congestion and greenhouse gas emissions and increasing person throughput in this congested corridor. Other major goals include analyzing improvements to pedestrian and bike safety, connections to and along the Bayfront for commuting and recreation, and strategies to reduce transportation impacts on the local community. Building on past efforts by the SMCTA and the MTC, there will be significant stakeholder and community engagement including participation in identifying alternatives to be analyzed and key equity and community concerns, especially with disadvantaged communities along the Dumbarton

corridor. This project is separate from the previous Dumbarton Rail studies.

C/CAG and SMCTA staff have separated the total project scope and cost into two phases. The first phase, which is partially covered by the funding agreement currently proposed, is for up to \$750,000 (\$675,000 in SMCTA funds in the Agreement, with a match of \$75,000 from the private sector), is the Pre-PID phase, which is scoped for stakeholder engagement and defining the alternatives that will be studied in the PID. Stakeholder engagement is necessary to gain consensus on a list of alternatives for providing managed lane roadway facilities to connect to the existing US 101 lanes to the Dumbarton Bridge. Success of this phase will lead to the remaining funding for Phase 2, subject to a separate, subsequent funding agreement, which is completion of the actual PID.

The Pre-PID is anticipated to include:

1. Convening a group of Project stakeholders.
2. Using existing studies and focused data for project staff and stakeholders to identify the potential alternatives and challenges to be analyzed in the future PID.
3. Conducting public outreach as needed/appropriate.

Adoption of Resolution 22-60 will authorize the C/CAG Chair to execute an Agreement for up to \$75,000 with SAMCEDA for the public sector match for Phase 1, the Dumbarton Roadway Facility Improvements Pre-Project Initiation Document effort.

Resolution 22-60 and the Funding Agreement with SAMCEDA are provided as attachments to this staff report. Staff will work with counsel and SAMCEDA staff to negotiate minor modifications to the Funding Agreement as necessary prior to execution by the C/CAG Chair.

The next steps include working with the TA and the relevant member agencies to draft a scope of work for the Pre-PID Study, issuing an RFP, and recruiting a consultant.

ATTACHMENTS

1. Resolution 22-60
2. Funding Agreement with San Mateo County Economic Development Association for Phase 1 of the Dumbarton Roadway Facility Improvements Project Initiation Document: available online at: <https://ccag.ca.gov/committees/board-of-directors-2/>

RESOLUTION 22-60

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE A FUNDING AGREEMENT BETWEEN C/CAG AND THE SAN MATEO COUNTY ECONOMIC DEVELOPMENT ASSOCIATION FOR A \$75,000 10% LOCAL MATCH FOR THE PRE-PID SCOPE OF THE DUMBARTON CORRIDOR PROJECT

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

WHEREAS, roadway connections and interchanges between US 101 and the Dumbarton Bridge experience traffic congestion and lack managed lane, active transportation, and green infrastructure improvements; and

WHEREAS, the San Mateo County Transportation Authority (SMCTA), the Metropolitan Transportation Commission, and communities along the corridor have completed or participated in studies to address the issues and provided alternatives; and

WHEREAS, C/CAG wishes to sponsor the implementation of a project to establish consensus and create Project Initiation Documents for a Dumbarton Roadway Improvement Project (Project); and

WHEREAS, the SMCTA issued a Call for Projects for the Measure A and Measure W Highway Program funds on August 6, 2021; and

WHEREAS, C/CAG submitted an application for Measure A and/or Measure W funds seeking \$4,500,000 for the Dumbarton Roadway Improvement Project with approval of the application by the Board on October 14, 2021, and

WHEREAS, SAMCEDA provided a commitment letter for \$500,000 for the required local match; and

WHEREAS, on December 2, 2021 the SMCTA Board awarded Measure A and/or Measure W Highway Program funds totaling \$4,500,000 to the Project and the SMCTA requires that C/CAG commence work on the Project within one year of SMCTA Board action; and

WHEREAS, the SMCTA and C/CAG staff have negotiate a first phase of the Project, which will seek to establish consensus for design options for managed lane roadway facilities, express buses, and other transit, shuttles, and high occupancy vehicles with the goal of reducing vehicle congestion and greenhouse gas emissions; increasing person throughput in this congested corridor; and

WHEREAS, the C/CAG Board, at it's April 14, 2022 meeting, adopted Resolution No.22-10 authorizing the C/CAG Executive Director to execute a funding agreement with the SMCTA for \$675,000 for the Pre-PID phase of the Project and desires to execute an agreement with SAMCEDA for the \$75,000 10% matching funds for the Pre-PID phase.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Government of San Mateo County that the C/CAG Chair is authorized to execute a funding agreement between C/CAG and the San Mateo County Economic Development Association for a \$75,000 10% local match for the Pre-PID scope of the Dumbarton Corridor Project. 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 14TH DAY OF JULY 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Approval of Resolution 22-61 determining that the proposed Genesis Station Project, comprised of two attached 17-story office/life science buildings, including General Plan and Zoning Amendments for property located at 121 East Grand Avenue, South San Francisco, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

(For further information please contact Susy Kalkin at kkalkin@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, approve Resolution 22-61 determining that the proposed Genesis Station Project, including General Plan and Zoning Amendments for property located at 121 East Grand Avenue, South San Francisco, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport, subject to the following condition:

- *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

DISCUSSION

Project Description

The Proposed Project is comprised of two 17-story, office/research and development building “wings” connected through a glass atrium atop a two-story podium. The first two floors of the building would provide public amenities, and Levels 3 through 17 would include research and development and office uses. The maximum height of the Proposed Project would be 295 feet above ground level.

Also included in the proposed project is a General Plan Amendment and a Zoning Ordinance Amendment, both to allow for a floor area ratio (FAR) greater than 3.5

ALUCP Consistency Evaluation

The subject project is located within Airport Influence Area B (AIA B), the “Project Referral” area, for San Francisco International Airport. California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility

Plan (ALUCP). Additionally, per SFO ALUCP Policy GP-10.1, since the City of South San Francisco has not amended its Zoning Ordinance to reflect the policies and requirements of the current SFO ALUCP all proposed development projects within AIA B are subject to ALUC review. In accordance with these requirements, the City of South San Francisco has referred the subject development project to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP.

The SFO ALUCP contains policies and criteria to address four issues: (a) aircraft noise impacts; (b) safety compatibility criteria; (c) height of structures/airspace protection; and (d) overflight notification. The following sections describe the degree to which the project is compatible with each.

(a) Aircraft Noise Impacts

The 65 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the SFO ALUCP.

As shown on Attachment 3, the subject property lies outside the bounds of the 65dB CNEL contour, and therefore the project is consistent with the SFO ALUCP noise policies and criteria.

(b) Safety Compatibility

The SFO ALUCP includes five safety zones and related land use compatibility policies and criteria. Also shown on Attachment 3, the project site is located outside of the safety zones established in the SFO ALUCP, and therefore the safety policies and criteria do not apply to this project.

(c) Height of Structures/Airspace Protection

Structure Height

Pursuant to the SFO ALUCP, airspace protection compatibility of proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

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 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 prepared pursuant to the filing of Form 7460-1.

As proposed, the 17-story structures would be a maximum of 295 feet tall to the top of the mechanical screen. With a ground elevation of approximately 16 feet above mean sea level (MSL), the height of the project would therefore be about 311 feet above MSL. As depicted on Exhibit IV-17 of the SFO ALUCP (Attachment 4), the lowest critical aeronautical surfaces above the Proposed Project are approximately 700 feet above MSL, so the building would be well below critical aeronautical surfaces.

Pursuant to Federal Regulations [14 CFR Part 77.9(a)] a project sponsor must file *FAA Form 7460-1, Notice of Proposed Construction or Alteration*, for any structure exceeding 200 feet. Accordingly, the project sponsor submitted the project to the FAA for review. On September 6, 2021, the FAA issued a “Determination of No Hazard to Air Navigation” (see Attachment 2a) for the permanent structure. The FAA attached the following conditions to its review, which the City of South San Francisco notes will be restated in conditions of project approval:

1. The structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4, 5 (Red) and 15.
2. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.
3. An FAA Form 7460-2, Notice of Actual Construction or Alteration is required to be e-filed within five days after the construction reaches its greatest height (7460-2, Part 2).

The FAA determination stipulates that it covers temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, it notes that such equipment shall not exceed the overall structure heights; equipment which has a height greater than the studied structure requires separate notice to the FAA.

Other Flight Hazards

Within AIA B, certain land use characteristics are recognized as hazards to air navigation and, per SFO ALUCP Policy AP-4, need to be evaluated to ensure compatibility with FAA rules and regulations. These characteristics include the following:

- Sources of glare, such as highly reflective buildings, building features, or blight lights including search lights, or laser displays, which would interfere with the vision of pilots in command of an aircraft in flight
- Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting
- Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of and aircraft in flight
- Sources of electrical/electronic interference with aircraft communications/navigation equipment
- 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 Site On or Near Airports and FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports and any successor or replacement orders or advisory circulars.

The South San Francisco Zoning Ordinance (Section 20.300.010) contains performance standards to ensure that all development protects the community from nuisances, hazards and objectionable conditions, including those which could be aircraft hazards, including light, glare, air contaminants,

or electromagnetic interference. Compliance with these standards should ensure compliance with Airspace Protection policy AP-4.

(d) Overflight Notification

The project site is located within the Airport Influence Area (AIA) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that therefore the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations.

As this disclosure requirement is not currently included in South San Francisco's Municipal Code, the following condition is proposed:

- *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

Airport Land Use Committee Meeting

The Airport Land Use Committee considered this item at its meeting on June 23, 2022, and unanimously recommended the project be found consistent with the policies of the SFO ALUCP subject to the condition discussed above.

ATTACHMENTS

1. Resolution 22-61

The following attachments are available to download on the C/CAG website at:

<https://ccag.ca.gov/committees/board-of-directors-2/>

2. Application Materials
 - a. FAA Determination of No Hazard to Air Navigation
3. SFO ALUCP Exh. IV-3 – Airport Influence Area B (w/Noise & Safety Compatibility Zones)
4. SFO ALUCP Exh. IV-17 – Critical Aeronautical Surfaces
5. Comment letter from SFO Planning dated June 7, 2022

RESOLUTION 22-61

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT THE PROPOSED GENESIS STATION PROJECT, INCLUDING GENERAL PLAN AND ZONING AMENDMENTS FOR PROPERTY LOCATED AT 121 EAST GRAND AVENUE, SOUTH SAN FRANCISCO, IS CONDITIONALLY CONSISTENT WITH THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, that,

WHEREAS, California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP) and furthermore, per Policy GP-10.1 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), if a jurisdiction has not made its local plans consistent with the ALUCP all proposed development projects within AIA B may be subject to ALUC review; and

WHEREAS, the City of South San Francisco has received an application for construction of two attached 17-story office/life science buildings, including General Plan and Zoning Amendments for property located at 121 East Grand Avenue, South San Francisco (the "Project") which is located within Airport Influence Area B of San Francisco International Airport (SFO); and

WHEREAS, the City of South San Francisco has referred the Project to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

WHEREAS, three sets of airport/land use compatibility policies and criteria in the SFO ALUCP relate to the Project: (a) noise compatibility policies and criteria; (b) safety policies and criteria; and (c) airspace protection policies, as discussed below:

- (a) Noise Policy Consistency Analysis - The 65 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the SFO ALUCP. Per SFO ALUCP Exhibit IV-3, the Project lies outside the bounds of the 65dB CNEL contour, and therefore is consistent with the SFO ALUCP noise policies and criteria.
- (b) The SFO ALUCP includes five safety zones and related land use compatibility policies and criteria. Per SFO ALUCP Exhibit IV-3, the Project site is located outside of the safety zones established in the SFO ALUCP, and therefore the safety policies and criteria do not apply to the Project.
- (c) Airspace Protection – Pursuant to the SFO ALUCP, airspace protection compatibility of

proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

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 prepared pursuant to the filing of Form 7460-1.

As proposed, the 17-story structures would be a maximum of 295 feet tall to the top of the mechanical screen. With a ground elevation of approximately 16 feet above mean sea level (MSL), the height of the project would therefore be about 311 feet above MSL. As depicted on Exhibit IV-17 of the SFO ALUCP, the lowest critical aeronautical surfaces above the Proposed Project are approximately 700 feet above MSL, so the building would be well below critical aeronautical surfaces.

Pursuant to Federal Regulations [14 CFR Part 77.9(a)] a project sponsor must file FAA Form 7460-1, Notice of Proposed Construction or Alteration, for any structure exceeding 200 feet. Accordingly, the project sponsor submitted the project to the FAA for review. On September 6, 2021, the FAA issued a “Determination of No Hazard to Air Navigation” for the permanent structure; and

WHEREAS, the Project site is located within the Airport Influence Area A (AIA A) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations. As neither the Project application materials nor South San Francisco’s ordinances address this requirement, it is included herein as a condition of the consistency determination; and

WHEREAS, at its meeting on June 23, 2022, based on the factors listed above and subject to the condition identified, the Airport Land Use Committee recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the Project is consistent with the SFO ALUCP; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that subject to the condition contained in Exhibit A, attached, the Project is determined to be consistent with the applicable airport land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY 2022.

Davina Hurt, Chair

Resolution 22-61 – Conditions of Consistency Determination:

- 1. The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Approval of Resolution 22-62 determining that the proposed 40 Airport Boulevard Project, an 8-story, 292-unit multi-family residential building on a 1.63-acre site, in South San Francisco, including related General Plan, Specific Plan and Zoning Ordinance Amendments, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

(For further information please contact Susy Kalkin at kkalkin@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, approve Resolution 22-62 determining that the proposed 40 Airport Boulevard Multifamily Residential Project in South San Francisco, including General Plan, Specific Plan and Zoning Amendments, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport, subject to the following conditions:

- *Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of South San Francisco an FAA “Determination of No Hazard”.*
- *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

BACKGROUND

The proposed project is comprised of an 8-story, 292-unit multifamily housing structure apartment building on a 1.62-acre site. To facilitate this residential project, various land use entitlements are requested, including: a General Plan Amendment to change the land use designation to “Downtown Transit Core”; a Specific Plan amendment to remove the site from the Downtown Station Area Specific Plan; and a Zoning Amendment to rezone the property to “PD - Planned Development”.

The Project is located within Airport Influence Area B (AIA B), the “Project Referral” area, for San Francisco International Airport. California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP). In accordance with these requirements, the City of South San Francisco has referred the Project to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP.

DISCUSSION

ALUCP Consistency Evaluation

The SFO ALUCP contains policies and criteria to address four issues: (a) aircraft noise impacts; (b) safety compatibility criteria; (c) height of structures/airspace protection; and (d) overflight notification. The following sections describe the degree to which the Project is compatible with each.

(a) Aircraft Noise Impacts

The 65 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the SFO ALUCP.

As shown on Attachment 3, the subject property lies outside the bounds of the 65dB CNEL contour, and therefore the Project is consistent with the SFO ALUCP noise policies and criteria.

(b) Safety Compatibility

The SFO ALUCP includes five safety zones and related land use compatibility policies and criteria. As shown on Attachment 4, the Project site is located outside of the safety zones established in the SFO ALUCP, and therefore the safety policies and criteria do not apply to the Project.

(c) Height of Structures/Airspace Protection

Pursuant to the SFO ALUCP, airspace protection compatibility of proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

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 prepared pursuant to the filing of Form 7460-1.

As proposed, the 8-story structure would be 95 feet tall to the top of the parapet. With a ground elevation of approximately 16 feet above mean sea level (MSL), the height of the project would therefore be about 111 feet above MSL. As shown on Attachment 5, utilizing the ‘SFO Online Airspace Tool’, the buildings would be about 250 feet below critical airspace. However, as shown on Attachment 6, the Project is located in an area that requires FAA notification for projects greater than 65-100 feet tall. Therefore, the following condition is recommended:

- *Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of South San Francisco an FAA “Determination of No Hazard”.*

(d) Overflight Notification

The Project site is located within the Airport Influence Area (AIA) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that therefore the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations.

As this disclosure requirement is not currently included in South San Francisco's Municipal Code, the following condition is proposed:

- *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP*

San Francisco International Airport (SFO) Staff Comments

SFO Planning and Environmental Affairs staff provided comments on the proposed project, included as Attachment 7. In general, they note that the project appears to be compatible with the Noise, Safety and Airspace Protection Policies of the SFO ALUCP (subject to the issuance of a Determination of No Hazard from the FAA), although they caution that many airport departure procedures are designed to ascend over or near the Project area which may result in noise disturbances for some residents, especially during nighttime hours. They encourage the project sponsor to study these flight patterns and make appropriate accommodations in the building design to maximize residents' comfort.

Airport Land Use Committee Meeting

The Airport Land Use Committee considered this item at its meeting on June 23, 2022, and unanimously recommended the project be found consistent with the policies of the SFO ALUCP subject to the conditions discussed above.

ATTACHMENTS

1. Resolution 22-62

The following attachments are available to download on the C/CAG website at:

<https://ccag.ca.gov/committees/board-of-directors-2/>

2. ALUCP application, together with related project description and plan set excerpts
3. SFO ALUCP Exh. IV-6 – Noise Compatibility Zones
4. SFO ALUCP Exh. IV-8 – Safety Compatibility Zones in SSF and San Bruno
5. SFO Airspace Tool Readout
6. SFO ALUCP Exh. IV-11 – FAA Notification Filing Reqs.
7. SFO Staff Comments dated June 14, 2022

RESOLUTION 22-62

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT THE PROPOSED 40 AIRPORT BOULEVARD MULTIFAMILY RESIDENTIAL PROJECT IN SOUTH SAN FRANCISCO, INCLUDING GENERAL PLAN, SPECIFIC PLAN AND ZONING AMENDMENTS, IS CONDITIONALLY CONSISTENT WITH THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, that,

WHEREAS, California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP) and furthermore, per Policy GP-10.1 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), if a jurisdiction has not made its local plans consistent with the ALUCP all proposed development projects within AIA B may be subject to ALUC review; and

WHEREAS, the City of South San Francisco has not yet amended its Zoning Ordinance to reflect the policies and requirements of the SFO ALUCP; and

WHEREAS, the City of South San Francisco has received an application for a development project to construct an 8-story, 292-unit multi-family residential building at 40 Airport Boulevard, including related General Plan, Specific Plan and Zoning Amendments (the "Project") which is located within Airport Influence Area B of San Francisco International Airport (SFO); and

WHEREAS, the City of South San Francisco has referred the Project to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

WHEREAS, three sets of airport/land use compatibility policies and criteria in the SFO ALUCP relate to the Project: (a) noise compatibility policies and criteria; (b) safety policies and criteria; and (c) airspace protection policies, as discussed below:

(a) Noise Policy Consistency Analysis - The 65 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the SFO ALUCP. Per SFO ALUCP Exhibit IV-6, the Project lies outside the bounds of the 65dB CNEL contour, and therefore is consistent with the SFO ALUCP noise policies and criteria.

(b) The SFO ALUCP includes five safety zones and related land use compatibility policies and criteria. Per SFO ALUCP Exhibit IV-8, the Project site is located outside of the safety zones established in the SFO ALUCP, and therefore the safety policies and criteria do not apply to the Project.

(c) Airspace Protection – Pursuant to the SFO ALUCP, airspace protection compatibility of proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

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 prepared pursuant to the filing of Form 7460-1.

As proposed, the 8-story structure would be 95 feet tall to the top of the parapet. With a ground elevation of approximately 16 feet above mean sea level (MSL), the height of the project would therefore be about 111 feet above MSL. Utilizing the ‘SFO Online Airspace Tool’, it has been determined that the building would be about 250 feet below critical airspace. However, as shown on SFO ALUCP Exhibit IV-11, the Project is located in an area that requires FAA notification for projects greater than 65-100 feet tall, and a determination from the FAA that the project will not be a hazard to air navigation. In acknowledgement of this requirement, a condition is included in this consistency determination to require compliance; and

WHEREAS, the Project site is located within the Airport Influence Area A (AIA A) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations. As neither the Project application materials nor South San Francisco’s ordinances address this requirement, it is included herein as a condition of the consistency determination; and

WHEREAS, at its meeting on June 23, 2022, based on the factors listed above and subject to the conditions identified, the Airport Land Use Committee recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the Project is consistent with the SFO ALUCP; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that subject to the conditions contained in Exhibit A, attached, the Project is determined to be consistent with the applicable airport land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY 2022.

Davina Hurt, Chair

Resolution 22-62 – Conditions of Consistency Determination:

1. *Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of South San Francisco an FAA “Determination of No Hazard”.*
2. *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Approval of Resolution 22-63 determining that the proposed Amendments to the Millbrae Station Area Specific Plan to allow for uses classified as “Biotechnology Level 2” within portions of the Transit Oriented Development Zone located east of El Camino Real, west of the railroad corridor and north of Millbrae Avenue, which are located within Safety Compatibility Zone 2 are not consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

(For further information please contact Susy Kalkin at kkalkin@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, approve Resolution 22-63 determining that the proposed amendments to the Millbrae Station Area Specific Plan to allow for uses classified as “Biotechnology Level 2” within portions of the Transit Oriented Development (TOD) Zone located east of El Camino Real, west of the railroad corridor and north of Millbrae Avenue, which are located within Safety Compatibility Zone 2, are not consistent with the Safety Compatibility Criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

Discussion

BACKGROUND/PROPOSAL

The City of Millbrae completed its Millbrae Station Area Specific Plan (MSASP) in 2015 which was reviewed at the time by the ALUC and determined to be conditionally compatible with the SFO ALUCP.

In 2020, Millbrae submitted to the ALUC proposed amendments to the MSASP for a determination of Consistency with the SFO ALUCP. The proposal included various amendments to the MSASP to allow for uses classified as “biotechnology level 2” within portions of the specific plan area, including the Transit Oriented Development (TOD) Zone, south of Millbrae Avenue. In November 2020, the C/CAG Board (acting as the Airport Land Use Commission) adopted Resolution 20-57, determining that the amendments were not consistent with the Safety Compatibility Criteria of the SFO ALUCP. The City of Millbrae subsequently adopted findings in favor of overruling the ALUC action, as provided for pursuant to Public Utilities Code Section 21676 (c) and approved the amendments.

Millbrae is now considering a further amendment to allow uses classified as “biotechnology level 2” within additional areas of the MSASP, specifically within portions of the TOD Zone located east of El Camino Real, west of the railroad corridor and north of Millbrae Avenue, which are located within Safety Zone 2.

Since the Millbrae Station Area Specific Plan properties are located within Airport Influence Area (AIA) B for San Francisco International Airport, the area subject to formal CCAG/ALUC review, in accordance with the requirements of California Public Utilities Code Section 21676(b), the City of Millbrae has referred the proposal to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP.

DISCUSSION

SFO ALUCP Consistency Evaluation

The SFO ALUCP includes policies regarding establishment of: A) an Airport Influence Area, with related real estate disclosure requirements and Airport Land Use Commission review authority; B) noise compatibility policies and criteria; C) safety policies and criteria; and D) airspace protection policies. As the proposed Amendments do not involve noise sensitive uses and do not alter development standards, this review will focus on Safety Compatibility issues only.

C) **Safety Policy Consistency Analysis** – The overall objective of safety compatibility guidelines is to minimize the risks associated with potential aircraft accidents. The most fundamental safety compatibility component is to provide for the safety of people and property on the ground in the event of an aircraft accident near an airport.

The SFO ALUCP includes five sets of safety zones and identifies land uses which are either incompatible or should be avoided within each of these zones. As shown on Attachment 3, the properties impacted by the proposed Amendments lie within Safety Zone 2, the Inner Approach/Departure Zone (IADZ).

Per the SFO ALUCP, the compatibility criteria for safety are established in Table IV-2, included as Attachment 4. As shown, *Hazardous Uses* are listed as incompatible within Safety Zone 2.

Hazardous Uses are further clarified in Safety Policy SP-3, included as Attachment 5, with relevant text excerpted below:

“D. Medical and biological research facilities handling highly toxic or infectious agents

These facilities are classified by “Biosafety Levels.” Biosafety Level 1 does not involve hazardous materials and is not subject to the restrictions on hazardous uses in Table IV-2.

Definitions of the other three biosafety levels are quoted from Biosafety in Microbiological and Biomedical Laboratories, below.

- a. *Biosafety Level 2 practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community and associated with human disease of varying severity.*

- b. *Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.*
- c. *Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.”*

As noted in the Proposal above, the Amendment specifically requests the ability to include hazardous uses within areas of the MSASP that are located within Safety Compatibility Zone 2 in order to accommodate Biosafety Level 2 uses, in direct conflict with the Safety Policies of the SFO ALUCP, and are therefore not consistent with these policies.

SFO Planning

Pursuant to standard practice, the project was referred to SFO Planning staff for review, who provided detailed comments, included as Attachment 6. In summary, they note objection to the amendments as inconsistent with the SFO ALUCP Safety Policies, believe they would pose an unreasonable safety hazard by exposing residents and businesses in Millbrae to greater harm in the event of an aircraft emergency, and recommend that the ALUC determine that the proposed amendments are incompatible with the SFO ALUCP.

Airport Land Use Committee Meeting

The Airport Land Use Committee considered this item at its meeting on June 23, 2022, and unanimously recommended the proposal be found inconsistent with the safety compatibility policies of the SFO ALUCP as discussed above.

ATTACHMENTS

1. Resolution 22-63

The following attachments are available to download on the C/CAG website at:

<https://ccag.ca.gov/committees/board-of-directors-2/>

2. Application Materials
3. SFO ALUCP Exh. IV-9 Safety Compatibility Zones
4. SFO ALUCP Table IV-2 Safety Compatibility Criteria
5. SFO ALUCP Policy SP-3 Hazardous Uses
6. Comment letter from SFO Planning dated June 14, 2022

RESOLUTION 22-63

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT AMENDMENTS TO THE MILLBRAE STATION AREA SPECIFIC PLAN TO ALLOW USES CLASSIFIED AS “BIOTECHNOLOGY LEVEL 2” WITHIN PORTIONS OF THE TRANSIT ORIENTED DEVELOPMENT ZONE LOCATED EAST OF EL CAMINO REAL, WEST OF THE RAILROAD CORRIDOR AND NORTH OF MILLBRAE AVENUE, WHICH ARE LOCATED WITHIN SAFETY COMPATIBILITY ZONE 2, ARE NOT CONSISTENT WITH THE POLICIES OF THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, that,

WHEREAS, in accordance with the requirements of California Public Utilities Code Section 21676(b) a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP); and

WHEREAS, the City of Millbrae completed the Millbrae Station Area Specific Plan (MSASP) update in 2015 which was reviewed at the time by the ALUC and determined to be conditionally compatible with the SFO ALUCP; and

WHEREAS, in 2020 Millbrae submitted to the ALUC proposed amendments to the MSASP for a determination of Consistency with the SFO ALUCP. The proposal included various amendments to allow for uses classified as *Biotechnology Level 2* within portions of the specific plan area, including the Transit Oriented Development (TOD) Zone, south of Millbrae Avenue. In November 2020, the C/CAG Board (acting as the Airport Land Use Commission) adopted Resolution 20-57, determining that those amendments were not consistent with the Safety Compatibility Criteria of the SFO ALUCP.

WHEREAS, the City of Millbrae is now considering further amendments to the MSASP to allow uses classified as *Biotechnology Level 2* within additional portions of the TOD Zone located east of El Camino Real, west of the railroad corridor and north of Millbrae Avenue, that are located within Safety Compatibility Zone 2 of the SFO ALUCP (“Specific Plan Amendments”); and

WHEREAS, the area encompassed by the MSASP lies within Airport Influence Area (AIA) B for San Francisco International Airport, the area subject to formal CCAG/ALUC review, and accordingly, the City of Millbrae has referred the Specific Plan Amendments to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

WHEREAS, this airport land use plan consistency review is focused on Safety Compatibility issues since the Specific Plan Amendments do not address noise sensitive land uses nor change any development standards in the MSASP which were previously reviewed by the ALUC in 2015. Compatibility with the relevant Safety Compatibility Policies is discussed below:

- a. The SFO ALUCP includes five sets of safety zones and identifies specific land uses which are either incompatible or should be avoided within each of these zones.
- b. The properties impacted by the proposed Specific Plan Amendments lie within Safety Compatibility Zone 2, the Inner Approach/Departure Zone (IADZ).
- c. The Specific Plan Amendments propose to include hazardous uses (Biosafety Level 2) as a conditionally permitted use within additional specific plan areas that are located within Safety Compatibility Zone 2 in order to accommodate Biosafety Level 2 uses.
- d. The compatibility criteria for safety are established in Table IV-2 of the SFO ALUCP, which lists *Hazardous Uses* as incompatible within Safety Zone 2. *Hazardous Uses* are further clarified in Safety Policy SP-3, to specify that Biosafety Level 2 uses are considered *Hazardous Uses*.
- e. The Specific Plan Amendments are in direct conflict with the Safety Policies of the SFO ALUCP and are therefore not consistent with these policies.

WHEREAS, at its June 23, 2022 meeting, based on the factors listed above, the Airport Land Use Committee unanimously recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the Specific Plan Amendments are not consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport, specifically with the Safety Compatibility Criteria; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that the Specific Plan Amendments are determined to be inconsistent with the Safety Compatibility policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolutions regarding consistency with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport for two project alternatives proposed for 180 El Camino Real, an 11.2-acre site in South San Francisco.

- a. Review and approval of Resolution 22-64 determining that the 180 El Camino Real, South San Francisco “Preferred Site Plan”, comprised of three life science/research and development (R&D) buildings, a 7-level parking structure, and a multi-family residential building, is not consistent with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.
- b. Review and approval of Resolution 22-65 determining that the 180 El Camino Real, South San Francisco “Alternative Site Plan”, comprised of four life science/R&D buildings and a 9-level parking garage is conditionally consistent with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

(For further information please contact Susy Kalkin at kkalkin@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors, acting as the San Mateo County Airport Land Use Commission, take the following actions:

1. Approve Resolution 22-64 determining that the proposed Preferred Site Plan, comprised of three life science/research and development (R&D) buildings, a 7-level parking structure, and a multi-family residential building, is not consistent with the policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.
2. Approve Resolution 22-65 determining that the proposed Alternative Site Plan, comprised of four life science/R&D buildings and a 9-level parking garage, is consistent with the applicable airport/land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), subject to the following conditions:
 - *Prior to approval, the final land use decision-making body for the project (South San Francisco City Council, Planning Commission, etc.) shall make specific findings that there is no feasible alternative for the proposed inclusion of biosafety level 2 use on the site.*

- *The City of South San Francisco shall ensure that any structure within the project that is located within Safety Zone 4 and that contains a use classified as biosafety level 2 shall be provided with at least 50% more exits than required by applicable codes.*
- *Prior to issuance of any building permits, the City of South San Francisco shall require that the project sponsor clearly document that all structures, including appurtenances, will be constructed below the heights shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibit IV-17.)*
- *Prior to issuance of any building permits, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of South San Francisco an FAA “Determination of No Hazard” for each structure.*
- *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

BACKGROUND/DISCUSSION

The subject project involves properties that are located within Airport Influence Area B (AIA B), the “Project Referral” area, for San Francisco International Airport. California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP). Additionally, per Policy GP-10.1, since South San Francisco has not amended its General Plan and Zoning Ordinance to reflect the policies and requirements of the current SFO ALUCP all proposed development projects are subject to ALUC review. In accordance with these requirements, the City of South San Francisco has referred the subject project to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of compatibility with the SFO ALUCP.

Project Description

The project site is an 11.2-acre parcel located along El Camino Real, near the intersection of South Spruce Avenue in South San Francisco. The applicant has presented two development plans - the Preferred Site Plan, and the Alternate Site Plan, described below:

- Preferred Site Plan – construction of three (3) 6-story life science/R&D buildings, a 7-level parking structure, and a 7-story, multi-family residential building containing 184 units.
- Alternative Site Plan – construction of three (3) 5-story life science/R&D buildings, a 9-level parking structure, and a 6-story life science/R&D building (in place of the residential structure).

ALUCP Consistency Evaluation

Three sets of airport/land use compatibility policies in the SFO ALUCP relate to the Development Project: (a) noise compatibility policies and criteria, (b) safety policies and criteria, and (c) airspace protection policies. In addition, the Project must comply with the Overflight Notification requirements of the ALUCP. The following sections address each issue:

(a) Noise Policy Consistency Analysis

The airport noise compatibility policies have a two-fold purpose:

1. To protect the public health, safety, and welfare by minimizing the exposure of residents and occupants of future noise-sensitive development to excessive noise.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs complies with all requirements necessary to ensure compatibility with aircraft noise in the area. The intent is to avoid the introduction of new incompatible land uses into the Airport’s “noise impact area” so that the Airport will continue to be in compliance with the State Noise Standards for airports.

Given that once development occurs near an airport it is very difficult to modify, PUC Section 21675 (a) requires that ALUCPs be based on an airport development plan that reflects the anticipated growth of the airport during at least the next 20 years. Accordingly, the CNEL contours identified in the SFO ALUCP are based on long range aircraft operation forecasts (2009-2028), rather than point in time measurements. Staff wants to stress this point since the application materials address current noise measurements and other noise projections (ex. FAR Part 150, Airport Director’s Quarterly Noise Reports) that may differ from the longer-range projections included in the SFO ALUCP.

In accordance with SFO ALUCP Policy NP-1 Noise Compatibility Zones, Exhibit IV-5 identifies the noise compatibility zones for the purposes of this ALUCP, with greater detail shown on Exhibit IV-6, included as Attachment 4. As depicted, the project site is located almost entirely within the 70-75 dB CNEL contour, with only a small corner of the site lying within the 65 dB CNEL contour.

SFO ALUCP Policy NP-2 stipulates that noise/land use compatibility shall be determined according to the criteria contained in SFO ALUCP Table IV-1 (Attachment 5) which lists various land use types and whether the use is “compatible”, “conditionally compatible”, or “not compatible” within a given noise contour range.

Preferred Site Plan: The Preferred Site Plan is comprised of both life science/R&D use and multi-family residential. While R&D use is not specifically listed in the Table IV-1, it is considered comparable to “Commercial Office, Business and Professional Uses” which is identified in the Table as “compatible” within this noise contour without restrictions. However, multi-family residential use is identified as “not compatible” within the 70-75 dB CNEL contour, unless at the time of adoption of the SFO ALUCP (2012) the site had been zoned exclusively for residential use, which is not the case with the subject development site. “Not Compatible” is further clarified in SFO ALUCP Noise Policy NP-2 to mean “that the proposed land use is incompatible with aircraft noise at the indicated CNEL level”, regardless of proposed mitigation. Accordingly, due to the residential component, the Preferred Site Plan is determined to be Not Compatible, and therefore inconsistent with the Noise Policies of the SFO ALUCP.

Alternative Site Plan: The Alternative Site Plan is comprised wholly of life science/R&D use, which is listed as “compatible” without restrictions within the 70-75 dB CNEL contour. Therefore, the Alternative Project is consistent with the Noise Policies of the SFO ALUCP.

(b) Safety Policy Consistency Analysis

Runway Safety Zones – The SFO ALUCP includes five sets of safety zones and identifies land uses which are either incompatible or should be avoided within each of these zones. As shown on SFO

ALUCP Exh. IV-8 (Attachment 6), much of the Project site, including the three R&D structures identified in the site plans as Buildings 1, 2 & 3, are located within Safety Zone 4, the outer Approach/Departure Zone (OADZ). The residential structure is not located within a safety zone.

Per the SFO ALUCP, the safety compatibility criteria are established in Table IV-2, included as Attachment 7. Within Safety Zone 4, residential use is not restricted. Hazardous Uses, such as biosafety level 2 uses (which encompasses the life sciences/R&D use included in both Project alternatives) are determined to be “not incompatible” but are classified as uses that should be “avoided unless no feasible alternative is available”. In addition, the safety compatibility criteria state that where such use is allowed, habitable structures need to be provided with at least 50% more exits than required by codes.

In support of biosafety level 2 use on the site, the application materials assert that the majority of likely users of this project will blend biosafety levels 1 and 2 in their facilities and note that typical Bay Area users need the type of high-quality laboratory space that biosafety level 2 allows, making it too difficult for a landowner to compete for laboratory tenants if a facility is restricted to biosafety level 1. Therefore, they note, that the project would be financially infeasible if biosafety level 2 use is not included.

It is recommended that in its deliberations on the land use entitlements that the City of South San Francisco make a specific determination as to whether there are feasible alternatives to the proposed biosafety level 2 use. Accordingly, the following conditions are recommended:

- *Prior to approval, the final land use decision-making body for the project (South San Francisco City Council, Planning Commission, etc.) shall make specific findings that there is no feasible alternative for the proposed inclusion of biosafety level 2 use on the site.*
- *The City of South San Francisco shall ensure that any structure within the project that is located within Safety Zone 4 and that contains a use classified as biosafety level 2 shall be provided with at least 50% more exits than required by applicable codes.*

Subject to these conditions, both the Proposed Site Plan and the Alternative Site Plan would be in compliance with the Safety Policies of the SFO ALUCP.

(c) Airspace Protection Policy Consistency Analysis

Structure Heights – Pursuant to the SFO ALUCP, airspace protection compatibility of proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

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 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 prepared pursuant to the filing of Form 7460-1.

As depicted on Exhibit IV-17 of the SFO ALUCP (see Attachment 9), the critical aeronautical surfaces above the Project are at an elevation of between approximately 159 and 168 feet above mean sea level MSL. The estimated maximum elevations of the highest buildings of the Project’s Preferred Site Plan (ranging from 159’-10” to 160’-1”, including rooftop appurtenances), would be below the critical aeronautical surfaces, but by a small margin, estimated at 1-2 feet. The Alternative Site Plan buildings

are considerably lower than those proposed in the Preferred Site Plan, so would be below the critical aeronautical surfaces.

Given the small margin provided in the Preferred Site Plan, it is imperative that the project sponsor ensure that the buildings do not penetrate critical airspace. Accordingly, the following condition is recommended:

- *Prior to issuance of any building permits, the City of South San Francisco shall require that the project sponsor clearly document that all structures, including appurtenances, will be constructed below the heights shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibit IV-17.)*

In addition, as shown on SFO ALUCP Exh. IV-11 (Attachment 10), the project site is located within an area that requires filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, for structures of the heights proposed in the application. As a result, the following condition is included:

- *Prior to issuance of any building permits, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of South San Francisco an FAA “Determination of No Hazard”.*

Other Flight Hazards - Within AIA B, certain land use characteristics are recognized as hazards to air navigation and, per SFO ALUCP Policy AP-4, need to be evaluated to ensure compatibility with FAA rules and regulations. These characteristics include the following:

- Sources of glare, such as highly reflective buildings, building features, or blight lights including search lights, or laser displays, which would interfere with the vision of pilots in command of an aircraft in flight;
- Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting;
- Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of and aircraft in flight;
- Sources of electrical/electronic interference with aircraft communications/navigation equipment;
or
- 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 Site On or Near Airports* and *FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports* and any successor or replacement orders or advisory circulars.

The South San Francisco Zoning Ordinance (Section 20.300.010) contains performance standards to ensure that all development protects the community from nuisances, hazards and objectionable conditions, including those which could be aircraft hazards, including light, glare, air contaminants, or electromagnetic interference. Compliance with these standards, in combination with the formal review by the FAA through the requisite filing of *Form 7460-1*, will ensure compliance with Airspace Protection policy AP-4.

Overflight Notification

The project site is located within the Airport Influence Area (AIA) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that therefore the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations.

As this disclosure requirement is not currently included in South San Francisco's Municipal Code, the following condition is proposed:

- *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

Comment Letter – SFO Planning

A detailed comment letter was submitted by the SFO Director of Planning and Environmental Affairs (Attachment 11). The letter addresses all of the relevant ALUCP policy compatibility areas, noting general consistency with Safety Compatibility and Airspace Protection policies, but noting the residential use within the 70 dB CNEL contour, as proposed in the Preferred Site Plan, is inconsistent with the noise policies of the SFO ALUCP. The letter also outlines concerns with some of the documentation submitted with the application related to various noise studies that suggest the CNEL contour on the site is less than 70 dB. They caution that these studies do not fully reflect the future forecast for SFO operations and may underestimate noise impacts to development projects and note that the SFO ALUCP clearly specifies that noise impacts must be evaluated against the Noise Compatibility Zones as defined in SFO ALUCP Exh. IV-5.

Airport Land Use Committee Meeting

The Airport Land Use Committee considered this item at its meeting on June 23, 2022. They unanimously recommended that: 1) the Preferred Site Plan be found inconsistent with the policies of the SFO ALUCP (specifically the Noise Compatibility Policies); and 2) the Alternative Site Plan be found consistent with the policies of the SFO ALUCP, subject to the conditions discussed above.

ATTACHMENTS

1. Resolution 22-64
2. Resolution 22-65

The following attachments are available to download on the C/CAG website at:

<https://ccag.ca.gov/committees/board-of-directors-2/>

3. ALUCP Application Materials
4. SFO ALUCP Exh. IV-6 Noise Compatibility Zones
5. SFO ALUCP Table IV-1 Noise/Land Use Compatibility Criteria
6. SFO ALUCP Exh. IV-8 Safety Compatibility Zones – SSF and San Bruno
7. SFO ALUCP Table IV-2 Safety Compatibility Criteria
8. iALP Airspace Tool Readouts
9. SFO ALUCP Exh. IV-17 Critical Aeronautical Surfaces
10. SFO ALUCP Exh. IV-11 FAA Notification Area – North Side
11. Letter from SFO Planning dated June 14, 2022

RESOLUTION 22-64

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT THE 180 EL CAMINO REAL, SOUTH SAN FRANCISCO “PREFERRED SITE PLAN”, COMPRISED OF THREE LIFE SCIENCE/RESEARCH AND DEVELOPMENT (R&D) BUILDINGS, A 7-LEVEL PARKING STRUCTURE, AND A MULTI-FAMILY RESIDENTIAL BUILDING, IS NOT CONSISTENT WITH THE POLICIES OF THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, that,

WHEREAS, California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP); and

WHEREAS, the 180 El Camino Real Preferred Site Plan (Project), comprised of a mix of residential and life science/R&D uses, is located within Airport Influence Area B of San Francisco International Airport (SFO), the area subject to formal C/CAG/ALUC review; and

WHEREAS, the City of South San Francisco has referred the Project to the C/CAG Board, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

WHEREAS, three sets of airport/land use compatibility policies and criteria in the SFO ALUCP relate to the Project: (a) noise compatibility policies and criteria; (b) safety policies and criteria; and (c) airspace protection policies, as discussed below:

(a) Noise Policy Consistency Analysis - In accordance with SFO ALUCP Policy NP-1 Noise Compatibility Zones, Exhibit IV-5 identifies the noise compatibility zones for the purposes of the SFO ALUCP, with greater detail shown on Exhibit IV-6. As depicted in these exhibits the project site is located almost entirely within the 70-75 dB CNEL contour. Pursuant to SFO ALUCP Table IV-1, Noise/Land Use Compatibility Criteria, multi-family residential use is identified as “Not Compatible” within that contour, unless at the time of adoption of the SFO ALUCP (2012) the site had been zoned exclusively for residential use, which is not the case with the subject development site. “Not Compatible” is further clarified in SFO ALUCP Noise Policy NP-2 to mean “that the proposed land use is incompatible with aircraft noise at the indicated CNEL level”, regardless of proposed mitigation. Accordingly, the Project is determined to be Not Compatible, and therefore not consistent with the Noise Policies of the SFO ALUCP.

(b) Safety Policy Consistency Analysis - The SFO ALUCP includes five sets of safety zones and related land use compatibility policies and criteria. As shown on SFO ALUCP

Exhibit IV-8, much of the Project site, including the three R&D structures, are located within Safety Zone 4, the outer Approach/Departure Zone (OADZ). The residential structure is not located within a safety zone.

Per the SFO ALUCP, the safety compatibility criteria are established in Table IV-2. Within Safety Zone 4, residential use is not restricted. Hazardous Uses, such as biosafety level 2 uses (which encompasses the life sciences/R&D use) are determined to be “not incompatible” but are classified as uses that should be “avoided unless no feasible alternative is available”. In addition, the safety compatibility criteria state that where such use is allowed, habitable structures need to be provided with at least 50% more exits than required by codes.

(c) **Airspace Protection Consistency Analysis –**

1. **Structures** - Pursuant to the SFO ALUCP, airspace protection compatibility of proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (a) the height shown on the critical aeronautical surfaces map or (b) 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.

As depicted on Exhibit IV-17 of the SFO ALUCP, the critical aeronautical surfaces above the Project are at an elevation of between approximately 159 and 168 feet above mean sea level MSL. The estimated maximum elevations of the highest buildings, which range from 159’-10” to 160’-1”, including rooftop appurtenances), would be below the critical aeronautical surfaces, but by a small margin, estimated at 1-2 feet.

In accordance with SFO ALUCP Exhibit IV-11, the project site is located within an area that requires filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, for structures of the heights proposed in the application.

2. **Other Flight Hazards** - Within AIA B, certain land use characteristics are recognized as hazards to air navigation and, per SFO ALUCP Policy AP-4, need to be evaluated to ensure compatibility with FAA rules and regulations. South San Francisco Municipal Code Section 20.300.010 includes performance standards to ensure that development does not create an aircraft hazard.

WHEREAS, the Project site is located within Airport Influence Area (AIA) A for San Francisco International Airport, where the real estate disclosure requirements of state law apply. Neither South San Francisco’s Municipal Code nor the project application materials address this requirement; and

WHEREAS, at its June 23, 2022 meeting, based on the factors listed above the Airport Land Use Committee recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the Project is not consistent with the Comprehensive Airport Land Use

Compatibility Plan for the Environs of San Francisco International Airport, specifically with the Noise Compatibility Policies; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that the Project is determined not consistent with the applicable airport land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY 2022.

Davina Hurt, Chair

RESOLUTION 22-65

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT THE 180 EL CAMINO REAL, SOUTH SAN FRANCISCO “ALTERNATIVE SITE PLAN”, COMPRISED OF FOUR LIFE SCIENCE/RESEARCH AND DEVELOPMENT (R&D) BUILDINGS AND A 9-LEVEL PARKING STRUCTURE, IS CONDITIONALLY CONSISTENT WITH THE POLICIES OF THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, that,

WHEREAS, California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP); and

WHEREAS, the 180 El Camino Real Alternative Site Plan (Project), comprised of four life science/R&D buildings and a parking structure, is located within Airport Influence Area B of San Francisco International Airport (SFO), the area subject to formal C/CAG/ALUC review; and

WHEREAS, the City of South San Francisco has referred the Project to the C/CAG Board, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

WHEREAS, three sets of airport/land use compatibility policies and criteria in the SFO ALUCP relate to the Project: (a) noise compatibility policies and criteria; (b) safety policies and criteria; and (c) airspace protection policies, as discussed below:

(a) Noise Policy Consistency Analysis - In accordance with SFO ALUCP Policy NP-1 Noise Compatibility Zones, Exhibit IV-5 identifies the noise compatibility zones for the purposes of the SFO ALUCP, with greater detail shown on Exhibit IV-6. As depicted in these exhibits the project site is located almost entirely within the 70-75 dB CNEL contour. Pursuant to SFO ALUCP Table IV-1, Noise/Land Use Compatibility Criteria, life science/R&D use is listed as “compatible” without restrictions within the 70-75 dB CNEL contour. Therefore, the Project is consistent with the Noise Policies of the SFO ALUCP.

(b) Safety Policy Consistency Analysis - The SFO ALUCP includes five sets of safety zones and related land use compatibility policies and criteria. As shown on SFO ALUCP Exhibit IV-8, much of the Project site, including the three R&D structures, are located within Safety Zone 4, the outer Approach/Departure Zone (OADZ).

Per the SFO ALUCP, the safety compatibility criteria are established in Table IV-2. Within Safety Zone 4, residential use is not restricted. Hazardous Uses, such as

biosafety level 2 uses (which encompasses the life sciences/R&D use) are determined to be “not incompatible” but are classified as uses that should be “avoided unless no feasible alternative is available”. In addition, the safety compatibility criteria state that where such use is allowed, habitable structures need to be provided with at least 50% more exits than required by codes. In acknowledgement of these requirements, conditions are included in this consistency determination to require compliance; and

(c) Airspace Protection Consistency Analysis –

1. Structures - Pursuant to the SFO ALUCP, airspace protection compatibility of proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (a) the height shown on the critical aeronautical surfaces map or (b) 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.

As depicted on Exhibit IV-17 of the SFO ALUCP, the critical aeronautical surfaces above the Project are at an elevation of between approximately 159 and 168 feet above mean sea level MSL. The estimated maximum elevations of the highest buildings, which range from 159’-10” to 160’-1”, including rooftop appurtenances), would be below the critical aeronautical surfaces, but by a small margin, estimated at 1-2 feet.

Additionally, in accordance with SFO ALUCP Exhibit IV-11, the project site is located within an area that requires filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, for structures of the heights proposed in the application.

In acknowledgement of these requirements, conditions are included in this consistency determination to require compliance; and

2. Other Flight Hazards - Within AIA B, certain land use characteristics are recognized as hazards to air navigation and, per SFO ALUCP Policy AP-4, need to be evaluated to ensure compatibility with FAA rules and regulations. South San Francisco Municipal Code Section 20.300.010 includes performance standards to ensure that development does not create an aircraft hazard.

WHEREAS, the Project site is located within Airport Influence Area (AIA) A for San Francisco International Airport, where the real estate disclosure requirements of state law apply. As neither South San Francisco’s Municipal Code nor the project application materials address this requirement, it is included herein as a condition of the consistency determination; and

WHEREAS, at its June 23, 2022 meeting, based on the factors listed above the Airport Land Use Committee recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the Project is conditionally consistent with the Comprehensive Airport

Land Use Compatibility Plan for the Environs of San Francisco International Airport; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that subject to the conditions contained in Exhibit A, attached, the Project is determined to be consistent with the applicable airport land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY 2022.

Davina Hurt, Chair

Resolution 22-65 – Conditions of Consistency Determination:

1. *Prior to approval, the final land use decision-making body for the project (South San Francisco City Council, Planning Commission, etc.) shall make specific findings that there is no feasible alternative for the proposed inclusion of biosafety level 2 use on the site.*
2. *The City of South San Francisco shall ensure that any structure within the project that is located within Safety Zone 4 and that contains a use classified as biosafety level 2 shall be provided with at least 50% more exits than required by applicable codes.*
3. *Prior to issuance of any building permits, the City of South San Francisco shall require that the project sponsor clearly document that all structures, including appurtenances, will be constructed below the heights shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibit IV-17.)*
4. *Prior to issuance of any building permits, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of South San Francisco an FAA “Determination of No Hazard” for each structure.*
5. *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-66 authorizing the C/CAG Chair to execute an agreement with Kimley-Horn and Associates to provide Smart Corridor Signal System Maintenance Support in an amount not to exceed \$198,000 over three years, waiving the Request for Proposal process.

(For further information or questions, contact Audrey Shiramizu at ashiramizu@smcgov.org)

RECOMMENDATION

That the Board reviews and approves Resolution 22-66 authorizing the C/CAG Chair to execute an agreement with Kimley-Horn and Associates to provide Smart Corridor Signal System Maintenance Support in an amount not to exceed \$198,000 for three years, waiving the Request for Proposal (RFP) process.

FISCAL IMPACT

The three-year contract amount is \$198,000.

SOURCE OF FUNDS

The contract can be funded with Measure M funds from the Smart Corridor/Intelligent Transportation System (ITS) category, and C/CAG's Congestion Relief Fund.

BACKGROUND

The C/CAG sponsored San Mateo County Smart Corridor project upgraded and interconnected traffic signal infrastructure on behalf of the cities of San Bruno, Millbrae, Burlingame, San Mateo, Belmont, San Carlos, Redwood City, Atherton, Menlo Park, and East Palo Alto, the unincorporated County and Caltrans, in addition to deploying Intelligent Transportation System (ITS) equipment on predefined designated local streets and state routes. The Smart Corridor provides local cities and Caltrans day to day traffic management capabilities in addressing recurrent traffic congestion as well as provide Caltrans abilities for managing the system during major incidents. The current Smart Corridor project limit, operating since summer 2016, extends from I-380 in San Bruno to the Santa Clara County Line in East Palo Alto along El Camino Real and includes major local streets connecting to US-101. There are more than 238 intersections and 400 devices installed as part of the Smart Corridor, including 100 CCTV cameras, 47 trailblazer/arterial dynamic message signs, and 22 vehicle detection systems. The Cities of South San Francisco, Brisbane, and Daly City, along with the Town of Colma, are expected to be a part of the Smart Corridor program in the next two years.

Smart Corridor Maintenance

For corridor consistence and economy of scale, it was agreed that C/CAG would be responsible for maintaining certain ITS equipment and devices deployed as part of the Smart Corridor project located within the cities' right-of-way. The equipment includes a number of the installed CCTV

cameras, trailblazer/arterial dynamic message signs, and vehicle detection system. Other equipment maintained by the cities are upgraded traffic signal controllers, traffic signals, signals interconnect equipment, and communication lines located within the cities' right-of-way. Caltrans is responsible for maintaining equipment deployed within the State right-of-way.

C/CAG has retained three (3) consultants to help with maintaining the Smart Corridor for local cities. These consultants, together, provides a comprehensive solution for maintaining the following ITS equipment:

- Communication Network and Equipment
 - San Mateo Hub equipment and controller cabinet, fiber switches, video management system and servers, message sign system and server, network management system and server
- Infrastructure and Field Devices
 - Fiber and conduit, antennas, CCTV cameras, directional signs, vehicle detection system, Arterial Dynamic Message Signs (ADMS)
- KITS Traffic Signal System
 - Central System Software, Firmware, Hardware, Field controller elements

KITS Signal System

This action item addresses the maintenance contract for the KITS (Kimley-Horn Integrated Transportation System) Traffic Signal System. KITS is a proprietary signal system developed by Kimley-Horn. For the Smart Corridor, the KITS traffic signal control system software was deployed at a total of 238 intersections (85 within 10 cities, 153 within Caltrans Right-of-way) along the corridor, which includes hardware and software as well as storage of the incident response plans into the signal controllers. This agreement would cover the maintenance of the KITS system within the cities' right-of-way only. Caltrans maintains a separate contract with Kimley Horn for KITS related tasks.

In August 2016, per Resolution 16-27, C/CAG entered into a three-year agreement with Kimley Horn in the amount of \$189,000 to provide Smart Corridor System Maintenance. In June 2019, per Resolution 19-42, C/CAG entered into a second three-year agreement with Kimley-Horn in the amount of \$210,000 to continue providing Smart Corridor maintenance support.

During the two 3-year contracts, Kimley-Horn has been providing ongoing system and equipment maintenance, in addition to offering technical assistance to cities and other as needed support. Some examples of the maintenance tasks performed include troubleshooting connection issue, archiving database, upgrading database and server to latest version, configuring controllers and installing KITS on new workstations.

Staff has been satisfied with Kimley-Horn's performance on the KITS maintenance contract. Staff are technically experienced and knowledgeable; responsive to addressing issues; and collaborative with local agency staff, Caltrans, and C/CAG's other two maintenance consultants to maintain the Smart Corridor system. Staff have also received positive feedback regarding Kimley-Horn's performance from partner Caltrans and the Smart Corridor cities. In addition, Caltrans uses the KITS system for the sections of the Smart Corridor in Caltrans's right of way.

RECOMMENDATION

It is recommended that C/CAG enter a third three (3) year agreement with Kimley-Horn for Smart Corridor Traffic Signal System Maintenance Support. Staff has determined that Kimley-Horn,

developer of the KITS software, has the unique qualifications and experience to perform the work to assist to assist the cities on the Smart Corridor. The new three-year agreement covers fiscal years (FYs) 2022/23, 2023/24 and 2024/25 at a total cost of \$198,000. The agreement is on a time and materials based.

Request for Proposal (RFP) Waiver

Staff requests that the C/CAG Board waive the requirement of a Request for Proposal (RFP) process and recommends that C/CAG enters into agreement with Kimley-Horn. This request is consistent with the C/CAG Procurement Policy (2010), Section 9a, which states, in part:

The C/CAG Board may waive the solicitation of RFPs when it determines that it is in the best interest of C/CAG to do so. Situations in which a RFP may be waived include, but are not limited to, emergency situations or those in which an independent contractor is the only available source of a particular service. Another appropriate situation for waiving the RFP process is where a particular firm, agency, and/or individual has unique qualifications and/or experience, or it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service or not result in significant cost savings.

ATTACHMENTS

1. Resolution 22-66
2. Draft Agreement between C/CAG and Kimley-Horn and Associates (*Available for review and download at <https://ccag.ca.gov/committees/board-of-directors-2/>*)

RESOLUTION 22-66

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO AUTHORIZING THE C/CAG CHAIR TO EXECUTE AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES TO PROVIDE SMART CORRIDOR SIGNAL SYSTEM MAINTENANCE SUPPORT IN AN AMOUNT NOT TO EXCEED \$198,000 OVER THREE YEARS

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

WHEREAS, the C/CAG sponsored San Mateo County Smart Corridor Project (Smart Corridor) is an Intelligent Transportation System (ITS) project that extends 20 miles along El Camino Real and major local streets connecting to US-101 and enables cities and the California Department of Transportation (Caltrans) to proactively manage daily traffic and non-recurring traffic congestion cause by diverted traffic due to major incidents on the freeway; and

WHEREAS, in addition to installation of fiber optic communication network, equipment deployed as part of the Smart Corridor project include interconnected traffic signal system, close circuit video cameras, trailblazer/arterial dynamic message signs, and vehicle detection systems; and

WHEREAS, construction of the Smart Corridor (I-380 to Santa Clara County Line) is completed and final signal system software deployment and system integration completed; and

WHEREAS, per Memorandum of Understandings (MOUs) executed between C/CAG, Caltrans, and the cities, C/CAG is responsible for maintaining Smart Corridor specific ITS infrastructure and communication network deployed within the cities' right-of-way; and

WHEREAS, in August 2016, C/CAG entered into a three-year agreement with Kimley Horn in the amount of \$189,000 to provide Smart Corridor signal system maintenance; and

WHEREAS, in June 2019, C/CAG entered into a three-year agreement with Kimley-Horn to provide signal system maintenance support for \$210,000, which expires on June 30, 2022; and

WHEREAS, C/CAG desires to enter into a third three-year agreement with Kimley-Horn for Smart Corridor Signal System Maintenance Support on behalf of the cities on the Smart Corridor for a not to exceed amount of \$198,000.

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 Agreement between C/CAG and Kimley-Horn and Associates for Smart Corridor signal system maintenance support in an amount not to exceed \$198,000 over three years. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the final scope and terms of the Agreement and related materials prior to execution by both parties, subject to legal counsel approval as to form.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY 2022.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-67 authorizing the C/CAG Executive Director to execute the Memorandum of Understanding (MOU) between the San Mateo County Transportation Authority (SMCTA) and C/CAG for the US 101/SR 92 Interchange Direct Connector Project.

(For further information, contact Van Dominic Ocampo at vocampo@smcgov.org)

RECOMMENDATION

Review and approve Resolution 22-67 authorizing the C/CAG Executive Director to execute the Memorandum of Understanding (MOU) between the San Mateo County Transportation Authority (SMCTA) and C/CAG for the US 101/SR 92 Interchange Direct Connector Project.

It is also recommended that the C/CAG Board authorize the Executive Director to negotiate the final terms of said prior to its execution by the C/CAG Executive Director, subject to approval as to form by legal counsel.

FISCAL IMPACT

There is no fiscal impact with the execution of the MOU with SMCTA. The Project Approval and Environmental Document (PA&ED) Phase is estimated to cost \$12.2M, of which, \$10.2M will come from SMCTA in the form of Measure W funds and the remaining \$2M will come from Regional Measure 3 Funds.

SOURCE OF FUNDS

Measure A Highway Program Funds in the amount of \$10.2M and Regional Measure 3 Funds in the amount of \$2M.

BACKGROUND

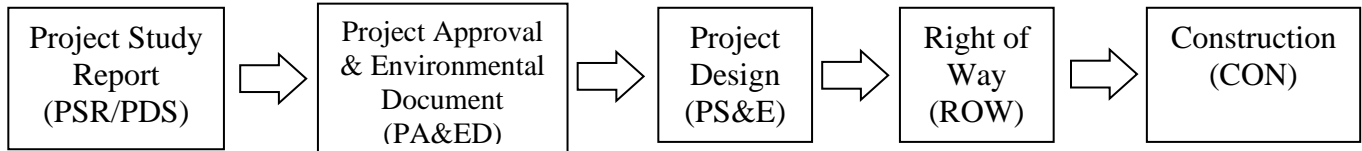
The US 101/SR 92 Interchange (Interchange) is a major facility that serves both regional traffic and local street connections. During AM and PM peak traffic periods, motorists experience substantial delay and congestion at the Interchange and its vicinity, caused by heavy traffic volume, inadequate capacity, and inefficient weaving and merging at the ramp connectors.

On August 9, 2012, the C/CAG Board approved Resolution 12-46 authorizing the acceptance of funds and execution of grant agreements with SMCTA for project feasibility studies and project study documents associated with four highway projects, including the US 101/SR 92 Interchange Improvement Preliminary Planning Study (PPS). In June of 2016, the PPS, which studied the traffic congestion and identified a number of near-term and long-term alternatives to address congestion and safety concerns at the Interchange (and its vicinity) was completed. Near-term "Area" Improvements

focus on non-complex alternatives that improve local access from US 101 and provide operational improvements that reduce weaving conflicts and improve safety, with relatively low implementation costs, while Long-term “Direct Connector” Improvements are more complex, involve construction of new structures, take longer time to implement, and are more costly.

CALTRANS’ PROJECT APPROVAL PROCESS (TYPICAL)

Projects must follow the typical sequential process shown below:



On November 16, 2020, the Project Study Report/Project Development Supports (PSR/PDS) for the Direct Connector Project was approved by Caltrans. This allowed the Project to proceed with the Project Approval and Environmental Document (PA&ED) Phase, which is estimated to cost \$12.2M. There are two alternatives currently being considered for the Direct Connector Project: 1) US 101 / SR 92 managed lanes direct connector from westbound SR 92 to northbound and southbound US 101; and 2) Reversible US 101 / SR 92 managed lanes direct connector ramps. The PA&ED Phase will include all environmental technical studies, traffic analysis, public outreach, and stakeholder coordination.

On August 6, 2021, SMCTA issued a call for project nominations for its Measure A and/or Measure W Highway Program. In response, CCAG and SMCTA staff submitted a grant application for \$10.2M to help cover majority of the cost to complete the PA&ED Phase, while the balance of \$2M will be paid through the use of Regional Measure 3 money.

On December 2, 2021, the SMCTA Board awarded the Project the requested \$10.2M in Measure A funds, but in order to make these funds available for the Project, SMCTA is requiring C/CAG, as Project Co-sponsor, to execute the attached MOU. Both C/CAG and SMCTA will continue to be Project Co-sponsors through the PA&ED Phase, with SMCTA as the Implementing Agency and Caltrans performing project oversight.

ATTACHMENTS

1. Resolution 22-67
2. Memorandum of Understanding (MOU) between San Mateo County Transportation Authority and City/County Association of Governments of San Mateo County for the Implementation of the Project Approval and Environmental Document Phase of the US 101/SR92 Interchange Direct Connector Project.

RESOLUTION 22-67

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING WITH THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY (TA) FOR THE US 101/SR 92 INTERCHANGE LONG TERM DIRECT CONNECTOR PROJECT

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

WHEREAS, C/CAG, in partnership with the TA, City of Foster City, and City of San Mateo, completed a Preliminary Planning Study (PPS) in June 2016 that identified multiple short-term and long-term improvement needs to address existing and future traffic congestion at the US 101/SR 92 Interchange and vicinity; and

WHEREAS, the TA, in coordination with C/CAG, City of San Mateo, and City of Foster City, implemented the Project Initiation Document (PID) phase and completed the Project Study Report/ Project Development Support (PSR-PDS) that was approved by CALTRANS on November 16, 2020, which allowed the Project to advance to the Project Approval and Environmental Document (PA&ED) Phase; and

WHEREAS, the PA&ED Phase is estimated to cost \$12,200,000; and

WHEREAS, on August 6, 2021, SMCTA issued a call for project nominations for its Measure A and/or Measure W Highway Program; and

WHEREAS, CCAG and SMCTA staff jointly submitted a grant application for \$10,200,000 to pay for the cost of completing the PA&ED Phase with the balance of \$2,000,000 paid through the use of Regional Measure 3 money.

WHEREAS, on December 2, 2021, the SMCTA Board awarded the Project the requested \$10,200,000 in Measure A funds; and

WHEREAS, both C/CAG and SMCTA wish to continue as Project Co-sponsors through the PA&ED Phase, with SMCTA as the Implementing Agency and Caltrans performing project oversight; and

WHEREAS, a Memorandum of Understanding with the TA is required in order to access the \$10,200,000 of Measure A funds and to document the partnership and funding obligation of the Project Co-sponsors for the PA&ED Phase; 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 Executive Director is authorized to execute the MOU with the TA for the US 101/SR 92 Interchange Direct Connector Project and further authorize the Executive Director to negotiate the final terms of said prior to its execution by the C/CAG Executive Director, subject to approval as to form by legal counsel.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY 2022.

Davina Hurt, Chair

**Memorandum of Understanding (MOU)
San Mateo County Transportation Authority
and
City/County Association of Governments**

for the Implementation of

**US 101/SR 92 Interchange Direct Connector Project
Project Approval & Environmental Document Phase**

This Memorandum of Understanding (MOU) is entered into as of the ___ day of _____, 2022 (Execution Date), by and between the San Mateo County Transportation Authority (TA) and City/County Association of Governments of San Mateo County (C/CAG), each of which is referred to herein individually as "Party" and jointly as "Parties."

RECITALS

WHEREAS, on November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by the TA of the Measure A half cent transaction and use tax for an additional 25 years to implement the 2004 Transportation Expenditure Plan, beginning January 1, 2009 (Measure A); and

WHEREAS, on December 2, 2021, as part of a Highway Program Call for Projects, the TA's Board of Directors programmed and allocated Measure A funds for the Project Approval and Environmental Document (PA&ED) phase of the US 101/SR 92 Interchange Direct Connector project (Project); and

WHEREAS, the TA and C/CAG have been collaborating on developing strategies to improve the US 101/SR 92 Interchange design and operation ; and

WHEREAS, the Project Study Report – Project Development Support (PSR-PDS) for the Project was approved by Caltrans in November 2020 which allows the Project to advance to the PA&ED phase; and

WHEREAS, the Parties desired to collectively participate in the development of the PA&ED phase; and

WHEREAS, the estimated cost of completing the PA&ED phase is \$12.2 million; and

WHEREAS, on December 2, 2021, the TA Board of Directors allocated \$10.2 million in Measure A funds for the PA&ED phase; and

WHEREAS, the Metropolitan Transportation Commission (MTC) funds projects that are eligible for the Regional Measure 3 (RM 3) funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, the Project is listed on the MTC's RM3 Expenditure Plan and thus is eligible for receiving RM3 funds; and

WHEREAS, on January 6, 2022, the TA Board of Directors authorized staff to file a Letter of No Prejudice (LONP) request for RM3 funds of \$2 million for the Project PA&ED phase through Resolution No. 2022-4; and

WHEREAS, the LONP allows the TA to incur expenditures of up to \$2 million in advance of the allocation of RM 3 funds; and

WHEREAS, the TA Resolution No. 2022-4 authorizes the utilization of Measure A funds in advance of the allocation of the RM 3 funds; and

WHEREAS, the entire PA&ED cost of \$12.2 million will be made available by the TA; and

NOW, THEREFORE, the Parties to this MOU agree as follows:

A. Project Scope and Description

1. Project Scope. The Project is the US 101/SR 92 Interchange Direct Connector.
2. Scope of Work. The Scope of Work is the preparation and completion of a Caltrans approved document for the PA&ED phase in accordance with the Caltrans Project Development Procedures Manual.
3. Limited to Scope of Work. This MOU is intended to cover only the Scope of Work. Further roles and responsibilities for subsequent phases of work on, or other tasks related to, the Project will be determined by negotiations between the Parties.

B. Funding and Payment

1. Funding Commitment. The TA will provide up to \$12.2 million of Measure A Highway Program Funds for the PA&ED phase of the Project.
2. Cost Savings. Any cost savings of the Measure A funds allocated for the Scope of Work will revert to the Measure A Highway Program for the TA to reallocate to any eligible project through its usual fund programming and allocation activities.

3. Insufficient Funding. In the event that additional funding is needed to complete the Scope of Work, the TA and C/CAG will work collectively to identify the additional amounts needed. The Parties will work together to identify potential funding sources, as well as obtain the necessary funds to complete the Scope of Work. If additional funding is needed due to a change in the Scope of Work, the Parties will identify the additional amounts needed. The TA may consider requests for additional funding, but is under no obligation to grant such requests.

C. Term

1. Term of Agreement. This MOU is effective upon the Execution Date, and will terminate upon the earliest of: (a) 6 months after completion of the Scope of Work, (b) termination by C/CAG or the TA pursuant to section C-3, C-4 or C-5, or (c) March 31, 2025
2. Time of Performance. The Scope of Work must be completed no later than September 30, 2024.
3. Termination by C/CAG. C/CAG may at any time terminate the MOU by giving ten (10) days' written notice to the TA. C/CAG will reimburse the TA for all funds expended by the TA in connection with the Scope of Work, and for all costs incurred by the TA in connection with the termination, within ninety (90) days of the TA's submission to C/CAG of a detailed statement of such payments and costs.
4. Termination by the TA. The TA may at any time terminate the MOU, with or without cause, by giving ten (10) days' written notice of such termination. If the TA terminates the MOU for C/CAG's default, C/CAG will reimburse the TA for all funds expended by the TA in connection with performance of this MOU. If the TA terminates the MOU for convenience, the TA will reimburse C/CAG all costs and expenses incurred by C/CAG as a result of such termination.
5. Termination by the Parties. If it is mutually agreed by the Parties that it would be in their mutual best interests to terminate or suspend work on the Project, neither Party may seek nor be entitled to receive further reimbursement from the other Party for any costs or expenses incurred in connection with the Scope of Work nor termination of this MOU. Either Party may continue work on the Project independently.
6. Expiration of TA Financial Obligations. Any and all financial obligations of the TA pursuant to this MOU will expire upon the expenditure of the TA's maximum contribution to the Project as established in Section B-1 above or upon termination of this MOU under Section C-1 above, whichever occurs first.

D. TA Responsibilities

1. The TA will implement, perform and complete the Scope of Work, either through its own forces or the use of one or more third-party consultants or contractors.
2. The TA will make available to the Project up to \$12.2 million of Measure A funds for the Scope of Work.
3. For purposes of delivering the Scope of Work, the TA agrees to:
 - a. Manage the Scope of Work, including developing and carrying out the Scope of Work on schedule and within budget;
 - b. Provide technical oversight for performance of the Scope of Work;
 - c. Lead coordination with Caltrans and other permitting agencies as necessary for the Scope of Work;
 - d. Ensure that necessary permits and approvals required for the Scope of Work are obtained;
 - e. Procure and administer the consultant/contractor services to complete the Scope of Work;
 - f. Keep C/CAG apprised of developments, such as award of contracts or potential changes that may affect the scope, schedule, or budget of the Project;
 - g. Consult with C/CAG when necessary/appropriate.
4. Prepare and provide to C/CAG status reports including anticipated and expended costs and Scope of Work delivery milestones and schedule forecasts.
5. Review, process, and audit (at its discretion) invoices and other documentation of expenditures for work performed under this MOU. The TA will also track the accumulation and expenditure of Measure A funds allocated for the Scope of Work, and process other documentation of expenditures in compliance with TA accounting and budgeting requirements.

E. C/CAG Responsibilities

1. C/CAG may, at its discretion, review any professional services agreements, change orders and any other agreements that the TA has entered into for the performance of the

Scope of Work; however the TA retains ultimate authority over contracting and related decisions.

2. C/CAG may, at its discretion, review the work products and deliverables produced by the TA, Caltrans and/or the TA's contractors/consultants for the Scope of Work, including reports, designs, drawings, plans, specifications, schedules and other materials.
3. C/CAG will review progress reports prepared and provided by the TA.
4. C/CAG may, at its discretion, review and audit invoices and other documentation of the expenditure of Measure A funds allocated for the Scope of Work, however the TA retains ultimate authority for expenditure of Measure A funds on the Project.
5. C/CAG will keep the TA apprised of developments, such as award of contracts or potential changes that may affect the scope, schedule or budget of the Project.

F. Shared Responsibilities

1. Organize and facilitate regular meetings of a Project Development Team (PDT) comprised of various Caltrans functional units, C/CAG and representatives from involved local and regional entities to provide input and guidance on the Scope of Work.
2. Execute an agreement with Caltrans for oversight services associated with the Scope of Work.
3. Be responsible for championing the effort of obtaining political and public support for the Project.
4. Be the public face of the Project for the purposes of leading outreach efforts to local stakeholders and community members, including coordination of public meetings and solicitation of public comment.
5. Provide input and oversight based on local policies and desires regarding the outcome of and deliverables of the Project.
6. Approve or endorse, in writing, the final deliverables or work products produced by the TA and/or its contractors/consultants for the Scope of Work.

G. Third Party Roles

1. Third Party Roles. Caltrans as owner operator of the facility proposed for modification is responsible for reviewing, approving, and completing of a portion of the Scope of Work.
2. Other Agreements. A Cooperative Agreement must be executed between Caltrans, the TA and C/CAG that lists the terms and conditions, roles and responsibilities and fee payment associated with Caltrans' review and approval of the PA&ED.

H. Indemnification

1. Each of the Parties will indemnify, hold harmless and defend the other Party and its directors/councilmembers, officers, employees and agents (collectively, "Indemnitees") against all liability, claims, suits, actions, costs or expenses related to performance of the Scope of Work or the Project, including but not limited to those arising from loss of or damage to property, and injuries to or death of any person (including but not limited to the property or employees of each Party) when arising out of or resulting from any act or omission by the indemnifying Party, its agents, employees, contractors or subcontractors in connection with any aspect of the Project, including Project design, construction and/or maintenance.
2. Each of the Parties will also fully release, indemnify, hold harmless and defend the other Party and Indemnitees from and against any and all claims or suits that may be brought by any of the indemnifying Party's contractors or subcontractors performing work in connection with or related to the Project.
3. The indemnifying Party's obligation to defend includes the payment of all reasonable attorneys' fees and all other costs and expenses of suit, and if any judgment is rendered, or settlement entered, against any Indemnitee, the indemnifying Party must, at its expense, satisfy and discharge the same. Indemnitees may require the indemnifying Party to obtain counsel satisfactory to the Indemnitees.
4. This indemnification will survive termination or expiration of this MOU.

I. Miscellaneous

1. Ownership of Work. All reports, designs, drawings, plans, specifications, schedules, studies, memoranda, and other documents assembled for or prepared by or for; in the process of being assembled or prepared by or for; or furnished to the TA or C/CAG under this MOU, are the joint property of the TA and C/CAG. Each Party is entitled to copies and access to these materials during the progress of the Project and upon completion of the Scope of Work or termination of this MOU. Both Parties may retain a copy of all material produced under this MOU for use in their general activities.

2. Attribution to the TA. C/CAG must include attribution that indicates work was funded by Measure A funds from the TA. This provision applies to any project, or publication, that was funded in part or in whole by Measure A funds. Acceptable forms of attribution include TA branding on Project-related documents, construction signs, public information materials, and any other applicable documents.
3. No Waiver. No waiver of any default or breach of any covenant of this MOU by either Party will be implied from any omission by either Party to take action on account of such default if such default persists or is repeated. Express waivers are limited in scope and duration to their express provisions. Consent to one action does not imply consent to any future action.
4. Assignment. No Party can assign, transfer or otherwise substitute its interest or obligations under this MOU without the written consent of the other Party.
5. Governing Law. This MOU is governed by the laws of the State of California as applied to contracts that are made and performed entirely in California.
6. Modifications. This MOU may only be modified in a writing executed by both Parties.
7. Disputes. If a question arises regarding interpretation of this MOU or its performance, or the alleged failure of a Party to perform, the Party raising the question or making the allegation must give written notice thereof to the other Party. The Parties will promptly meet in an effort to resolve the issues raised. If the Parties fail to resolve the issues raised, alternative forms of dispute resolution, including mediation or binding arbitration, may be pursued by mutual agreement. It is the intent of the Parties to the extent possible that litigation be avoided as a method of dispute resolution.
8. Attorneys' Fees. In the event legal proceedings are instituted to enforce any provision of this MOU, the prevailing Party in said proceedings will be entitled to its costs, including reasonable attorneys' fees, in addition to such other remedies to which it may be entitled.
9. Relationship of the Parties. It is understood that this is an MOU by and between independent contractors and is not intended to and does not create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of independent contractor.
10. Warranty of Authority to Execute MOU. Each Party to this MOU represents and warrants that each person whose signature appears hereon is duly authorized and has the full authority to execute this MOU on behalf of the entity that is a Party to this MOU.
11. Severability. If any portion of this Agreement, or the application thereof, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining portions of this MOU, or the application thereof, will remain in full force and effect.

12. Counterparts. This MOU may be executed in counterparts.
13. Entire MOU. This MOU constitutes the entire agreement between the Parties pertaining to its subject matter and supersedes any prior or contemporaneous written or oral agreement between the Parties on the same subject.
14. Notices. All notices affecting any of the clauses of this MOU must be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or by personal delivery or overnight courier, to the appropriate address indicated below or at such other place(s) that either Party may designate in written notice to the other. Notices will be deemed received upon delivery if personally served, one (1) day after mailing if delivered via overnight courier, or two (2) days after mailing if mailed as provided above.

To TA: San Mateo County Transportation Authority
 1250 San Carlos Avenue
 P.O. Box 3006
 San Carlos, CA 94070-1306
 Attn: Heba El-Guindy, Deputy Director

To C/CAG: City/County Association of Governments
 555 County Center, 5th Floor
 Redwood City, CA 94063 – 1665
 Attn: Van Dominic Ocampo, Project Coordinator

IN WITNESS WHEREOF, the Parties have hereunder subscribed their names the day and year indicated below.

CITY/COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG)

By: _____
Name: Sean Charpentier
Its: Executive Director

Approved as to Form:

Melissa Andrikopoulos
Legal Counsel for C/CAG

SAN MATEO COUNTY TRANSPORTATION AUTHORITY

By: _____
Name: Carter Mau
Its: Acting Executive Director

Approved as to Form:

Legal Counsel for the TA

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)

(For further information, contact Kim Springer at kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors review the legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)

C/CAG staff does not have specific recommended legislative actions with respect to this month's legislative update.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

BACKGROUND

The C/CAG Legislative Committee receives monthly written reports and oral briefings from C/CAG's State legislative advocates. Important or interesting issues and positions taken by vote that arise out of the Committee meeting are reported to the Board verbally under this item.

The attached report from Shaw Yoder Antwih Schmelzer & Lange, C/CAG's legislative consultant, may include updates from Sacramento with respect to the State Budget process, State grant programs, recent committee hearings, and bill progress of interest to C/CAG since the last C/CAG Board meeting.

Though C/CAG pursued budget funding requests with members of the delegation for two projects benefitting San Mateo County, requests for \$10 million for the construction phase of the US 101/SR 92 Interchange Area Improvements project, and a dual-purpose request for \$10 million for a

stormwater project at Red Morton Community Park in Redwood City and completion of design work with Caltrans on a stormwater project in San Bruno near the Hwy 380-280 interchange, did not receive funding.

July 1, 2022 marked the last day for policy committees to meet and report bills. Summer Recess begins at the end of the same day's session with the Budget Bill passed.

For additional information with respect to what the Metropolitan Transportation Commission/Association of Bay Area Governments Joint Legislative Committee, California League of Cities, California State Association of Counties (CSAC), and California Association of Councils of Government (CALCOG) are tracking, staff has included informational links to the relevant bill tracking websites, as well as the full legislative information for the State Legislature and the 2021 calendar of legislative deadlines. Lastly, staff have also included links to the 2022 legislation websites for the San Mateo County delegates for information only.

ATTACHMENTS

1. C/CAG Legislative Update, June 30, 2022 from Shaw Yoder Antwih Schmelzer & Lange

Below are informational links:

2. [Recent Joint ABAG MTC Legislation Committee Agendas](#)
3. [California State Association of Counties \(CSAC\) 2021 bill positions and tracking](#)
4. [California Associations of Councils of Government \(CALCOG\) 2021 bill tracking](#)
5. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>
6. [2022 California State Calendar of Legislative Deadlines](#)
7. [San Mateo County Delegation Sponsored Legislation 2021](#)
 - [2022 Legislation from Assemblymember Marc Berman](#)
 - [2021 Legislation from Assemblymember Kevin Mullin](#)
 - [2022 Legislation from Assemblymember Phil Ting](#)
 - [2021 Legislation from Senator Josh Becker](#)
 - [2022 Legislation Senator Scott Wiener](#)
8. Current client roster for Shaw Yoder Antwih Schmelzer & Lange - <https://syaslparkers.com/clients/>



June 30, 2022

TO: Board of Directors, City/County Association of Governments of San Mateo County

FM: Matt Robinson & Andrew Antwih, Shaw Yoder Antwih Schmelzer & Lange

RE: **STATE LEGISLATIVE UPDATE – July 2022**

Legislative Update

July 1 is a significant date in this year’s Legislative Session. It marks the last day for policy committees to meet and report bills to fiscal committees or to the floor. The Legislature will break for Summer Recess on July 1 returning on August 1, and the new fiscal year starts July 1. August 12 is the last day for fiscal committees to meet and the 2021-22 Legislative Session will adjourn on August 31.

Update on State Budget

On June 29, the Legislature sent Governor Newsom a massive \$300 billion Fiscal Year 2022-23 budget, which includes a multiyear, multi-billion-dollar transportation funding package. The Governor signed the FY 2022-23 Budget Act on June 30. The funding package contains significant investments in transit and clean transportation projects, and is primarily focused on capital projects, including those that have already received local, state and federal funding. The investments included in the funding package that benefit public transit or clean transportation projects include:

- \$3.65 billion starting in FY 2021-22 for transit capital projects to be administered through the Transit and Intercity Rail Capital Program.
- \$4 billion in FYs 2023-24 and 2024-25 for transit capital projects statewide, allocated via population-based formula.
- \$1.049 billion starting in FY 2021-22 for the Active Transportation Program.
- \$198 million starting in FY 2021-22 for local climate adaptation projects.
- \$350 million starting in FY 2021-22 for grade separation projects.

As we have flagged throughout the budget process, the allocation of these dollars would only proceed if the Legislature and the Administration reached an agreement on funding for the California high-speed rail project. The transportation funding package includes the appropriation of \$4.2 billion for the project from Proposition 1A and also includes a number of oversight provisions, including the creation of an Inspector General for the project.

The budget also includes significant investments in housing providing approximately \$2 billion for a multiyear affordable housing package, including investments in the Multifamily Housing Program, the

Housing Accelerator Program, the Farmworker Housing Program, ADU financing, and the Veterans Housing and Homelessness Prevention Program. Of this amount, \$425 million is proposed over two years for the Infill infrastructure Grant Program, \$500 million for the state Low-Income Housing Tax Credit program and \$500 million to establish the California Dream For All program to make homeownership more achievable for first time homebuyers, a critical first step to thriving in the middle class and building generational wealth.

Additionally, the budget provides \$700 million for the Encampment Resolution Grants Program, as well as an additional \$2 billion General Fund for student housing projects across the UC, CSU, and community college systems.

Finally, budget work will continue later this summer. Several key pieces of the budget are still being negotiated, including funding for climate programs, drought preparedness and response, and wildfires.

Bills of Interest

SB 54 (Allen) Solid Waste Reporting and Packaging

[This bill](#) would establish the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act), which would impose minimum content requirements and source reduction requirements for single-use packaging and food ware and to be achieved through an expanded producer responsibility program. By January 1, 2024, the bill would require producers of covered material to form and join a producer responsibility organization, subject to certain requirements and CalRecycle approval, to carry out the requirements of the Act by and would a producer of covered material from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the organization. The bill defines “covered material” to mean Covered material” as single-use packaging that is routinely recycled, disposed of, or discarded after its contents have been used and plastic single-use food service ware, but excludes packaging used for medical products, devices, and prescription drugs, animal medicines and drugs, infant formula, medical food, fortified nutritional supplements, insecticides, rodenticides, fungicides, hazardous materials, hazardous or flammable products, and certain beverage containers. **The Governor signed this bill on June 30.**

SB 932 (Portantino) General Plan Circulation Elements

[This bill](#) would require a legislative body of a city or county, upon the next substantive revision of the circulation element of a general plan occurring on or after January 1, 2025 to develop and implement bicycle plans, pedestrian plans, and traffic calming plans; identify safety corridors and any land or facility that generates high concentrations of bicyclists or pedestrians; use evidence-based strategies to develop safety measures specific to those areas that are intended to eliminate traffic fatalities, with an emphasis on fatalities of bicyclists, pedestrians, and users of any other form of micromobility device, and; establish traffic calming measures around schools and parks, and within business activity districts. The bill requires a city or county to begin implementation of the plan within two years of the date of adoption of the modified circulation element that includes the bicycle, pedestrian and traffic calming plans. From January 1, 2025 through January 1, 2028, the bill would create a private right of action in certain counties (San Mateo County is not included) if the city fails to revise the circulation element and a user is injured as a result of a collision with a motor vehicle within the right-of-way of safety corridors and any land or facility that generates high concentrations of bicyclists or pedestrians.

Bills With Positions

SB 852 (Dodd) Climate Resilience Districts – *SUPPORT IF AMENDED*

Existing law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. [This bill](#) would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and would define “eligible project” as projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding. The bill would authorize the district to provide property tax increment revenues to the district, and/or other tax revenues, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution.

SB 917 (Becker) Seamless Bay Area – *SUPPORT IN CONCEPT*

[This bill](#) would require the Metropolitan Transportation Commission (MTC) to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards to support a more integrated public transportation network in the nine-county San Francisco Bay Area. This bill would also require the region’s transit agencies to comply with those established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards.

SB 922 (Wiener) CEQA Exemptions for Transit – *SUPPORT IF AMENDED*

[This bill](#) would extend, until January 1, 2030, statutory exemptions from the requirement of the California Environmental Quality Act for clean transportation projects that make streets safer for walking and biking; speed up bus service on streets and improve its on-time performance; support faster bus service on state highways; expand carpooling; and improve wayfinding for people using transit, biking, or walking. This bill would also extend exemptions for the construction of infrastructure of facilities to charge or refuel zero-emission transit vehicles; active transportation and roadway improvements; and the building of new bus and light rail stations or terminals until January 1, 2030. C/CAG is requesting an amendment to prohibit any loss of housing from a project constructed under this bill’s provisions.

SB 1067 (Portantino) Parking Requirements – *OPPOSE*

[This bill](#) would prohibit a city, county, or city and county from imposing minimum automobile parking requirements on a housing development located within one-half mile of public transit and either dedicates 25 percent of the total units to very low, low-, and moderate-income households, students, the elderly, or persons with disabilities, or the developer demonstrates that the development would not have a negative impact on the local agency’s ability to meet specified housing needs and would not have a negative impact on existing residential or commercial parking within one-half mile of the project.

AB 1817 (Ting) PFAS Ban in Textiles – *SUPPORT*

Beginning January 1, 2023, existing law prohibits any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS and requires a manufacturer to use the least toxic

alternative when replacing regulated PFAS in food packaging. Existing law will also prohibit the sale and distribution of any new juvenile product that contains regulated PFAS chemicals. [This bill](#) would prohibit, beginning January 1, 2024, any person from selling or distributing any textile articles that contain regulated PFAS, and requires a manufacturer to use the least toxic alternative when replacing regulated PFAS in textile articles to comply with these provisions.

AB 1944 (Lee) Brown Act Changes – *SUPPORT IF AMENDED*

[This bill](#) would make changes to the Brown Act to clarify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public. This bill would also require all public meetings of a legislative body using teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. We suggest the author amend this bill to include an urgency clause so that it would take effect immediately. **This bill is not moving forward.**

AB 2011 (Wicks) Ministerial Housing Approvals in Commercial Zones – *OPPOSE*

This bill would create a ministerial (by-right) pathway for affordable and mixed-income housing development in commercially zoned areas, if certain conditions are met. These housing developments would need to meet specified affordability and site criteria, as well as objective development standards and be within a zone where office, retail, or parking are a principally permitted use. The bill would require a developer using the process to require that certain wage and labor standards will be met, including that all construction workers shall be paid at least the general prevailing rate of wages.

AB 2097 (Friedman) Parking Minimums – *OPPOSE*

[This bill](#) would prohibit a public agency from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile of public transit. The bill does not preclude any requirement imposed on a new multifamily residential or nonresidential development to provide EV charging or accessible spaces.

AB 2622 (Mullin) Sales Tax Exemption for Transit Buses – *SUPPORT*

[This bill](#) would extend the sunset date from January 1, 2024 to January 1, 2026 on the state sales and use tax exemption for zero-emission buses (ZEBs) purchased by California public transit agencies. This bill is likely to be amended to shorten the sunset.

ACA 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval – *SUPPORT*

[This constitutional amendment](#) would lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation bonds and special taxes for affordable housing and public infrastructure projects, including public transit. The C/CAG Board supported a nearly identical measure, also ACA 1 (Aguiar-Curry), in 2019.

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 22-68 authorizing the C/CAG Chair to execute three-year Agreements with Eisenberg, Olivieri & Associates, Inc. and Craftwater Engineering, Inc. for on-call technical support services to the Countywide Stormwater Program and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$1,905,000 for fiscal year 2022-23.

(For further information or questions, contact Reid Bogert at rbogert@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 22-68 authorizing the C/CAG Chair to execute three-year Agreements with Eisenberg, Olivieri & Associates, Inc. and Craftwater Engineering, Inc. for on-call technical support services to the Countywide Stormwater Program and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$1,905,000 for fiscal year 2022-23.

FISCAL IMPACT

Up to \$1,905,000 in 2022-23. The collective total for all task orders issued under approved on-call funding Agreements shall not exceed that amount. Not-to-exceed limits for Fiscal Years 2023-24 and 2024-25 will be proposed for C/CAG Board approval annually as part of the C/CAG budget approval process.

SOURCE OF FUNDS

NPDES (stormwater) fund and Measure M (vehicle registration fee, regional stormwater fund)

BACKGROUND

C/CAG has utilized consultants for technical support to the Countywide Water Pollution Prevention Program (Countywide Program) since its inception in the early '90s. In 2015, via Resolution 15-21, C/CAG executed three-year agreements with 1) Northgate Environmental Management, 2) Farallon Consulting, 3) San Mateo County Division of Environmental Health, 4) S. Groner Associates (SGA), 5) Eisenberg, Olivieri, & Associates, Inc. (EOA), 6) Urban Rain Design, 7) Community Design + Architecture, 8) Larry Walker Associates (LWA), 9) ADH Environmental, and 10) Geosyntec for on-call consultant services to the Countywide Program for

the first three years of the second five-year term of the Municipal Regional Stormwater Permit (“MRP 2.0”). Pursuant to Resolution 15-21 and the above agreements with existing on-call consultants, C/CAG’s Executive Director has negotiated and executed Task Orders to select on-call consultants (EOA, LWA, SGA, URD) on an annual basis, consistent with C/CAG’s annual budget approval process and desired tasks proposed by the Countywide Program to be completed each fiscal year. During the last permit term, the Countywide Program has budgeted between approximately \$1.7M and \$2.5M for stormwater technical support to achieve the program’s compliance goals. Generally, costs have increased with subsequent permit terms and costs typically increase during the middle years of each new permit, tapering off thereafter as permit requirements are completed. The last year of each permit term can also result in increased consultant costs associated with supporting the MRP reissuance process. In Fiscal Year 2021-22, the adopted Countywide Program technical consultant budget was \$2,397,933. For reference, see Attachment 3 (Table Summary of Approved Technical Consultant Budgets by Fiscal Year for MRP 2.0).

The existing on-call consultant agreements specified an initial expiration date of August 31, 2018. Subsequently and pursuant to C/CAG Board-approved Resolutions 18-02 and 21-25, the C/CAG Executive Director and C/CAG Chair executed Amendments No. 1 and No. 2 to the contracts with the above firms extending the terms of the contracts through September 30, 2021 and September 30, 2022, respectively. These time extensions coincided with the need for additional support to the Countywide Program during the reissuance of the MRP, which was administratively extended after its expiration in December 2020. With the adoption of the third iteration of the MRP (“MRP 3.0”) on May 11, 2022, the Countywide Program requires technical support services to address the ongoing, new and modified requirements under MRP 3.0 for the duration of the next five-year MRP term, which became effective July 1, 2022. To support the Countywide Program during the transition between permits and to complete Annual Reporting requirements for Fiscal Year 2021-22, the C/CAG Board, at its June 9 meeting, approved Resolutions 22-41, 22-42, and 22-43, authorizing Amendments No. 2 to EOA-13, No. 2 to LWA-07, and No. 1 to SGA-07, respectively, adding funds and extending existing Task Orders as needed, subject to approval of the Fiscal Year 2022-23 C/CAG annual budget, to complete these tasks early in Fiscal Year 2022-23.

In May 2022, C/CAG staff initiated a competitive Request for Proposals (RFP) process to establish new consultant contracts for technical support under MRP 3.0. To ensure an open and competitive process, C/CAG staff divided the anticipated technical support tasks into 13 categories, covering all aspects of compliance under the MRP and to support C/CAG’s ongoing Countywide Program goals, as follows:

1. General Technical Support
2. Subcommittee Support
3. Training
4. Annual Reporting
5. Green Infrastructure and Regional Collaborative Program Planning
6. Public Information and Outreach
7. Water Quality Monitoring
8. Trash Load Reduction

9. PCBs and Mercury Load Reduction
10. Exempted and Conditionally Exempted Discharges
11. Unsheltered Populations
12. Cost Reporting
13. Asset Management

On May 2, 2022, C/CAG staff distributed the RFP via a bulk email including 214 individuals from the following: C/CAG's Stormwater Committee and NPDES Technical Advisory Committee, the Bay Area Municipal Stormwater Collaborative Steering Committee (including other countywide program and co-permittee representatives and regional stakeholders), and a broad contact list of stormwater related consultants developed over the years from prior solicitations. Staff also distributed the RFP via a link to the C/CAG RFP webpage through the California Stormwater Quality Association's May 13, 2022 biweekly newsflash to members throughout the state. Staff received three proposals in response to its RFP by the May 27 due date. As detailed in Attachment 2 below, one consultant team (EOA) proposed on all tasks in the scope of work of the RFP, whereas the other two proposals were partial in scope. Craftwater Engineering (Craftwater) proposed on Task 4 (Annual Reporting), Task 5 (Green Infrastructure and Regional Collaborative Planning), Task 12 (Cost Reporting) and Task 13 (Asset Management). S. Groner Associates (SGA) proposed on the outreach related tasks, including Annual Reporting, Green Infrastructure and Regional Collaborative Planning, and Public Information and Outreach. SGA was also included in the EOA team proposal for these tasks. Staff reviewed the proposals for responsiveness and convened a review panel including representatives from four member agencies and C/CAG. The overall intent was to have consultants form teams that would provide comprehensive technical support services under MRP 3.0, though consultants could propose on select portions of the requested scope of services. The RFP also stated that C/CAG reserves the right to select portions of proposed scopes of work submitted by consultants to best suit the needs of C/CAG's member agencies and the Countywide Program.

Table 1 details the firms recommended for on-call contracts, including the main tasks each on-call contract would cover during the permit term. Attachment 2 (Table Summary of Proposals and Review Panel's Recommendation) below details the complete RFP submittals, including the lead firm and proposed subcontractors, the tasks being proposed on, and staff's recommendations on which firms to engage in on-call contracts for the various relevant tasks. Note, consistent with the recommendation for Craftwater to provide technical support in the category of Green Infrastructure and Regional Collaborative Program Planning only, C/CAG staff recommends executing a contract with Craftwater alone and not including the subcontractors included in the Craftwater proposal.

Table 1 – Recommended Firms for On-Call Contracts and Associated Tasks for MRP 3.0

Task	Category	Firms	
		EOA	Craftwater Engineering
1.	General Technical Support	X	
2.	Subcommittee Support	X	
3.	Training	X	
4.	Annual Reporting	X	
5.	Green Infrastructure and Regional Collaborative Planning	X	X
6.	Public Information and Outreach	X	
7.	Water Quality Monitoring	X	
8.	Trash Load Reduction	X	
9.	PCBs/Mercury Load Reduction	X	
10.	Exempted and Conditionally Exempted Discharges	X	
11.	Unsheltered Populations	X	
12.	Cost Reporting	X	
13.	Asset Management	X	

The proposed on-call contracts would be for three-year terms, with billing rates established as submitted in the consultants’ proposals and subject to future increase if approved by the C/CAG Board. The collective not to exceed amount for Fiscal Year 2022-23 for all on-call contracts is \$1,905,000, which is based on the total discretionary consultant services budget included in the Countywide Program budget for Fiscal Year 2022-23 and consistent with the approved Fiscal Year 2022-23 C/CAG annual budget. Future fiscal year not to exceed amounts will be proposed for C/CAG Board approval as part of the annual budget approval process. On-call contracts and issued Task Orders are subject to negotiation and approval as to form by C/CAG’s legal counsel prior to execution by the C/CAG Chair and Executive Director, respectively.

At its June 30, 2022 Special Meeting, the C/CAG Stormwater Committee recommended that the C/CAG Board approve executing three-year on-call contracts and associated Task Orders with EOA and Craftwater, for a cumulative consultant amount not to exceed \$1,905,000 for Fiscal Year 2022-23 providing technical support services to the Countywide Program consistent with the recommended categories of technical support shown in Table 1 above. Though the contract terms will be limited to the first three years of MRP 3.0, consistent with C/CAG’s procurement policy, staff further recommends future consideration of an option to extend contracts for the full term of MRP 3.0. With Board approval of the recommended on-call consultant contracts, staff will work with the consultants and C/CAG’s Executive Director to negotiate and issue final Task Orders to EOA and Craftwater for Fiscal Year 2022-23 with an anticipated notice to proceed date of August 1, 2022.

ATTACHMENTS

1. Resolution 22-68
2. Table Summary of Proposals and Review Panel’s Recommendation

3. Table Summary of Approved Technical Consultant Budgets by Fiscal Year for MRP 2.0
4. Proposed On-call Contract (due to file size this attachment is available online via C/CAG's website - <https://ccag.ca.gov/committees/board-of-directors-2/>)
5. Presentation on Review Panel's Recommendation (available online via C/CAG's website - <https://ccag.ca.gov/committees/board-of-directors-2/>)

Attachment 1

Resolution 22-68

RESOLUTION 22-68

AUTHORIZING THE C/CAG CHAIR TO EXECUTE THREE-YEAR AGREEMENTS WITH EISENBERG, OLIVIERI, & ASSOCIATES, INC. AND CRAFTWATER ENGINEERING, INC. FOR ON-CALL TECHNICAL SUPPORT SERVICES TO THE COUNTYWIDE STORMWATER PROGRAM, AND FURTHER AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO NEGOTIATE AND ISSUE TASK ORDERS UNDER SAID CONTRACTS IN A CUMULATIVE AMOUNT NOT TO EXCEED \$1,905,000 FOR FISCAL YEAR 2022-23

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

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

WHEREAS, C/CAG requires outside consulting services to provide technical assistance to its member agencies to meet mandated requirements of the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit (MRP), coinciding with the reissued permit ("MRP 3.0"); and

WHEREAS, C/CAG performed a competitive Request for Proposals (RFP) process to identify Consultants qualified to provide services to C/CAG and its member agencies in support of meeting MRP requirements; and

WHEREAS, a review panel recommended two firms through the RFP process for engaging in on-call contracts under which future task orders would be issued consistent with the scope of work included as Attachment 1 to the RFP and with the categories of work the recommended Consultants were deemed qualified for by the selection panel; and

WHEREAS, C/CAG staff recommends on-call contracts be established for three-year terms, with future extensions subject to C/CAG Board review and approval; and

WHEREAS, the not to exceed amount collectively for all on-call contracts for Fiscal Year 2022-23 is \$1,905,000; and

WHEREAS, C/CAG staff will recommend cumulative not to exceed amounts for future fiscal years for C/CAG Board approval during the annual budget approval process.

NOW, THEREFORE BE IT RESOLVED that the C/CAG Chair is authorized to execute three-year Agreements with Eisenberg, Olivieri, & Associates, Inc. and Craftwater Engineering, Inc for on-call consultant services to the Countywide Stormwater Program, and the C/CAG Executive Director is authorized to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$1,905,000 for Fiscal Year 2022-23, with future fiscal year not to exceed amounts to be approved annually by the C/CAG Board as part of the budget approval process. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the

final terms of said agreements prior to execution by the C/CAG Chair, subject to approval as to form by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 14TH DAY OF JULY, 2022.

Davina Hurt, Chair

Attachment 2

Table Summary of Submitted Proposals and Review Panel Recommendation

Attachment 2. Table Summary of Proposals and Review Panel’s Recommendation

Task	Task Description	EOA Team							Panel Recommendation	Craftwater Team				Panel Recommendation
		Task Lead								Task Lead				
		EOA	S. Groner Associates	Geosyntec Consultants	Paradigm Environmental	Urban Rain Design	Kinnetic Environmental	SCI Consulting Group		Craftwater	2ndNature	Black & Veatch	Wood Rodgers	
1.	General Technical Support	X							X					
2.	Subcommittee Support	X							X					
3.	Training	X							X					
4.	Annual Reporting	X							X	X				
5.	Green Infrastructure and Regional Collaborative Planning			X	X				X	X				X
6.	Public Information and Outreach		X						X					
7.	Water Quality Monitoring	X					X		X					
8.	Trash Load Reduction	X							X					
9.	PCBs/Mercury Load Reduction	X							X					
10.	Exempted and Conditionally Exempted Discharges	X							X					
11.	Unsheltered Populations	X							X					
12.	Cost Reporting	X						X	X	X				
13.	Asset Management	X							X			X		

Attachment 3

Table Summary of Approved Technical Consultant Budgets by Fiscal Year for MRP 2.0

Attachment 3. Table Summary of Approved Technical Consultant Budgets by Fiscal Year for MRP 2.0

Support Category	2015/16	2016/17	2017/18	2018/19**	2019/20	2020/21	2021/22
General Support to Program Manager	\$ 135,406	\$ 113,424	\$ 98,830	\$ 114,232	\$ 132,224	\$ 161,508	\$ 335,076
Subcommittee Support	\$ 105,084	\$ 148,382	\$ 146,968	\$ 188,728	\$ 163,808	\$ 171,792	\$ 171,792
Training	\$ 106,656	\$ 68,624	\$ 76,732	\$ 42,276	\$ 61,240	\$ 55,174	\$ 88,250
Annual Reporting		\$ 48,092	\$ 48,092	\$ 53,416	\$ 38,400	\$ 40,322	\$ 40,332
Green Infrastructure Planning	\$ 78,756	\$ 202,395	\$ 470,484	\$ 123,821	\$ 88,885	\$ 42,219	\$ 105,700
Public Information and Outreach	\$ 350,650	\$ 325,000	\$ 325,000	\$ 275,000	\$ 250,000	\$ 250,000	\$ 260,000
Water Quality Monitoring	\$ 353,779	\$ 640,527	\$ 684,509	\$ 581,960	\$ 474,854	\$ 500,927	\$ 510,948
Trash Load Reduction	\$ 232,356	\$ 259,204	\$ 350,934	\$ 338,462	\$ 305,806	\$ 291,480	\$ 372,193
Mercury and PCBs Load Reduction	\$ 183,143	\$ 434,040	\$ 261,597	\$ 292,810	\$ 205,706	\$ 71,854	\$ 298,124
Stormwater Resources Plan	\$ 159,678	\$ 66,505					
Staff Augmentation							\$ 215,518
	\$ 1,705,508	\$ 2,306,193	\$ 2,463,146	\$ 2,010,705	\$ 1,720,923	\$ 1,585,276	\$ 2,397,933

C/CAG AGENDA REPORT

Date: July 14, 2022
To: C/CAG Board of Directors
From: Sean Charpentier, Executive Director
Subject: Receive a presentation on the C/CAG Federal advocacy program.

(For further information contact Kim Springer, kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors receive a presentation on the C/CAG Federal advocacy program.

BACKGROUND/DISCUSSION

Earlier this calendar year, with changes in federal administration priorities as a result of the November 2020 election and resulting efforts to pass infrastructure and other legislation consistent with potential funding opportunities for C/CAG programs and projects, staff believed it timely to contract with a federal lobbying firm in Washington, DC to represent C/CAG's interests. C/CAG staff completed a procurement process in January and early February 2022 and selected a consultant, Ken Brown Strategic Consulting, to focus on funding opportunities in sectors related to C/CAG's programs, as opposed to specific federal legislation, which would require significant C/CAG and consultant staff time.

The C/CAG Board passed Resolution No. 22-02 authorizing the C/CAG Executive Director to execute an agreement between C/CAG and Ken Brown Strategic Consulting for federal advocacy consulting services for an amount not to exceed \$235,000 through January 12, 2024. This is the first year C/CAG has hired a federal lobbying firm in the history of C/CAG. In the past, and recently, C/CAG has depended on earmark opportunities, mainly working through Congresswoman Jackie Speier's and other local federal offices.

Ken Brown, Principal at Ken Brown Strategic Consulting, will provide a presentation on work completed for C/CAG to date, trends in federal legislation and funding, and strategic efforts through the rest of the year.

ATTACHMENTS

None

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, C/CAG Executive Director

Subject: Receive an update on the MTC One Bay Area Grant 3 (OBAG 3) County & Local Program

(For further information or questions contact Jeff Lacap at jlacap@smcgov.org)

RECOMMENDATION

That the C/CAG Board receives an update on the MTC One Bay Area Grant 3 (OBAG 3) County & Local Program.

FISCAL IMPACT

Other than staff time, there is not any direct fiscal impact to C/CAG at this time. Upon C/CAG and MTC approval, the OBAG 3 County & Local Program funds will be allocated to project sponsors directly.

SOURCE OF FUNDS

Federal funds are allocated by MTC via the OBAG 3 County & Local Program, including Congestion Mitigation and Air Quality (CMAQ) funds and Surface Transportation Program (STP) funds.

BACKGROUND

The One Bay Area Grant (OBAG) program is the policy and programming framework for investing federal Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), and other fund programs throughout the San Francisco Bay Area. The Metropolitan Transportation Commission (MTC) established the OBAG program in 2013 to strengthen the connection between transportation investments and regional goals for focused growth in Priority Development Areas (PDAs), places near public transit that are planned for new homes, jobs, and community amenities.

On January 26, 2022, MTC adopted Resolution 4505 outlining and approving the OBAG Cycle 3 (OBAG 3) Grant Program. A total of \$750 million will be available in the region, with a 50/50 funding split between the Regional and County & Local Programs. This funding will be available over a four-year horizon, from FY 2022-23 through FY 2025-26. The OBAG 3 policy considerations includes focusing investments in PDAs and incorporating recent policy initiatives such as regional safety/vision zero policies and other strategies from Plan Bay Area 2050, and addresses federal programming requirements. MTC will directly administer the Regional Program and C/CAG, as the County Transportation Agency (CTA) for San Mateo County, will assist MTC in administering the County & Local Program.

On May 11, 2022, C/CAG staff released the call for projects; applications were due on Friday, July 1, 2022, at 12pm. To date, staff has held applicant workshops to provide guidance on the application process. Additionally, public workshops have been held to solicit project ideas from members of the public.

By the due date of July 1, 2022, C/CAG received 29 capital applications from a total of 18 jurisdictions and 3 partner agencies. To ensure a prioritized project nomination list is submitted to MTC by September 30, 2022, the evaluation will review and score applications in July, followed by a review of the prioritized list by the C/CAG Congestion Management Program Technical Advisory Committee, Bicycle Pedestrian Advisory Committee, and Congestion Management and Environmental Quality Committee in August. Then, the C/CAG Board of Directors will review and consider the project list at their September 8, 2022 meeting.

ATTACHMENTS

1. None

C/CAG AGENDA REPORT

Date: July 14, 2022

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Communications - Information Only

(For further information, please contact Mima Crume at mcrume@smcgove.org)

BACKGROUND

This item is for information only. The following written communications are available on the C/CAG Website: <http://ccag.ca.gov/committees/board-of-directors/>

10.1. Comments on the draft 2022 Scoping Plan Update document submitted to the California Air Resources Board (CARB) electronically, on June 24, 2022

10.2. Letter from C/CAG Chair to Senator Padilla, dated 07/08/22; RE: Member Directed Funding Requests.

10.3 Letter to Honorable Scott Wiener RE: Opposing Assembly Bill 2011 – Affordable Housing and High Roads Job Act of 2022.

10.4 Letter from BACTA Executives, including C/CAG Executive Director; to Therese McMillan Executive Director MTC; dated June 3, 2022; RE: Draft Transit Oriented Communities Policy.

ATTACHMENT

1. The written communications are available on the C/CAG Website: <http://ccag.ca.gov/committees/board-of-directors/>