

Bolinas Community Public Utility District
A Special Meeting Of The Board Of Directors
April 5, 2017 270 Elm Road, Bolinas

1. Call to Order.

10:30 a.m.

2. Roll.

Directors Amoroso, Comstock, Godino, Siedman and Smith present; director Siedman presiding.

3. Update on Project to Repair/Replace and Maintain an Existing Seawall; Proposed Non-Exclusive Easement Agreement and Proposed Lot Line Adjustment Agreement between BCPUD and AMJT Capital -- 100 Brighton Road, Bolinas (AMJT Capital).

Taylor Robinson reported that AMJT's permit application to install the project is under review at the County and she believes it will be deemed complete sometime this month. With regard to the proposed lot line adjustment, Taylor said she received an email from director Smith with an alternative proposal and inquired if the Board would like to discuss it. In response to a question from director Amoroso, Taylor said no action of the Board is necessary today, but the easement agreement will need to be finalized prior to the issuance of a permit to install the project.

Director Comstock asked for clarification of AMJT's lot line adjustment proposal before the Board considers director Smith's alternative. Referencing color-coded maps, Taylor explained that AMJT identified a square footage measurement of the land in the Brighton right-of-way to propose an equivalent "land swap" of AMJT land to exchange for BCPUD land at the beach entrance because the BCPUD land is where some of the project must be installed. Board members asked several questions about the exact location of the land to be swapped and reviewed the color-coded maps depicting the current land ownership and the post-lot line adjustment land ownership; Taylor emphasized that further surveying would be conducted to precisely identify the land at issue in the field.

Director Smith said that he and Janine Aroyan evaluated AMJT's proposed lot line adjustment on site and would like to propose a slightly revised approach to maximize benefits to both AMJT and the public. Briefly stated, this proposal envisions that the property behind the existing grape stake fence would become property of AMJT and the entirety of the garden area would become BCPUD property in a revised configuration that would maximize the view shed for the public approaching the beach (by curving the grape stake fence) and improve the visual aesthetics. Discussion ensued and the Board reviewed a different color-coded map depicting this configuration and asked several questions seeking to clarify/understand the proposal.

Director Smith said another consideration for improved accessibility and aesthetics should be the design of the ADA ramp to the top of the seawall. He proposed that the ADA walkway be installed in a straight line beginning much further back, from the roadway (at the beginning of the garden, near the trash enclosures) to the top of the seawall, rather than at a point beginning further down the ramp toward the beach. He said the elevation difference between the top of Brighton Avenue and the top of the existing stairway to the seawall is almost a flat line and would be much easier for the public to navigate than the proposed design configuration. Again, discussion ensued, with Board members and Taylor evaluating the site map and elevation measurements.

Taylor said AMJT did have the opportunity to preliminarily consider director Smith's revised lot line adjustment proposal prior to the meeting and do not object to it, but AMJT is not sure how to share the garbage/garden/ramp upkeep and maintenance responsibilities. David Nelson noted that the lot line configuration proposed by director Smith may require cooperation with the owner of 98 Brighton, which could further complicate any agreement. He suggested that perhaps the best approach is a lump sum payment obligation on AMJT toward the ongoing upkeep and maintenance obligations at the outset of the agreement rather than on-going payments over time given the complications posed by coordinating between more parties.

Director Comstock said the district needs to understand the public benefits to be obtained if the BCPUD agrees to a lot line adjustment. For example, the fact that equal square footage would be exchanged is not sufficient. Also, he noted that the parcel proposed for BCPUD to acquire would be mostly part of Brighton Avenue, which already is in public use. On the other hand, the lot line adjustment agreement proposes that AMJT will rehabilitate the ramp and contribute to the trash enclosure, both of which are clear public benefits. He queried whether the public benefit duration should be aligned with the proposed easement duration (99 years)?

Director Siedman said the first public benefit of the project is improved public safety and accessibility. The seawall improvement will greatly improve the ability of the public to safely access the top of the seawall (and the beach below Surfer's Overlook during high tides). A second benefit is the improved aesthetics of the expanded garden area and the approach to the beach, as per director Smith's proposal. A third benefit is the improvement/maintenance of the ramp (during the lifetime of the easement), which otherwise may be the BCPUD's obligation. Director Comstock asked if the view scape coming down Brighton should be required to be maintained as part of the BCPUD's agreement; he said he agreed that the public safety and accessibility benefits cited by director Siedman are meaningful.

Director Godino thanked everyone and said she needed to leave for a work commitment she departed at 11:25 a.m.

Discussion turned to the repair of the concrete driving ramp and potential cost, as well as the relocation and improvement of the trash bins. The directors also discussed restructuring the overall approach as an easement agreement rather than a lot line adjustment plus a more limited easement agreement; this approach would eliminate concerns about the BCPUD actually exchanging land rather than giving permission for the use of BCPUD property. David Nelson said he favors the lot line adjustment because it is cleaner and would remove liability for AMJT; if the approach changes, the easement agreement would become more complex to deal with releases of liability and indemnification. Discussion continued and director Siedman said the Board members appear to be very wary of exchanging land vs. granting easements across its land.

Director Comstock agreed it is an easier decision for the Board to agree to an easement vs. land swap. He said he is focused on the specific bundle of public benefits: i.e., the public access, the potential improved ADA access to the seawall, the improved view scape, the rehabilitation/ maintenance of the ramp and garden area (the scope of which needs to be more fully understood). Director Siedman said the alternative design for the public access ramp raised by director Smith also would be a public benefit. Taylor said she would need to go on-site to assess director Smith's ramp design suggestion to evaluate whether/how it could work and whether any other property owner cooperation would be necessary. She said she also needs to verify whether the easement vs. lot line adjustment approach alters the FAR calculation for any reason.

Director Siedman said the Board would like AMJT to consider (1) extending the ramp to the top of Brighton to improve the public access to the top of the seawall, (2) including the garden area in the easement/land swap, (3) adding a fence line/view scape improvement, and (4) defining and creating a maintenance fund for the driving ramp and for the garden/trash enclosure area. Taylor said that the driving ramp and walking ramp also need to be better defined to avoid confusion about relative responsibilities. Discussion ensued about what might be needed to improve/maintain the driving ramp, especially given its proximity to wave action (which can pull sand out from under the ramp).

Director Comstock said it will be important to reach a mutual understanding of the specific scope and cost of the obligations to be undertaken by AMJT in exchange for the land swap/easement (whichever approach ultimately is selected). Director Siedman asked Janine if she would undertake the development of an estimate for the trash bin enclosure improvement and garden maintenance and she agreed. Taylor agreed to confer with Ron Noble and/or contractors to develop an estimate for the repair and maintenance of the driving ramp. Director Smith suggested that perhaps the repair of the driving ramp should be included in the design of the seawall project so that it gets installed at the same time; the BCPUD has sand level data measurements that might be helpful if a wave scour analysis is required. Discussion ensued and Taylor said that a more extensive repair of the driving ramp (that deals with the undermining of the toe) vs. a resurfacing of the ramp could be significant. Director Comstock agreed, but noted that this would then be a significant, long-term benefit for the public and would substantially reduce maintenance costs. Taylor said she will ask Ron Noble if the sheet piling that will be installed under the seawall could be continued over to support the toe of the ramp; if so, the cost may be considerably less than if this were approached as an independent project.

4. Community Expression.

None.

5. Adjournment.

12:37 p.m.