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<https://smcgov.zoom.us/j/96414746206>

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**San Mateo County Flood & Sea Level Rise
Resiliency District
BOARD OF DIRECTORS**

County Supervisors:

District 3 Don Horsley
At-Large Dave Pine - **Chair**

City Representatives:

North Donna Colson
Central Diane Papan
South Lisa Gauthier
Coast Debbie Ruddock – **Vice Chair**
At-Large Maryann Moise Derwin

AGENDA **September 27, 2021** **4:00 PM**

1. Roll Call

2. Public Comment Persons wishing to address the Board on District-related matters not on this Agenda may speak for up to two minutes; comments on Agenda items shall be heard during that item for up to two minutes.

3. Action to Set the Agenda

4. Regular Business

- A. Approve District’s response to the San Mateo County Civil Grand Jury Report titled “San Mateo County: California’s Ground Zero for Sea Level Rise” released on August 11, 2021
- B. Discuss Assembly Bill 361 regarding Brown Act compliance during the COVID emergency
- C. Presentation by the San Mateo Resource Conservation District on the mission and activities of the RCD *

5. Chair’s Report *

6. CEO’s Report *

Updates regarding Bayfront Canal and Atherton Channel Project, the State Budget appropriation to the District, and Bayside zoning ordinances to protect against climate change driven future conditions

7. Board Member Reports and Items for a Future Agenda *

8. Adjournment

* There is no written staff report for this item

Meeting information, and public access and communications

- During the meeting, public comment can be submitted at the appropriate time via Zoom Chat or by raising your hand, speaking if joining by phone, or email to board@oneshoreline.org prior to 12:00 pm on the meeting day; please indicate the agenda item to which your comment applies and it will be read or summarized at the meeting by the Board Clerk.
- If you require assistance to participate in the meeting or wish to submit written communication to all Board Members regarding the meeting, please contact the Clerk of the Board by 9:00 am on the day of the meeting.
- Public records relating to an open session item on the agenda are available at least 72 hours prior to a Regular Board meeting or at least 24 hours prior to a Special Board meeting, when these records are distributed to Board members. Public records are available at the District office at 1700 South El Camino Real, Suite 502, San Mateo, CA 94402 and at www.oneshoreline.org. To receive these documents electronically, please email board@oneshoreline.org.

**San Mateo County Flood and Sea Level Rise Resiliency District
Agenda Report**

Date: September 27, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Approve District's response to the San Mateo County Civil Grand Jury Report titled "San Mateo County: California's Ground Zero for Sea Level Rise" released on August 11, 2021

Recommendation:

That the San Mateo County Flood and Sea Level Rise Resiliency District ("District" or "OneShoreline") Board of Directors ("Board") approve the District's response to the San Mateo County Civil Grand Jury [Report](#) titled "San Mateo County: California's Ground Zero for Sea Level Rise" ("Report") released on August 11, 2021.

Background and Discussion:

"San Mateo County remains at risk from sea level rise and will continue to be for many generations. OneShoreline is the County's special district with the mission to protect the County from SLR and flooding, and to work with cities, towns, and the County. Although it is just a year old, OneShoreline appears to be heading in the right direction. OneShoreline must be sustainably funded in order to do the work needed to protect San Mateo County from the unavoidable problems caused by sea level rise." (Report, p. 22.)

So concludes the recent Report issued by the San Mateo County Civil Grand Jury ("Grand Jury"), an independent investigative body authorized by the California Constitution. Composed of 19 citizens, the Grand Jury serves as a "watchdog" and "voice" for citizens of the County to investigate and recommend solutions to a wide range of major challenges facing the County.

The Grand Jury first identified sea level rise (SLR) as one of those major challenges in 2015 when it issued a report titled "Flooding Ahead: Planning for Sea Level Rise" that called for the creation of a countywide agency to address the problems brought on by SLR. Following the establishment of the District on January 1, 2020, the Grand Jury studied the issue once again and on August 11, 2021 released the Report, the purpose of which is to answer the question: "Is OneShoreline on course to adequately address the sea level rise challenge that has been assigned to it, and does it have the support it needs?"

The Report begins by describing the scale of the SLR problem in the County, which is unequalled among counties in California; the fundamental options for addressing the problem; other reports that have documented SLR since the Grand Jury last tackled the issue in 2015; the origins, governance, and objectives of OneShoreline; and OneShoreline's activities during its first full year of operation. The Report then lists potential roles for OneShoreline and the funding of its operations and projects. It then discusses several important topics related to SLR projects, including the lengthy process to secure environmental regulatory permits; the role of the Army Corps of Engineers, FEMA, and other federal and state agencies; and the level of awareness among cities to this threat.

The Report concludes with 2 Best Practices, 13 Findings, and 4 Recommendations, and requests responses from the County of San Mateo, each of the 20 cities within the County, and the OneShoreline Board of Directors. The Report prescribes what is required for each response, and requests from OneShoreline responses to each Finding and Recommendations 2 and 3. Penal Code Section 933 requires a response within 90 days.

The last Board meeting (August 23) included an agenda item to discuss the Report. Attached next in this Board meeting packet is a draft response to the Report in the form of a letter from the District Board Chair to the Presiding Judge of the San Mateo County Superior Court. In addition, since that last meeting, I have discussed the Report's contents with elected officials and staff at several cities and I intend to send our Board-approved response to all City Managers and the County Manager for their information.

Fiscal Impact on District Resources: Approving the District response has no impact on District resources.

Attachment: Draft District Response to the Civil Grand Jury [Report](#)

September 27, 2021

The Honorable Judge Leland Davis, III
Presiding Judge
San Mateo County Superior Court
400 County Center, 2nd Floor
Redwood City, CA 94063

Dear Judge Davis:

The Board of Directors of the San Mateo County Flood and Sea Level Rise Resiliency District (also known as OneShoreline) has approved the following response to the San Mateo County Civil Grand Jury Report titled “San Mateo County: California’s Ground Zero for Sea Level Rise” released on August 11, 2021 (“Report”). The capacity and activities of OneShoreline are the focus of the Report, and, as requested by the Civil Grand Jury, this response indicates whether OneShoreline agrees with, or disagrees with (in whole or in part, with explanation), each of the Report’s thirteen Findings and responds to Report Recommendations R2 and R3.

OneShoreline Response to Each Finding

F1. Sea level rise will seriously damage critical San Mateo County infrastructure and assets unless the County and its cities and towns prepare now.

OneShoreline: OneShoreline **agrees** with this finding. San Mateo County is the most vulnerable county in California to the first three feet of sea level rise (SLR) with respect to population, including underrepresented population, number of homes, property value, and number of contaminated sites. Building resilience to future climate conditions will be easier and less costly by planning for it today.

F2. Sea level rise infrastructure projects can take more than a decade to plan, fund and build.

OneShoreline: OneShoreline **agrees** with this finding. However, it doesn’t have to be this way. Beyond local leadership and a sound technical plan, the three fundamental needs to build large SLR projects are land rights, funding, and environmental regulatory permits. Frequently, the last two of these can take years to acquire. OneShoreline is working to address these, as discussed below in our responses to Findings 3, 10, and 13, and Recommendations 2 and 3.

F3. Complex federal and state regulations and procedures delay and increase the costs of already expensive sea level rise mitigation projects. They need to be revised.

OneShoreline: OneShoreline **agrees** with this finding. Federal and State agencies can provide critical funding for these projects and fulfill an important role in ensuring that large projects do not harm the environment. However, the permitting and funding regimes of these agencies were largely developed decades ago and are not well suited to address a transformative and dynamic challenge like climate change. OneShoreline has and will continue to support efforts to ensure that the laws and guidelines used by Federal and State agencies recognize -- and take into account in the permitting process -- the multiple public benefits of climate resilience projects, including the benefit of establishing habitats that can thrive in future climate-driven conditions.

F4. Delaying sea level rise projects will increase costs.

OneShoreline: OneShoreline **agrees** with this finding. Studies have shown that the costs of reactive, emergency repairs or retrofitting developed lands far exceed the costs of proactive planning and construction focused on future conditions. Working with local municipalities and agencies, OneShoreline is well-positioned to support long-term land use policies, arrange private development partnerships, and plan and build projects across jurisdictions that align and connect protection against sea level rise, creek flooding, coastal erosion, and stormwater, as well as enhance trails and the environment.

F5. To remain effective, OneShoreline needs steady, long-term, operational funding.

OneShoreline: OneShoreline **agrees** with this finding. Without a long-term, stable source of funds for its operations, OneShoreline cannot meet its objective to make all of San Mateo County resilient to the climate change impacts listed in the response to F4. For this reason, OneShoreline is exploring the possibility of asking voters throughout the county to support a measure aimed at securing funding for operations and projects associated with climate resilience.

F6. Coordination between neighboring jurisdictions is important to reduce costs and improve the effectiveness of a SLR project.

OneShoreline: OneShoreline **agrees** with this finding. Meeting the transformative challenge of sea level rise in this county requires a holistic approach across jurisdictions. OneShoreline was created as a countywide agency to leverage partnerships to build long-term regional solutions that cannot be realized on a city-by-city basis. For example, emerging OneShoreline projects are:

- Aligning disparate efforts of the cities of Burlingame and Millbrae, and San Francisco International Airport, into a project that connects their Bay shoreline in order to protect people, property, and infrastructure against the current FEMA 100-year tide plus six feet of sea level rise (which is equal to ten feet above today's high tide), fill gaps in the Bay Trail and provide environmental improvements where possible; and
- Apply these objectives to a new project for the protection of Redwood Shores, which includes the cities of Redwood City, San Carlos, and Belmont, the County's San Carlos Airport, Silicon Valley Clean Water, and other major assets.

F7. Competing budget priorities among the entities in a sea level rise project make the projects difficult to fund and manage, leading to risk of delays and missed deadlines.

OneShoreline: OneShoreline **partially agrees** with this finding. Funding projects from many local government entities and external sources is more complicated and time-consuming than funding projects from a single source. However, all government functions, including projects to protect against sea level rise, must compete with other budget priorities, and OneShoreline does not see this issue as unique to these projects or even as the primary obstacle to achieving our objectives.

F8. Numerous hazardous material sites in the County must be protected from sea level rise flooding.

OneShoreline: OneShoreline **agrees** with this finding. The County's 2018 Sea Level Rise Vulnerability Assessment found that nearly half of all hazardous material sites in the County (183 sites, including four Superfund sites) are at risk from the current FEMA 100-year tide and approximately six feet of sea level rise. Furthermore, to improve its understanding of the vulnerability of hazardous sites to elevated groundwater due to SLR, the County is developing a study to identify areas where the impact of sea level rise on groundwater may cause contaminants to be mobilized. OneShoreline will cross-reference these areas of concern with our project sites to synchronize adaptation strategies where possible.

F9. Storm surge and sea level rise threaten the County’s wastewater treatment plants affecting everyone in the County – even inland County residents.

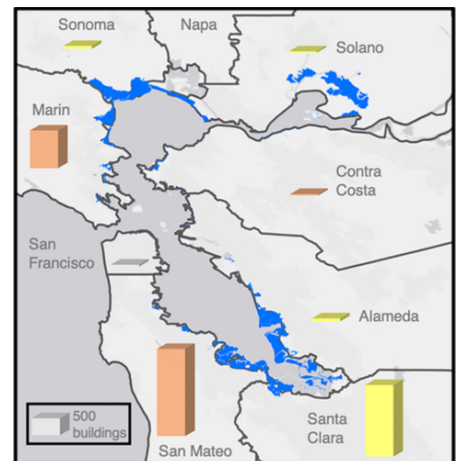
OneShoreline: OneShoreline **agrees** with this finding. The 2018 Sea Level Rise Vulnerability Assessment found that seven of the nine wastewater treatment plants in this County will be substantially impacted by the current FEMA 100-year storm plus approximately six feet of sea level rise. This issue is not unique to San Mateo County; a NBC Bay Area investigative [report](#) earlier this year found that 30 out of 39 treatment plants in the San Francisco Bay Area are at risk from climate-driven flooding. OneShoreline is seeking to synchronize its projects with the need to protect wastewater facilities and enable these facilities to contribute towards our resilience to another major climate impact—extreme drought.

F10. OneShoreline is uniquely positioned to augment San Mateo County’s ability to combat sea level rise by its planning, funding, permitting expertise, and guidance.

OneShoreline: OneShoreline **agrees** with this finding. As the countywide agency established to focus on this issue and leverage resources and partnerships across jurisdictional boundaries, OneShoreline plays a key role in bringing together key stakeholders to establish common objectives and assumptions; utilize public and private land rights to meet project goals; and share technical information, environmental mitigations, and project costs.

F11. Destruction of low-cost housing on the Bay and coast by flooding and erosion due to sea level rise will further increase inequities in communities such as Belle Haven (Menlo Park), East Palo Alto, Redwood City, and Pacifica.

OneShoreline: OneShoreline **agrees** with this finding. A study by Stanford University researchers [published](#) in July 2021 found that flooding in San Mateo County – more than any other Bay Area county – disproportionately impacts communities most at risk of financial instability. Researchers found that the household median income in the County’s floodplain is about \$30,000 lower than the County median. This is illustrated in the figure to the right, where the size of the bar indicates the number of residential buildings flooded during a 100-year tide and the color of the bars associated with each county indicate whether the median household income in the flooded zone is above (yellow) or below (orange) a county’s median household income.



F12. OneShoreline effectively collaborates with the Office of Sustainability and others on public engagement campaigns to educate individuals on how sea level rise will affect San Mateo County.

OneShoreline: OneShoreline **agrees** with this finding. OneShoreline communicates regularly with the County’s Office of Sustainability (OOS) on areas where our efforts can complement one another, and OOS has augmented OneShoreline’s outreach efforts as OneShoreline builds its capacity. OneShoreline also works with cities, other special districts, the County Office of Education, and the League of Women Voters (LWV) chapters to educate individuals on the risks facing this county and approaches to building resilience. This has included a year-long series of public forums co-hosted by OneShoreline and the LWV on climate issues related to water and wildfire throughout the county.

F13. A loan program to provide cities and towns funds for the required preliminary engineering necessary to obtain partial state or federal funding for SLR projects would be beneficial.

OneShoreline: OneShoreline *partially agrees* with this finding. A source of funding to assist municipalities with the planning and design activities necessary to obtain state and/or federal funding for SLR projects would be beneficial. However, the structure of such funding (i.e., whether it would/could take the form of a loan program) requires further investigation and analysis.

OneShoreline Response to Recommendations 2 and 3

R2. A coordinated lobbying strategy with participation by the County, by San Mateo County cities and towns, by OneShoreline, and by other interested Bay Area cities and counties for federal and state regulatory simplification by January 31, 2022.

OneShoreline: The recommendation has been partially implemented, and implementation will be ongoing beyond January 31, 2022. OneShoreline has worked with San Mateo County and its lobbyists in California, as well as coalitions of water-related agencies, on many issues, including simplifying the process to permit climate resilience projects. As discussed in the response above to F3, today's climate crisis has highlighted the need to simplify environmental regulatory requirements for restoration and climate resilience projects. There has been progress on this issue at the State level, including through the just-passed Senate Bill 155, which allows certain habitat restoration projects to be exempt from CEQA. OneShoreline is currently following how the State plans to implement this measure if signed by the Governor and whether this exemption would apply to its projects.

R3. OneShoreline consider establishing and administering a low interest revolving loan fund to enable jurisdictions to prepare the initial engineering and planning necessary to obtain federal and state funding for SLR projects, establishing such program by December 31, 2021.

OneShoreline: As indicated above in response to F13, this specific recommendation requires further investigation and analysis. Moreover, until OneShoreline has secured its own steady, long-term, operational funding (*see* F4, above), it will not be in a position to establish and administer a program to fund the initial engineering and planning needs of other jurisdictions in the County. Thus, any such program, regardless of the ultimate funding vehicle, will not be established by December 31, 2021. However, in the meantime, OneShoreline will continue to explore ways to assist and partner with local jurisdictions to improve our collective resilience to the water-related impacts of climate change.

On behalf of the OneShoreline Board, thank you for taking on the complex and urgent long-term task of addressing sea level rise and other flood risks in San Mateo County. Please contact OneShoreline CEO Len Materman at len@oneshoreline.org if we can be of further assistance.

Sincerely,

Dave Pine
Chair, Board of Directors

cc: OneShoreline Board members
San Mateo County Manager
City Managers within San Mateo County

**San Mateo County Flood and Sea Level Rise Resiliency District
Agenda Report**

Date: September 27, 2021
To: San Mateo County Flood and Sea Level Rise Resiliency District Board of Directors
From: Len Materman, CEO
Subject: Discuss Assembly Bill 361 regarding Brown Act compliance during the COVID emergency

Background and Discussion:

Over the course of the COVID-19 pandemic, Governor Newsom has issued a number of Executive Orders governing remote meetings under the Brown Act and related teleconferencing procedures. The current such Executive Order, N-08-21, expires September 30, 2021. On September 16, 2021, the Governor signed into law [Assembly Bill 361](#) (AB 361), which formalizes and modifies remote meeting procedures for local legislative bodies, effective October 1, 2021.¹

A. Requirements for Holding Remote Meetings After September 30, 2021

AB 361 allows a local legislative body to continue holding remote meetings until January 1, 2024, in any of the following circumstances:

1. Whenever the legislative body holds a meeting during a proclaimed state of emergency, *and* state or local officials have imposed or recommended measures to promote social distancing; or
2. When the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. When the legislative body holds a meeting during a proclaimed state of emergency *and* has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Currently, a proclaimed state of emergency remains in place, but the local health officer has not “imposed or recommended measures to promote social distancing” and the state’s website indicates that social distancing “requirements” are no longer in effect, except for very large events. Therefore, the third circumstance above would apply if the Board of Directors wishes to continue holding remote meetings after September 30, 2021.

AB 361 also requires that, if the state of emergency continues for more than 30 days, the legislative body must make findings by majority vote *every 30 days* to continue holding remote meetings. The findings would speak to the need for teleconferencing due to the nature of the ongoing emergency and the social distancing recommendations of local public health officials. In practice, this means that at each monthly meeting, the Board will have to place an item on the agenda to make findings regarding the circumstances of the ongoing emergency and vote to continue relying upon the exemption for remote meetings.

B. Traditional Teleconferencing Requirements Are Suspended During Remote Meetings

If the Board takes that action, traditional Brown Act teleconferencing provisions are suspended — specifically, requirements that teleconference locations (1) each have posted notices or agendas, (2) be accessible to the public, and (3) be identified by address on the agenda. Also suspended for fully-teleconferenced meetings is the requirement to make available a physical location to observe the meeting or make public comment.

¹ On September 20, 2021, the Governor issued Executive Order N-15-21 clarifying that Executive Order N-08-21 would remain in place and govern remote meetings through September 30, 2021.

C. Ensuring Public Participation at Remote Meetings

Meanwhile, the legislative body must also comply with the new rules to protect the public's right to participate at remote meetings. These rules, which the District has complied with, include:

1. AB 361 forbids agencies from requiring public comment to be submitted in advance, and requires an opportunity to address the public/Board in real time. Thus, limiting comments to emails received prior to the meeting is no longer acceptable.
2. AB 361 regulates, for the first time, the rules and procedures for opening and closing a public comment period for agenda items. Specifically, a reasonable time for indicating a desire to comment (i.e., to use the "raise hand" feature in Zoom) must be provided.
3. AB 361 prohibits agencies from taking action on agenda items when there is a disruption to the teleconference proceedings or technical failure on the agency's end which prevents members of the public from making comments, until public access is restored, and creates a cause of action to challenge agency actions taken during a disruption to public access.
4. Notwithstanding Brown Act prohibitions on requiring attendees to register their names as a condition of meeting attendance, AB 361 expressly authorizes agencies to use third-party teleconference platforms that require registration (i.e., Zoom requiring an attendee to include their email).

No Board action is recommended at this time; depending on the outcome of this Board discussion, action may be recommended at the next Regular Board meeting on October 25.

Fiscal Impact on District Resources:

There is no fiscal impact on District resources associated with this item.