



**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY**

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

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

Meeting No. 363

Date: Thursday, April 13, 2023 Time: 6:30 p.m. Primary Location: San Mateo County Transit District Office 1250 San Carlos Ave, 2 nd Fl. Auditorium, San Carlos, CA Publicly-Accessible Teleconference Location:	Join by Webinar: https://us02web.zoom.us/j/85329342039?pwd=RXXVyWXVhWVlk2bVFMZUR6cEdzVFJqQT09 Webinar ID: 853 2934 2039 Password: 041323 Join by Phone: (669) 900-6833
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*****HYBRID MEETING - IN-PERSON AND BY VIDEOCONFERENCE*****

This meeting of the C/CAG Board of Directors will be held in person and by teleconference pursuant to Government Code Section 54953(e). Members of the public will be able to participate in the meeting remotely via the Zoom platform or in person at the location above. For information regarding how to participate in the meeting, either in person or remotely, please refer to the instructions at the end of the agenda.

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Note: Public comment is limited to two minutes per speaker. Please refer to the instructions at the end of this agenda for details regarding how to provide public comments. Members of the public who wish to address the Board should complete a speaker's slip to make a public comment in person or raise their hand in Zoom to speak virtually.
- 3.0 PRESENTATIONS/ ANNOUNCEMENTS
 - 3.1 Presentation on C/CAG federal funding advocacy efforts for 2023. INFORMATION p. 1
 - 3.2 Receive a presentation on the countywide trip reduction program from Peninsula Traffic Congestion Relief Alliance (Commute.org). INFORMATION p. 3
 - 3.3 Presentation on the Cordilleras Bridge Replacement Project by Caltrans.
INFORMATION p. 4

4.0 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.

- 4.1 Approval of minutes of regular business meeting No. 362 dated March 9, 2023.
ACTION p. 5
- 4.2 Review and approval of Resolution 23-27 authorizing the C/CAG Executive Director to execute an agreement between C/CAG and Fehr & Peers, Corporation for consulting services for a VMT/GHG Mitigation Model Program project for an amount not to exceed \$531,180 through February 28, 2025 and establish a contingency in the amount of \$68,820 for a total project budget of \$600,000, and execute future contract amendments in an amount not-to-exceed the appropriated contingency.
ACTION p. 12
- 4.3 Review and approval of Resolution 23-28 determining that the proposed amendments of the Belmont Zoning Ordinance to expand the definition of Research and Development use to include life science activities and modify other related development standards are consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.
ACTION p. 16
- 4.4 Review and approval of Resolution 23-29 determining that the Foster City 2023-2031 Housing Element Update is consistent with the Comprehensive Airport Land Use Compatibility Plan of the Environs of San Carlos Airport.
ACTION p. 21
- 4.5 Review and approval of Resolution 23-31 authorizing the C/CAG Executive Director to execute a cooperative agreement with California Department of Transportation for the Construction Phase for the Smart Corridor Northern Cities expansion project.
ACTION p. 26
- 4.6 Review and approval of Resolution 23-32 to amend the One Bay Area Grant 2 (OBAG 2) Program to reflect a reallocation of \$1,000,000 and Fiscal Year 2023/24 Transportation Fund for Clean Air (TFCA) Funds to reflect a reallocation of \$358,247 for the City of Pacifica's Sharp Park Priority Development Area Pedestrian Improvement Project.
ACTION p. 55

5.0 REGULAR AGENDA

- 5.1 Review and approval of Resolution 23-34 adopting an updated membership roster and meeting schedule for the Administrator's Advisory Committee (AAC). (*Special Voting Procedures*).
ACTION p. 75
- 5.2 Receive initial recommendations on the Congestion Relief Plan for reauthorization covering a period from FY23/24 to FY26/27.
INFORMATION p. 81
- 5.3 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

6.0 COMMITTEE REPORTS

6.1 Committee Reports (oral reports)

6.2 Chairperson's Report

6.3 Board Members Report/Communication

7.0 EXECUTIVE DIRECTOR'S REPORT

8.0 COMMUNICATIONS - Information Only

8.1 Written Communication

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9.0 ADJOURNMENT

Next scheduled meeting May 11, 2023

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.

ADA REQUESTS: Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Crume at (650) 599-1406 or mcrume@smcgov.org by 10:00 a.m. prior to the meeting date.

PUBLIC PARTICIPATION DURING HYBRID MEETINGS: During hybrid meetings of the C/CAG Board, members of the public may address the Board as follows:

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 in person and through Zoom. Public comments will be taken first by speakers in person followed by via Zoom. Please read the following instructions carefully:

*In-person participation:

1. If you wish to speak to the Board, please fill out a speaker's slip located on the 2nd floor auditorium side table against

the wall. If you have anything that you wish distributed to the Board and included in the official record, please hand it to the C/CAG Clerk who will distribute the information to the Board members and staff.

***Remote participation:**

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. If calling in via phone, press *9 to raise your hand and when called upon press *6 to unmute.
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: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Presentation on C/CAG federal funding advocacy efforts for 2023.

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

RECOMMENDATION

That the C/CAG Board of Directors receive a presentation on C/CAG federal funding advocacy efforts for 2023.

BACKGROUND/DISCUSSION

Due to changes in federal administration priorities as a result of the November 2020 election, 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 (Consultant) to focus on funding opportunities in sectors related to C/CAG's programs. Historically, this was the first federal lobbying firm hired by C/CAG. Prior to this staff and Board action, C/CAG depended on earmark opportunities, mainly working through Congresswoman Jackie Speier's and other local federal offices.

On January 13, 2022 the C/CAG Board passed Resolution No. 22-02 authorizing the C/CAG Executive Director to execute an agreement between C/CAG and Consultant for federal advocacy consulting services for an amount not to exceed \$235,000 through January 12, 2024.

Staff is in the second year (session) working with the Consultant. This session, staff and the Consultant have submitted funding requests through four congressional offices: Feinstein, Padilla, Mullin, and Eshoo. The requests include the following projects, which have been requested through specific offices, according to the following table. The projects include a: Laundry to Landscape Pilot, San Mateo County E-Bike Strategic Plan, San Mateo County Sustainable Streets Pilot, San Mateo County Carbon Neutrality Plan, and a Multi-Agency Adaptive Signal Timing. Meetings were held with congressional staff between March 17th and March 24th.

Project	Member of Congress	Requested Amount	Bill and Account
Laundry to Landscape Pilot	Feinstein, Padilla, Mullin, Eshoo	\$480,000	Interior & Environment: EPA State & Tribal Assistance Grants
San Mateo County E-Bike Strategic Plan	Feinstein, Padilla, Mullin, Eshoo	\$800,000	Transportation HUD: Transportation Planning, Research, & Development or Highway Infrastructure Projects
San Mateo County Sustainable Streets Pilot	Feinstein, Padilla, Mullin	\$1.53 million	Transportation HUD: Transportation Planning, Research, & Development or Highway Infrastructure Projects
San Mateo County Carbon Neutrality Plan	Feinstein, Padilla	\$450,000	Energy & Water: Energy Efficiency and Renewable Energy
Multi-Agency Adaptive Signal Timing	Feinstein, Padilla, Mullin	\$1.2 million	Transportation HUD: DOT Highway Infrastructure Projects

With interest in carrying the project by Congressman Mullin's office, staff and the Consultant have been working to provide additional support letters and information for the Sustainable Streets Pilot project.

Ken Brown, Principal at Ken Brown Strategic Consulting, provided his first presentation on work completed on C/CAG's behalf in the first session of his contract at the July 14, 2022 Board meeting. He will return this month to present on federal funding advocacy efforts to date for legislative session 2023. The presentation will be posted on C/CAG website as an attachment to this staff report.

ATTACHMENTS

1. Ken Brown Strategic Consultant Presentation: posted on C/CAG Board meeting website: <https://ccag.ca.gov/committees/board-of-directors-2/>

C/CAG AGENDA REPORT

Date: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Receive a presentation on the countywide trip reduction program from Peninsula Traffic Congestion Relief Alliance (Commute.org).

(For further information, contact Kaki Cheung at kcheung1@smcgov.org)

RECOMMENDATION

That the Board receive a presentation on the countywide trip reduction program from Peninsula Traffic Congestion Relief Alliance (Commute.org).

FISCAL IMPACT

There is no fiscal impact.

SOURCE OF FUNDS

N/A

BACKGROUND

The Peninsula Traffic Congestion Relief Alliance, also known as Commute.org, operates the San Mateo Countywide Voluntary Trip Reduction Program to assist private and public sectors with transportation demand management (TDM) initiatives. Commute.org connects employees and customers with transportation systems that provide an alternative to driving alone.

C/CAG provides Transportation Fund for Clean Air (TFCA) and Congestion Relief Plan (CRP) funding to Commute.org. The funding is used for the Countywide Voluntary Trip Reduction Program, as well as various TDM efforts that improve congestion and reduce single occupancy vehicle trips. John Ford, the Executive Director with Commute.org, will present at the Board meeting on various Commute.org programs and ongoing efforts.

ATTACHMENTS

1. Commute.org Presentation (will be available online at <http://ccag.ca.gov/board-of-directors/>)

C/CAG AGENDA REPORT

DATE: April 13, 2023

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

FROM: Sean Charpentier, Executive Director

SUBJECT: Receive a presentation from Caltrans on the Cordilleras Bridge Replacement Project

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

RECOMMENDATION:

That the C/CAG Board of Directors receive a presentation from Caltrans on the Cordilleras Bridge Replacement Project (Project).

FISCAL IMPACT:

None.

BACKGROUND/DISCUSSION:

Cordilleras Creek Bridge is along U.S. 101 in Redwood City, between the Whipple Avenue and Brittan Avenue exits. The existing structure was originally constructed in the 1930's utilizing three box culverts and is now at the end of its useful life. Caltrans intends to replace the said structure with a single span bridge while maintaining connectivity and safety of the public traveling along this stretch of US 101. In order to accomplish the work, Caltrans plans to close each direction (northbound and southbound) of US 101 for two 55-hour long weekends, a total of four weekend closures. This project is 100% funded by Caltrans State Funds.

Caltrans' presentation on the Cordilleras Bridge Replacement Project is part of their outreach efforts for the public to be inform on the purpose and need of the project, preview of the construction activities to take place as well as the changes to the traffic pattern and scheduled weekend closures..

ATTACHMENT:

1. Cordilleras Creek Bridge Replacement Project Presentation (will be available online at <http://ccag.ca.gov/board-of-directors/>)

C/CAG

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

MINUTES

Meeting No. 362
March 9, 2023

HYBRID MEETING - IN-PERSON AND BY VIDEOCONFERENCE

This meeting of the C/CAG Board of Directors was held in person and by teleconference pursuant to Government Code Section 54953(e). Members of the public was able to participate in the meeting remotely via the Zoom platform and in person.

1.0 CALL TO ORDER/ ROLL CALL

Chair Davina Hurt called the meeting to order at 6:31p.m. Roll call was taken.

AGENCY:	IN-PERSON:	ABSENT:	REMOTE AB 2449	REMOTE Publicly Accessible Teleconference Location:
Atherton	Elizabeth Lewis			
Belmont	Davina Hurt			
Brisbane		Absent		
Burlingame	Ricardo Ortiz			
Colma	John Goodwin			
Daly City			Roderick Daus-Magbual	
East Palo Alto	Lisa Gauthier			
Foster City	Stacy Jimenez			
Half Moon Bay		Absent		
Hillsborough		Absent*		
Menlo Park			Cecilia Taylor	
Millbrae	Gina Papan			
Pacifica	Sue Vaterlaus			
Portola Valley		Absent		
Redwood City	Alicia Aguirre			
San Bruno	Michael Salazar			
San Carlos	Adam Rak			
San Mateo				Rich Hedges
South San Francisco	Flor Nicolas			
Woodside	Ned Fluet			
San Mateo County		Absent		

C/CAG EX-OFFICIO (NON-VOTING) MEMBERS				
AGENCY:	IN-PERSON:	ABSENT:	REMOTE AB 2449	REMOTE Publicly Accessible Teleconference Location:
SMCTA		Absent*		
SMCTA		Absent		

C/CAG Staff Present (In-Person):	Members of the Public (Remote):
Mima Crume – Clerk of the Board	Chris Lepe – Mariposa Planning
Melissa Andrikopoulos – Legal Counsel	Jake Warr – Espousal Strategies
Audrey Shiramizu	Josh Abrams – 21 Housing Element
Eva Gaye	*Christine Krolik – Mayor Hillsborough
Jeff Lacap	*Rico E. Medina – SMCTA
Kaki Cheung	
Kim Springer	
Reid Bogert	
Susy Kalkin	
C/CAG Staff Present (Remote)	
Sean Charpentier	
Van Ocampo	

Other members of the public were in attendance remotely via the Zoom platform or in person.

2.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

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Clerk Crume reported that there were no public comments via the Zoom platform or in person.

3.0 PRESENTATIONS/ ANNOUNCEMENTS

- 3.1 Receive a presentation from Community Planning Collaborative (formerly Baird & Driskell) on the 21 Elements Collaboration. INFORMATION

The Board receive a presentation from Community Planning Collaborative (formerly Baird & Driskell) on the 21 Elements Collaboration. A summary of the past year's accomplishments as well as a preview of upcoming efforts.

4.0 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.

- 4.1 Approval of minutes of regular business meeting No. 361 dated February 9, 2023.
APPROVED
- 4.2 Receive a copy of the following executed funding agreements and attachments:
 - 4.2.1 Receive a copy of Amendment No. 1 to the Agreement between Kimley Horn Associates and C/CAG for the Smart Corridor Northern Cities PS&E and Design Support Services.
INFORMATION
- 4.3 Review and accept the C/CAG Single Audit Report for the Year Ended June 30, 2022.
APPROVED
- 4.4 Review and approval of the Finance Committee's recommendation of no change to the investment portfolio and accept the Quarterly Investment Report as of December 31, 2022.
APPROVED
- 4.5 Review and approval of Resolution 23-26 authorizing the approval of the Fiscal Year 2023/24 Expenditure Plan for the Transportation Fund for Clean Air (TFCA) County Program Manager Fund for San Mateo County.
APPROVED
- 4.6 Review and approval of Resolution 23-15, authorizing the C/CAG Executive Director to execute an agreement with the City of Pacifica for the Pacifica Mid-Block Crosswalk Safety Project in an amount not to exceed \$200,000.
APPROVED
- 4.7 Review and approval of Resolution 23-17 authorizing the C/CAG Chair to execute Amendment No. 4 to the agreement with the City of East Palo Alto for the Addison Avenue Integrated Safe Routes to School and Green Streets Infrastructure Pilot Project, extending the term to June 30, 2024 for no additional cost.
APPROVED
- 4.8 Review and approval of appointment of Roland Yip, Deputy Director of Public Works for the City of Pacifica, to the Stormwater Committee.
APPROVED
- 4.9 Review and approval of Resolution 23-18 determining that the proposed 56-unit townhome development with related General Plan and Zoning Amendments for property located at 505 E. Bayshore Road, Redwood City, is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.
APPROVED
- 4.10 Review and approval of Resolution 23-19 determining that the City of Millbrae Draft 2023-2031 Housing Element is conditionally consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.
APPROVED
- 4.11 Review and approval of Resolution 23-20 determining that proposed amendments to the

City of Redwood City's Downtown Precise Plan (DTPP) and General Plan to increase the maximum allowable development caps for office use and modify certain DTPP development standards are consistent the with Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. APPROVED

- 4.12 Review and approval of Resolution 23-21 authorizing the C/CAG Chair to execute Amendment No. 8 to the agreement with Advanced Mobility Group for work related to implementation of the updated Congestion Management Plan Land Use Impact Analysis Program to extend the term of the contract to September 30, 2023, with no change in the budget. APPROVED
- 4.13 Review and approval of updated C/CAG Legislative Priorities for 2023. APPROVED
- 4.14 Review and approval of Resolution 23-22 authorizing the C/CAG Executive Director to execute an agreement with Kittelson & Associates for the preparation of the San Mateo Countywide Local Roadway Safety Plan in an amount not to exceed \$338,150, establish a contingency in the amount of \$33,815 (10% of contract) for a total project budget of \$371,965, and execute future contract amendments in an amount not-to-exceed the appropriated contingency. APPROVED
- 4.15 Review and approval of Resolution 23-23, authorizing the C/CAG Chair to execute Amendment No. 4 to the Agreement with Gray Bowen Scott for on-call consultant services for Federal and State funded project coordination and grant administration, to add \$80,000 for a revised not to exceed contract amount of \$510,000, and to extend the term of the contract to September 30, 2023. APPROVED
- 4.16 Review and approval of Resolution 23-24, authorizing a waiver of the Request for Proposals process and further authorizing the C/CAG Executive Director to execute an agreement with Colantuano, Highsmith & Whatley, PC for outside legal support on evaluating stormwater funding options in San Mateo County in Fiscal Year 2022-23 for an amount not to exceed \$18,000. APPROVED
- 4.17 Review and approval of the appointment of Patrick Gilster, San Mateo County Transportation Authority (SMCTA) Director, Planning and Fund Management, to the C/CAG Congestion Management Program Technical Advisory Committee. APPROVED
- 4.18 Review and approval of Resolution 23-25, authorizing the C/CAG Executive Director to execute Right-of-Way Certifications in connection with State and Federally funded projects. APPROVED
- 4.19 Review and approval of the appointment of Daly City Councilmember Juslyn Manalo to fill a vacant elected official seat on the Congestion Management & Environmental Quality (CMEQ) Committee. APPROVED

Director Rak MOVED to approve the consent agenda items 4.1 through 4.19. Board Member Gauthier SECONDED. A roll call vote was taken. **MOTION CARRIED 16-0-0**

5.0 REGULAR AGENDA

- 5.1 Election of a C/CAG Chairperson and a C/CAG Vice Chairperson. APPROVED

Board Member Papan MOVED to elect Davina Hurt as the C/CAG Chairperson and Ortiz as the C/CAG Vice Chair. Board Member Gauthier SECONDED. A roll call vote was taken. **MOTION CARRIED 16-0-0.**

- 5.2 Review and approval of Resolution 23-16, authorizing the C/CAG Executive Director to execute an agreement with the City of Pacifica for the Sharp Park Priority Development Area Pedestrian Improvement Project using Measure M Safe Routes to School funding in an amount not to exceed \$900,000. APPROVED

The Board received a presentation on the City of Pacifica, Sharp Park Priority Development Area Pedestrian Improvement Project Funding Agreement.

Director Papan MOVED to approve item 5.2. Vice Chair Ortiz SECONDED. A roll call vote was taken. **MOTION CARRIED 16-0-0**

Chair Hurt asked if there were any oppositions in taking items 5.5 and 5.4 next as a Board Member or two may depart early. There were no oppositions.

- 5.3 Presentation on the San Mateo County Smart Corridor project. INFORMATION

The Board received a presentation on the San Mateo County Smart Corridor project. The Smart Corridor project maximizes efficiency of the existing transportation network, smoothing traffic flow and leading to improved safety and reduced travel times.

- 5.4 Presentation on C/CAG Equity Assessment and Framework Development Project mapping and existing conditions analysis for feedback and direction. APPROVED

C/CAG staff Kim Springer introduced Equity Item 5.4 and the two consultants, Chris Lepe from Mariposa Planning and Jake Warr from Espousal Strategies. Mr. Lepe described the work completed on the project related specifically to understanding existing conditions with regard to demographics and equity in San Mateo County, and some of the work that was done to understand the mapping approaches used by various partner agencies, such as SamTrans and MTC. Mr. Warr went on to share his work on the project, which was identifying how future mapping efforts could be applied more specifically to C/CAG's different program areas. He also shared slides showing charts and maps related to existing demographics and some of the mapping options and overlays explored. The presentation ended with a slide on recommendations. Board members explored a few questions, including: the sources of the data and their accuracy, opportunities for collaboration between agencies' mapping efforts to clarify the "story", clarification on specific mapped areas presented as overlays to the baseline map, opportunities to use other sources of mapping data from San Mateo County Health, including access to health care resources, use of a dashboard, and how some of the data might be further broken down by sub-minorities.

Vice Chair Ortiz recommended that the C/CAG Board establish an Ad Hoc Committee to work on some of the issues expressed by Board members and to support review of the materials being produced. Board Chair Hurt agreed as did Member Taylor. Several Board members expressed interest in being part of a subcommittee.

Director Aguirre MOVED to set in place a sub-committee. Board Member Gauthier SECONDED. A roll call vote was taken. **MOTION CARRIED 16-0-0**

- 5.5 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.) **APPROVED**

Executive Director, Sean Charpentier, reviewed five recommendations made by vote of the C/CAG Legislative Committee earlier in the even for presentation to the C/CAG Board for adoption. The Legislative Committee recommended an oppose position on the Taxpayer Protection and Government Accountability Act ballot measure that qualified for the November 2024 ballot, a support position for a March 2024 primary ballot measure, SCA 2 (Allen), to repeal the majority voting requirement for low-rent housing, a support position on ACA 1 (Aguirre-Curry) for a lower vote threshold from 2/3rds to 55% for sales and use taxes imposed by local governments for a variety of infrastructure projects, and positions on two Brown Act-related bills: support for AB 557 (Hart) extension of existing authorities under public health state of emergencies and support if amended for AB 817 (Pacheco), which support C/CAG's goes for advisory bodies.

Director Hedges MOVED to Hedges. Board Member Nicolas SECONDED. A roll call vote was taken. **MOTION CARRIED 16-0-0**

6.0 COMMITTEE REPORTS

6.1 Committee Reports (oral reports)

Board Member Papan/MTC Commissioner reported that the Bay Area Housing Finance Authority Oversight Committee has met today. Presentations were made regarding REAP and an update on the 6th Cycle Housing Element progress.

6.2 Chairperson's Report

Chair Hurt thanked all staff for organizing this Board meeting with the audio, visual and logistics. She has also asked the Board if they think things are not working on this hybrid experiencing to let us know so that we can improve as we go along. When it comes to air quality, there will be a very important vote that will be happening next week at the Bay Area Air Quality Management District on low NOx, water heaters, space heaters, buildings. Please don't hesitate to reach out. She is the cities representative.

6.3 Board Members Report/Communication

Board Member Hedges thanked staff for being very helpful and working with him in attending the meeting virtually.

7.0 EXECUTIVE DIRECTOR’S REPORT

Sean Charpentier thanked the Board members for attending in-person and attending remotely. He’s also thanked staff for all the hard work in making sure the meeting would run smoothly. In addition, he has mentioned that Board Member Christine Krolik could not attend in-person and did not meet the criteria under AB 2449. She has been in the audience for the whole duration of the meeting. The northern segment of the San Mateo County Express Lanes commenced tolling last Friday. In addition, our Express Lanes has the only equity program in the Bay Area and few in the state. There will be an opening ceremony on April 15th and he will send out an email with a hold the date and details to all the C/CAG Board Members. We have received a notice that the EPA will award \$3.6M to a regional effort led by C/CAG to assist our member agencies with their trash reduction requirements.

8.0 COMMUNICATIONS - Information Only

8.1 Written Communication – in packet agenda page 148

9.0 ADJOURNMENT – 8:37p.m.

Chair Hurt has read two quotes in honor of International Women’s Day.

“I raise up my voice, not so I can shout but so that those without a voice can be heard” – Ruth Bader Ginsburg

“I am grateful to be a women. I must have done something great in another life”
– Maya Angelou

Next scheduled meeting April 13, 2023

C/CAG AGENDA REPORT

Date: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-27 authorizing the C/CAG Executive Director to execute an agreement between C/CAG and Fehr & Peers, Corporation for consulting services for a VMT/GHG Mitigation Model Program project for an amount not to exceed \$531,180 through February 28, 2025 and establish a contingency in the amount of \$68,820 for a total project budget of \$600,000, and execute future contract amendments in an amount not-to-exceed the appropriated contingency.

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

RECOMMENDATION

That the C/CAG Board review and approval of Resolution 23-27 authorizing the C/CAG Executive Director to execute an agreement between C/CAG and Fehr & Peers, Corporation for consulting services for a Vehicle Miles Traveled/Greenhouse Gas (VMT/GHG) Mitigation Model Program project for an amount not to exceed \$531,180 through February 28, 2025 and establish a contingency in the amount of \$68,820 for a total project budget of \$600,000, and execute future contract amendments in an amount not-to-exceed the appropriated contingency.

FISCAL IMPACT

\$600,000 for the subject agreement

SOURCE OF FUNDS

The total project cost for the VMT/GHG Model Mitigation Project is \$600,000 from a C/CAG Board-accepted Caltrans grant of \$531,180 and matching funds in the amount of \$68,820 allocated from Congestion Relief funds through the term of the grant agreement.

BACKGROUND

The Caltrans Office of Regional Planning, Grant and Resource Management Branch, implements the Caltrans Sustainable Transportation Planning Grant Program, including two categories of grants: Sustainable Communities and Strategic Partnerships. The Sustainable Communities grants are critical to achieving the State's greenhouse gas reduction targets of 40 and 80 percent below 1990 levels by 2030 and 2050, respectively.

C/CAG staff unsuccessfully applied for the FY 2021-22 grant cycle, through a VMT/GHG Model Mitigation Program submission. Staff debriefed with Caltrans, enhanced the grant submission, and resubmitted for the FY 2022-23 program cycle with successful results.

On May 12, 2022 the C/CAG Board adopted Resolution 22-29 authorizing the C/CAG Executive Director to, after final negotiations and review by C/CAG Counsel, execute an agreement between C/CAG and the California Department of Transportation (Caltrans) for the FY2022-23 Sustainable Communities Planning Grant funding. The Agreement was fully executed on October 19, 2022 and, following a project launch meeting with Caltrans on November 14, 2022, staff began the procurement process for consulting services the VMT/GHG Model Mitigation Program.

Scoping and Procurement

To meet both C/CAG's goals and requirement for the Caltrans grant agreement, staff developed an RFP document with scope of work for review by Caltrans staff. Staff also worked with Caltrans staff to establish a minimum Disadvantaged Business Entity of 21% as a goal for the project.

C/CAG posted the RFP to the C/CAG Request for Qualifications/Requests for Proposals website on January 23, 2023 with a Proposal Due date for proposals of February 17, 2023. The RFP and other documents temporarily remain posted on the C/CAG website for review here:

<https://ccag.ca.gov/opportunities/rfpsrfqs/>. The RFP process included an opportunity for interested proposers to submit questions for response by January 31, 2023, and responses to questions received were posted to the C/CAG website on February 3, 2023.

C/CAG received three responses to the RFP from: ARUP, Fehr & Peers, and Kimley-Horn. All three proposals were reviewed and deemed responsive. Proposals were reviewed by a Selection Committee composed of three C/CAG staff: Kim Springer, Jeff Lacap, and Eva Gaye, and SamTrans staff, Carolyn Mamaradlo. The Selection Committee participated in both review and scoring of the proposals and interviews. In addition, Caltrans staff, Yunsheng Luo, was provided the proposals and joined on the interviews, but was not involved in the scoring of the proposals. All participants signed confidentiality agreements.

After the review and interviews of the proposals and consultants, and consistent with the scoring criteria in the RFP, the Selection Committee selected Fehr & Peers as the Consultant with the best qualifications for the VMT/GHG Model Mitigation Program project engagement with C/CAG.

Resolution 23-27 authorizes the C/CAG Executive Director to execute an agreement between C/CAG and Fehr & Peers, Corporation for consulting services for a VMT/GHG Mitigation Model Program project for an amount not to exceed \$531,180 through February 28, 2025 and establish a contingency in the amount of \$68,820 for a total project budget of \$600,000, and execute future contract amendments in an amount not-to-exceed the appropriated contingency. It further resolves that the C/CAG Executive Director is authorized to negotiate the final terms of said Agreement prior to its execution by the C/CAG Executive Director, subject to approval as to form by C/CAG Legal Counsel. The draft Agreement is included as Attachment 2. The RFP for Consultant for: Development of a Vehicle Miles Traveled/Greenhouse Gas (VMT/GHG) Model Mitigation Program, which includes the scope of work and timeline for this Project, is posted here: <https://ccag.ca.gov/opportunities/rfpsrfqs/>

ATTACHMENTS

1. Resolution 23-27
2. Draft Agreement between C/CAG and Fehr & Peers

Note: Attachments 2 is posted online: <https://ccag.ca.gov/committees/board-of-directors-2/>

RESOLUTION 23-27

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN C/CAG AND FEHR & PEERS, CORPORATION FOR CONSULTING SERVICES FOR A VMT/GHG MITIGATION MODEL PROGRAM PROJECT FOR AN AMOUNT NOT TO EXCEED \$531,180 THROUGH FEBRUARY 28, 2025 AND ESTABLISH A CONTINGENCY IN THE AMOUNT OF \$68,820 FOR A TOTAL PROJECT BUDGET OF \$600,000 AND EXECUTE FUTURE CONTRACT AMENDMENTS IN AN AMOUNT NOT-TO-EXCEED THE APPROPRIATED CONTINGENCY.

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

WHEREAS, C/CAG, in its development and implementation of programs and projects in San Mateo includes efforts to reduce Vehicle Miles Traveled (VMT) and associate Greenhouse Gas (GHG) emissions; and

WHEREAS, Caltrans implements the California Department of Transportation (Caltrans) Sustainable Transportation Planning Grant Program and the Sustainable Communities Planning Grant program; and

WHEREAS, the C/CAG Board adopted Resolution 22-29 on May 12, 2022, 22-29 authorizing the C/CAG Executive Director to, after final negotiations and review by C/CAG Counsel, (eventually) execute an agreement between C/CAG and Caltrans for the FY2022-23 Sustainable Communities Planning Grant funding; and

WHEREAS, C/CAG staff submitted a successful proposal including Resolution 22-29 for the 2022-23 Sustainable Communities Planning Grant program for a VMT/GHG Model Mitigation Program; and

WHEREAS, C/CAG staff posted an RFP for services to develop a VMT/GHG Model Mitigation Program based on the Caltrans proposal and-approved scope of work; and

WHEREAS, C/CAG received three responses to the RFP and, with the support of a Selection Committee composed of internal and external participants, reviewed the proposals and interviewed proposers to the RFP; and

Whereas, the Selection Committee ranked the proposals and consultants based on the criteria in the RFP document; and

Whereas, the Selection Committee ranked Fehr & Peers as scoring highest based on the criteria in the RFP document and, therefore, as the consultant with the best combination of qualifications and experience for the Project.

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 an

agreement between C/CAG and Fehr & Peers, Corporation for consulting services for a VMT/GHG Mitigation Model Program project for an amount not to exceed \$531,180 through February 28, 2025 and establish a contingency in the amount of \$68,820 for a total project budget of \$600,000, and execute future contract amendments in an amount not-to-exceed the appropriated contingency. 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 Executive Director, subject to approval as to form by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF APRIL 2023.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-28 determining that proposed amendments to the Belmont Zoning Ordinance to expand the definition of Research and Development Use to include life science activities and modify other related development standards are consistent the with Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos 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 23-28 determining that proposed amendments to the Belmont Zoning Ordinance to expand the definition of Research and Development Use to include life science activities and modify other related development standards are consistent the with Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.

BACKGROUND

The City of Belmont proposes amendments to its Zoning Ordinance to incorporate life science activities into its definition of research and development uses and to establish related development standards for the use. California Public Utilities Code (PUC) Section 21676(b) 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). Accordingly, the Belmont has referred the subject amendments to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the San Carlos ALUCP.

Below is a description of the proposed amendments that relate to Airport Land Use Compatibility:

1. Rename the existing “Research and Development Laboratory” use category to “Research and Development Facility” and amend the definition:

~~“Establishments with laboratory facilities as distinct for offices, that are primarily engaged in the research, development, and controlled production of high technology electronic, industrial or scientific products or commodities for sale, but excludes uses that in the opinion of the Planning Commission, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses which in the opinion of the commission threaten public safety. Typical uses include biotechnology firms and robotics laboratories. An office and laboratory facility for scientific~~

research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and/or biotechnology components and products in advance of product manufacturing. It may include assembly of related products from parts produced off site where the manufacturing activity is secondary to the research and development activities. A typical Research and Development facility has 20% to 50% of the floor area dedicated to the laboratory use.”

2. Amend Section 5B.1.2 and 5B.2.2 (the Harbor Industrial Area Permitted Uses) uses to reflect the change from “Research and Development Laboratory” to “Research and Development Facility”.

DISCUSSION

I. ALUCP Consistency Evaluation

Four sets of airport/land use compatibility policies in the San Carlos ALUCP relate to the proposed Zoning and General Plan Amendment: (a) noise compatibility policies and criteria, (b) safety policies and criteria, and (c) airspace protection policies. The following sections address each issue.

(a) Noise Policy Consistency Analysis

Pursuant to Noise Policy 1 of the San Carlos ALUCP, the projected CNEL 60dB contour defines the noise impact area for the San Carlos Airport. All land uses located outside this contour are deemed consistent with the noise compatibility policies of the ALUCP. As shown on San Carlos ALUCP Exhibit 4-2, Future Aircraft Noise Contours, **Attachment 3**, a small portion of Belmont lies within the CNEL 60 dB contour. Per the Noise Compatibility Criteria contained in Table 4-3 of the ALUCP, Research and Development facilities are compatible within this contour, and the Amendments are therefore consistent with the noise compatibility policies of the San Carlos ALUCP.

(b) Safety Policy Consistency Analysis

Runway Safety Zones - The San Carlos ALUCP includes six sets of safety zones and related land use compatibility policies and criteria. As shown on San Carlos ALUCP Exhibit 4-3, Safety Zones, **Attachment 4**, a portion of Belmont, including the Harbor Industrial Area, lies within Safety Zone 6, the Traffic Pattern Zone. In accordance with Safety Compatibility Criteria Table 4-4, Research and Development uses, including medical and biological research facilities, are deemed compatible and not restricted for safety reasons within this zone. Accordingly, the Amendments are consistent with the Safety Compatibility policies of the ALUCP.

(c) Airspace Protection Policy Consistency Analysis

The San Carlos ALUCP incorporates the provisions in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77), “Objects Affecting Navigable Airspace,” as amended, to establish height restrictions and federal notification requirements related to proposed development within the 14 CFR Part 77 airspace boundaries for San Carlos Airport. The airspace policies establish maximum heights for the compatibility of new structures and also stipulate the need for compliance with

federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

Because the proposal is a policy amendment rather than a specific development proposal the airspace compatibility policies of the San Carlos ALUCP do not directly apply. As recognized in the application materials, Belmont acknowledges that future zoning and development requests within AIA B will be required to obtain an ALUC consistency determination on a project-by-project basis, and potential impacts will be analyzed at that time. Accordingly, the Amendments do not present any conflicts with the Airspace Protection policies of the San Carlos ALUCP.

(d) Overflight Policy Compatibility

The San Carlos ALUCP contains two policies regarding overflight compatibility which are generally “buyer awareness” measures focused on informing prospective buyers and/or tenants of property within the vicinity of an airport about the airport’s impact on the property. Overflight Policy 1 – *Real Estate Transfer Disclosure*, requires that a notice of potential for overflights be included among the disclosures made during real estate transactions. Overflight Policy 2 – *Overflight Notification Zone 2* requires that all new residential development projects, other than additions and accessory dwelling units (ADUs), within Overflight Notification Zone 2 (AIA B) shall incorporate a recorded overflight notification requirement as a condition of approval.

Because the subject zoning text amendment is a policy document, the overflight compatibility policies of the San Carlos ALUCP do not directly apply. As noted above, consistency will be required for future development proposals resulting from the Amendments, as they are subject to individual review by the ALUC.

Airport Land Use Committee

The Airport Land Use Committee discussed this item at its March 23, 2023 meeting, and unanimously recommended that it be determined consistent with the San Carlos ALUCP.

ATTACHMENTS

1. Resolution 23-28

The following attachments are available to download on the C/CAG website (See “Additional Agenda Materials”) at: <https://ccag.ca.gov/committees/board-of-directors-2/>

2. ALUCP application materials
3. Exh. 4-2 - San Carlos Airport ALUCP - Future Conditions (2035) Aircraft Noise Contours
4. Exh. 4-3 San Carlos Airport Safety Zones

RESOLUTION 23-28

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 PROPOSED AMENDMENTS TO THE BELMONT ZONING ORDINANCE TO EXPAND THE DEFINITION OF RESEARCH AND DEVELOPMENT USE TO INCLUDE LIFE SCIENCE ACTIVITIES AND MODIFY OTHER RELATED DEVELOPMENT STANDARDS ARE CONSISTENT THE WITH COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN CARLOS 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; and

WHEREAS, the City of Belmont has referred proposed amendments to its Zoning Ordinance to expand the definition of Research and Development Use to include life science activities and modify other related development standards, collectively “Amendments”, to C/CAG acting as the Airport Land Use Commission, for a determination of consistency with relevant airport / land use compatibility criteria in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport* (San Carlos ALUCP); and

WHEREAS, four airport/land use compatibility factors are addressed in the San Carlos ALUCP that relate to the Amendments. These include policies for: (a) noise compatibility, (b) safety compatibility, (c) airspace protection compatibility, and (d) overflight compatibility, as discussed below:

(a) **Noise Policy Consistency Analysis** – Pursuant to Noise Policy 1 of the San Carlos ALUCP, the projected CNEL 60dB contour defines the noise impact area for the San Carlos Airport. All land uses located outside this contour are deemed consistent with the noise compatibility policies of the ALUCP. Per San Carlos ALUCP Exhibit 4-2, a portion of Belmont is located within the CNEL 60dB noise contour. In accordance with the Noise Compatibility Criteria in Table 4-3 of the ALUCP, Research and Development facilities are compatible within this contour, and the Amendments are therefore consistent with the noise compatibility policies of the San Carlos ALUCP.

(b) **Safety Policy Consistency Analysis** – The San Carlos ALUCP includes six sets of safety zones and related land use compatibility policies and criteria. Per San Carlos ALUCP Exhibit 4-3, Safety Zones, a portion of Belmont, including the Harbor Industrial Area, lies within Safety Zone 6, the Traffic Pattern Zone. In accordance with Safety Compatibility Criteria Table 4-4, Research and Development uses, including medical and biological research facilities, are deemed compatible and not restricted for safety reasons within this zone.

Accordingly, the Amendments are consistent with the Safety Compatibility policies of the ALUCP.

(c) **Airspace Protection Policy Consistency Analysis** – The San Carlos ALUCP includes airspace policies that establish maximum heights for the compatibility of new structures and also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

Because the proposal is a policy amendment rather than a specific development proposal the airspace compatibility policies of the San Carlos ALUCP do not directly apply. Future zoning and development requests within AIA B will be required to obtain an ALUC consistency determination on a project-by-project basis, and potential impacts will be analyzed at that time. Accordingly, the Amendments do not present any conflicts with the Airspace Protection policies of the San Carlos ALUCP.

(d) **Overflight Policy Compatibility** – The San Carlos ALUCP contains two policies regarding overflight compatibility: Overflight Policy 1 – *Real Estate Transfer Disclosure* and Overflight Policy 2 – *Overflight Notification Zone 2*.

Because the subject zoning text amendment is a policy document, the overflight compatibility policies of the San Carlos ALUCP do not directly apply. Consistency will be required for future development proposals resulting from the Amendments, as they are subject to individual review by the ALUC.

WHEREAS, at its March 23, 2023 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 Amendments be found consistent with the policies and criteria of the San Carlos ALUCP.

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 proposed amendments to the Belmont Zoning Ordinance to expand the definition of Research and Development Use to include life science activities and modify other related development standards are consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.

PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF APRIL 2023.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-29 determining that the Foster City 2023-2031 Housing Element Update is consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos 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 23-29 determining that the Foster City Draft 2023-2031 Housing Element Update is consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

BACKGROUND

The City of Foster City has referred its draft Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport / land use compatibility criteria in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport* (San Carlos ALUCP). These land use policies are subject to Airport Land Use Committee / Board review, pursuant to California Public Utilities Code (PUC) Section 21676(b).

The Draft Housing Element identifies goals, policies, and programs to address existing and projected housing needs and includes a list of housing opportunity sites. The Regional Housing Needs Allocation (RHNA) is the share of the Regional Housing Needs Determination assigned to each jurisdiction by the Association of Bay Area Governments (ABAG). In December 2021, ABAG adopted a Final RHNA Methodology, which was approved by the California Department of Housing and Community Development in January 2022. The RHNA for Foster City for this cycle is 1,896 units.

The Draft Housing Element includes an inventory of potential housing sites, as shown on **Attachment 2**, including two sites located within Airport Influence Area B (AIA B) – Lantern Cove and Schooner Bay.

DISCUSSION

I. San Carlos ALUCP Consistency Evaluation

Four airport / land use compatibility factors are addressed in the San Carlos ALUCP that relate to the Housing Element update. These include policies for: (a) noise compatibility, (b) safety compatibility,

(c) airspace compatibility, and (d) overflight compatibility. The following sections address each factor.

a) Noise Compatibility

The Aircraft Noise Contours are depicted on San Carlos ALUCP Exhibit 4-2, **Attachment 3**. Pursuant to San Carlos ALUCP Noise Policy 1, the CNEL 60 dB contour defines the noise impact area of the Airport. All land uses located outside of this contour are deemed consistent with the noise compatibility policies of the ALUCP. As shown on the Exhibit, Foster City limits lies entirely outside of the CNEL 60 dB contour and therefore the Housing Element is consistent with the Noise Compatibility policies.

(b) Safety Compatibility

The San Carlos ALUCP includes safety zones and related land use compatibility policies and criteria. As depicted on San Carlos ALUCP Exhibit 4-3, **Attachment 4**, none of the Safety Zones extends into Foster City, so the Housing Element would not be impacted by any of the Safety Compatibility Policies.

(c) Airspace Compatibility

The San Carlos ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

Because the Housing Element is a policy document and not a specific development proposal, the airspace compatibility policies of the San Carlos ALUCP do not directly apply. Consistency with the airspace compatibility policies will be required for future development proposals stemming from the Draft Housing Element.

(d) Overflight Compatibility

The San Carlos ALUCP contains two policies regarding overflight compatibility which are generally “buyer awareness” measures focused on informing prospective buyers and/or tenants of property within the vicinity of an airport about the airport’s impact on the property. Overflight Policy 1 – *Real Estate Transfer Disclosure*, requires that a notice of potential for overflights be included among the disclosures made during real estate transactions. Overflight Policy 2 – *Overflight Notification Zone 2* requires that all new residential development projects, other than additions and accessory dwelling units (ADUs), within Overflight Notification Zone 2 (AIA B) shall incorporate a recorded overflight notification requirement as a condition of approval.

Because the Draft Housing Element is a policy document rather than a development proposal, the overflight compatibility policies of the San Carlos ALUCP do not directly apply. Consistency will be required in the future for individual development proposals stemming from the Housing Element Update.

Airport Land Use Committee

The Airport Land Use Committee discussed this item at its March 23, 2023 meeting, and unanimously recommended that it be determined consistent with the San Carlos ALUCP.

ATTACHMENTS

1. Resolution 23-29

The following attachments are available to download on the C/CAG website (See “Additional Agenda Materials”) at: <https://ccag.ca.gov/committees/board-of-directors-2/>

2. Application, including Housing Opportunity Sites
3. San Carlos ALUCP Exh. 4-2 Noise Contours
4. San Carlos ALUCP Exh. 4-3 Safety Contours

The following document is available for download from the project website:
<https://protect-us.mimecast.com/s/KRDJCpYokwTwRLnNTP4mOg>

5. City of Foster City 2023-2031 Housing Element Update – Revised Public Review Draft – 2/6/23 - Redline

RESOLUTION 23-29

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 FOSTER CITY 2023-2031 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN CARLOS 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; and

WHEREAS, the Foster City has referred its Housing Element Update to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport / land use compatibility criteria in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport* (San Carlos ALUCP); and

WHEREAS, the Housing Element Update identifies goals, policies, and programs to address Foster City's Regional Housing Needs Allocation (RHNA), and includes a list of housing opportunity sites; and

WHEREAS, four airport/land use compatibility factors are addressed in the San Carlos ALUCP that relate to the Housing Element Update, including: (a) noise compatibility, (b) safety compatibility, (c) airspace compatibility, and (d) overflight compatibility, as discussed below:

- (a) **Noise Compatibility** - The CNEL 60 dB aircraft noise contour defines the threshold for airport noise impacts established in the San Carlos ALUCP, and all land uses located outside this contour are deemed consistent with the noise compatibility policies of the ALUCP. Per ALUCP Exhibit 4-2, the CNEL 60 dB contour does not extend into Foster City, so the Housing Element Update is consistent with the San Carlos ALUCP Noise Policies.
- (b) **Safety Compatibility** – The San Carlos ALUCP includes six safety zones and related land use compatibility policies and criteria. Per San Carlos ALUCP Exhibit 4-3, none of the Safety Zones extends into Foster City, so the Housing Element Update is not be impacted by any of the Safety Compatibility Policies.
- (c) **Airspace Compatibility** - The San Carlos ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

Because the Housing Element is a policy document and not a specific development proposal, the airspace compatibility policies of the San Carlos ALUCP do not directly apply. Consistency with the airspace compatibility policies will be required for future development proposals stemming from the Housing Element Update.

(d) Overflight Compatibility - The San Carlos ALUCP contains two policies regarding overflight compatibility which are generally “buyer awareness” measures focused on informing prospective buyers and/or tenants of property within the vicinity of an airport about the airport’s impact on the property. Because the Housing Element is a policy document rather than a development proposal, the overflight compatibility policies of the San Carlos ALUCP do not directly apply. Consistency will be required in the future for individual development proposals stemming from the Housing Element Update; and

WHEREAS, at its March 23, 2023 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 Foster City 2023-2031 Housing Element Update be found consistent with the policies and criteria of the San Carlos ALUCP.

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 Foster City 2023-2031 Housing Element Update is consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.

PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF APRIL 2023.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-31 authorizing the C/CAG Executive Director to execute a cooperative agreement with California Department of Transportation for the Construction Phase for the Smart Corridor Northern Cities expansion project.

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

RECOMMENDATION

Review and approval of Resolution 23-31 authorizing the C/CAG Executive Director to execute a cooperative agreement with California Department of Transportation for the Construction Phase for the Smart Corridor Northern Cities expansion project.

FISCAL IMPACT

The construction phase is expected to be funded by a combination of local, state, and federal funds. C/CAG expects to provide local funds via local Measure M (the \$10 vehicle registration fee).

SOURCE OF FUNDS

The construction phase is expected to be funded by: State Transportation Improvement Program (STIP) funds, Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) funds, C/CAG Local Measure M, and Local Partnership Program (LPP) funds.

BACKGROUND

The C/CAG sponsored San Mateo County Smart Corridor (Smart Corridor) is designed to improve mobility of local arterial streets by installing Intelligent Transportation System (ITS) equipment such as an interconnected traffic signal system, close circuit television (CCTV) cameras, trailblazer/arterial dynamic message signs, and vehicle detection system on predefined designated local streets and state routes. The ITS infrastructure provides local cities and Caltrans day to day traffic management capabilities in addressing recurring and non-recurring traffic congestion.

Continuing with the vision to build the Smart Corridor from the Santa Clara County line to the San Francisco County line, the Northern Cities segment is the next segment of the Smart Corridor project. This segment is a joint effort by the cities of Daly City and Brisbane, the Town of Colma, and C/CAG. A map of the Northern Cities project limits is included as Attachment 1.

Project design is expected to be complete in April 2023. Advertising and bidding for construction is expected to begin in Fall/Winter 2023. The Northern Cities expansion will be built as two segments:

Daly City/Colma and Brisbane. The City of Daly City is expected to lead construction on behalf of both the City of Daly City and the Town of Colma. The City of Brisbane is expected to lead construction of the Brisbane segment. Staff presented a comprehensive update on the Smart Corridor project to the Board at the March 9, 2023 meeting. The presentation can be downloaded from the C/CAG website: https://ccag.ca.gov/wp-content/uploads/2023/03/5.3_Smart-Corridor-ppt.pdf.

C/CAG, as Project Sponsor and Implementing Agency, needs to enter into a Construction Cooperative Agreement with Caltrans, the owner/operator of the State Highway System, to document the obligations and responsibilities of each agency. The execution of a Cooperative Agreement is also a prerequisite for seeking construction funding allocation from the California Transportation Commission.

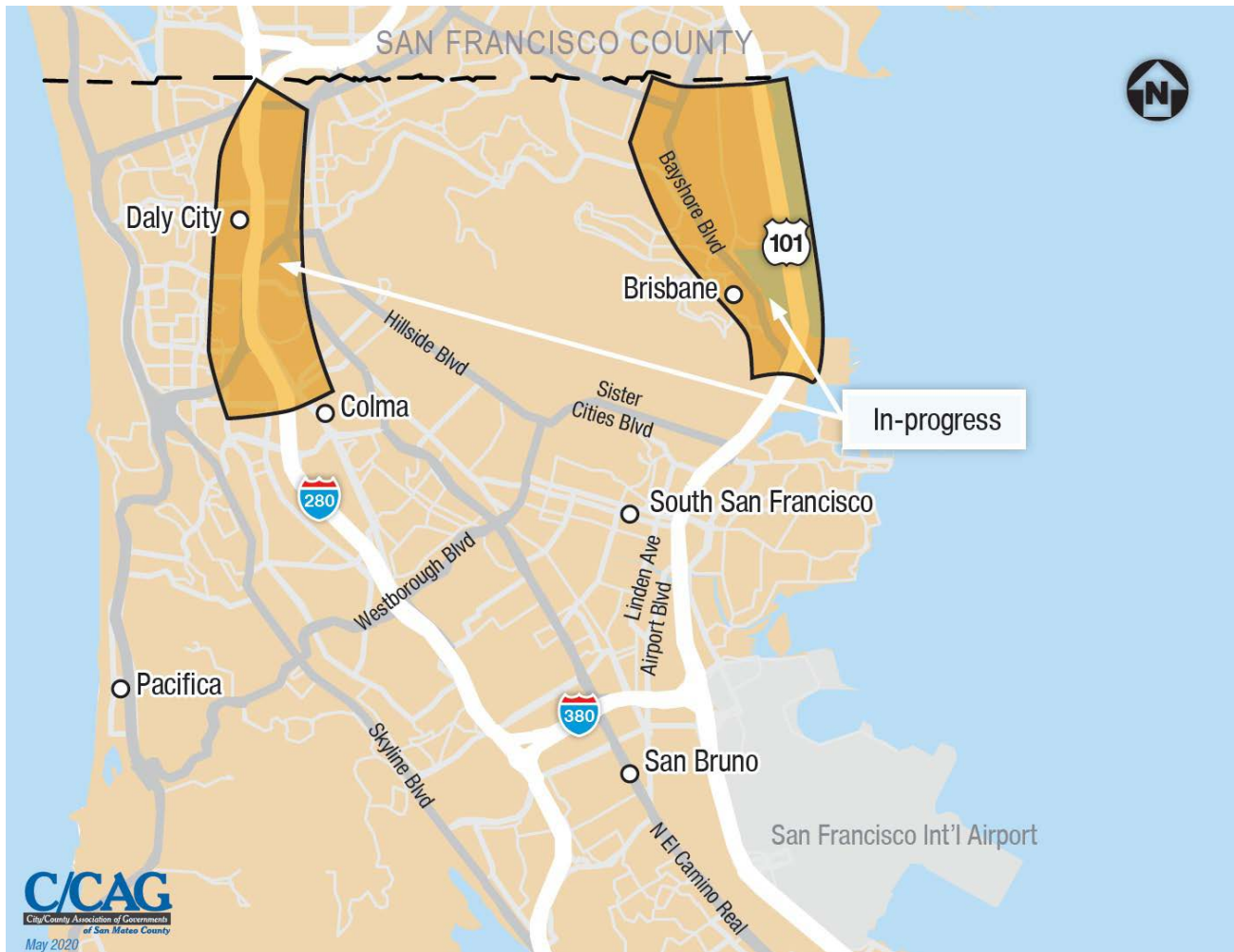
The attached draft Cooperative Agreement was prepared by Caltrans and initially reviewed by staff and C/CAG legal counsel. Because local jurisdictions (Daly City and Brisbane) will manage the project construction, C/CAG has requested that Caltrans modifies the agreement language to reflect this arrangement, instead of placing the duties of project advertisement and award on C/CAG. Staff will work closely with Caltrans staff to address the Agency's concerns.

Staff recommends that the Executive Director be authorized to negotiate the final terms of the Cooperative Agreement, subject to Legal Counsel approval.

ATTACHMENTS

1. Northern Cities Project Limits
2. Resolution 23-31
3. Draft Cooperative Agreement No. 04-2916

Northern Cities Project Limits



RESOLUTION 23-31

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE EXECUTIVE DIRECTOR OF C/CAG TO EXECUTE THE COOPERATIVE AGREEMENT BETWEEN CALTRANS AND C/CAG FOR THE CONSTRUCTION PHASE FOR THE SMART CORRIDOR NORTHERN CITIES EXPANSION PROJECT

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

WHEREAS, the Smart Corridor Northern Cities Expansion Project (Project) is being constructed in the Cities of Daly City, Brisbane, and the Town of Colma; and

WHEREAS, C/CAG developed the Plans, Specifications and Estimate (PS&E) for the Project; and

WHEREAS, C/CAG is the Project Sponsor and Implementing Agency for the construction of the Project; and

WHEREAS, Caltrans and C/CAG need to enter into a Cooperative Agreement, to document the obligations and responsibilities of C/CAG as Project Sponsor and Implementing Agency, and Caltrans as the owner/operator of the State Highway System, for the construction of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County that the Executive Director of C/CAG is authorized to execute the Cooperative Agreement between Caltrans and C/CAG for the construction of the Smart Corridor Northern Cities Expansion Project, and further authorizes the Executive Director to negotiate the final terms of the contract prior to its execution, subject to approval as to form by Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF APRIL 2023.

Davina Hurt, Chair

COOPERATIVE AGREEMENT

This AGREEMENT, executed on and effective from _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City/County Association of Government of San Mateo County, a California joint powers authority, referred to hereinafter as C/CAG.

An individual signatory agency in this AGREEMENT is referred to as a PARTY. Collectively, the signatory agencies in this AGREEMENT are referred to as PARTIES.

RECITALS

1. PARTIES are authorized to enter into a cooperative agreement for improvements to the State Highway System per the California Streets and Highways Code, Sections 114 and 130.
2. For the purposes of this AGREEMENT, *the Smart Corridor Northern Cities Expansion Project, a joint effort by the cities of Daly City, Brisbane, Colma, C/CAG and Caltrans District 4, to deploy fiber communications, upgraded traffic signal controllers, dynamic message signs, vehicle detection stations, and traffic monitoring cameras along key arterial corridors that parallel US 101 and I-280* will be referred to hereinafter as PROJECT. The PROJECT scope of work is defined in the project initiation and approval documents (e.g., Project Study Report, Design Engineering Evaluation Report, or Project Report).
3. All obligations and responsibilities assigned in this AGREEMENT to complete the following PROJECT COMPONENT will be referred to hereinafter as WORK:
 - CONSTRUCTION

Each PROJECT COMPONENT is defined in the CALTRANS Workplan Standards Guide as a distinct group of activities/products in the project planning and development process.

4. The term AGREEMENT, as used herein, includes this document and any attachments, exhibits, and amendments.

This AGREEMENT is separate from and does not modify or replace any other cooperative agreement or memorandum of understanding between the PARTIES regarding the PROJECT.

PARTIES intend this AGREEMENT to be their final expression that supersedes any oral understanding or writings pertaining to the WORK. The requirements of this AGREEMENT will preside over any conflicting requirements in any documents that are made an express part of this AGREEMENT.

If any provisions in this AGREEMENT are found by a court of competent jurisdiction to be, or are in fact, illegal, inoperative, or unenforceable, those provisions do not render any or all other AGREEMENT provisions invalid, inoperative, or unenforceable, and those provisions will be automatically severed from this AGREEMENT.

Except as otherwise provided in the AGREEMENT, PARTIES will execute a written amendment if there are any changes to the terms of this AGREEMENT.

PARTIES agree to sign a CLOSURE STATEMENT to terminate this AGREEMENT. However, all indemnification, document retention, audit, claims, environmental commitment, legal challenge, maintenance and ownership articles will remain in effect until terminated or modified in writing by mutual agreement or expire by the statute of limitations.

5. The following work associated with this PROJECT has been completed or is in progress:
 - C/CAG completed the Project Initiation Document (Cooperative Agreement No. 04-2675).
 - CALTRANS approved the Categorical Exemption on August 31, 2020 (Cooperative Agreement No. 04-2732).
 - CALTRANS approved the Categorical Exclusion on August 31, 2020 (Cooperative Agreement No. 04-2732).
 - C/CAG is developing the R/W Certification (Cooperative Agreement No. 04-2820).
 - C/CAG completed the Plans, Specifications and Estimate on December 27, 2022 (Cooperative Agreement No. 04-2820). ~~C/CAG completed the Plans, Specifications and Estimate on December 27, 2022 (Cooperative Agreement No. 04-2820).~~
6. In this AGREEMENT capitalized words represent defined terms, initialisms, or acronyms.
7. PARTIES hereby set forth the terms, covenants, and conditions of this AGREEMENT.

RESPONSIBILITIES

Sponsorship

8. A SPONSOR is responsible for establishing the scope of the PROJECT and securing the financial resources to fund the WORK. A SPONSOR is responsible for securing additional funds when necessary or implementing PROJECT changes to ensure the WORK can be completed with the funds obligated in this AGREEMENT.

PROJECT changes, as described in the CALTRANS Project Development Procedures Manual, will be approved by CALTRANS as the owner/operator of the State Highway System.

9. C/CAG is the SPONSOR for the WORK in this AGREEMENT.

Implementing Agency

10. The IMPLEMENTING AGENCY is the PARTY responsible for managing the scope, cost, schedule, and quality of the work activities and products of a PROJECT COMPONENT.

- C/CAG is the CONSTRUCTION IMPLEMENTING AGENCY.

CONSTRUCTION includes construction contract administration, surveying/staking, inspection, quality assurance, and assuring regulatory compliance. The CONSTRUCTION component budget identifies the capital costs of the construction contract/furnished materials (CONSTRUCTION CAPITAL) and the cost of the staff work in support of the construction contract administration (CONSTRUCTION SUPPORT).

11. C/CAG will provide a Quality Management Plan (QMP) for the WORK in every PROJECT COMPONENT that they are the IMPLEMENTING AGENCY of. The QMP describes the IMPLEMENTING AGENCY's quality policy and how it will be used. The QMP will include a process for resolving disputes between the PARTIES at the team level. The QMP is subject to CALTRANS review and approval.
12. Any PARTY responsible for completing WORK will make its personnel and consultants that prepare WORK available to help resolve WORK-related problems and changes for the entire duration of the PROJECT including PROJECT work that may occur under separate agreements.

Funding

13. Funding sources, PARTIES committing funds, funding amounts, and invoicing/payment details are documented in the Funding Summary section of this [AGREEMENT.AGREEMENT.](#)

PARTIES will amend this AGREEMENT by updating and replacing the Funding Summary, in its entirety, each time the funding details change. Funding Summary replacements will be executed by a legally authorized representative of the respective PARTIES. The most current fully executed Funding Summary supersedes any previous Funding Summary created for this AGREEMENT.

14. PARTIES will not be reimbursed for costs beyond the funds obligated in this AGREEMENT.
15. Unless otherwise documented in the Funding Summary, overall liability for project costs within a PROJECT COMPONENT, subject to program limitations, will be in proportion to the amount contributed to that PROJECT COMPONENT by each fund type.
16. Unless otherwise documented in the Funding Summary, any savings recognized within a PROJECT COMPONENT will be credited or reimbursed, when allowed by policy or law, in proportion to the amount contributed to that PROJECT COMPONENT by each fund type.
17. WORK costs, except those that are specifically excluded in this AGREEMENT, are to be paid from the funds obligated in the Funding Summary. Costs that are specifically excluded from the funds obligated in this AGREEMENT are to be paid by the PARTY incurring the costs from funds that are independent of this AGREEMENT.

CALTRANS' Quality Management

18. CALTRANS, as the owner/operator of the State Highway System (SHS), will perform quality management work including Quality Management Assessment (QMA) and owner/operator approvals for the portions of WORK within the existing and proposed SHS right-of-way.
19. CALTRANS' Quality Management Assessment (QMA) efforts are to ensure that C/CAG's quality assurance results in WORK that is in accordance with the applicable standards and the PROJECT's quality management plan (QMP). QMA does not include any efforts necessary to develop or deliver WORK or any validation by verifying or rechecking WORK.

When CALTRANS performs QMA, it does so for its own benefit. No one can assign liability to CALTRANS due to its QMA.

20. CALTRANS, as the owner/operator of the State Highway System, will approve WORK products in accordance with CALTRANS policies and guidance and as indicated in this AGREEMENT.
21. C/CAG will provide WORK-related products and supporting documentation upon CALTRANS' request for the purpose of CALTRANS' quality management work.

CEQA/NEPA Lead Agency

22. CALTRANS is the CEQA Lead Agency for the PROJECT.
23. CALTRANS is the NEPA Lead Agency for the PROJECT.

Environmental Permits, Approvals and Agreements

24. PARTIES will comply with the commitments and conditions set forth in the environmental documentation, environmental permits, approvals, and applicable agreements as those commitments and conditions apply to each PARTY's responsibilities in this AGREEMENT.
25. Unless otherwise assigned in this AGREEMENT, the IMPLEMENTING AGENCY for a PROJECT COMPONENT is responsible for all PROJECT COMPONENT WORK associated with coordinating, obtaining, implementing, renewing, and amending the PROJECT permits, agreements, and approvals whether they are identified in the planned project scope of work or become necessary in the course of completing the PROJECT.
26. The PROJECT will not requires ~~the following~~ environmental permits/approvals.:

CONSTRUCTION

27. As the CONSTRUCTION IMPLEMENTING AGENCY, C/CAG is responsible for all CONSTRUCTION WORK except those activities and responsibilities that are assigned to another PARTY and those activities that are excluded under this AGREEMENT.
28. CALTRANS will be responsible for completing the following CONSTRUCTION SUPPORT activities:

CALTRANS Work Breakdown Structure Identifier (If Applicable)	AGREEMENT Funded Cost
100.20.10.xx Quality Management	No

29. Physical and legal possession of the right-of-way must be completed prior to advertising the construction contract, unless PARTIES mutually agree to other arrangements in writing.
30. Right-of-way conveyances must be completed prior to WORK completion, unless PARTIES mutually agree to other arrangements in writing.
31. C/CAG will include a Disadvantaged Business Enterprise (DBE) utilization goal in the PROJECT construction contract(s) in accordance with the Local Assistance Procedures Manual. C/CAG's local partners will award the construction contract to the lowest responsive bidder who makes a Good Faith Effort to meet the DBE goal.
32. CALTRANS will not issue an encroachment permit to C/CAG for construction work until the following conditions are met:
 - CALTRANS accepts the final plans, specifications, and estimate
 - CALTRANS accepts the Right-of-Way Certification
 - Any new or amended maintenance agreements required for the WORK are executed.
33. C/CAG will require the construction contractor to furnish payment and performance bonds naming C/CAG as obligee, and CALTRANS as additional obligee, and to carry liability insurance in accordance with CALTRANS Standard Specifications.
34. C/CAG and its local partners will ~~will~~ advertise, open bids, award, and approve the construction contract in accordance with the California Public Contract Code and the California Labor Code. By accepting responsibility to advertise and award the construction contract, C/CAG also accepts responsibility to administer the construction contract.
35. If the lowest responsible construction contract bid is greater than the funding commitment to CONSTRUCTION CAPITAL, PARTIES must agree in writing on a course of action within fifteen (15) working days. If no agreement is reached within fifteen (15) work~~ing~~ days the IMPLEMENTING AGENCY will not award the construction contract.

36. CALTRANS will not issue an encroachment permit to C/CAG's construction contractor until CALTRANS accepts:
- The payment and performance bonds
 - The CONSTRUCTION Quality Management Plan
37. The CONSTRUCTION Quality Management Plan (QMP) will describe how construction material verification and workmanship inspections will be performed at manufacturing sources and the PROJECT job-site. The construction material and Source Inspection QMP (SIQMP) are subject to review and approval by the State Materials Engineer.
38. The CONSTRUCTION Quality Management Plan will address the radiation safety requirements of the California Code of Regulations 17 CCR § 30346 when the work requires Gamma-Gamma Logging acceptance testing for Cast in Drilled Hole (CIDH) pile or whenever else it is applicable. In accordance with these regulations C/CAG, as the "well operator", will have a written agreement with any consultant or external entity performing these tests.
39. C/CAG will provide a Resident Engineer and CONSTRUCTION SUPPORT staff that are independent of the construction contractor. The Resident Engineer will be a Civil Engineer, licensed in the State of California, who is responsible for construction contract administration activities.
40. C/CAG will implement changes to the construction contract through Change Orders. PARTIES ~~PARTIES~~ will review and concur on all Change Orders over \$50,000.
41. CALTRANS will review and concur with:
- Change Orders affecting public safety, public convenience, protected environmental resources, the preservation of property, all design and specification changes, and all major changes as defined in the CALTRANS Construction Manual. These Change Orders must receive written concurrence by CALTRANS prior to implementation.
 - The Stormwater Pollution Prevention Plan (SWPPP) or the Water Pollution Control Plan (WPCP).
42. C/CAG will administer and process all construction contract claims pursuant to the requirements set forth under Public Contract Code, Section 9204. In addition, all public works claims of \$375,000 or less shall be resolved in accordance with Public Contract Code Section 20104, et seq. and other applicable laws.

43. C/CAG is designated as the Legally Responsible Person pursuant to the Construction General Permit, State Water Resources Control Board (SWRCB) Order Number 2009-0009-DWQ, as defined in Appendix 5, Glossary, and assumes all roles and responsibilities assigned to the Legally Responsible Person as mandated by the Construction General Permit. C/CAG is required to comply with the CALTRANS MS4 National Pollutant Discharge Elimination System (NPDES) permit for all work within the State Highway System.
44. C/CAG will submit a written request to CALTRANS for any Department Furnished Material (DFM) identified in the PROJECT plans, specifications, and estimate a minimum of sixty (60) working days prior to the construction start of work. C/CAG will submit a written request to CALTRANS for any additional DFM deemed necessary during the PROJECT construction.

CALTRANS will make the DFM available at a CALTRANS-designated location.

45. As the CONSTRUCTION IMPLEMENTING AGENCY, C/CAG is responsible for maintenance of the State Highway System (SHS) within the PROJECT limits as part of the construction contract until the following conditions are met:
- Any required maintenance agreements are executed for the portions of SHS for which relief of maintenance is to be granted.
 - CALTRANS approves a request from C/CAG for relief from maintenance of the PROJECT or a portion thereof.
46. C/CAG will ensure all necessary maintenance agreements will be executed and/or amended between the local agency with land-use jurisdiction and CALTRANS.
47. Upon WORK completion, ownership or title to all materials and equipment constructed or installed for the operations and/or maintenance of the State Highway System (SHS) within SHS right-of-way as part of WORK become the property of CALTRANS.

CALTRANS will not accept ownership or title to any materials or equipment constructed or installed outside SHS right-of-way.

48. Within one hundred eighty (180) calendar days following the completion and acceptance of the PROJECT construction contract, C/CAG will furnish CALTRANS with a complete set of “As-Built” plans and Change Orders, including any changes authorized by CALTRANS, using an approved transfer mechanism, such as a CD ROM, flash drive, Filr. The submitted digital files must be completed in accordance with Caltrans specifications, policies, and manuals, including requirements in Sections 2 and 3 of Chapter 17 in the Project Development Procedures Manual, then current CADD User’s Manual (Section 4.3), Plans Preparation Manual, and CALTRANS practice. The plans will have the Resident Engineer’s name, contract number, and construction contract acceptance date printed on each plan sheet, and with the Resident Engineer’s signature only on the title sheet. The As-Built plans will be in Microstation DGN format, version 8.0. When applicable, the digital submittal must also include high accuracy locating and underground facilities data. In addition, C/CAG will provide one set of As-Built plans and addenda in TIFF format.

The submittal must also include all CALTRANS requested contract records, and land survey documents. The land survey documents include monument preservation documents and records of surveys prepared to satisfy the requirements of the California Professional Land Surveyors Act (Business and Professions Code, Sections 8700 – 8805). Copies of survey documents and Records of Surveys filed in accordance with Business & Professions Code, Sections 8762 and 8771, will contain the filing information provided by the county in which filed.

Schedule

49. PARTIES will manage the WORK schedule to ensure the timely use of obligated funds and to ensure compliance with any environmental permits, right-of-way agreements, construction contracts, and any other commitments. PARTIES will communicate schedule risks or changes as soon as they are identified and will actively manage and mitigate schedule risks.
50. The IMPLEMENTING AGENCY for each PROJECT COMPONENT will furnish PARTIES with written monthly progress reports during the completion of the WORK.

Additional Provisions

Standards

51. PARTIES will perform all WORK in accordance with federal and California laws, regulations, and standards; Federal Highway Administration (FHWA) standards; and CALTRANS standards. CALTRANS standards include, but are not limited to, the guidance provided in the:

- CADD Users' Manual
- CALTRANS policies and directives
- Plans Preparation Manual
- Project Development Procedures Manual (PDPM)
- Workplan Standards Guide
- Construction Manual
- Construction Manual Supplement for Local Agency Resident Engineers
- Local Agency Structure Representative Guidelines

Noncompliant Work

52. CALTRANS retains the right to reject noncompliant WORK. C/CAG agrees to suspend WORK upon request by CALTRANS for the purpose of protecting public safety, preserving property rights, and ensuring that all WORK is in the best interest of the State Highway System.

Qualifications

53. Each PARTY will ensure that personnel participating in WORK are appropriately qualified or licensed to perform the tasks assigned to them.

Consultant Selection

54. C/CAG will invite CALTRANS to participate in the selection of any consultants that participate in the WORK.

Encroachment Permits

55. CALTRANS will issue, upon proper application, the encroachment permits required for WORK within State Highway System (SHS) right-of-way to C/CAG. ~~C/CAG, their contractors, consultants, agents and utility owners will not work within the SHS right-of-way without an encroachment permit issued in their name.~~ CALTRANS will provide encroachment permits to C/CAG, ~~their contractors, consultants, and agents~~ at no cost.

56. C/CAG's contractors and consultants do not require a separate permit from Caltrans ~~CALTRANS~~. C/CAG and their contractors and consultants are required to complete, sign and submit Contractor's Authorization Form TR-0429 to CALTRANS ~~Caltrans~~ prior to starting WORK within the SHS right-of-way.

~~55.~~57. CALTRANS will provide encroachment permits to utility owners at no cost. If the encroachment permit and this AGREEMENT conflict, the requirements of this AGREEMENT will prevail.

~~56.~~58. The IMPLEMENTING AGENCY for a PROJECT COMPONENT will coordinate, prepare, obtain, implement, renew, and amend any encroachment permits needed to complete the WORK.

Protected Resources

~~57.~~59. If any PARTY discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and that PARTY will notify all PARTIES within 24 hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and CALTRANS approves a plan for its removal or protection.

Disclosures

~~58.~~60. PARTIES will hold all administrative drafts and administrative final reports, studies, materials, and documentation relied upon, produced, created, or utilized for the WORK in confidence to the extent permitted by law and where applicable, the provisions of California Government Code, Section 6254.5(e) will protect the confidentiality of such documents in the event that said documents are shared between PARTIES.

PARTIES will not distribute, release, or share said documents with anyone other than employees, agents, and consultants who require access to complete the WORK without the written consent of the PARTY authorized to release them, unless required or authorized to do so by law.

~~59-61.~~ If a PARTY receives a public records request pertaining to the WORK, that PARTY will notify PARTIES within five (5) working days of receipt and make PARTIES aware of any disclosed public records.

Hazardous Materials

~~60-62.~~ HM-1 is hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law, irrespective of whether it is disturbed by the PROJECT or not.

HM-2 is hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by the PROJECT.

The management activities related to HM-1 and HM-2, including and without limitation, any necessary manifest requirements and disposal facility designations are referred to herein as HM-1 MANAGEMENT and HM-2 MANAGEMENT respectively.

~~61-63.~~ If HM-1 or HM-2 is found the discovering PARTY will immediately notify all other PARTIES.

~~62-64.~~ CALTRANS, independent of the PROJECT, is responsible for any HM-1 found within the existing State Highway System right-of-way. CALTRANS will undertake, or cause to be undertaken, HM-1 MANAGEMENT with minimum impact to the PROJECT schedule.

CALTRANS will pay, or cause to be paid, the cost of HM-1 MANAGEMENT for HM-1 found within the existing State Highway System right-of-way with funds that are independent of the funds obligated in this AGREEMENT.

~~63-65.~~ If HM-1 is found within the PROJECT limits and outside the existing State Highway System right-of-way, responsibility for such HM-1 rests with the owner(s) of the parcel(s) on which the HM-1 is found. C/CAG, in concert with the local agency having land use jurisdiction, will ensure that HM-1 MANAGEMENT is undertaken with minimum impact to PROJECT schedule.

The cost of HM-1 MANAGEMENT for HM-1 found within the PROJECT limits and outside the existing State Highway System right-of-way will be paid from funds that are independent of the funds obligated in this AGREEMENT and will be the responsibility of the owner(s) of the parcel(s) where the HM-1 is located.

~~64-66.~~ The CONSTRUCTION IMPLEMENTING AGENCY is responsible for HM-2 MANAGEMENT within the PROJECT limits.

C/CAG and CALTRANS will comply with the Soil Management Agreement for Aerially Deposited Lead Contaminated Soils (Soil Management Agreement) executed between CALTRANS and the California Department of Toxic Substances Control (DTSC). Under Section 3.2 of the Soil Management Agreement, CALTRANS and C/CAG each retain joint and severable liability for noncompliance with the provisions of the Soil Management Agreement. C/CAG will assume all responsibilities assigned to CALTRANS in the Soil Management Agreement during PROJECT COMPONENTS for which they are the IMPLEMENTING AGENCY except for final placement and burial of soil within the State right-of-way, per Section 4.5 of the Soil Management Agreement, which is subject to CALTRANS concurrence and reporting to DTSC which will be performed by CALTRANS.

~~65-67.~~ CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.

Claims

~~66-68.~~ Any PARTY that is responsible for completing WORK may accept, reject, compromise, settle, or litigate claims arising from the WORK without concurrence from the other PARTY.

~~67-69.~~ PARTIES will confer on any claim that may affect the WORK or PARTIES' liability or responsibility under this AGREEMENT in order to retain resolution possibilities for potential future claims. No PARTY will prejudice the rights of another PARTY until after PARTIES confer on the claim.

~~68-70.~~ If the WORK expends state or federal funds, each PARTY will comply with the Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards of 2 CFR, Part 200. PARTIES will ensure that any for-profit consultant hired to participate in the WORK will comply with the requirements in 48 CFR, Chapter 1, Part 31. When state or federal funds are expended on the WORK these principles and requirements apply to all funding types included in this AGREEMENT.

Accounting and Audits

~~69-71.~~ PARTIES will maintain, and will ensure that any consultant hired by PARTIES to participate in WORK will maintain, a financial management system that conforms to Generally Accepted Accounting Principles (GAAP), and that can properly accumulate and segregate incurred PROJECT costs and billings.

~~70.72.~~ PARTIES will maintain and make available to each other all WORK-related documents, including financial data, during the term of this AGREEMENT.

PARTIES will retain all WORK-related records for three (3) years after the final voucher.

PARTIES will require that any consultants hired to participate in the WORK will comply with this Article.

~~71.73.~~ PARTIES have the right to audit each other in accordance with generally accepted governmental audit standards.

CALTRANS, the State Auditor, FHWA (if the PROJECT utilizes federal funds), and C/CAG will have access to all WORK -related records of each PARTY, and any consultant hired by a PARTY to participate in WORK, for audit, examination, excerpt, or transcription.

The examination of any records will take place in the offices and locations where said records are generated and/or stored and will be accomplished during reasonable hours of operation. The auditing PARTY will be permitted to make copies of any WORK-related records needed for the audit.

The audited PARTY will review the draft audit, findings, and recommendations, and provide written comments within thirty (30) calendar days of receipt.

Upon completion of the final audit, PARTIES have forty-five (45) calendar days to refund or invoice as necessary in order to satisfy the obligation of the audit.

Any audit dispute not resolved by PARTIES is subject to mediation. Mediation will follow the process described in the General Conditions section of this AGREEMENT.

~~72.74.~~ If the WORK expends state or federal funds, each PARTY will undergo an annual audit in accordance with the Single Audit Act in the Federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as defined in 2 CFR, Part 200.

~~73.75.~~ When a PARTY reimburses a consultant for WORK with state or federal funds, the procurement of the consultant and the consultant overhead costs will be in accordance with the Local Assistance Procedures Manual, Chapter 10.

Interruption of Work

~~74.76.~~ If WORK stops for any reason, IMPLEMENTING AGENCY will place the PROJECT right-of-way in a safe and operable condition acceptable to CALTRANS.

~~75.77.~~ If WORK stops for any reason, each PARTY will continue with environmental commitments included in the environmental documentation, permits, agreements, or approvals that are in effect at the time that WORK stops, and will keep the PROJECT in environmental compliance until WORK resumes.

Penalties, Judgements and Settlements

~~76.78.~~ The cost of awards, judgements, fines, interest, penalties, attorney's fees, and/or settlements generated by the WORK are considered WORK costs.

~~77.79.~~ The cost of legal challenges to the environmental process or documentation are considered WORK costs.

~~78.80.~~ Any PARTY whose action or lack of action causes the levy of fines, interest, or penalties will indemnify and hold all other PARTIES harmless per the terms of this AGREEMENT.

Project Files

~~79.81.~~ C/CAG will furnish CALTRANS with the Project History Files related to the PROJECT facilities on State Highway System within sixty (60) days following the completion of each PROJECT COMPONENT. C/CAG will assure that the Project History File is prepared and submitted in compliance with the Project Development Procedures Manual, Chapter 7. All material will be submitted neatly in a three-ring binder and in PDF format.

Environmental Compliance

~~80.82.~~ If during performance of WORK additional activities or environmental documentation is necessary to keep the PROJECT in environmental compliance, PARTIES will amend this AGREEMENT to include completion of those additional tasks.

ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (SB 1)

~~81.83.~~ As the IMPLEMENTING AGENCY, C/CAG will prepare and submit to CALTRANS a Completion Report, in accordance with California Transportation Commission (CTC) SB1 Accountability and Transparency Guidelines.

C/CAG must submit a Completion Report for the construction component to CALTRANS for approval within four (4) months of Construction Contract Acceptance or when the project becomes operable, whichever is sooner. Thereafter, CALTRANS will have two (2) months to review and approve the report prior to submission to the CTC. The Completion Report should not be delayed due to claims, plant establishment periods, ongoing environmental mitigation monitoring, or other reasons.

C/CAG must submit a Final Delivery Report to CALTRANS for approval within four (4) months of conclusion of all remaining project activities beyond the acceptance of the construction contract. Thereafter, CALTRANS will have two (2) months to review and approve the report prior to submission to the CTC. The Final Delivery Report will reflect final project expenditures, any changes that occurred after submittal of the Completion Report, and an updated evaluation of the benefits.

82.84. In those instances where PARTIES have signed a PROJECT scope, cost, and schedule and benefit baseline data agreement (BASELINE AGREEMENT), PARTIES agree to abide by the terms and conditions of that PROJECT BASELINE AGREEMENT. The PROJECT BASELINE AGREEMENT is attached to and made a part of this AGREEMENT, by reference.

83.85. Notwithstanding anything to the contrary in this AGREEMENT, PARTIES are not permitted to make changes to the scope, cost, schedule or benefits of the PROJECT, unless approved by CTC.

84.86. PARTIES will meet the requirements of The Road Repair and Accountability Act of 2017 (SB 1), Chapter 5, Statutes of 2017, California Transportation Commission (CTC) SB1 Accountability and Transparency Guidelines and the CTC's Local Partnership Program (LPP) guidelines.

PARTIES agree that contributed funds originating from the LPP can be expended on any item identified in the PROJECT phase that is funded with LPP. LPP Competitive Grant Program funds and funds in the initial cycle of the LPP Formulaic Program shall not supplant other committed funds and are not available to fund cost increases, except as noted in the CTC's LPP Guidelines Resolution G-18-30.

GENERAL CONDITIONS

85.87. All portions of this AGREEMENT, including the Recitals Section, are enforceable.

Venue

86.88. PARTIES understand that this AGREEMENT is in accordance with and governed by the Constitution and laws of the State of California. This AGREEMENT will be enforceable in the State of California. Any PARTY initiating legal action arising from this AGREEMENT will file and maintain that legal action in the Superior Court of the county in which the CALTRANS district office that is signatory to this AGREEMENT resides, or in the Superior Court of the county in which the PROJECT is physically located.

Exemptions

87:89. All CALTRANS' obligations under this AGREEMENT are subject to the appropriation of resources by the Legislature, the State Budget Act authority, programming and allocation of funds by the California Transportation Commission (CTC).

Indemnification

88:90. Neither CALTRANS nor any of its officers and employees, are responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by C/CAG, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon C/CAG under this AGREEMENT. It is understood and agreed that C/CAG, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of their officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by C/CAG, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

89:91. Neither C/CAG nor any of its officers and employees, are responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this AGREEMENT. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless C/CAG and all of their officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, its contractors, sub-contractors, and/or its agents under this AGREEMENT.

Non-parties

90:92. PARTIES do not intend this AGREEMENT to create a third party beneficiary or define duties, obligations, or rights for entities not signatory to this AGREEMENT. PARTIES do not intend this AGREEMENT to affect their legal liability by imposing any standard of care for fulfilling the WORK different from the standards imposed by law.

91:93. PARTIES will not assign or attempt to assign obligations to entities not signatory to this AGREEMENT without an amendment to this AGREEMENT.

Ambiguity and Performance

92-94. Neither PARTY will interpret any ambiguity contained in this AGREEMENT against the other PARTY. PARTIES waive the provisions of California Civil Code, Section 1654.

A waiver of a PARTY's performance under this AGREEMENT will not constitute a continuous waiver of any other provision.

93-95. A delay or omission to exercise a right or power due to a default does not negate the use of that right or power in the future when deemed necessary.

Defaults

94-96. If any PARTY defaults in its performance of the WORK, a non-defaulting PARTY will request in writing that the default be remedied within thirty (30) calendar days. If the defaulting PARTY fails to do so, the non-defaulting PARTY may initiate dispute resolution.

Dispute Resolution

95-97. PARTIES will first attempt to resolve AGREEMENT disputes at the PROJECT team level as described in the Quality Management Plan. If they cannot resolve the dispute themselves, the CALTRANS District Director and the Executive ~~Director Officer~~ of C/CAG will attempt to negotiate a resolution. If PARTIES do not reach a resolution, PARTIES' legal counsel will initiate mediation. PARTIES agree to participate in mediation in good faith and will share equally in its costs.

Neither the dispute nor the mediation process relieves PARTIES from full and timely performance of the WORK in accordance with the terms of this AGREEMENT. However, if any PARTY stops fulfilling its obligations, any other PARTY may seek equitable relief to ensure that the WORK continues.

Except for equitable relief, no PARTY may file a civil complaint until after mediation, or forty-five (45) calendar days after filing the written mediation request, whichever occurs first.

PARTIES will file any civil complaints in the Superior Court of the county in which the CALTRANS District Office signatory to this AGREEMENT resides or in the Superior Court of the county in which the PROJECT is physically located.

96-98. PARTIES maintain the ability to pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.

Prevailing Wage

97.99. When WORK falls within the Labor Code § 1720(a)(1) definition of "public works" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code § 1771, PARTIES will conform to the provisions of Labor Code §§ 1720-1815, and all applicable provisions of California Code of Regulations, Title 8, Division 1, Chapter 8, Subchapter 3, Articles 1-7. PARTIES will include prevailing wage requirements in contracts for public work and require contractors to include the same prevailing wage requirements in all subcontracts.

Work performed by a PARTY's own employees is exempt from the Labor Code's Prevailing Wage requirements.

If WORK is paid for, in whole or part, with federal funds and is of the type of work subject to federal prevailing wage requirements, PARTIES will conform to the provisions of the Davis-Bacon and Related Acts, 40 U.S.C. §§ 3141-3148.

When applicable, PARTIES will include federal prevailing wage requirements in contracts for public works. WORK performed by a PARTY's employees is exempt from federal prevailing wage requirements.

Contact Information**CALTRANS**

Nandini N. Shridhar, Project Manager
 111 Grand Avenue
 Oakland, CA 94612
 Office Phone: (510) 290-7039
 Email: nandini.shridhar@dot.ca.gov

CITY/COUNTY ASSOCIATION OF GOVERNMENT OF SAN MATEO COUNTY

Audrey Shiramizu, Program Specialist
 555 County Center, 5th Floor
 Redwood City, CA 94063
 Office Phone: (650) 599-1406
 Email: ashiramizu@smcgov.org

SIGNATURES

PARTIES are authorized to enter into this AGREEMENT and have delegated to the undersigned the authority to execute this AGREEMENT on behalf of the respective agencies and hereby covenants to have followed all the necessary legal requirements to validly execute this AGREEMENT. By signing below, the PARTIES each expressly agree to execute this AGREEMENT electronically.

The PARTIES acknowledge that executed copies of this AGREEMENT may be exchanged by facsimile or email, and that such copies shall be deemed to be effective as originals.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Helena (Lenka) Culik-Caro
Deputy District Director, Design

Verification of funds and authority:

Jeffrey Kuehnel
District Budget Manager

Certified as to financial terms and policies:

Nadine Karavan
HQ Accounting Supervisor

CITY/COUNTY ASSOCIATION OF GOVERNMENT OF SAN MATEO COUNTY

Sean Charpentier
Executive Director

Attest:

Audrey Shiramizu
Program Specialist

Approved as to form and procedure:

Melissa Andrikopoulos
Legal Counsel

FUNDING SUMMARY NO. 01

<u>FUNDING TABLE</u>					
<u>IMPLEMENTING AGENCY</u> →			<u>C/CAG</u>		
Source	Party	Fund Type	CONST. SUPPORT	CONST. CAPITAL	Totals
STATE	CALTRANS	SB 1 (LPP)	0	600 1,000,000	1,000 000,000
STATE	C/CAG	STIP/RIP	0	7,900,000	7,900,000
<u>FEDERAL</u>	<u>C/CAG</u>	<u>Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA)</u>	<u>1,250,925</u>	<u>161,075</u>	<u>1,412,000</u>
<u>LOCAL</u>	<u>C/CAG</u>	<u>Local (Measure M)</u>	<u>671,000</u>	<u>741,000</u>	<u>1,412,000</u>
Totals			671,000 1,250,925	9,061,241 1,075,000	109,391 2,000

v 22

<u>SPENDING SUMMARY</u>					
Fund Type	CONST. SUPPORT		CONST. CAPITAL		Totals
	CALTRANS	<u>C/CAG</u>	<u>C/CAG</u>	DFM CALTRANS	
STIP/RIP	0	0	7,900,000	0	7,900,000
SB 1 (LPP)	0	0	600 1,000,000	0	600 1,000,000
<u>FEDERAL</u> <u>(CRRSAA)</u>	<u>0</u>	<u>0</u>	<u>1,412,000</u>	<u>0</u>	<u>1,412,000</u>
<u>Local (Measure M)</u>	<u>0</u>	<u>671,000</u>	<u>736,062</u>	<u>4,938</u>	<u>1,412,000</u>
Totals	0	<u>671,000</u>	<u>10,312,000</u> 9,236,062	<u>4,938</u>	<u>10,312,000</u> 9,912,000

Funding

1. If there are insufficient funds available in this AGREEMENT to place the PROJECT right-of-way in a safe and operable condition, the appropriate IMPLEMENTING AGENCY will fund these activities until such time as PARTIES amend this AGREEMENT.

That IMPLEMENTING AGENCY may request reimbursement for these costs during the amendment process.

2. If there are insufficient funds in this AGREEMENT to implement the obligations and responsibilities of this AGREEMENT, including the applicable commitments and conditions included in the PROJECT environmental documentation, permits, agreements, and/or approvals that are in effect at a time that WORK stops, each PARTY accepts responsibility to fund their respective WORK until such time as PARTIES amend this AGREEMENT.

Each PARTY may request reimbursement for these costs during the amendment process.

3. The cost of any engineering support performed by CALTRANS includes all direct and applicable indirect costs. CALTRANS calculates indirect costs based solely on the type of funds used to pay support costs. State and federal funds administered by CALTRANS are subject to the current Program Functional Rate. All other funds are subject to the current Program Functional Rate and the current Administration Rate. The Program Functional Rate and Administration Rate are adjusted periodically.
4. If the WORK is funded with state or federal funds, any PARTY seeking CALTRANS reimbursement of indirect costs must submit an indirect cost rate proposal and central service cost allocation plan (if any) in accordance with Local Assistance Procedures Manual, 2 CFR, Part 200 and Chapter 5. These documents are to be submitted annually to CALTRANS' Audits and Investigations for review and acceptance prior to CALTRANS' reimbursement of indirect costs.
5. Travel, per diem, and third-party contract reimbursements for WORK are to be paid from the funds in this AGREEMENT only after the contractor performs the work and incurs said costs.

Payments for travel and per diem will not exceed the rates paid rank and file state employees under current California Department of Human Resources (CalHR) rules current at the effective date of this AGREEMENT.

If C/CAG invoices for rates in excess of CalHR rates, C/CAG will fund the cost difference and reimburse CALTRANS for any overpayment.

6. In accordance with the CALTRANS Federal-Aid Project Funding Guidelines, PARTIES must obtain approval from the Federal Highway Administration prior to any PROJECT funding changes that that will change the federal share of funds.
7. Notwithstanding the terms of this AGREEMENT, PARTIES agree to abide by the funding guidelines for all contributed funds that are programmed and allocated by the CTC.

Invoicing and Payment

8. PARTIES will invoice for funds where the SPENDING SUMMARY shows that one PARTY provides funds for use by another PARTY. PARTIES will pay invoices within forty-five (45) calendar days of receipt of invoice when not paying with Electronic Funds Transfer (EFT). When paying with EFT, C/CAG will pay invoices within five (5) calendar days of receipt of invoice.
9. If C/CAG has received EFT certification from CALTRANS then C/CAG will use the EFT mechanism and follow all EFT procedures to pay all invoices issued from CALTRANS.
10. When a PARTY is reimbursed for actual cost, invoices will be submitted each month for the prior month's expenditures. After all PROJECT COMPONENT WORK is complete, PARTIES will submit a final accounting of all PROJECT COMPONENT costs. Based on the final accounting, PARTIES will invoice or refund as necessary to satisfy the financial commitments of this AGREEMENT.
11. If an executed Program Supplement Agreement (PSA) or STIP Planning, Programming, and Monitoring Program Fund Transfer Agreement (PPM) exists for this PROJECT then C/CAG will abide by the billing and payment conditions detailed for the fund types identified in the PSA or PPM.

12. If CALTRANS reimburses C/CAG for any costs later determined to be unallowable, C/CAG will reimburse those funds.

CONSTRUCTION Support

13. No invoicing or reimbursement will occur for the CONSTRUCTION SUPPORT PROJECT COMPONENT.

CONSTRUCTION Capital

14. C/CAG will invoice and CALTRANS will reimburse for actual costs incurred and paid.

Department Furnished Materials (DFM)

15. CALTRANS will invoice and C/CAG will reimburse for actual costs incurred and paid.

C/CAG AGENDA REPORT

Date: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-32 to amend the One Bay Area Grant 2 (OBAG 2) Program to reflect a reallocation of \$1,000,000 and to allocate \$358,247 of Fiscal Year 2023/24 Transportation Fund for Clean Air (TFCA) for the City of Pacifica's Sharp Park Priority Development Area Pedestrian Improvement Project.

(For further information or questions, contact Eva Gaye at egaye@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors review and recommend approval of Resolution 23-32 to amend the One Bay Area Grant 2 (OBAG 2) Program to reflect a reallocation of \$1,000,000 and to allocate \$358,247 of Fiscal Year 2023/24 Transportation Fund for Clean Air (TFCA) for the City of Pacifica's Sharp Park Priority Development Area Pedestrian Improvement Project.

FISCAL IMPACT

The total available amount of OBAG 2 funds is \$1,000,000. Upon C/CAG and MTC approval, OBAG 2 funds will be reallocated to the City of Pacifica's Sharp Park Priority Development Area Pedestrian Improvement Project. In addition, the project also is recommended to be funded by \$358,247 of FY 2023/24 TFCA County Program Manager Funds and \$900,000 of Measure M Safe Routes to School funds.

SOURCE OF FUNDS

Federal funds are allocated by MTC through the OBAG 2 Program. Those federal funds include Congestion Mitigation and Air Quality (CMAQ) funds and Surface Transportation Program (STP) funds. As part of the OBAG 3 Guidelines, this project was also recommended to be funded by Measure M Safe Routes to School funds.

The Bay Area Air Quality Management District (BAAQMD) is authorized under Health and Safety Code Section 44223 and 44225 to levy a fee on motor vehicles. Funds generated by the fee are referred to as the Transportation Fund for Clean Air (TFCA) funds and are used to implement projects to reduce air pollution from motor vehicles. Health and Safety Code Section 44241(d) stipulates that forty percent (40%) of funds generated within a county where the fee is in effect shall be allocated by the BAAQMD to one or more public agencies designated to receive the funds. For San Mateo County, C/CAG has been designated as the County Program Manager to receive the funds.

BACKGROUND

One Bay Area Grant (OBAG) 2

On November 18, 2015, MTC and ABAG adopted Resolution 4202 outlining and approving the OBAG 2 Grant Program. The OBAG 2 Program is composed of two fund sources, Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ). The Program covers a five-year fiscal year period of FY 2017/18 through FY 2021/22, funding various transportation projects. As the County Transportation Agency (CTA) and Congestion Management Agency (CMA) for San Mateo County, C/CAG is the designated agency responsible for administering the OBAG 2 Program for San Mateo County.

On May 12, 2016, the C/CAG Board adopted the funding Framework for the One Bay Area Grant 2 (OBAG 2) Program in San Mateo County. The OBAG 2 Program is comprised of various transportation categories, such as Local Streets and Roads Rehabilitation Preservation (LS&R), Bicycle and Pedestrian Improvements (BPIP), Transportation for Livable Communities (TLC), Planning, and outreach activities. On March 9, 2017, the C/CAG Board approved the One Bay Area Grant 2 (OBAG 2) Bicycle Pedestrian Improvement Program (BPIP) through Resolution 17-10. All OBAG 2 funds are required to be obligated for construction (E-76) no later than January 31, 2024.

The Holly Street/US-101 Pedestrian Overcrossing Project from the City of San Carlos received an OBAG 2 allocation of \$1 million in 2017. The project currently has a \$16 million funding gap and there are no major funding application cycles between now and January 2024 that would fill the \$16 million shortfall on the Holly Street/101 Pedestrian Overcrossing Project. In February 2023, San Carlos staff indicated that the project was not possible to be completed within the timely use of funds guidelines and relinquished the \$1 million OBAG 2 grant amount. C/CAG Staff will need to expeditiously find another project to obligate the funds. Otherwise, San Mateo County will lose the OBAG 2 funding.

Fiscal Year 2023/24 Transportation Fund for Clean Air (TFCA) Funds

In Fiscal Year 2023-2024, the Air District allocated a total of \$1.3M to C/CAG for the implementation of projects that reduce air pollution from motor vehicles. In February 2023, the Committee recommended approval of funding to Commute.org for the countywide trip reduction program and BART Shuttle program, and to C/CAG for the San Mateo County Shared Micromobility Pilots. An amount of \$358,247 remains in the Fiscal Year 2023-2024 TFCA funding cycle as “Other Projects to be determined”. Instead of initiating a call for projects process for the limited funds, staff is proposing selecting projects from C/CAG’s most recent calls based on funding availability and project delivery timeline.

A summary of the Fiscal Year 2023/24 TFCA County Program Manager fund recommendation is shown below:

	Estimated FY 2023/24 TFCA Funds
Administration	\$65,364
Commute.org - Countywide Voluntary Trip Reduction	\$600,000
Commute.org - BART Shuttle	\$46,400
C/CAG – Shared Micromobility Pilots	\$300,000
Other Projects to be determined	\$358,247
Total	\$1,370,011

OBAG 3 County & Local Program

At the April 14, 2022 C/CAG Board meeting, the Board of Directors approved the guidelines and process for the Metropolitan Transportation Commission One Bay Area Grant (OBAG) 3 County & Local Program. As part of the OBAG 3 process, C/CAG Board authorized an infusion of \$900,000 in Measure M funds to fund Safe Routes to School (SRTS) eligible projects.

C/CAG received 29 applications from 18 jurisdictions and 3 partner agencies requesting a total of \$87 million in OBAG 3 funds (See Attachment 2 for a Table of the OBAG 3 applications). C/CAG had a target of approximately \$32 million in funding for projects. The applications were ranked by an evaluation panel comprised of representatives from the C/CAG Congestion Management and Environmental Quality (CMEQ) and Bicycle and Pedestrian Advisory Committee (BPAC), Commute.org, Silicon Valley Bicycle Coalition, and local city staff.

At the September 15, 2022 C/CAG Board meeting, the Board approved the project nomination list for the OBAG 3 Program. The nomination list includes 11 projects requesting approximately \$32m of OBAG 3 funding. The C/CAG Board Resolution 22-81 also recommended \$900,000 of Measure M SRTS funds for the Pacifica Sharp Park Priority Development Area Pedestrian Improvement Project, in conjunction with \$1,269,801 of OBAG 3 funds.

In January 2023, the Metropolitan Transportation Commission (MTC) approved the OBAG 3 County & Local Program, which awarded San Mateo County a total of \$30.8 million to 7 projects in the county and 2 countywide programmatic categories (Safe Routes to School and County Transportation Agency Planning).

Due to funding constraints, the MTC did not recommend funding the following projects for OBAG 3 funding.

1. Town of Atherton, Adelante Selby Spanish Immersion School Safe Routes to School Project in the amount of \$3.1 million. MTC placed this project on a contingency list if additional federal funding becomes available.
2. City of Pacifica, Sharp Park PDA Pedestrian Improvement Project in the amount of \$1.2

million in OBAG 3 funding.

3. City Of Millbrae, Mobility Hub Phase II Project in the amount of \$0.8 million.
4. City of San Mateo, 101/Peninsula Interchange in the amount of \$1 million. The City of San Mateo rescinded this project application due to project redesign.
5. City of Belmont, Pedestrian and Bike Improvement Project in the amount of \$1 million was submitted as a substitute for the City of San Mateo's US 101 Peninsula Avenue Interchange Improvement Project. This was because the improvement project is the next highest ranked project requesting \$1 million.

C/CAG staff have continued to advance projects on the OBAG 3 list, including advocating with MTC staff for contingency funding for the Atherton project; sharing a current MTC Notice of Funding availability for Mobility Hubs (due date of March 31st) with Millbrae; and partially funded the Woodside Glens Path with \$291,000 with residual FY2023 TFCA funds.

At the March 9, 2023 C/CAG Board meeting, the Board authorized the C/CAG Executive Director to execute an agreement with the City of Pacifica for the Sharp Park Priority Development Area Pedestrian Improvement Project using Measure M Safe Routes to School funding in an amount not to exceed \$900,000.

A summary of the funding recommendation is shown below:

Funding Program	Amount
OBAG 2 Reallocation	\$1,000,000
Measure M SRTS (OBAG 3)	\$900,000
Transportation Fund for Clean Air (TFCA)	\$358,247
Local Funds	\$101,753
Total	\$2,360,000

Recommendation

C/CAG Staff's recommendation for the Pacifica project is described below

MTC's OBAG 3 funding reflects geographic distribution of funding to projects along the Bayside of the County but did not fund a project on the Coastsides (See Attachment 3). C/CAG staff recommends that the C/CAG Board of Directors recommends approval of reallocating the \$1,000,000 in available OBAG 2 funds to the City of Pacifica. C/CAG staff has confirmed that the project sponsor of the recommended project can meet the timely use of funds requirements of the OBAG 2 program and will be able to obligate the funds by the January 31, 2024 timeline.

Additionally, staff recommends allocating a balance of \$358,247 of Transportation Fund for Clean Air (TFCA) County Program Manager Funds to the City of Pacifica. Attachment 4 is an excerpt of the City's OBAG 3 application, which includes the Project Information, Project Cost & Funding, and

Project Area Map. The funding recommendation is subject to submission of an acceptable work plan and C-E calculations acceptable to BAAQMD.

This funding recommendation was brought before the Congestion Management Program Technical Advisory Committee (TAC), Bicycle and Pedestrian Advisory Committee (BPAC), and Congestion Management and Environmental Quality Committee (CMEQ) in March and received recommendations for approval.

The next steps include:

Event	Date
C/CAG and project sponsors submit necessary revisions in FMS	May 2023
MTC revises OBAG 2 program to reflect programming change	June 2023
MTC approves TIP amendment	August 2023
Project sponsors can seek to obligate funds	January 2024

ATTACHMENTS

1. Letter from City of San Carlos
2. OBAG 3 Table of Applications and Funding Summary
3. Map of MTC OBAG 3 Projects Recommended for Funding
4. City of Pacifica's OBAG 3 Application: Project Information, Project Cost & Funding, and Project Area Map Sections
5. Resolution 23-32



Via electronic mail

March 9, 2023

Mr. Jeffrey Lacap
Transportation Systems Coordinator
City/County Association of Governments of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063

**RE: Notice of Intent to Relinquish OBAG 2 Funds
Holly St./US 101 Pedestrian Overcrossing Project**

Dear Mr. Lacap:

The City has determined that it is not possible to obligate the OBAG 2 funds by the January 31, 2024 deadline. Therefore, the City intends to relinquish the \$1,000,000 OBAG 2 Bicycle and Pedestrian Improvement Program (BPIP) funding grant.

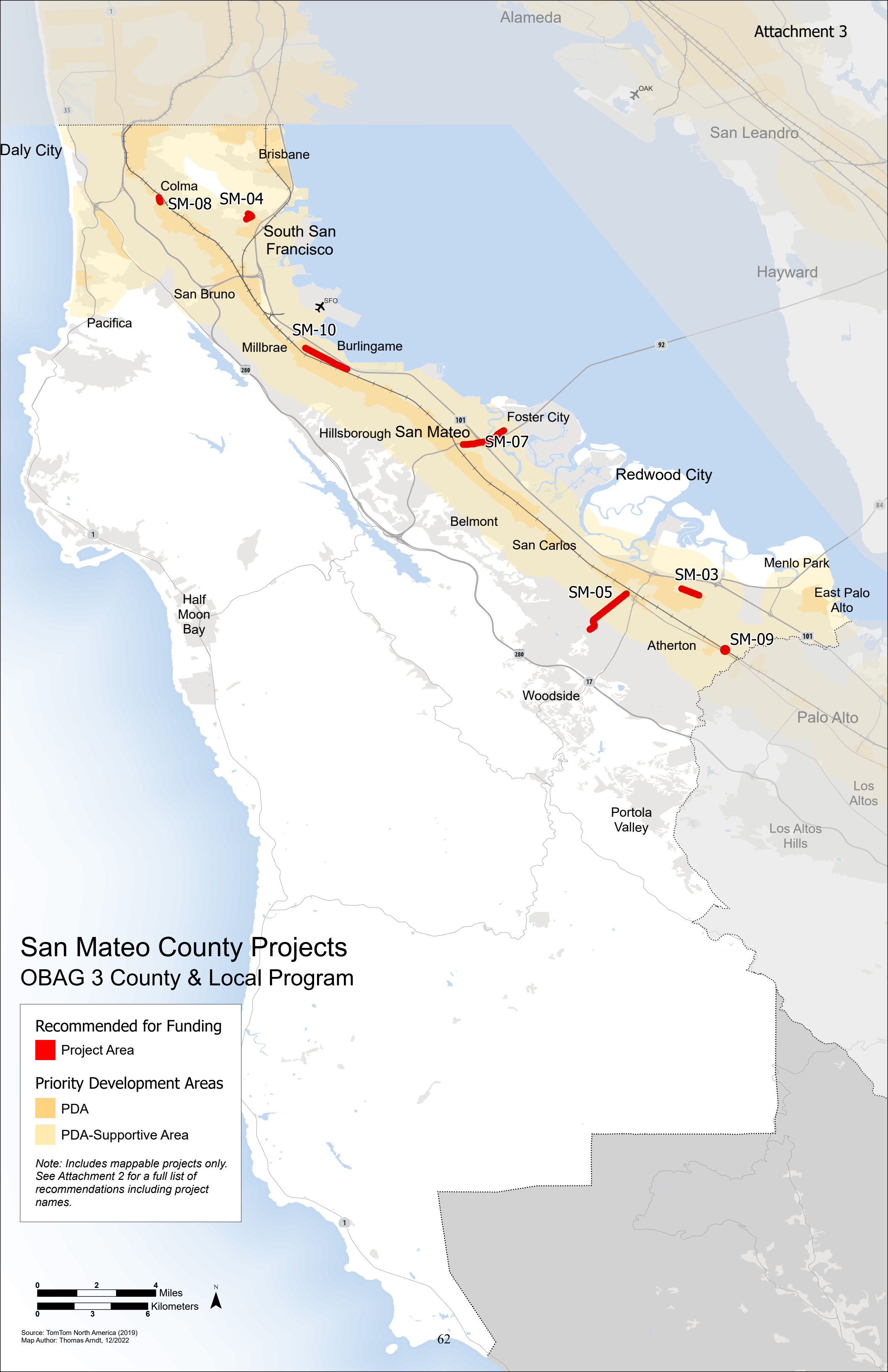
Should you have any questions, please feel free to contact me.

Thank you for your support.

Sincerely,

Grace Le
City Engineer

ID	Sponsor Name	Project Name	OBAG3 Funds Requested	TOTAL Score	C/CAG BOD 9/15/22 Recommended Funding Allocations (Reso 22-81)		Submitted to MTC for OBAG 3 Funding Consideration (2)	OBAG 3 Final Funding Allocation - MTC 1/25/23		Other C/CAG BOD Approved		Total Funded	C/CAG Recommended (4/13/23)	
					OBAG 3	Measure M (Approved 3/23)		Funded	MTC Contingency (Not Yet Funded)	TFCA (11/10/22 Reso 22-94)	Measure M SRTS (3/23)		TFCA	OBAG 2
1	San Mateo County	Bay Road Complete Street Rehabilitation Project	\$3,806,790	115.6	\$3,806,790			\$3,806,790				\$3,806,790		
2	City of South San Francisco	School Street/Spruce Avenue and Hillside Boulevard Safety and Access Improvement Project	\$3,127,385	113.9	\$3,127,385			\$3,127,385				\$3,127,385		
3	City of Redwood City	Roosevelt Avenue Traffic Calming Project	\$3,400,000	111.2	\$3,400,000			\$3,400,000				\$3,400,000		
4	City of San Mateo (1)	US 101/Peninsula Avenue Interchange Improvements Project	\$5,000,000	111.2	\$1,000,000			\$0				\$1,000,000		
5	San Mateo County Transportation Authority	19th Avenue/Fashion Island Boulevard Complete Street Class IV Bikeway	\$3,375,000	109.6	\$3,375,000			\$3,375,000				\$3,375,000		
6	Town of Colma	El Camino Real Complete Street Project from Mission Road to City of South San Francisco (Segment B)	\$4,640,000	105.6	\$4,640,000			\$4,640,000				\$4,640,000		
7	City of Menlo Park	Middle Avenue Caltrain Pedestrian and Bicycle Undercrossing	\$5,000,000	105.0	\$5,000,000			\$5,000,000				\$5,000,000		
8	City of Burlingame	Rollins Road Bicycle and Pedestrian Improvement Project	\$3,100,000	104.3	\$3,100,000			\$3,100,000				\$3,100,000		
9	Town of Atherton	Adelante Selby Spanish Immersion School Safe Route to Schools Project	\$3,115,024	100.8	\$3,115,024				\$3,115,024					
10	City of Pacifica	Sharp Park Priority Development Area Pedestrian Improvement	\$2,360,000	98.8	\$1,269,801	\$900,000					\$900,000	\$900,000	\$358,247	\$1,000,000
11	City of Millbrae	Micro-Mobility Hub Phase 2 and Electric Vehicle Shuttle Program servicing riders to and from Multi-Modal BART/Caltrain/HSR Station, Affordable Housing, Job Centers and Schools	\$880,000	95.0	\$800,000									
12	City of Belmont (2)	City of Belmont Pedestrian and Bike Improvements	\$1,000,000	77.3			\$1,000,000							
13	Town of Woodside	The Glens Path - Pedestrian Safety Improvements – Phase 3	\$536,000	80.0						\$291,000		\$291,000		
14	City of Redwood City	101/Woodside UPRR Bikeway Project	\$4,800,000	104.3										
15	City of Redwood City	Broadway Bicycle and Pedestrian Vision Zero Project	\$3,054,300	103.1										
16	City of Burlingame	California Drive Bicycle and Pedestrian Improvement Project	\$2,000,000	101.3										
17	City of Menlo Park	El Camino Real Pedestrian Crossing Improvements	\$2,000,000	100.3										
18	San Mateo County Transit District (SamTrans)	Express Bus Mobility Hub	\$5,000,000	99.6										
19	BART	Next Generation Fare Gates Project at Northern San Mateo County BART Stations	\$4,457,455	99.1										
20	BART	Next Generation Fare Gates Project at Central San Mateo County	\$4,791,764	97.9										
21	City of Half Moon Bay	Kelly Avenue Complete Street Project	\$5,000,000	96.9										
22	City of Daly City	Bayshore and Woodrow Wilson Safe Routes to School Project	\$4,550,000	89.9										
23	City of San Carlos	Holly Street/US-101 Pedestrian and Bicyclist Overcrossing	\$5,000,000	87.3										
24	East Palo Alto	Runnymede Street between Pulgas Avenue and the Bay Trail within the City of East Palo Alto.	\$2,010,000	82.0										
25	City of Pacifica	Rosita Road from Adobe Drive to Oddstad Boulevard, Pacifica, CA	\$1,781,600	77.8										
26	City of Foster City	Street Rehabilitation – Edgewater (FY 24-25)	\$1,200,000	75.8										
27	City of Foster City	Foster City Safe Routes to School Improvements	\$504,000	72.1										
28	City of San Carlos	Safe Routes to School Improvement Project	\$1,100,000	68.6										
29	Town of Hillsborough	Hillsborough Street Resurfacing Project	\$1,000,000	67.2										
30	Subtotal Projects		\$87,589,318		\$32,634,000	\$900,000	\$1,000,000	\$26,449,175	\$3,115,024	\$291,000	\$900,000	\$28,640,175	\$358,247	\$1,000,000
31	Programatic Categories													
32	C/CAG	CTA Planning Efforts (4 YRS)	\$5,750,000		\$5,750,000			\$5,750,000				\$5,750,000		
33	C/CAG	Safe Routes to School Non Infrastructure Program (4 YRS)	\$2,120,000		\$2,120,000			\$2,120,000				\$2,120,000		
34	Subtotal Programatic		\$7,870,000		\$7,870,000			\$7,870,000				\$7,870,000		
35														
36	Total Project & Programatic		\$95,459,318		\$40,504,000	\$900,000	\$1,000,000	\$34,319,175	\$3,115,024	\$291,000	\$900,000	\$36,510,175	\$358,247	\$1,000,000
(1) City of San Mateo rescinded application due to project redesign.														
(2) \$1m Belmont project was added to MTC list after City of San Mateo rescinded its \$1m application for 101/Peninsula.														



San Mateo County Projects

OBAG 3 County & Local Program

Recommended for Funding

Project Area

Priority Development Areas

PDA

PDA-Supportive Area

Note: Includes mappable projects only.

See Attachment 2 for a full list of recommendations including project names.





1. Project Information	
Project Name:	City of Pacifica - Sharp Park Priority Development Area Pedestrian Improvement Project
Project Sponsor:	City of Pacifica
Sponsor Single Point of Contact:	Sam Bautista, P.E., Dep. Director of Public Works (650) 738-3771 sbautista@pacificagov
Project Location:	Paloma Avenue, Carmel Avenue, and Santa Maria Avenue, City of Pacifica, California
Safe Routes to School	<p>Indicate if project is located within ½ mile of a school: X Located within ½ mile of a school</p> <p>Describe how the project supports the Safe Routes to School Program and include project location maps.</p> <p><i>The project is within ½ of Ingrid B. Lacy Middle School and Oceana High School. The Pacifica School District is a district of choice. Families can choose which school they want their child to attend, regardless of proximity to the school. Despite this planning challenge, the City and the School District are working cooperatively to improve the Safer Routes to School Plan. The proposed improvements envisioned in the Sharp Park Area Pedestrian Plan, accompanied with programs and outreach, can increase both active (walking and biking) and shared (carpool and transit) access to school. Together, the School District and the City will address the mobility needs and safety concerns of families through improved design and infrastructure. See Attachment "A" for Project Location and School Proximity Maps.</i></p>
Brief Project Description (Limit to 500 words)	<p><i>The Sharp Park Priority Development Area (PDA) Pedestrian Improvement Project is an essential component within the City of Pacifica's larger Sharp Park Specific Plan (SPSP) and will largely influence mobility in the Sharp Park community and beyond. The Sharp Park PDA Pedestrian Improvement Project will close sidewalk gaps, improve sidewalk to above ADA standards, install new ADA compliant driveways and corner curb ramps, install curb and gutter to improve storm water management, remove and replace failed pavement, slurry seal, and install bicycle and pedestrian striping along Paloma Avenue, Carmel Avenue and Santa Maria Avenue from Francisco Boulevard to Beach Boulevard. The new driveways and sidewalks will provide ADA complaint path of travel in the project area and provide a vital link for pedestrians and bicyclists from the eastern residential neighborhood of Pacifica to the Sharp Park district, Palmetto business area, Pacifica Civic Center, two schools, the Sharp Park Library, and the popular Sharp Park Beach and Pacifica Pier. Furthermore, the pavement improvements will aid bicyclists and pedestrians by remove tripping hazards while also installing up to date and improved pavement striping for a safer overall experience. See Attachment "B" for Project Plans and details.</i></p> <p><i>The SPSP will guide the development of the City's core civic area by integrating the following four elements: 1. Housing; 2. Economy; 3. Transportation; and 4. Land Use.</i></p> <p><i>Furthermore, the Sharp Park PDA Pedestrian Improvement Project in its design and development will adhere to the following guiding principles:</i></p> <ol style="list-style-type: none"> <i>Promote a vibrant mix of uses—including unique stores, restaurants and cafés, places for the making and display of art, and cultural establishments—that enhance Palmetto Avenue's attraction for those who live in Pacifica and those who visit.</i>



	<ol style="list-style-type: none"> 2. <i>Support office space in locations that do not detract from an active streetscape along Palmetto Avenue in order to increase opportunities for local employment, improve weekday daytime activity, and decrease vehicle miles traveled to employment locations outside Pacifica.</i> 3. <i>Ensure development honors the area's character, history, and coastal locale.</i> 4. <i>Promote development of housing in mixed-use settings, which accommodates residents of all incomes, family types, and life stages.</i> 5. <i>Foster development of a "complete neighborhood", with uses, activities, and services that support everyday living, promote social connectedness, and enhance community well-being.</i> 6. <i>Prioritize placemaking in public and private spaces to create inviting places that enhance the experience in Sharp Park.</i> 7. <i>Expand opportunities for outdoor recreation which maximize Sharp Park's coastal location and proximity to trails and open spaces.</i> 8. <i>Improve connections within Sharp Park and to other Pacifica neighborhoods through sidewalk completion, streetscape improvements, pedestrian-scale lighting, and signage.</i> 9. <i>Build on existing bicycle and pedestrian infrastructure to create an even more appealing public realm along Francisco Boulevard and Palmetto Avenue corridors and across key east-west routes.</i> 10. <i>Establish a sustainable future for the Sharp Park area by planning for coastal resiliency using strategies identified in the Local Coastal Program.</i> <p><i>The PDA will take into consideration existing pedestrian conditions, and community input to develop a plan featuring appropriate pedestrian facilities and sustainable techniques. Moreover, the Project will improve safety, install ADA-compliant curb ramps, beautify pedestrian pathways and will promote walking, biking and other micro-mobility through proposed sidewalk improvements, bike-friendly streets, and multi-use paths.</i></p>
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<p>Project Justification/Need (Please limit to 500 words or less):</p>	<p>Project justification/need: describe critical need for project with empirical data, describe how project addresses issues raised:</p> <p><i>The Sharp Park Priority Development Area (PDA) Pedestrian Improvement Project is an intrinsic component of the Sharp Park Specific Plan (SPSP). The SPSP prioritizes improvements to the project area's circulation network. The Project, when completed, will ensure alignment with the City's updated General Plan and updated regulatory documents responsive to contemporary local and regional issues. Moreover, the final design and construction will influence, not just the Sharp Park community, but greater Pacifica. The Sharp Park PDA Pedestrian Improvement Project will improve a circulation system that is currently out of sync with the needs of a growing Pacifica. There is a considerable need to improve residents' and visitors' access to the city's neighborhoods, employment and educational opportunities, public services, commercial and recreational areas, and regional destinations. How and why this needs to be done can summarized in the following shared goals and objectives of civic leaders, City staff and constituents:</i></p> <ol style="list-style-type: none"> <i>1. Safety: Walking and bicycling in the Sharp Park community will become safer for persons of all ages and abilities with installation of bike and pedestrian facilities, counter-measures, and ADA improvements along the road segments and intersections.</i> <i>2. Connectivity: The City will build upon its existing active transportation networks and become a more connected city linking neighborhoods together.</i> <i>3. Safe Routes to School: Pacifica will prioritize bicycle and pedestrian infrastructure improvements around schools to make it safer for students and families to walk and bike to school.</i> <i>4. Increase support for walking and biking for persons of all ages and abilities: Through infrastructure and deliberate encouragement activities (open street events, Bike to Work Day/Month activities, Safe Routes to Schools programming, etc.), the Project will foster a culture of walking and biking within the project area and beyond.</i> <p><i>Sharp Park, lying in between the coast and Highway 1, is a popular tourist destination spot and the densest area of the City. Census tracts, in the project area, average over 8,000 people per square mile. Unremarkably, as a fast growing built-out area, the mobility needs and the safety concerns have become more complex. The City, in this case, is responding with the soon to be adopted Sharp Park Specific Plan by proposing the Sharp Park PDA Pedestrian Improvement Project. This project is supported and consistent with the adopted Sharp Park Policy Guidelines. These guidelines emphasize improving mobility with updates of transportation, land use and urban design policies and recommendations. Concurrently, Sharp Park residents, local businesses and their employees, students/schools and visitors, are concerned with a rise in pedestrian and bike safety injuries. According to the UC Berkeley Traffic Injury Mapping System (see Attachment "C" – UC Berkeley Traffic Injury Mapping System for data), bike and pedestrian injuries have risen over the last 5 years in the Sharp Park community. Participants in workshops, for example, have cited the need for traffic safety related infrastructure improvements and enhancements, such as ADA ramps, wider sidewalks, signage, etc. Overall, the City of Pacifica is growing. Instead of moving in a direction that complicates the need to improve safety, the economy, affordable housing and climate, the City must design a community to leads to better solutions and future for all.</i></p>
<p>2. Program Eligibility</p>	



<p>Federal Fund Eligibility <i>Is the project eligible for federal transportation funds?</i></p>	<p>Select the OBAG 3 federal fund source(s) for which the project is eligible:</p> <p><input checked="" type="checkbox"/> Surface Transportation Block Grant (STP) Program (See FHWA fact sheet)</p> <p><input type="checkbox"/> Congestion Mitigation & Air Quality Improvement (CMAQ) Program (See FHWA fact sheet)</p> <p><i>Note: projects eligible for CMAQ funding must provide inputs for air quality improvement calculations, using templates provided on the OBAG 3 webpage.</i></p>
<p>Eligible Project Type <i>Is the project an eligible project type?</i></p>	<p>Select the eligible project type(s) (refer to MTC Resolution No. 4505 for detailed eligibility guidelines):</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>Growth Framework Implementation</p> <p><input type="checkbox"/> PDA Planning Grant</p> <p><input type="checkbox"/> Local Planning Grant (for other <i>Plan Bay Area 2050 Growth Geographies</i>)</p> <p>Complete Streets & Community Choice</p> <p><input checked="" type="checkbox"/> Bicycle/Pedestrian Infrastructure</p> <p><input type="checkbox"/> Bicycle/Pedestrian Program</p> <p><input checked="" type="checkbox"/> Safe Routes to School (SRTS) Non-Infrastructure program</p> <p><input type="checkbox"/> SRTS Infrastructure</p> <p><input type="checkbox"/> Safety project</p> <p><input type="checkbox"/> Safety Planning efforts</p> <p><input checked="" type="checkbox"/> Complete Streets improvements</p> <p><input checked="" type="checkbox"/> Streetscape improvements</p> <p><input type="checkbox"/> Local Streets and Roads Preservation</p> <p><input type="checkbox"/> Rural Roadway Improvement</p> <p><input type="checkbox"/> Community-Based Transportation Plan (CBTP) or Participatory Budgeting (PB) Process in an Equity Priority Community (EPC)</p> <p><input type="checkbox"/> CBTP/PB Project Implementation</p> </div> <div style="width: 48%;"> <p>Climate, Conservation, & Resilience</p> <p><input type="checkbox"/> Transportation Demand Management (TDM) Program</p> <p><input type="checkbox"/> Mobility Hub</p> <p><input checked="" type="checkbox"/> Parking/Curb Management</p> <p><input type="checkbox"/> Car/Bike Share Capital</p> <p><input type="checkbox"/> Open Space Preservation and Enhancement</p> <p><input type="checkbox"/> Bicycle/Pedestrian Access to Open Space/Parkland</p> <p><input type="checkbox"/> Regional Advance Mitigation Planning (RAMP)</p> <p>Multimodal Systems Operations & Performance</p> <p><input type="checkbox"/> Transit Capital Improvement</p> <p><input type="checkbox"/> Transit Station Improvement</p> <p><input type="checkbox"/> Transit Transformation Action Plan Project Implementation</p> <p><input type="checkbox"/> Active Operational Management</p> <p><input type="checkbox"/> Mobility Management and coordination</p> </div> </div>



3. Policy Alignment	
Federal Performance Goals <i>How does the project support federal performance measures? (Select all that apply)</i>	<p>Select the <u>federal performance measures</u> that are supported by the project:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> <u>Safety</u>: Significantly reduce traffic fatalities and serious injuries for all users on all public roads and improve the safety of all public transportation systems. <input type="checkbox"/> <u>Infrastructure Condition</u>: Improve the pavement condition on the Interstate and National Highway System (NHS) and NHS bridges and maintain the condition of public transit assets in a state of good repair. <input type="checkbox"/> <u>Congestion Reduction</u>: Significantly reduce congestion on the NHS in urbanized areas. <input type="checkbox"/> <u>System Reliability</u>: Improve the reliability of the Interstate system and NHS. <input type="checkbox"/> <u>Freight Movement and Economic Vitality</u>: Improve the reliability of the Interstate system for truck travel. <input type="checkbox"/> <u>Environmental Sustainability</u>: Maximize emission reductions from CMAQ-funded projects. <p>Describe how the project supports the selected federal performance measure(s):</p> <p><i>This project will create a safer pedestrian experience by providing safe, accessible ADA compliant pathways that are visible to automobiles, thereby greatly reducing the risk of vehicle/pedestrian related injuries. Consideration for safety improvements were taken at community workshops, and will be addressed in the project design. Additionally, the project will comply to the City's approved Complete Streets Policy.</i></p>
Plan Bay Area 2050 Strategies <i>How does the project align with Plan Bay Area 2050? Include all applicable PBA strategies</i>	<p>Describe how the project supports <u>Plan Bay Area 2050</u> Strategies and/or <u>Implementation Plan</u>:</p> <p><i>The City of Pacifica Sharp Park PDA Pedestrian Improvement Project prioritizes the addition of American with Disabilities Act (ADA) approved driveways along the streets of Paloma Avenue, Carmel Avenue, and Santa Maria Avenue between the boundaries of Beach Boulevard and Francisco Boulevard. General sidewalk restoration and improvements will ensure existing sidewalks that are narrow, uneven, and heavily cracked are restored and ADA compliant. In some areas, there are gaps without a sidewalk at all. There is currently no ADA compliant path of travel on either side of the street. These key pathways, located in the City's civic core, allow for connection to many unique businesses, such as the iconic Pacifica Pier, and major bus routes on Palmetto Avenue and Oceana Boulevard.</i></p> <p><i>The City of Pacifica Sharp Park PDA Pedestrian Improvement Project aligns with the Complete Streets Priorities detailed in Section 8 of Plan Bay Area 2050's final plan. Specifically, the Project will improve Pacifica's Core Area by enhancing streets to promote walking, biking, and other micro-mobility through sidewalk improvements, bike-friendly streets, and multi-use paths.</i></p> <p><i>New driveways, to be constructed within the Plan Bay Area 2050, will satisfy Transportation Strategy #8: Build a Complete Streets network. These driveways will allow those impacted by disabilities to access the sidewalk much easier, which is an example of the micro-mobility through sidewalk improvements that this strategy addresses. The City of Pacifica is finalizing the Sharp Park Specific Plan and has developed cross-sections for the various streets in the Project limits. The Sharp Park PDA Pedestrian Improvement Project will construct right-of-way improvements that will be consistent with the cross-sections developed in the Sharp Park Specific Plan, such as widening the sidewalk on the south side of Paloma Avenue to six-feet.</i></p>



	<p><i>Additionally, the project links with a previously successfully funded and executed OBAG project delivering active transportation improvements (sidewalks, ADA, and class 2 bike lanes) along Palmetto Avenue.</i></p>
<p>Regional Policy Alignment <i>How does the project align with other regional policies and plans?</i></p>	<p>Select the regional plans and policies with which the project is aligned:</p> <p> <input checked="" type="checkbox"/> <u>Regional Safety/Vision Zero Policy</u> <input type="checkbox"/> <u>Transit Oriented Communities Policy</u> <input checked="" type="checkbox"/> <u>MTC's Equity Platform</u> <input type="checkbox"/> <u>Blue Ribbon Transit Transformation</u> <input type="checkbox"/> <u>Regional Active Transportation Plan</u> <u>Action Plan</u> </p> <p>Describe how the project aligns with the selected regional plans and/or policies:</p> <p><i>The project is guided by Regional Safety/Vision Zero Policy. The project will identify and address current unsafe pathways and will encourage pedestrian and bicycle modes of transport. We anticipate that these improvements, appropriately designed, will reduce the probability of traffic collisions or injuries resulting from vehicles operating in the project area.</i></p> <p><i>The City of Pacifica, since the Project's inception, has actively engaged and solicited input from the community members, stakeholders, and business owners representing the diversity, with respect to age, background, ethnicity and profession, within the city. This approach is consistent with our ongoing effort to implement the Sharp Park Project in alignment with the policies outlined in MTC's Equity Plan. These efforts include the following priorities: 1. Community-driven design; 2. Community engagement; 3. Project delivery; 4. Completion of promised projects that reflect community input; 5. Communications & marketing with regular; and 6. On-going, varied and culturally specific communications to reach community members at their convenience.</i></p>
<p>Regional Growth Geographies <i>Does the project support PBA 2050 Growth Geographies? (Select all that apply)</i></p>	<p>Indicate the project's relationship to <u>Plan Bay Area 2050 Growth Geographies</u>:</p> <p>Priority Development Area (PDA)</p> <p><input checked="" type="checkbox"/> Meets the uniform definition of a PDA-supportive project (within <u>one mile or less</u> of a PDA boundary)</p> <p><i>The Sharp Park Priority Development Area, in February 2020, was designated a "Priority Development Area" by the Metropolitan Transportation Commission and the Association of Bay Area Governments. This decision was made due to the area's potential to support new housing and create employment opportunities near transit.</i></p> <p><input type="checkbox"/> Does not meet the uniform definition of a PDA-supportive project, but otherwise has a clear and direct connection to PDA implementation <i>Please describe</i></p> <p><input checked="" type="checkbox"/> Included in a locally adopted PDA plan (e.g., Specific Plan, PDA Investment and Growth Strategy) <i>Locally-adopted PDA (see Attachment "D" - City Council report dated January 13, 2020 establishing Sharp Park as a Priority Development Area.)</i></p> <p>Transit Rich Area (TRA)</p> <p><input checked="" type="checkbox"/> Within a TRA or otherwise supportive of a TRA (see <u>Growth Geographies</u> map) <i>Yes, the Plan's boundaries are located within the approved areas of the Transit Rich Area. This is reflected in the Growth Geographies map.</i></p>



	<p>Priority Production Area (PPA)</p> <p><input type="checkbox"/> Supports the preservation of a PPA (see Growth Geographies map)</p> <p><i>Referencing the Growth Geographies map, the project supports the preservation of a PPA.</i></p>
<p>Equity Priority Communities</p> <p><i>Does the project invest in historically underserved communities? Include supportive documentation for projects that are not within an EPC but otherwise supportive of EPC</i></p>	<p>Indicate how the project invests in historically underserved communities, including <i>Plan Bay Area 2050 Equity Priority Communities</i> (EPCs): In addition to ensuring that underserved communities are fully integrated into the process and vision for the project, the project relies heavily upon the collaboration of nonprofit partners and service organizations in the area, enabling the consistent participation of groups that would not otherwise have access to the process.</p> <p><input type="checkbox"/> Located within and supportive of an EPC (see Equity Priority Communities map)</p> <p><input checked="" type="checkbox"/> Not located within an EPC, but is otherwise supportive of an EPC or other historically underserved community (Include supportive documentation)</p> <p><i>The Sharp Park Specific Plan area includes a large number of high density multifamily units, where a majority of residents are renters (69.2%). Renters in the project area burdened by high rents that are steadily increasing without any indicating of abating. The City of Pacifica is committed to ensuring that affordable housing opportunities are accessible to all members of our community. See Attachment “E” for Housing Data in the Sharp Park Neighborhood.</i></p>
<p>C/CAG Comprehensive Bicycle/Pedestrian Plan Equity Focus Area</p> <p><i>Does the project invest in historically underserved communities?</i></p>	<p>Indicate how the project invests in historically underserved communities, including C/CAG Comprehensive Bicycle/Pedestrian Plan Equity Focus Area (EFA): (C/CAG Web Map – bikewalkCCAG.com (tooleedesign.github.io))</p> <p><input type="checkbox"/> Located within an EFA with a score of 8 or higher</p> <p><input checked="" type="checkbox"/> Not located within an EFA with a score of 8 or higher, but is otherwise supportive of an EPC or other historically underserved community</p>
<p>Local Housing Policies</p> <p><i>Is the project located in a jurisdiction with policies that support affordable housing? Include supportive documentation for policies that support affordable housing</i></p>	<p>Indicate if the project is located in a jurisdiction that has adopted policies which support the “3Ps” approach to affordable housing by listing the relevant adopted policies for each element of the 3Ps. Additional guidance and resources on affordable housing policies are provided on the OBAG 3 webpage.</p> <p><input checked="" type="checkbox"/> <u>Protect</u> current residents from displacement (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). <i>The City, per its General Plan will “protect the social mix, variety, and fundamental character of each neighborhood by providing for the safety and welfare of all residents equally and commitment to providing housing opportunities for all income groups.”</i></p> <p><input checked="" type="checkbox"/> <u>Preserve</u> existing affordable housing (with emphasis on policies that have demonstrated effectiveness in community stabilization and anti-displacement). <i>“The City’s General Plan favors keeping more affordable housing in mixed existing residential neighborhoods and not isolating it. Its Inclusionary zoning policy is consistent with the General Plan statement that “Pacifica has the quality of mixed housing values within existing residential neighborhoods. This quality should be continued and no effort should be made to concentrate low income housing in one or two neighborhoods.”</i></p> <p><input checked="" type="checkbox"/> <u>Produce</u> new housing at all income levels. <i>The City, per its General Plan will “Encourage the development and availability of housing affordable to a broad range of households with varying income levels.”</i></p>
<p>4. Community Support</p>	



<p>Community Support <i>Does the project have community support, particularly if it is located in a historically underserved community? Describe how public input will inform the project and include proposed outreach</i></p>	<p>Indicate if the project has demonstrated community support through one or more of the following:</p> <p><input checked="" type="checkbox"/> Public outreach responses specific to this project, including comments received at public meetings or hearings, feedback from community workshops, or survey responses. <i>The City in July 2019 initiated a series of workshops to inform, solicit, and gather input to develop the Sharp Park Specific Plan. The Sharp Park Pedestrian Plan, which is an essential component of the Sharp Park Specific Plan, developed through the City's General Plan and Specific Plan related neighborhood planning workshops. In addition to the workshops and Council meeting, public input was gathered via the City created website portal. Challenges, These community engagement opportunities led to the development of the Plan's vision, framework and eventual public plan and review. The community's input that began as general support moved forward toward the creation of a concept, and support for guiding policies and specificities relative to facilities and design for the Pedestrian Plan in Spring 2020.</i></p> <p><input checked="" type="checkbox"/> Project is consistent with an adopted local transportation plan. <i>The Sharp Park PDA Pedestrian Improvement Project is consistent with the City's General Plan. The Pedestrian, which is a component of the Sharp Park Specific Plan, was developed, concurrent with the City's General Plan update in 2019. This was done to ensure the eventual adoption of a forward-looking vision for Pacifica and Sharp Park, and provide the City with regulatory documents that respond to contemporary issues and legal context. One of the most frequently expressed neighborhood changes across all neighborhoods were improvements to infrastructure. Common themes included prioritizing street and sidewalk maintenance and improvements, especially considering Pacifica's older population; concerns about aging utilities and their ability to support new development; a desire to see utilities undergrounded; and concerns about access points for emergency vehicles. The Specific Plan responded to residents' desire for more direct connections between places and stressed the need for improved bike and pedestrian paths to promote active transportation and walkability, especially for youth and teens. Moreover, The Sharp Park PDA Improvement Project is guided and is aligned with the City's Bicycle and Pedestrian Master Plan. The Master Plan, first adopted in 2000, was recently update in 2020. The update serves as provides additional bicycle infrastructure and policy recommendations but also incorporates the pedestrian mode as a critical component of Pacifica's overall transportation network.</i></p> <p><i>See Attachment "F" for Project Support Letters from various elected officials and organizations.</i></p>
	<p>Indicate if the project has demonstrated support from communities disproportionately impacted by past discriminatory practices, including redlining, racial covenants, urban renewal, and highway construction that divided low income and communities of color. Resources for identifying impacted communities are available on the OBAG 3 webpage. Community support may be demonstrated through one or more of the following:</p> <p><input type="checkbox"/> Prioritization of the project in a Community Based Transportation Plan (CBTP) or Participatory Budgeting (PB) process. <i>CBTP or PB reference</i></p> <p><input type="checkbox"/> Endorsements from a Community-Based Organizations representing historically underserved and potentially impacted communities. <i>Description of CBO endorsement</i></p>

5. Deliverability & Readiness																					
Project Readiness <i>Is the project ready to be delivered?</i>	<p>Describe the readiness of the project, including right-of-way impacts and the type of environmental document/clearance required:</p> <p><i>The project is at 30% design, and there are no right-of-way impacts.</i></p> <p>If the project touches Caltrans right-of-way, include the status and timeline of the necessary Caltrans approvals and documents, the status and timeline of Caltrans requirements, and approvals such as planning documents (PSR or equivalent) environmental approval, encroachment permit.</p> <p><i>Caltrans approvals status and timeline – Not Applicable.</i></p>																				
Deliverability <i>Are there any barriers to on-time delivery? Is the project scope amendable if required?</i>	<p>Describe the project's timeline, scope of work, and status, as well as the sponsor's ability to meet the January 31, 2027, obligation deadline (also include targeted year of obligation):</p> <table border="0"> <tr> <td><i>OBAG Program Approval</i></td> <td><i>Jan-23</i></td> </tr> <tr> <td><i>Planning Complete</i></td> <td><i>Apr-23</i></td> </tr> <tr> <td><i>Field Review</i></td> <td><i>Jun-23</i></td> </tr> <tr> <td><i>Begin Environmental Studies</i></td> <td><i>Jun-23</i></td> </tr> <tr> <td><i>NEPA/CEQA Approval</i></td> <td><i>Dec-22</i></td> </tr> <tr> <td><i>R/W Certification</i></td> <td><i>Mar-24</i></td> </tr> <tr> <td><i>Complete PS&E</i></td> <td><i>Apr-24</i></td> </tr> <tr> <td><i>Obtain E-76 from Caltrans</i></td> <td><i>Oct-24</i></td> </tr> <tr> <td><i>Ready to Advertise</i></td> <td><i>Dec-24</i></td> </tr> <tr> <td><i>Contract Award</i></td> <td><i>Jan-25</i></td> </tr> </table> <p>Identify any known risks to the project schedule, and how the CTA and project sponsor will mitigate and respond to those risks:</p> <p><i>There are no known risks to the project schedule.</i></p>	<i>OBAG Program Approval</i>	<i>Jan-23</i>	<i>Planning Complete</i>	<i>Apr-23</i>	<i>Field Review</i>	<i>Jun-23</i>	<i>Begin Environmental Studies</i>	<i>Jun-23</i>	<i>NEPA/CEQA Approval</i>	<i>Dec-22</i>	<i>R/W Certification</i>	<i>Mar-24</i>	<i>Complete PS&E</i>	<i>Apr-24</i>	<i>Obtain E-76 from Caltrans</i>	<i>Oct-24</i>	<i>Ready to Advertise</i>	<i>Dec-24</i>	<i>Contract Award</i>	<i>Jan-25</i>
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6. Project Cost & Funding																					
Grant Minimum <i>Does the project meet the minimum grant size requirements?</i>	<p><input checked="" type="checkbox"/> Project meets the minimum grant size requirements. Projects must be a minimum of \$500,000).</p> <p><i>Exception request to minimum grant size</i></p>																				
Local Match <i>Does the project meet local match requirements?</i>	<p><input type="checkbox"/> Project sponsor will provide a local match of at least 11.47% of the total project cost if the project is located within an Equity Focus Area with a score of 8 or higher. (See the C/CAG Web Map – bikewalkCCAG.com (tooledesign.github.io))</p> <p><input checked="" type="checkbox"/> Project sponsor will provide a local match of at least 20% of the total project cost if the project is NOT located within an Equity Focus Area</p>																				

Project Cost & Funding

OBAG 3 Grant Request:

Total Grant Request	\$ 2,360,000
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Note: Projects eligible for OBAG 3 cannot be a design only project. Project funds may cover some design cost, but project must include a fully funded construction phase.

Project Cost & Schedule:

Project Phases	Total Cost	Secured Funds		Unsecured Funds		Schedule (Start dates: Planned, Actual)
		Amount	Fund Sources	OBAG 3 Grant Request	Remaining Funding Needed	
Planning/ Conceptual	\$	\$	Secured fund sources, notes	\$	\$	January 2023
Environmental Studies (PA&ED)	\$	\$	Secured fund sources, notes	\$	\$	June 2023
Design Engineering (PS&E)	\$320,000	\$320,000	Match @ 20% Measure W	\$	\$	April 2023
Right-of-way	\$	\$	Secured fund sources, notes	\$	\$	March 2024
Construction	\$2,630,000	\$270,000	Match Measure W	\$2,360,000	\$	January 2025
Total	\$2,950,000	\$590,000		\$ 2,360,000	\$	

Project Investment by Mode:

Mode	Share of project investment	Share of project investment within C/CAG Equity Focus Area (EFA)
Auto	15%	%
Transit	5%	%
Bicycle/Pedestrian	80%	%
Other	%	%
Total	100%	N/A%

* This allocation reflects the tie-in to the City's broader Sharp Park Specific Plan which focuses on the quality of streets and their role in creating an attractive, interconnected public realm that encourages walking, bicycling, and social activity.

RESOLUTION 23-32

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY TO AMEND THE ONE BAY AREA GRANT 2 (OBAG 2) PROGRAM TO REFLECT A REALLOCATION OF \$1,000,000 AND TO ALLOCATE \$358,247 OF FISCAL YEAR 2023/24 TRANSPORTATION FUND FOR CLEAN AIR (TFCA) FOR THE CITY OF PACIFICA'S SHARP PARK PRIORITY DEVELOPMENT AREA PEDESTRIAN IMPROVEMENT PROJECT.

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

WHEREAS, the Metropolitan Transportation Commission (MTC) adopted Resolution No. 4202 outlining the One Bay Area 2 Grant (OBAG2) Program's policies and procedures to be used in the selection of projects to be funded with Surface Transportation Planning (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds; and

WHEREAS, local responsibility for project selection for the OBAG 2 County Programs (Planning and Outreach, Safe Routes to School, Federal Aid Secondary (FAS) Improvements, Transportation for Livable Communities (TLC) Program, Local Streets and Roads Rehabilitation Preservation (LS&R), and Bicycle and Pedestrian Improvement Program (BPIP)) has been assigned to Congestion Management Agencies (CMAs); and

WHEREAS, on March 9, 2017 the C/CAG Board adopted the list of projects for the OBAG 2 Bicycle and Pedestrian Improvement Program (BPIP) Program which provides funding to bicycle and pedestrian improvement projects; and

WHEREAS, the City San Carlos received \$1,000,000 through the BPIP Call for Projects for the Holly Street/US-101 Pedestrian Overcrossing Project; and

WHEREAS, the Holly Street/US-101 Pedestrian Overcrossing Project has a \$16 million funding gap and there are no major funding application cycles between now and January 31, 2024 Obligation deadline that would fill the \$16 million shortfall; and

WHEREAS, the City of San Carlos indicated that the project was not possible to be completed within the timely use of funds guidelines and relinquished the \$1,000,000 STP grant amount; and

WHEREAS, C/CAG Staff will need to expeditiously find another project to obligate the funds. Otherwise, San Mateo County will lose the OBAG 2 funding.

WHEREAS, At the April 14, 2022 C/CAG Board meeting, the Board of Directors approved the guidelines and process for the Metropolitan Transportation Commission One Bay Area Grant (OBAG) 3 County & Local Program. As part of the OBAG 3 process, C/CAG Board authorized an infusion of \$900,000 in Measure M funds to fund Safe Routes to School (SRTS) eligible projects; and

WHEREAS, At the September 15, 2022 C/CAG Board meeting, the Board approved the project nomination list for the OBAG 3 Program. The nomination list includes 11 projects requesting approximately \$32m of OBAG 3 funding. The C/CAG Board Resolution 22-81 also recommended \$900,000 of Measure M SRTS funds for the Pacifica Sharp Park Priority Development Area Pedestrian Improvement Project, in conjunction with \$1,269,801 of OBAG 3 funds; and

WHEREAS, In January 2023, MTC approved the OBAG 3 County & Local Program, which awarded San Mateo County a total of \$30.8 million to 7 projects along the Bayside in the county and 2 countywide programmatic categories (Safe Routes to School and County Transportation Agency Planning); and

WHEREAS, C/CAG Staff took into consideration that OBAG 3 funding reflects geographic distribution of funding to projects along the Bayside of the County but did not fund a project on the Coastside. C/CAG Staff recommends reallocating \$1,000,000 in available OBAG 2 funds to the City of Pacifica's Sharp Park Priority Development Area Pedestrian Improvement Project which will provide funding for a project along the Coastside of the county; and

WHEREAS, C/CAG Staff also recommends allocating a balance of \$358,247 of Transportation Fund for Clean Air (TFCA) County Program Manager Funds to the City of Pacifica's Sharp Park Priority Development Area Pedestrian Improvement Project which will fully fund the project

WHEREAS, At the March 9, 2023 C/CAG Board meeting, the Board authorized the C/CAG Executive Director to execute an agreement with the City of Pacifica for the Sharp Park Priority Development Area Pedestrian Improvement Project using Measure M Safe Routes to School funding in an amount not to exceed \$900,000.

WHEREAS, This funding recommendation was brought before the Congestion Management Program Technical Advisory Committee (TAC), Bicycle and Pedestrian Advisory Committee (BPAC), and Congestion Management and Environmental Quality Committee (CMEQ) in March and received recommendations for approval; and

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County to amend the One Bay Area Grant 2 (OBAG 2) program to reflect a reallocation of \$1,000,000 and to allocate \$358, 247 of Fiscal Year 2023/24 Transportation Fund for Clean Air (TFCA) for the City of Pacifica's Sharp Park Priority Development Area Pedestrian Improvement Project.

PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF APRIL 2023.

Davina Hurt, Chair

C/CAG AGENDA REPORT

Date: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 23-34 adopting an updated membership roster and meeting schedule for the Administrator's Advisory Committee (AAC) (*Special Voting Procedures*)

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

RECOMMENDATION

That the C/CAG Board of Directors review and approve Resolution 23-34 adopting an updated membership roster and meeting schedule for the Administrator's Advisory Committee (AAC).

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND

The C/CAG Joint Powers Agreement (JPA) authorizes an Administrator's Advisory Committee (AAC). The AAC acts in an advisory role to the C/CAG Board of Directors by giving advice on agenda matters, monitoring the outcomes of activities, assisting with identifying resources, and communicating with members. The AAC consists of:

1. C/CAG Chair
2. C/CAG Vice Chair
3. County Manger representative (Ann Stillman, County Public Works Director)
4. General Manager of Samtrans (April Chan or designee)
5. City Managers from cities that contract staff with C/CAG (Clay Holstine, City Manager of Brisbane)
6. City Manager appointed by the City Managers' Association (previously Jeremy Dennis of Portola Valley, now Justin Murphy of Menlo Park)
7. C/CAG legal counsel (Melissa Andrikopoulos)

Traditionally, the AAC has met on the 3rd Monday of each month, and the agenda has consisted of reviewing the upcoming monthly C/CAG Board agenda. The meetings are scheduled for an hour and

typically take about 30 minutes.

RECOMMENDATION

The JPA authorizes the C/CAG Board to revise the membership of the AAC through the special voting procedures. Staff recommend two changes to the AAC.

First, staff recommends changing the meeting frequency from monthly to annually, with additional meetings to be held on an as needed basis. This would provide the Committee with the ability to comment on an annual draft workplan, annual agenda schedule and key priorities, but eliminate the time spent reviewing the monthly C/CAG Board agenda.

Second, staff recommends removing the City Managers from cities that contract staff with C/CAG from the AAC membership. The benefit of having City Manager(s) from these cities is not evident, especially given that there are currently no cities contracting staff to C/CAG. Historically, C/CAG contracted the Stormwater Manager position through the City of Brisbane. This arrangement does not currently exist. This position has been moved to a C/CAG County position.

Attachment 1 has the Resolution and in Exhibit A, the recommended changes. The intent is to make minimal modification to the existing JPA language.

Attachment 2 the existing JPA Language.

Attachment 3 includes a table with a summary of the proposed changes.

The AAC Committee recommended C/CAG Board approval of the updated guidelines at the March 27th meeting.

ATTACHMENTS

1. Resolution 23-34, including Exhibit A.
2. Existing JPA Language Regarding the AAC (the entire JPA is available at: <https://ccag.ca.gov/wp-content/uploads/2021/06/2011-Fully-Executed-CCAG-JPA-pages-1-14.pdf>)
3. Summary table of the proposed changes.

RESOLUTION 23-34

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY
ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG)
ADOPTING AN UPDATED MEMBERSHIP ROSTER AND MEETING SCHEDULE
FOR THE ADMINISTRATOR’S ADVISORY COMMITTEE**

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

WHEREAS, Section 9 of the C/CAG JPA establishes the Administrator’s Advisory Committee (AAC); and

WHEREAS, Section 9 also authorizes the C/CAG Board of Directors, by special voting procedures, to revise the definition and membership of the AAC; and

WHEREAS, at the March 27, 2023 AAC Meeting, the AAC recommended approval of updated guidelines, which are included as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County that the Board of Directors of the City/County Association of Governments of San Mateo County adopts an updated membership roster and meeting schedule for the **Administrator’s** Advisory Committee (AAC), as included in Exhibit A.

PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF APRIL 2023.

Davina Hurt, Chair

Exhibit A:

The Committee will be advisory to the C/CAG Board of Directors and Executive Director to assist them to most effectively accomplish the objectives of C/CAG by giving advice on agenda matters, monitoring outcomes of activities, assisting with identifying and allocating resources, and communicating with all members. The Committee members shall be:

- ~~the City Managers from cities that contract staff to C/CAG,~~
- the County Manager,
- the General Manager of SamTrans,
- one (1) City Manager appointed by the City Managers' Association,
- and, the Chair and Vice-Chair(s) and Legal Counsel of C/CAG as ex-officio members.

Committee Chairs and staff who have items for discussion at the Committee will be invited to participate.

The Committee shall meet at the beginning of each calendar year, and then on an as-needed basis.

Attachment 2: JPA language regarding the AAC.

There shall be an Administrators' Advisory Committee. The Committee will be advisory to the C/CAG Board of Directors and Executive Director to assist them to most effectively accomplish the objectives of C/CAG by giving advice on agenda matters, monitoring outcomes of activities, assisting with identifying and allocating resources, and communicating with all members. The Committee members shall be: the City Managers from cities that contract staff to C/CAG, the County Manager, the General Manager of SamTrans, one (1) City Manager appointed by the City Managers' Association, and, the Chair and Vice-Chair(s) and Legal Counsel of C/CAG as ex-officio members. Committee Chairs and staff who have items for discussion at the Committee will be invited to participate. The definition and membership of this Committee may be revised by Board action in accordance with the special voting procedures identified in 4 (c).

Attachment 3: Summary Table of proposed changes.

	Current AAC	Proposed AAC
Members	C/CAG Chair C/CAG Vice Chair C/CAG Legal Counsel County Manager Representative General Manager of Samtrans City Manager appointed by the City Manager's Association City Managers from Cities that contract staff with C/CAG	C/CAG Chair C/CAG Vice Chair C/CAG Legal Counsel County Manager Representative General Manager of Samtrans City Manager appointed by the City Manager's Association City Managers from Cities that contract staff with C/CAG
Content	Monthly Agenda Review	Annual Workplan and Annual Agenda Schedule, other key Organizational plans or priorities
Legislative Body Meeting (Brown Act Requirements)	Yes	Yes
Meeting Schedule	Monthly except December.	January and then as needed.
January	Mtg 3 rd Monday	Mtg 3 rd Monday (Proposed)
February	Mtg 3 rd Monday	As needed
March		
April		
May		
June		
July		
August		
September		
October		
November		
December	No Mtg	

C/CAG AGENDA REPORT

Date: April 13, 2023

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

From: Sean Charpentier, Executive Director

Subject: Receive initial recommendations on the Congestion Relief Plan for reauthorization covering a period from FY23/24 to FY26/27

(For further information contact Kaki Cheung at kcheung1@smcgov.org)

RECOMMENDATION

That the C/CAG Board of Directors receive initial recommendations on the Congestion Relief Plan for reauthorization covering a period from FY23/24 to FY26/27.

FISCAL IMPACT

The cost to develop the CRP Reauthorization is at \$36,993.91.

SOURCE OF FUNDS

The Plan update is funded using federal Surface Transportation Program money, with local match from the C/CAG member assessment.

BACKGROUND

The San Mateo County Congestion Relief Plan (CRP/Plan) was first adopted by C/CAG on February 8, 2002 in response to traffic congestion measurements, at locations throughout the County, which exceeded the standards adopted by C/CAG under the Congestion Management Program (CMP/Program). The passage of AB471 requires all local jurisdictions to maintain the adopted Level of Service (LOS) standard on all CMP roadways, or risk losing their gas tax revenues. The Program also requires the development of deficiency plans when Level of Service standards on a CMP roadway or intersection has been deteriorated. C/CAG's Congestion Relief Plan was developed to serve as a Countywide Deficiency Plan, so that the individual cities and the County would not have to develop multiple deficiency plans with corresponding implementation costs. Over the years, the C/CAG Board determined that a countywide approach would be more cost-effective and provide more comprehensive benefits to the overall transportation system in the County. The C/CAG Board adopted the last Plan at the May 2019 meeting, and reauthorized an annual member assessment of \$1.85M covering four years, from July 1, 2019 to June 30, 2023.

See Attachment 1 with the current breakdown among member agencies. The total amount of \$1.85 million has remained unchanged at least since 2007. All jurisdictions make financial contributions to the Plan based on population data and trip generation information from the C/CAG Santa Clara Valley

Transportation Authority travel demand model. The population data is updated annually based on information from the Department of Finance. The current Plan is divided into four major programs, and the funding breakdown for each program is captured in the table below:

2019-2023 Adopted Congestion Relief Plan		
1	Local Transportation Services Program	\$500,000
2	Travel Demand Management	\$550,000
3	Intelligent Transportation Systems (ITS)/ Traffic Operational Improvement Strategies; Express Lane operations support; Smart Corridor Expansion	\$200,000
4	Linking Transportation and Land Use:	
	4A. Innovative Trip Reduction Strategies (Carpool 3.0)/ Mobility Action Plan	\$150,000
	4B. Transportation Improvement Strategy to reduce GHG (GW TAP/743 toolkit/ Performance assessments)	\$150,000
	4C. Climate Change and Resiliency Planning (RICAPS, Climate Action Plan, Sea level rise planning for Trans. Facilities)	\$150,000
	4D. Sustainable Communities Strategy (SCS) Activities, Linking Housing with Transportation. (21 Elements/ Sub-RHNA/ Legislation compliance)	\$150,000
Total		\$1,850,000

The Congestion Relief Plan is also designed to be used as matching funds to leverage other competitive federal, state, and local grants that align with program goals. This approach has provided more impact with the invested funds.

As the Plan approaches its reauthorization date, staff has embarked on an effort to update the Plan. Staff and consultant met with various project stakeholders to obtain input, in addition to holding a workshop with the C/CAG Technical Advisory Committee on program goals and strategies. The consultant and staff have the following recommendations based on feedback received.

The fees are calculated based on population and share of county trips from the most recent data in the C/CAG VTA Travel model. The C/CAG VTA Travel model is the approved countywide transportation model. The population data are updated each year. Staff updated the trip data for the FY 23/24 calculations. The updated proportionate county trips reflect minor changes because of the variations in trips among jurisdictions between 2013 and 2019.

Staff have two recommendations.

Recommendation 1: Fee levels

First, that the underlying \$1,850,000 remain unchanged for FY 23/24. Individual jurisdictions fees might change slightly to reflect the updated trip data.

Second, the fee would increase by 5% next year (FY 24/25) to reflect the decline in purchasing power since the underlying fee has not been increased since 2007.

Third, that in each of the subsequent two years of the Plan period, the assessments are to be escalated by CPI, with a ceiling of 3%. This is to attempt maintain the current levels of service and investment.

Table 1 illustrates the Baseline and staff recommendation.

Table 1: Summary of Baseline and Staff Recommendation

# YRS	Baseline	Staff Recommendation
Year 1- FY 23/24	No change*	No change*
Year 2- FY 24/25	No change	5%
Year 3- FY 25/26	No change	Lesser of CPI or 3%
Year 4-FY 26/27	No change	Lesser of CPI or 3%
Aggregate Increase in Year 4	\$0	\$394,827
Total Increase in cost per jurisdiction over 4 years	\$0	Ranges from \$2,240 to \$57,923
Highest and Lowest Average Annual Increase	\$0	\$560 to \$14,481

* Note- Individual jurisdictions' payments may vary due to changes in population or share of Countywide trips.

The C/CAG Board of Directors retains all authority over future changes in fees. All changes will be presented during the draft budget and reviewed and approved by the C/CAG Board of Directors.

Recommendation 2: Simplification of categories.

Simplification of the program funding categories is essential to support ongoing programs on an annual basis. Outside of the annually committed programs, a guided list of priorities for the upcoming authorization period will provide flexibility. The C/CAG Board would approve the funding for programs and projects through the annual budget process. The list of priorities include:

- Support for increasing regulatory pressure for jurisdictions, particularly related to housing and emission reduction
- Improving and expanding upon cross-jurisdictional collaboration and benefitting from economies of scale. Particularly related to:
 - Data collection
 - Response to cross-border and cut through traffic
 - Delivery of countywide resources for jurisdictional use
- Countywide planning efforts
- Support for shared micromobility program
- Promote active transportation modes that reduce vehicle trips, improve safety and enhance system connectivity, while considering right of way limitations
- Target trip reduction efforts, including telework and virtual services provision
- Focus on long-term project maintenance in addition to new project development

The C/CAG Board will receive a presentation on the draft recommendations at its April meeting. The Technical Advisory Committee was supportive of a one-time 5% upward adjustment and indexing the fee to annual CPI at its March meeting. Staff will return to the Technical Advisory Committee to present the 2019 trip data at the April meeting. In June, staff plans to seek approval of the Congestion Relief

Plan reauthorization for a period of 4 years, covering fiscal years 2024 through 2027.

ATTACHMENTS

1. FY 2022 - FY2023 Congestion Relief Plan Program Assessment
2. CRP Program Fees: Staff Recommendation for Escalation

Congestion Relief Program (CRP) Assessment - FY 2022-2023				
Agency	Percent of Population	Total Trips	% of Trips	Congestion Relief
Atherton	0.901%	45,201	0.89132%	\$ 16,580
Belmont	3.459%	156,279	3.08167%	\$ 60,501
Brisbane	0.598%	39,066	0.77034%	\$ 12,661
Burlingame	3.887%	278,460	5.49096%	\$ 86,747
Colma	0.217%	42,332	0.83475%	\$ 9,727
Daly City	14.191%	514,686	10.14910%	\$ 225,150
East Palo Alto	3.966%	109,433	2.15791%	\$ 56,647
Foster City	4.292%	202,400	3.99113%	\$ 76,616
Half Moon Bay	1.609%	89,658	1.76797%	\$ 31,232
Hillsborough	1.489%	54,917	1.08291%	\$ 23,786
Menlo Park	4.551%	275,259	5.42784%	\$ 92,303
Millbrae	2.941%	147,546	2.90946%	\$ 54,121
Pacifica	4.951%	206,200	4.06606%	\$ 83,411
Portola Valley	0.596%	29,645	0.58457%	\$ 10,919
Redwood City	11.131%	639,969	12.61956%	\$ 219,696
San Bruno	5.872%	294,349	5.80427%	\$ 108,006
San Carlos	3.896%	212,462	4.18954%	\$ 74,791
San Mateo	13.466%	784,576	15.47106%	\$ 267,664
South San Francisco	8.773%	442,379	8.72328%	\$ 161,841
Woodside	0.735%	39,034	0.76971%	\$ 13,923
San Mateo County	8.478%	467,397	9.21661%	\$ 163,678
TOTAL	100.000%	5,071,248	100.00000%	\$ 1,850,000
NOTES:				
1- Total CRP (countywide total) is the same as prior years at \$1,850,000.				
2- Congestion Relief Fee is calculated based on population and trips generated, 50% each, respectively.				

CRP Program Fees: Staff Recommendation for Escalation

Baseline (FY22/23)			Baseline with updated Trip Data (FY23/24)				Recommendation: Catch up in FY24/25 and then annual CPI increase (assumes CPI at 2%)							
Agency	Annual Fee	Total 4 Yr Fee	Agency	Annual Fee	Total 4 Yr Fee	Chng from Trip Data	2024	2025 (5%)	2026 (2%)	2027 (2%)	Total 4 Yr Fee	Total 4 Yr Chng	Avg Annual Chng	
							(Updated Trip Data)							
Atherton	\$16,580	\$66,321	Atherton	\$14,055	\$56,220	(\$2,525)	\$14,055	\$14,758	\$15,053	\$15,354	\$59,220	\$3,000	\$750	
Belmont	\$60,501	\$242,006	Belmont	\$62,785	\$251,140	\$2,284	\$62,785	\$65,924	\$67,243	\$68,588	\$264,540	\$13,400	\$3,350	
Brisbane	\$12,661	\$50,642	Brisbane	\$17,385	\$69,540	\$4,724	\$17,385	\$18,254	\$18,619	\$18,992	\$73,250	\$3,710	\$928	
Burlingame	\$86,747	\$346,989	Burlingame	\$92,223	\$368,892	\$5,476	\$92,223	\$96,834	\$98,771	\$100,746	\$388,574	\$19,682	\$4,921	
Colma	\$9,727	\$38,907	Colma	\$10,494	\$41,976	\$767	\$10,494	\$11,019	\$11,239	\$11,464	\$44,216	\$2,240	\$560	
Daly City	\$225,150	\$900,599	Daly City	\$224,205	\$896,820	(\$945)	\$224,205	\$235,415	\$240,124	\$244,926	\$944,670	\$47,850	\$11,962	
East Palo Alto	\$56,647	\$226,587	East Palo Alto	\$60,990	\$243,960	\$4,343	\$60,990	\$64,040	\$65,320	\$66,627	\$256,976	\$13,016	\$3,254	
Foster City	\$76,616	\$306,465	Foster City	\$86,974	\$347,896	\$10,358	\$86,974	\$91,323	\$93,149	\$95,012	\$366,458	\$18,562	\$4,640	
Half Moon Bay	\$31,232	\$124,929	Half Moon Bay	\$30,292	\$121,168	(\$940)	\$30,292	\$31,807	\$32,443	\$33,092	\$127,633	\$6,465	\$1,616	
Hillsborough	\$23,786	\$95,144	Hillsborough	\$23,419	\$93,676	(\$367)	\$23,419	\$24,590	\$25,082	\$25,583	\$98,674	\$4,998	\$1,250	
Menlo Park	\$92,303	\$369,211	Menlo Park	\$102,668	\$410,672	\$10,365	\$102,668	\$107,801	\$109,957	\$112,157	\$432,583	\$21,911	\$5,478	
Millbrae	\$54,121	\$216,482	Millbrae	\$53,205	\$212,820	(\$916)	\$53,205	\$55,865	\$56,983	\$58,122	\$224,175	\$11,355	\$2,839	
Pacifica	\$83,411	\$333,644	Pacifica	\$82,869	\$331,476	(\$542)	\$82,869	\$87,012	\$88,753	\$90,528	\$349,162	\$17,686	\$4,421	
Portola Valley	\$10,919	\$43,677	Portola Valley	\$11,737	\$46,948	\$818	\$11,737	\$12,324	\$12,570	\$12,822	\$49,453	\$2,505	\$626	
Redwood City	\$219,696	\$878,783	Redwood City	\$230,320	\$921,280	\$10,624	\$230,320	\$241,836	\$246,673	\$251,606	\$970,435	\$49,155	\$12,289	
San Bruno	\$108,006	\$432,026	San Bruno	\$104,525	\$418,100	(\$3,481)	\$104,525	\$109,751	\$111,946	\$114,185	\$440,408	\$22,308	\$5,577	
San Carlos	\$74,791	\$299,165	San Carlos	\$80,747	\$322,988	\$5,956	\$80,747	\$84,784	\$86,480	\$88,210	\$340,221	\$17,233	\$4,308	
San Mateo	\$267,664	\$1,070,657	San Mateo	\$271,405	\$1,085,620	\$3,741	\$271,405	\$284,975	\$290,675	\$296,488	\$1,143,543	\$57,923	\$14,481	
South San Francisco	\$161,841	\$647,363	South San Francisco	\$160,375	\$641,500	(\$1,466)	\$160,375	\$168,394	\$171,762	\$175,197	\$675,727	\$34,227	\$8,557	
Woodside	\$13,923	\$55,691	Woodside	\$13,976	\$55,904	\$53	\$13,976	\$14,675	\$14,968	\$15,268	\$58,887	\$2,983	\$746	
San Mateo County	\$163,678	\$654,713	San Mateo County	\$115,351	\$461,404	(\$48,327)	\$115,351	\$121,119	\$123,541	\$126,012	\$486,022	\$24,618	\$6,155	
TOTAL	\$1,850,000	\$7,400,000	TOTAL	\$1,850,000	\$7,400,000		\$1,850,000	\$1,942,500	\$1,981,350	\$2,020,977	\$7,794,827	\$394,827	\$98,707	
											Smallest	Colma	\$2,240	\$560
											Largest	San Mateo	\$57,923	\$14,481

C/CAG AGENDA REPORT

Date: April 13, 2023

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

C/CAG staff recommend 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.)

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 advocate, Shaw Yoder Antwih Schmeltzer & Lange (SYASL). Important or interesting issues and positions taken by vote that arise out of the Legislative Committee meeting are reported to the Board verbally under this item.

The 2023-24 Legislative Session began on the same day as the swearing in of new legislators, December 5, 2022. New bills were introduced through February 17, 2022 and total 2500 plus, many of which are placeholder or spot bills.

The attached report from SYASL 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 Legislative Committee and Board meeting.

The Legislative Committee approved sending a letter to the legislature requesting additional flexibility in the Brown Act, at the January 12, 2023 meeting. The letter was drafted, reviewed,

signed, and delivered through SYASL at the end of January.

At the March 9, 2023 meeting, the Committee voted to support ACA-1 (Aguiar-Curry). In addition, the Legislative Committee took position on two ballot measures: Taxpayer Protection and Government Accountability Act – Oppose, and a ballot measure to repeal the majority voter approval requirement for Low-Rent Housing – Support. The C/CAG Board approved of these positions.

Brown Act Legislation:

There are currently five bills related to the Brown Act for this session and SYASL is tracking their value to C/CAG's goals as expressed in the letter. They are listed below. Two of those bills were acted upon by the Legislative Committee at the March 9, 2023 meeting. AB 1379 (Papan), previously a spot, bill has been written and, though not included in the Consultant's report this month, should be considered for Support. Brown Act-related bills:

- AB 557 (Hart) – Support position taken
- AB 817 (Pacheco) – Support position taken
- AB 1379 (Papan) no position taken
- SB 411 (Portantino) – no position taken
- SB 537 (Becker) – no position taken

The SYASL monthly Legislative Update is attached to this staff report for review. The Legislative Committee will review and possibly vote on some bills, including those listed. There are five bills for the Legislative Committee to review and possibly take positions on at its meeting.

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.

Board members may view the bills being tracked at the following link provided by SYASL: [C/CAG Bill Tracking](#)

ATTACHMENTS

1. C/CAG Legislative Update, March 30, 2023 from Shaw Yoder Antwih Schmelzer & Lange

Below are informational links:

2. [Recent Joint ABAG MTC Legislation Committee Agendas](#)
3. [California State Association of Counties \(CSAC\) 2021-22 bill positions and tracking](#)
4. [California Associations of Councils of Government \(CALCOG\) bill tracking](#)
5. Daily legislative information and for specific bills at <http://leginfo.legislature.ca.gov/>
6. [2023 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. Bill Tracker for C/CAG by SYASL: [C/CAG Bill Tracking](#)
 9. Current client roster for Shaw Yoder Antwih Schmelzer & Lange - <https://syaslparkers.com/clients/>



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Suite 1000
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CA, 95814
916-446-4656

March 30, 2023

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

From: Matt Robinson, Andrew Antwih and Silvia Solis Shaw
Shaw Yoder Antwih Schmelzer & Lange

Re: **STATE LEGISLATIVE UPDATE – April 2023**

Legislative Update

The Legislature is currently in the thick of policy and budget committee hearings, with hundreds of bills slated for action in the months ahead. In the coming weeks, many of the bills that were introduced as “spot bills” will be significantly amended. The Legislature will adjourn for Spring Recess on March 30, and reconvene on April 10. As we have previously reported, the Legislative Calendar, which sets the deadlines for the year, was released and can be viewed [here](#).

Governor Signs Oil Company Oversight Bill

SBx1-2 (Skinner) creates a dedicated independent oversight body at the California Energy Commission (CEC) and mandates extensive data reporting to the CEC from various specified entities along California's oil and gasoline supply chain. The law authorizes the CEC to establish a maximum gross gasoline refining margin (max margin) and penalty on gasoline sold by refiners in the state if certain findings are made. The law requires various reports and assessments by the CEC to be submitted to the Legislature regarding the current status and future managed decline of transportation fuels. The bill was co-sponsored by Attorney General Rob Bonta and approved by a supermajority in both the Senate and Assembly. The law will go into effect on June 26, the 91st day after the end of the special session. In his [press release](#) around the bill's signing, the Governor stated, “With this legislation, we're ending the oil industry's days of operating in the shadows. California took on Big Oil and won. We're not only protecting families, we're also loosening the vice grip Big Oil has had on our politics for the last 100 years.”

City Leaders Summit

The League of Cities is hosting their City Leaders Summit from April 12-14th. They will spend one of those days meeting with legislators and discussion the League's advocacy priorities which include homelessness, housing, public safety, and fiscal sustainability. They will also be advocating the League's budget two budget asks: \$3 billion for housing and homelessness and \$1 billion to repay cities for unfunded state mandates.

Statewide Effort on Transit Operations Funding

The California Transit Association, in partnership with regional partners and local transit agencies, has been leading a statewide effort to secure transit operations funding in the Fiscal Year 2023-24 state budget. In February, the Association adopted a set of principles that will serve as the basis of the transit industry's forthcoming budget request. The principles commit to a two-track process, focused on addressing the industry's short- and long-term operations funding needs. Under the principles, any short-term transit operations funding the industry secures must be available to address budget shortfalls that would lead to service cuts and/or layoffs as well as to address ridership retention and growth strategies. Any long-term transit operations funding the industry secures must be flexible and available to address a broad range of service needs and will come with a broader set of transit reforms.

Bills with Positions

ACA 1 (Aguiar-Curry) Lower-Vote Threshold – C/CAG SUPPORT

This measure would authorize a local government, including a special district, to impose, extend, or increase a sales and use tax or transactions and use tax imposed, or a parcel tax, for the purpose of funding the construction, rehabilitation, or replacement of public infrastructure, defined to include projects for the reduction of pollution from stormwater runoff, improvements to transit and streets and highways and projects for the protection of property from the impacts of sea level rise, as well as for affordable housing, if the proposition proposing that tax is approved by 55% of its voters.

AB 557 (Hart) Brown Act – Extension of Existing Authority – C/CAG SUPPORT

Beginning on January 1, 2024, this bill would extend the existing teleconferencing/remote-meeting authority that can be used when a declared state of emergency is in effect and would also extend the period for a legislative body to make the required findings related to the continuing state of emergency and social distancing from 30 days to 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet.

AB 817 (Pacheco) Brown Act – Advisory Bodies – C/CAG SUPPORT

This bill provides a narrow exemption under the Brown Act for non-decision-making legislative bodies to participate in meetings via teleconferencing outside of a declared state of emergency without posting the physical location of members or requiring a quorum to be present at a meeting location.

Bills of Interest

SB 423 (Wiener) SB 35 Extension

This bill permanently extends the provisions of SB 35 (Wiener) and expands them to cover mixed-income housing developments. SB 35 is scheduled to sunset in 2026. SB 423 will require that cities, including charter cities, approve a housing development application if the project is located on an urban infill site & 75% of the lot borders other developed parcels of land, the site is zoned for residential or mixed uses in the general plan & is consistent with objective design standards, developers pay prevailing wage on all projects with more than 10 units & healthcare benefits to projects with more than 50 units, the project site is not located in farmland, wetlands, a very-high fire risk zone, a hazardous waste site, floodplains and floodways, a habitat for protected species, or land under a conservation plan or easement, and the project follows all other applicable objective laws and ordinances, such as zoning rules & environmental safety rules. SB 423 would also apply in the coastal zone (unlike SB 35).

SB 511 (Blakespear) Local Emissions Inventories

Before January 1, 2028, this bill would require the California Air Resources Board (CARB) to develop and publish a report on greenhouse gas emission inventories for calendar year 2025 for each city, county, city and county, and special district and to periodically update the report consistent with updates to CARB's scoping plan. The bill would require CARB to establish a local government advisory committee to inform the development of the inventories. The bill would appropriate \$2,500,000 in the Fiscal Year 2024–25 budget for the bill's purposes. **Recommend: SUPPORT.**

SB 537 (Becker) Brown Act – Multijurisdictional Legislative Bodies

This bill also provides a narrow exemption under the Brown Act for certain legislative bodies to participate in meetings via teleconferencing outside of a declared state of emergency without posting the physical location of members or requiring a quorum to be present at a meeting location. The bill would define "legislative body" to mean a board, commission, or advisory body of an appointed multijurisdictional cross county agency and defines "multijurisdictional" to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity. The bill would also expand the circumstances of "just cause" under the AB 2449 (Rubio) authorization to apply to the situation in which an immunocompromised child, parent, grandparent, or other relative requires the member to participate remotely. **Recommend: SUPPORT.**

AB 84 (Ward) Welfare Tax Exemption

The California Constitution exempts from local property taxes properties that supports non-profit affordable housing through a deed restriction, known as the "welfare tax exemption." However, if a nonprofit housing developer's application for an exemption isn't quickly approved by the Board of Equalization and the county assessor, the developer pays the taxes upfront and must seek reimbursement, requiring developers to remit significant tax payments while waiting for an exemption to be approved. This bill would update various elements of the exemption, including allowing developers to claim continue to claim the exemption as income grows, clarifying that land restricted for use as affordable housing qualifies for the welfare exemption from the date the restrictions are placed on the property (versus when construction starts), and requiring the county assessor to conditionally grant a welfare exemption within 30 days of application without payment of taxes, subject to retroactive tax payments if the owner or any units are ultimately deemed ineligible. **Recommend: SUPPORT.**

AB 1532 (Haney) Office to Housing Conversion Projects

This bill would allow an office conversion project - the conversion of a building used for office purposes or a vacant office building into residential dwelling units - that meets certain requirements as a use "by right" in all zones subject to ministerial review by a local agency. The project must dedicate at least 10 percent of the housing units to low or moderate income individuals and must commit to a land use restriction providing that any lower or moderate income housing units remain available as affordable housing for 55 years for units that are rented and 45 years for units that are owned. The project must use a skilled and trained workforce. If a local government determines that an office conversion project is consistent with the above it shall approve the project. If the project is in conflict, a local government shall provide the project proponent written documentation of which standard or standards the project conflicts with, and an explanation for the reason or reasons the project conflicts. Finally, (d) A local

government shall not impose new parking or open space requirements that were not imposed on the original office use and a project is exempt from all impact fees not directly related to the conversion.

For a full list of the bills we are tracking for C/CAG, please click [here](#).

C/CAG AGENDA REPORT

Date: April 13, 2023

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@smcgov.org)

BACKGROUND

This item is for information only and are available for review as attachments at the link provided below.

There are six letters.

1. **3/10/2023** – Letter to the Honorable Dianne Feinstein, U.S. Senate. Re: Fiscal Year 2024 Appropriations – Congressionally Directed Spending Request.
2. **3/10/2023** – Letter to the Honorable Alex Padilla, U.S. Senate. Re: Fiscal Year 2024 Appropriations – Congressionally Directed Spending Request.
3. **3/10/2023** – Letter to the Honorable Kevin Mullin, Member of Congress. Re: Fiscal Year 2024 Appropriations – Congressionally Directed Spending Request
4. **3/22/2023** – Letter to the Honorable Cecilia Aguiar-Curry Chair, Assembly Local Government Committee - AB 557 (Hart) Brown Act – SUPPORT
5. **3/22/2023** – Letter to the Honorable Cecilia Aguiar-Curry Chair, Assembly Local Government Committee - AB 817 (Pacheco) Brown Act – SUPPORT
6. **3/22/2023** – Letter to the Honorable Cecilia Aguiar-Curry, Member of Congress - ACA 1 (Aguiar-Curry) Local Infrastructure Funding – SUPPORT

ATTACHMENTS

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