

### 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 and Approve the Consent Agenda

A. Authorize the CEO to execute an agreement with the San Mateo County Attorney's Office for continued legal services

### 4. Regular Business

A. Discussion and potential adoption of the District's *Planning Policy Guidance to Protect and Enhance Bay Shoreline Areas of San Mateo County*, available at [OneShoreline.org/planning-guidance](https://www.oneshoreline.org/planning-guidance)

B. Approve the Fiscal Year 2023-24 Operating Budget, Flood Zones Budget, and Capital Projects Budget

C. Approve the 2<sup>nd</sup> Amended and Restated Joint Powers Agreement for the San Francisquito Creek Joint Powers Authority

D. Adopt Resolution 2023-06-26-A adopting FY 2023-24 Water Pollution Control Service Charges Reports for Flood Zone One - Countywide, and Resolution 2023-06-26-B adopting FY 2023-24 Water Pollution Control Service Charges Reports for Flood Zone Two - City of Pacifica

E. Authorize the CEO to execute an agreement with Montrose Environmental Solutions to develop environmental compliance documents and secure regulatory permits to maintain the portions of Bayside creeks that caused flooding this past winter

### 5. Chair's Report \*

### 6. CEO's Report \*

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

**8. Closed Session** (pursuant to Government Code Section 54957(b)): Employee Evaluation and Contract, Title: CEO \*

### 9. Adjournment

# Board of Directors Meeting

## San Mateo County Flood and Sea Level Rise Resiliency District

## Agenda Item 3A

**Authorize the CEO to execute an Agreement with the San Mateo County Attorney's Office for legal services**

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**OneShoreline's current Agreement with the County Attorney's Office, executed in 2020, ends June 30, 2023.**

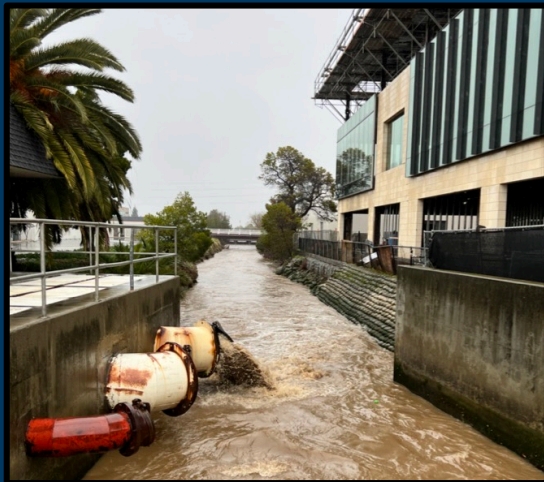
**The proposed Agreement:**

- **Has an initial term ending on June 30, 2025, which the CEO may extend to June 30, 2026**
- **Has a not-to-exceed amount of \$200,000; Board authorization is requested to allow the CEO to increase that to \$250,000 if needed**
- **Includes a Notice and Waiver of Conflict describing potential conflicts of interest between OneShoreline and the County, in which case the County Attorney may withdraw from representing OneShoreline on that matter**
- **Allows OneShoreline to engage outside legal counsel**
- **OneShoreline's FY23-24 Operating Budget includes funding for the first year of this Agreement**

## Agenda Item 4A – Planning Policy Guidance to Protect and Enhance Bay Shoreline Areas of San Mateo County

### Why develop Planning Policy Guidance? Why now?

- Local jurisdiction core planning documents – a general plan, specific plan, and zoning ordinance – guide where and how development occurs, but do not account for a future with atmospheric rivers and sea level rise.
- If that doesn't change, today's new developments intended to function for decades will not be resilient to future conditions and will need to be retrofitted to protect those assets and surrounding ones.
- This is a pressing issue as there are many proposed Bayside developments.



# What is the *Planning Policy Guidance*?

A standardized, evolving resource for jurisdictions to account for climate-driven future conditions in general plans, specific plans, and zoning ordinances, and reviews of new private developments.

It is also intended to be a resource for individuals and organizations that follow land use planning and development near our Bay shoreline and to serve as a model for other jurisdictions with similar challenges.

## What it is

- Voluntary guidance
- Actionable template
- Focused on new/substantial private development
- Evolving



## What it isn't

- Mandatory regulations
- A reference document only
- Focused on existing or public development
- Static



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How to use the *Planning Policy Guidance* and description of the Bay Protection Standard: FEMA-accredited shoreline protection infrastructure 6' above FEMA's BFE

Implementation: OneShoreline's proposed role in technical assistance and local development review

Template language for General/Specific Plans

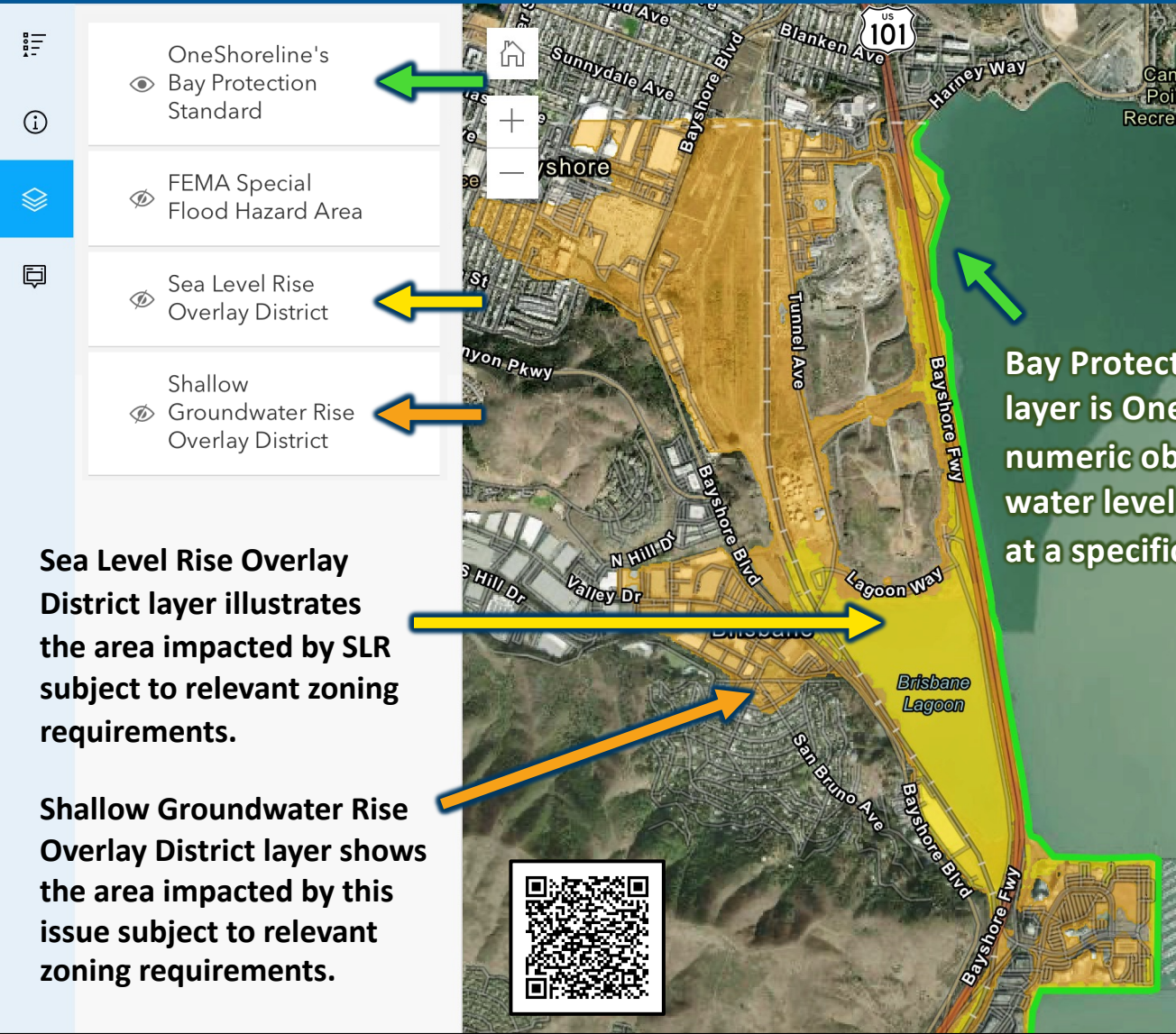
Template language for Zoning Ordinances:

- Buffer Zones along the Bay and creeks
- Shoreline protection infrastructure
- Elevating development
- Stormwater capture and drainage
- Shallow groundwater rise
- Applicability and exceptions

Template language for considering development proposals, including a requirement to build protection infrastructure to the Bay Protection Standard *or* to provide space and land rights for a city or OneShoreline to build it later

# A new interactive online map to accompany the *Planning Policy Guidance*

## OneShoreline Bayside Map of Future Conditions

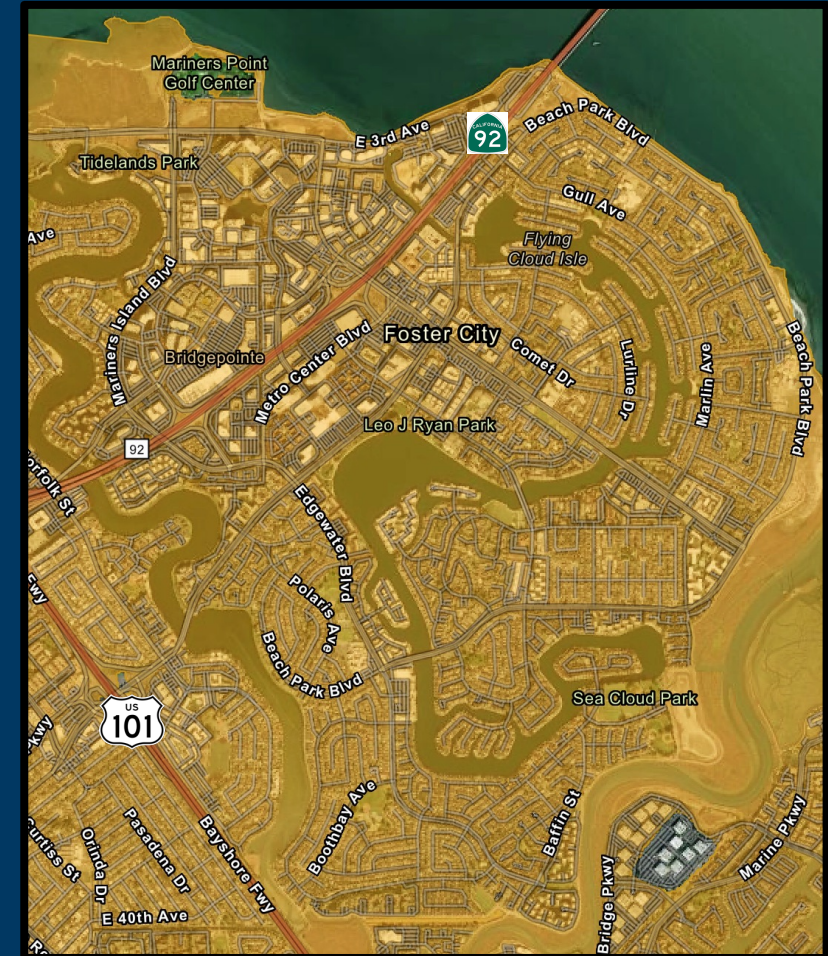


Sea Level Rise Overlay District layer illustrates the area impacted by SLR subject to relevant zoning requirements.

Shallow Groundwater Rise Overlay District layer shows the area impacted by this issue subject to relevant zoning requirements.

Bay Protection Standard layer is OneShoreline's numeric objective for water level protection at a specific location.

## Shallow groundwater rise layer in the Foster City area





**Planning Policy Guidance**  
To Protect and Enhance  
Bay Shoreline Areas of San Mateo County  
June 2023 Final Draft

## *Planning Policy Guidance* timeline

- In early 2023, OneShoreline staff and consultants completed an Administrative Draft based on local and nationwide sources, which resulted in over 300 comments from 11 Bayside jurisdictions, BCDC, SFEI, and other stakeholders.
- On April 19, OneShoreline released a Public Draft that resulted in over 200 additional comments from 21 entities, including public agencies, private developers, engineering consultants, environmental organizations, environmental justice organizations, and private citizens.
- Since the May 22 Board meeting, our staff and consultant (Good City Company) considered these comments in developing a Final Draft (at [OneShoreline.org/Planning-Guidance](https://www.oneshoreline.org/planning-guidance)), which is now before the Board for discussion and potential adoption.

## Agenda Item 4A – Key changes made to the *Planning Policy Guidance* between Public and Final Drafts

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- Changing the title of the document to Planning Policy Guidance to emphasize that it is non-binding (but highly encouraged) for each local jurisdiction to include in its policies and to implement
- Defining “Natural Infrastructure” – tied to the State definition – and its key role in shoreline protection
- Clarifying that the Map of Future Conditions “Bay Protection Standard” layer identifies the water level threat for planning purposes and does not delineate the shoreline as defined by BCDC or OneShoreline
- Clarifying that the Buffer Zone along the shoreline (100 feet) and creeks (35 feet):
  - Is a minimum standard and local jurisdictions should require a wider buffer zone where feasible
  - Is for flood protection, habitat, or public access; encroachments for other uses require exceptions
- Updating Chapter IV (Project Review Checklist) and Chapter V (Standard Conditions of Approval) to better align with the provisions set forth in the Sea Level Rise and Shallow Groundwater Rise Overlay Districts in Chapter III and how the District currently drafts comment letters on development projects.

## **Agenda Item 4A – Key ongoing issues raised regarding the *Planning Policy Guidance***

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- 1. Acknowledging the variability of local circumstances in OneShoreline’s Bay Protection Standard and having the Standard refer to amount of sea level rise protected against rather than the elevation of the shoreline protection.**
  - At this time, OneShoreline is focusing on shoreline protection elevation and utilizes FEMA’s Base Flood Elevation (plus 6 feet to account for increased hazards as sea levels rise) because FEMA Flood Maps are currently the most widely accepted, used, and comprehensive dataset (that, to some extent, does account for local conditions).
  - As climate science – and our understanding of its local application – rapidly advances, we will update the Standard.
- 2. Alternatives to further development in historic Baylands areas, including “managed retreat” beyond the buffer zone**
  - Concerns that our Bay Protection Standard "locks in" development on historic Baylands and precludes future adaptation options.
  - As long as shoreline developments continue to be approved by local jurisdictions and regulatory agencies, OneShoreline is focused on ensuring that those developments contribute to community resilience. We support enabling adaptation to different land uses and thus future iterations of the *Guidance* may change in this regard.
- 3. A zoning overlay district focused on stormwater detention in upper watershed areas to reduce flooding downstream**

## **Agenda Item 4B: Approve Fiscal Year 2023-24 Operating, Flood Zones, and Capital Projects Budgets**

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### **Potential Key Objectives for FY23-24:**

- **Long-term funding plan for operations & projects**
- **Multi-jurisdictional projects and local land use planning that protect against future conditions**
- **Multi-jurisdictional efforts that reduce flooding from today's major storms**
- **Outreach**

### **The FY23-24 Budget advances those objectives by:**

- **Ensuring operations through July 1, 2027, while long-term funding is sought**
- **Increasing budget over FY22-23 for project management and funding, grant writing, and outreach**
- **FY23-24 Operating Budget revenue sources: State grants, County Measure K funds, investment income, and reimbursement of expenses supporting the County's Emergency Declaration**
- **All 3 Flood Zones expect to see increased property tax revenue in FY23-24**
- **In the FY23-24 Capital Project Budget, the revenue and expenses associated with the Bayfront Canal & Atherton Channel Project are greatly reduced, and revenue and expenses associated with the Millbrae and Burlingame Shoreline Area Project will increase.**

# Agenda Item 4B OPERATING BUDGET: Estimated Multi-Year Reserves Balance

|                      | FY2022-23          |                    | Proposed budget<br>FY2023-24 |                    | FY2024-25          |                    | FY2025-26          |                    | FY2026-27          |                    |
|----------------------|--------------------|--------------------|------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
|                      | 7/1/22             | 7/1/23             | 7/1/24                       | 7/1/24             | 7/1/25             | 7/1/25             | 7/1/26             | 7/1/26             | 7/1/27             | 7/1/27             |
| <b>Income:</b>       |                    |                    |                              |                    |                    |                    |                    |                    |                    |                    |
| SMC + Cities         | \$0                | \$0                | \$0                          | \$0                | \$0                | \$0                | \$0                | \$0                | \$0                | \$0                |
| SMC Meas. K          | \$900,000          | \$2,050,000 *      | \$0                          | \$0                | \$0                | \$0                | \$0                | \$0                | \$0                | \$0                |
| SMC Emerg. Declar.   | \$0                | \$41,605           | \$0                          | \$0                | \$0                | \$0                | \$0                | \$0                | \$0                | \$0                |
| Other Income **      | \$1,000,590        | \$1,205,200        | \$1,040,000                  | \$1,040,000        | \$739,529          | \$739,529          | \$0                | \$0                | \$0                | \$0                |
|                      | <u>\$1,900,590</u> | <u>\$3,296,805</u> | <u>\$1,040,000</u>           | <u>\$1,040,000</u> | <u>\$739,529</u>   | <u>\$739,529</u>   | <u>\$0</u>         | <u>\$0</u>         | <u>\$0</u>         | <u>\$0</u>         |
| <b>Expenditures:</b> |                    |                    |                              |                    |                    |                    |                    |                    |                    |                    |
| Operating Expenses   | \$1,332,767        | \$1,860,052        | \$1,953,054                  | \$1,953,054        | \$2,050,707        | \$2,050,707        | \$2,255,778        | \$2,255,778        | \$2,255,778        | \$2,255,778        |
|                      | <u>\$1,332,767</u> | <u>\$1,860,052</u> | <u>\$1,953,054</u>           | <u>\$1,953,054</u> | <u>\$2,050,707</u> | <u>\$2,050,707</u> | <u>\$2,255,778</u> | <u>\$2,255,778</u> | <u>\$2,255,778</u> | <u>\$2,255,778</u> |
| Year-end Reserves    | \$3,144,234        | \$4,580,987        | \$3,667,932                  | \$3,667,932        | \$2,356,754        | \$2,356,754        | \$100,976          | \$100,976          | \$100,976          | \$100,976          |

\* \$1.75M County Measure K Grant subject to approval by the County BOS in June 2023

\*\* State grants and investment income

After FY23-24, 5% annual increase in expenses assumed

Currently known revenue is expected to run out approximately 7/1/26; reserves run out approximately 7/1/27

## **Proposed** FY2023-24 OPERATING BUDGET

| <b>Operating Budget item</b>  | <b>FY 2023-24</b>  |
|---|--------------------|
| <b>Total Revenue</b>  | <b>\$3,296,805</b> |
| <b>Total Net Expenses</b><br><b>Net Personnel (\$954,969), Net Operations &amp; Support (\$905,083)</b> | <b>\$1,860,052</b> |
| <b>Revenue minus Expenses</b>   | <b>\$1,436,753</b> |
| <b>Reserves from prior (2022-23) fiscal year</b>  | <b>\$3,144,234</b> |
| <b>Estimated Reserves at end of FY 2023-24</b>  | <b>\$4,580,987</b> |

## **Proposed** FY2023-24 FLOOD ZONES BUDGET

| <b>Budget item</b>                               | <b>Colma<br/>Creek</b> | <b>San Bruno<br/>Creek</b> | <b>San Francisquito<br/>Creek</b> |
|--|------------------------|----------------------------|-----------------------------------|
| <b>Revenue</b>                                   | <b>\$5,369,578</b>     | <b>\$429,475</b>           | <b>\$475,685</b>                  |
| <b>Expenses</b>                                  | <b>\$3,901,025</b>     | <b>\$568,449</b>           | <b>\$482,223</b>                  |
| <b>Revenue minus Expenses</b>                    | <b>\$1,468,553</b>     | <b>(\$138,974)</b>         | <b>(\$6,538)</b>                  |
| <b>Reserves from prior (2022-23) fiscal year</b> | <b>\$32,766,399</b>    | <b>\$3,537,707</b>         | <b>\$1,139,546</b>                |
| <b>Estimated Reserves at end of FY 2023-24</b>   | <b>\$34,234,952</b>    | <b>\$3,398,733</b>         | <b>\$1,133,008</b>                |

## Proposed FY2023-24 CAPITAL PROJECTS BUDGET

| Project   | Local Gov't Revenue | CA / Fed Revenue   | Total Revenue      | Expenses           |
|---|---------------------|--------------------|--------------------|--------------------|
| <b>Bayfront Canal &amp; Atherton Channel *</b>  |                     | <b>\$218,066</b>   | <b>\$218,066</b>   | <b>\$355,160</b>   |
| Contracts                                       |                     |                    |                    | <b>\$320,160</b>   |
| District staff time                             |                     |                    |                    | <b>\$35,000</b>    |
| <b>Millbrae &amp; Burlingame Shoreline Area</b> |                     | <b>\$2,161,748</b> | <b>\$2,161,748</b> | <b>\$2,161,748</b> |
| Contracts                                       |                     |                    |                    | <b>\$2,064,548</b> |
| District staff time                             |                     |                    |                    | <b>\$97,200</b>    |

\* Estimated reserves of \$205,766 available for continued BCACP maintenance and mitigation monitoring after July 1, 2024

## **Agenda Item 4C: Approve the Second Amended and Restated Joint Powers Agreement for the SFCJPA**

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- **In May 1999, a Joint Powers Agreement among East Palo Alto, Menlo Park, Palo Alto, Santa Clara Valley Water District, and San Mateo County Flood Control District formed the San Francisquito Creek Joint Powers Authority (SFCJPA).**
- **This Agreement was first amended effective January 1, 2020, largely to reflect the establishment of OneShoreline. At that time, all parties recognized that the Agreement would need additional changes to reflect the current nature of SFCJPA activities, including that the SFCJPA:**
  - **secures and administers funds for its operations and projects rather than relies solely on Member Entity funds,**
  - **develops and maintains projects rather than simply plans them,**
  - **creates recreational opportunities in addition to protecting against flooding and restoring the environment, and**
  - **enhances the ability of agencies to respond to flooding rather than coordinates that response.**
- **New text also reflects current SFCJPA administrative practices regarding hiring staff, legal representation, and board roles; that the SFCJPA may exercise eminent domain if the relevant Member Entity supports this; and clarifies SFCJPA budget and capital projects processes.**
- **The SFCJPA Board and governing bodies of the other Member Entities recently approved the Amended Agreement.**

## Agenda Item 4D

### FY 2023-24 Water Pollution Control Service Charges Reports for Flood Zones 1 (countywide) and 2 (Pacifica)

OneShoreline inherited responsibility for water pollution control required by the federal National Pollutant Discharge Elimination System (NPDES). This is administered by the Regional Water Quality Control Board through a 5-year Municipal Regional Permit for two areas of the County: Zone 1 (Unincorporated areas and all cities except for Woodside and Pacifica) and Zone 2 (City of Pacifica).

We are required to annually approve rates within these zones and file Charges Reports with the County Controller so that fees may be collected through property taxes.

#### Zone 1 Rates – Countywide

| Parcel Description                                 | Rate Established in 1995  | Additional Fees<br>(established in 2001)*                               | Total Combined<br>(rounded to nearest cent)                             |
|--|---|---|---|
| Single Family Resident                             | \$3.44/Parcel   | \$4.38/Parcel   | \$7.82/Parcel   |
| Condominium Units, Vacant Land, Agriculture, Misc. | \$1.72/Parcel   | \$2.19/Parcel   | \$3.90/Parcel   |
| Commercial, Retail, Manufacturing, Industrial      | \$3.44/Parcel plus<br>0.3127/1,000 s.f. for<br>parcels over 11,000 s.f. | \$4.38/Parcel plus<br>0.3980/1,000 s.f. for<br>parcels over 11,000 s.f. | \$7.82/Parcel plus<br>0.7107/1,000 s.f. for<br>parcels over 11,000 s.f. |

#### Zone 2 Rates – Pacifica

|  |         |
|--|---------|
| Vacant                                     | \$7.00  |
| Single Family/Townhouse/Church/Condominium | \$14.00 |
| All Other                                  | \$28.00 |

## Agenda Item 4D

### FY 2023-24 Water Pollution Control Service Charges Reports for Flood Zones 1 (countywide) and 2 (Pacifica)

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- **The City/County Association of Governments (C/CAG) supports its member agencies' compliance with NPDES provisions, by:**
  - **Performing countywide actions, such as water quality monitoring and outreach;**
  - **Contributing to regional programs when it is more cost-effective to implement efforts in conjunction with other countywide stormwater programs; and**
  - **Providing technical support for agencies implementing local stormwater compliance programs.**
- **Collected funds (totaling an estimated \$1.83M for Zone 1, and \$172K for Zone 2) will be provided to C/CAG for its work to implement the countywide Water Pollution Prevention Program.**

**Today's resolutions adopt the FY23-24 Charges Reports and direct staff to file these with the Controller**

**Agenda Item 4E: Agreement with Montrose Environmental Solutions to develop environmental compliance documents and secure permits to maintain the portion of Bayside creeks that flooded this past winter**

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- **The past winter, atmospheric river storms brought major flooding along several creeks in our county.**
- **As all these watersheds and their floodplains are multi-jurisdictional, both the cause (lack of water flow capacity) and one of the remedies (removing accumulated in-channel debris) must involve multiple agencies, which makes this a climate change challenge well-suited for OneShoreline's involvement.**
- **A major obstacle to removing this debris and increasing channel capacity is securing environmental regulatory permits. At its May 22, 2023 Board meeting, the Board authorized me to execute a grant agreement with San Mateo County to, in part, fund our ability to develop and secure such permits.**
- **OneShoreline staff contacted potential firms to support this effort, and today I ask the Board to authorize me to execute a contract with Montrose Environmental Solutions for up to \$149,941 through June 2024.**
- **Montrose will support our work to complete environmental compliance documents, including the studies required by CEQA, and develop and secure 5-year creek maintenance permits to allow ongoing work potentially along the following creeks: San Bruno, San Mateo, Belmont, Atherton, and Cordilleras.**

## Agenda Item 6: CEO's Report

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- **Tracking State government items**
- **OneShoreline staff are supporting the County-led updates to the Safety Element and Environmental Justice Element of the general plans of the County, Atherton, Belmont, Brisbane, Burlingame, East Palo Alto, Half Moon Bay, Pacifica, and San Bruno**

## **Board of Directors meeting**

### **Agenda Item 8:**

**Closed Session pursuant to Government Code Section 54957(b)**

**Employee Evaluation and Contract**

**Title: CEO**



**Next Scheduled Board meeting**

**July 24, 2023 at 4:00 PM**