

**San Francisquito Watershed Council  
Steering Committee minutes  
October 12, 2005**

Introductions. Agenda approved. September 14, 2005, minutes approved. Next meeting November 9<sup>th</sup>.

**Announcements**

- Jerry Hearn (Acterra): Jerry has been in contact with Jim Johnson, who is now living in India at an ashram in the foothills of the Himalayas and is as excited as Jerry has ever seen him. Jim asked Jerry to tell the Steering Committee how much he appreciates the Watershed Council's work and to let everyone know that he'll be back for a visit in two years. Jim has a permanent address in Kerala, where he will be trying to buy a flat. Jim's permanent address is:

Jim Johnson  
Mata Amritanandamayi Math  
Amritapuri P.O.  
Kollom District  
Kerala 690 525 India

There was another article about Jim in today's Almanac, which is in the circulating file.

- Cynthia D'Agosta (San Francisquito Creek Joint Powers Authority): Cynthia introduced Miyko Harris-Parker, the JPA's new Finance and Office Administrator, and let the group know that Miyko may come to future Steering Committee meetings as the JPA's representative. Cynthia also announced that the JPA's October 5<sup>th</sup> meeting will be airing on Channels 27 and 30 according to the schedule posted on the JPA's website (<http://www.cityofpaloalto.org/public-works/jpa-index.html>). This meeting, which was attended by elected officials and members of the public from throughout the watershed, provided a good basis for understanding how the Army Corps of Engineers and the JPA will move forward with the San Francisquito Creek project. The project is now moving into the feasibility phase and the JPA hopes to sign the feasibility cost sharing agreement with the Corps by November 17. This means that individual member agencies will have to approve it prior to that date. Responding to a question about low turnout from the upper watershed communities, Cynthia responded that the meeting was videorecorded to allow people more chances to see it and to get the word out.
- Jerry Hearn (Acterra): Governor Schwarzenegger has signed enabling legislation for a 1/8% sales tax to go toward San Mateo County parks projects.

**Presentation: Implementation of the Water Resources Protection Collaborative's Guidelines and Standards for Land Use Near Streams (Joe Teresi, City of Palo Alto)**

Pam Sturner (SFWC Project Director) introduced Joe Teresi from the City of Palo Alto Public Works Department. She reminded the group that the Santa Clara Valley Water Resources

Protection Collaborative has been working to develop guidelines for permitting land use near streams. Today's presentation came out of a request from the Steering Committee a few months ago for an update on the Collaborative's work and other implications of the new storm water permit requirements (C3 provisions).

Joe started the presentation by introducing his colleague John Lusardi from the City of Palo Alto Planning Department, and encouraged both John and Bill Springer from the Santa Clara Valley Water District, also a Collaborative participant, to add their thoughts at any time.

Joe covered three main topics:

- (1) the C3 provisions of the new NPDES storm water permits,
- (2) hydromodification management measures, and
- (3) the Collaborative's Guidelines and Standards for Land Use Near Streams

His accompanying PowerPoint presentation is available for reference at [www.acterra.org/watershed/private](http://www.acterra.org/watershed/private).

#### C3 provisions of the new NPDES storm water permits

The National Pollutant Discharge Elimination System (NPDES) permit regulates storm water discharge to creeks and the Bay. The permit is coordinated for Santa Clara County jurisdictions by the Santa Clara Valley Urban Runoff Pollution Prevention Program. The NPDES permit process was revised in 2001 based on State Water Resource Control Board's concerns about various impacts of land development near streams (see slide #3). The C3 provisions of the new permits required that permittees revise their development review procedures to deal with these impacts.

Santa Clara County was the first Bay Area county to have the C3 provisions imposed, but similar requirements for other counties have since followed. The C3 regulations have been phased in over time, beginning in October 2003 with "Phase 1" projects, which create or replace one acre or more of impervious surface, and followed in October 2005 with "Phase 2A" projects, which create or replace 10,000 square feet or more of impervious surface, with exclusions for single family homes and some other kinds of projects.

The permit requires Phase 1 and Phase 2 applicants to incorporate pollution reduction measures into their projects to the "maximum extent practicable." There are 3 kinds of measures: treatment, source control, and site design. Treatment measures must treat the "water quality storm," which is approximately 0.2 in/hr, a small storm that happens very frequently throughout the year. Property owners must agree to maintain the treatments, which could include vegetated swales, detention basins, permeable pavements, and catch basin filters, for the life of the projects. The City will designate inspectors to periodically inspect the treatment measures on existing projects. Joe gave examples that can be seen on slides 11-13.

Source control measures are measures that prevent pollutants from getting into runoff, such as requiring covers to keep loading docks, dumpsters, and fuel containers out of the rain; indoor wash racks for mats at food service facilities; and prohibitions against storm drain connections

for pools, air conditioners, and fire sprinkler system drains. Examples of existing projects with source control measures are provided in slides 16-17.

Site design measures create paths for runoff that disconnect impervious surfaces (such as roofs, pavement, etc.) with areas that allow infiltration (such as landscaped areas). Examples of site design measures are shown in slides 20-22.

In response to a question about hazardous material provisions for the new regulations, Joe answered that hazardous material storage and use are governed by their own set of regulations, including a requirement for double containment, but that the storm water requirement for source control measures such as a cover over all loading docks help keep hazardous material out of runoff.

#### Hydromodification management measures

Hydromodification is the change in the natural watershed hydrologic processes and runoff characteristics caused by urbanization or other land use changes that result in increased stream flows, erosion, and sediment transport. The new hydromodification requirements are aimed mainly at undeveloped areas in which large-scale development is possible, and not so much at a fairly built-out area such as Palo Alto. Projects that create or replace more than one acre of impervious surface must comply, but there are many exemptions (listed in slide 25). For example, areas that drain to a hardened channel or a tidally influenced stream reach are considered not erodible, and are therefore exempt. Slide 27 shows a map of the Santa Clara Valley, in which the green areas (mainly areas with potential for large-scale development and not draining to a hardened channel or tidal reach) are the focus of these regulations.

The regulation requires control measures that maintain post-project runoff at pre-project levels so as not to increase erosion. Erosive flow rates will be determined and will vary from stream to stream.

#### Collaborative's Guidelines and Standards for Land Use Near Streams

The Santa Clara Valley Water Resources Protection Collaborative is made up of Planning and Public Works Directors from Santa Clara County and the cities of Santa Clara County, managers from the Santa Clara Valley Water District, and community stakeholders. The Water District has the authority to require permits for land use near streams but wanted to expand its influence in areas where it felt that impacts to streams were not adequately addressed in city permits. Several cities were uncomfortable with the Water District expanding its permitting influence, so the Collaborative was formed as a way to work towards a solution to permitting land use near streams that was acceptable to all parties.

The "Chapter 3" handout is the results of the group's efforts: the final version of the Guidelines and Standards for Permitting Land Use Near Streams.

After representatives from the various stakeholders agreed to come together, the group first had to agree on what the impacts of land use near streams are, how to reduce these impacts, and what is doable and practical. This initiative represents a cultural shift in land use permitting that incorporates a more thoughtful approach to protecting streams, and also an attempt to shift

oversight to the local level while providing permit applicants with a more consistent process. The Guidelines and Standards cover the following categories (slides 33-34): riparian corridor protection; stream bank stability; encroachments between top of bank; outfalls, pump stations, and site drainage; erosion repair; planting or removal of plants; channelization; grading; utility encroachments; trail construction; and septic systems.

These Guidelines and Standards were developed over several years. Members took the final draft document to their governing bodies to approve individually, and then the whole Collaborative approved the document.

Joe pointed out that the Guidelines and Standards covering riparian corridor protection and streambank stability (see slides 35-36 for details) just provide a framework for cities to address the issues and are not 100% prescriptive.

The City of Palo Alto adopted a resolution in support of the Collaborative's Guidelines and Standards in July 2005. The major commitments in the City's resolution are listed on slide 38. The Guidelines and Standards were endorsed by the entire Collaborative membership in August 2005.

In response to a question regarding how the City would incorporate the Guidelines and Standards into enforceable policies and ordinances, Joe gave the floor to John Lusardi, of the City of Palo Alto Planning Department, for the second part of the presentation.

John told the group that the City of Palo Alto is in the process of updating its zoning ordinance, and part of the process involves collaboration between the City's Planning and Public Works departments. The zoning and development review process is the City's main control on development within its borders. In Palo Alto, over 90% of development is actually infill or refill development, and a one-acre site (as referenced in the C3 provisions) is a very large site in Palo Alto. The City last updated its performance criteria in 1987, so it is time to reframe and modernize the ordinance, which covers activities such as lighting, landscaping, and trash enclosures, and will include new sections on sustainability and green buildings. Also, the update will contain both performance criteria and design guidelines.

The goal is to codify new material, including the Collaborative's Guidelines and Standards, into the ordinance so that it must be followed. For example, the City's Architectural Review Board will have to review the new Guidelines and Standards and incorporate them into its project review.

The City will also be incorporating "context-based design" and "form-based code" into its zoning ordinance. These elements of the ordinance will illustrate different development standards and will emphasize the context and relationship of the project to its surrounding buildings, streets, and open spaces (issues like shadows, runoff, etc.), rather than being primarily land use based. It will ask the question, "Have you considered runoff?" earlier in the process.

A zoning ordinance technical manual is also being developed. This will be an administrative document (not codified), rather than a council-approved document to allow the City to show preferred methods for various project details that will likely change too quickly for code updates.

The overall zoning ordinance update will cover not only water resources issues but also design development, parking, and other standards. The City is also working on creating a zoning overlay and standards for properties adjacent to creeks. Part of this challenge is that it must be applied to properties on a site-by-site basis, rather than to an entire land use type.

Another part of the update will be to put the zoning ordinance online with hyperlinks to regulations from other municipal codes. The idea is to make all information accessible to project proponents from the very beginning of the process. The current situation is that developers often bring in well-developed plans to be reviewed, and then the review process catches things after a lot of work has already been done.

In answer to a question about the process for the zoning ordinance update, John responded that individual chapters will be written for different land use types, public hearings will be held, and the Council will receive the chapters for adoption. The Technical Manual will also be done chapter by chapter with the zoning ordinance updates.

A question was asked about what the incentive was for the jurisdictions to participate in the Collaborative and how such an effort might be duplicated on the San Mateo County side. Joe Teresi responded that the cities participated because the Water District was planning to revise its permitting process for land use near streams and was going to increase its influence. There was pushback from the cities against the increased influence, but all agreed that the goal was important and that they would participate in a collaborative process to identify where everyone's concerns coincided. The process cost money, and the Water District paid for it. Another factor was that there were very high-level people (department directors) at the table who bought into the process. John Lusardi added that the development review process would now be more efficient to have these concerns codified in the zoning ordinance. Now that the Guidelines and Standards are done and approved, the cities are bearing the cost of implementation. For the City of Palo Alto, incorporating the Guidelines and Standards ties in with its sustainability policy and goals.

A question was asked about whether Stanford was involved and had bought into the process. Stanford was invited to the process as an observer but not as a stakeholder.

A question was asked about where the Stability Protection Area values came from on page 3.8 of the Guidelines and Standards. Joe Teresi answered that the values were based on the judgment of Collaborative members and on compromise until consensus was reached. The questioner noted that these numbers seem to make the document vulnerable to a property owner who would get an expert to say that they are arbitrary and not appropriate for this property. Joe responded that there are provisions for adaptation for individual sites and conditions; if the property owner wants a smaller setback, he or she would have to pay for the analysis to justify it. The document was a balance between science and implementability.

**Update and discussion: Finalization of fiduciary agreements with Acterra** (Pam Sturner, SFWC)

Pam gave a brief update on the fiduciary agreement process. She had originally hoped to have the Steering Committee approve final agreement documents today, but proposed moving the approval to the next meeting since many of the Steering Committee's regular attendees were absent. Everyone supported this idea.

The remaining issues left to be resolved as of the September Steering Committee meeting are listed in the addendum handout. There are four main items: (1) identifying and reviewing the Watershed Council's assets and liabilities; (2) finalizing the financial reporting format that the Watershed Council and Acterra will use; (3) identifying a treasurer; and (4) finalizing the fiduciary fee. The team realized that it couldn't resolve all these items by October 1, 2005, but has come to agreement in concept for how to handle all four pieces in order to provide some clarity on the direction moving forward. What remains is a question of working through all the details.

Pam and Acterra's Executive Director will be asking the Steering Committee and Acterra's Board of Directors to approve the conditioned documents over the next month. After this, she, members of the transition team, and Acterra's Business Manager will work out the details, at which time the agreement will become effective. Pam stressed that she and the Watershed Council's Management Advisory Committee feel good about this arrangement and think it is doable. They think it is important to be able to take the time to get the details worked out successfully.

A question was asked as to how the \$5000/month fiduciary fee was determined. Pam answered that the MAC had considered this option at one point during their discussions but had since turned away from it. Originally the fee was to be 12% of all revenue, and since much of the Watershed Council's current budget is pass-through money to contractors, which has no overhead attached, this number seemed very high. The current proposal is that the fiduciary fee would be 12% of all Watershed Council revenue that is not pass-through. Acterra's Business Manager has kept records over the past several years, and overhead costs for the Watershed Council have historically been about that amount. In concept, everyone feels that this model will work for both organizations, but more time is needed to double-check the numbers. The \$5000/month was an interim proposal. Since the issue is still being worked out, the documents that were posted on the web as references for this discussion were lacking the newest details.

A question was asked as to what the 12% overhead covers. Pam responded that it includes the costs for the Business Manager to keep the Watershed Council's books and for the Executive Director's oversight and contract signing, and for various shared costs including the cost of doing business, supplies, etc. The questioner noted that if the overhead cost is too high, the organization will have difficulty getting funding.

A member asked for clarification on the section of the transition document about dividing assets. Pam responded that at this time, the Watershed Council's and Acterra's finances are comingled, and we need to separate financial assets and liabilities so the two organizations' finances can be run as separate businesses. For tax purposes, they would be rolled back together, since Acterra

will still be the Watershed Council's fiscal sponsor. If in the future the Watershed Council becomes an independent 501c3, its assets will already be figured out.

All agreed that Pam should bring the conditioned documents back to the group for approval at the November meeting. Pam will ask for comments on the documents ahead of the meeting, so that the meeting will just be for approval. The Acterra Board will be approving the documents at its October 27<sup>th</sup> meeting.

### **New business: Presentation of SFWC's new website (Katie Pilat, SFWC)**

Katie has been working to put together the new Watershed Council website. It is patterned after the Watershed Council's pages on the Acterra website, but has more pages fleshed out, and hopefully some more interactivity. For example, the Watershed Council wants to have some elements on the home page, maybe a "project of the month" section, that changes regularly and gives people a reason to keep coming back to the site. The new website is on the web, but nothing is linked to it yet, so it is not searchable on Google yet. The url is <http://www.sanfranciscuito.org>.

Katie walked the group through the pages that are either fully or almost fully developed and asked for comments and ideas. Members should also feel free to review the site at their leisure and send her email with ideas or feedback at [katiep@acterra.org](mailto:katiep@acterra.org). We hope to "go live" and publicize the new site in November.

Comments from the Steering Committee about the website:

- The home page is nice and bright. The colors are good.
- How about a link to the Acterra's native plant nursery and some information about native plants to put in your backyard and where to get these kinds of plants?
- Include history of the watershed, and good trail locations (where it's nice to walk along the creek).
- You could have a plants of the month section, telling what's blooming when and where.
- On the Streamkeeper program page you could use a map to show who has adopted what reach. [Pam noted that the new Streamkeeper page will have such a map and will be linked to the creek information web site presented by Brad Eggleston in September.]
- You could have links to presentations from Steering Committee meetings.
- You could post the Creek Master Plan and also have links to all the municipalities in the watershed.
- Erosion control guidance for residents would be really helpful.
- Could post the Vision document.

### **Staff reports**

Coordinator's report (Pam Sturner):

Pam has been working on increasing organization capacity, bringing the fiduciary agreements to closure, and hiring a half-time outreach coordinator. The outreach coordinator will lead the volunteer workday and Streamkeeper programs, in addition to having some office responsibilities. The announcement was posted on September 26; there have been about 20 applications, and Pam has been pleased with the quality of the applicant pool. The first interview

is tomorrow and several are scheduled for next week. We are still accepting applications, and Pam will send out a pdf of the position announcement to the Steering Committee to pass on to possible candidates.

The Watershed Council will be moving its office to a new room across the hall from its current space. The door hole is cut and the door will be installed tomorrow. The room is slightly larger and will better accommodate three staff people.

Pam met this month with the manager of the Peninsula Community Foundation's resource center to try to identify new funding sources for the Watershed Council. Based on Pam's description of the Watershed Council's programs and transition planning to fiduciary project status, the resource manager thought that our work would be appealing to a number of local foundations and gave Pam a sample list.

Turning to resource matters, there was a spill on September 25 in San Francisquito Creek under the Bonde bicycle bridge. The substance was bright mustard yellow in a 30-foot long pool, but the creek was dry so it didn't spread. It was called into the Watershed Council by a Streamkeeper and also (independently) to the City of Menlo Park by another passer-by. The District Attorney is investigating the incident, which may be a civil or criminal violation and is being handled by the County. The substance is probably a petroleum product and sank 6 inches into the creek bottom. The County cleaned it up and will seek to recover its costs by fining the perpetrators.

A community member reported paint in a small tributary to San Francisquito Creek that runs through Sharon Heights in Menlo Park. There is no evidence of who dumped the paint. The City of Menlo Park has asked the Watershed Council to track whether the paint ever makes it to the outfall at Oak Avenue and Sand Hill Road. Streamkeeper who watches that section of creek and will check the outfall over the next few weeks and report back to us.

#### Restoration Project Manager's report (Katie Pilat):

The Watershed Council held its first workday of the fall season for Coastal Clean Up Day. It was well attended and the volunteers removed over 1000 pounds of trash and debris from the creek.

We are ready to sign contracts with our fish passage design consultants to have them start designs for two barrier modification projects: a culvert replacement on McGarvey Gulch in Huddart Park and installing baffles in box culverts on Los Trancos Creek. For McGarvey Gulch, the Watershed Council consultant will design the project in consultation with various County staff, then the project will be permitted and built by the County.

The construction of the two storm water demonstration projects is underway! Demolition of the existing parking lot at Plaza #5 in Menlo Park (between Evelyn and Crane Streets) has begun, and the trench is being dug to hold a perforated drain pipe and drain rock in the center of the driveway at the residential site at 735 Homer Avenue in Palo Alto.

## **Continuing Business**

Continuing business was accidentally omitted from the meeting. The content is attached below.

### **Meeting adjourned.**

In attendance:

Joe Teresi – City of Palo Alto  
John Lusardi – City of Palo Alto  
Oscar Firschein – Families for Fair Government  
Julie Skelton – Stanford Management Company  
Bill Springer – Santa Clara Valley Water District  
Jerry Hearn – Acterra  
Bill Whitmer  
Katie Pilat – SFWC  
Art Kraemer – Crescent Park Neighborhood Association  
Cynthia D’Agosta – SFC-JPA  
Miyko Harris-Parker – SFC-JPA  
Dianne Dryer – City of Menlo Park  
Phil Bobel – City of Palo Alto  
Viv Blomenkamp – League of Women Voters Palo Alto

Minutes respectfully submitted by Katie Pilat

### **Attachment: Continuing Business**

Submitted by Trish Mulvey

1. On 10/18, Collaborative steering committee members will make a presentation to the SCVWD board of directors, and a decision is expected on whether to continue the Collaborative with management services from CONCUR for another 12 months (through October 2006). If anyone is interested in the proposed work plan (now compressed from 18 months down to 12 months for CONCUR facilitation), they can get it from me, and Joe and I can help with questions.
2. Based on the top five priorities set at the August retreat, the SCBWMI is convening two new groups: one for community capacity building, and one for supporting on the ground action projects. If anyone is interested in participating, let me know. The conveners hope to have initial meetings in the next six weeks and the target is to bring draft charters to the December SCBWMI core group meeting. Two other SCBWMI priority efforts are focused on linkage with the Collaborative for training on watersheds and land use near streams and on outreach to elected and appointed decision makers (Phil Bobel can answer questions on that one). The fifth priority is continuing development of "indicators" related to stream ecosystem conditions (Phil can answer questions about that one too).