

Bolinas Community Public Utility District

A Special Meeting Of The Board Of Directors

June 18, 2019 270 Elm Road, Bolinas

1. Call to Order.

10:00 a.m.

2. Roll.

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

3. Community Expression.

None.

Director Siedman suggested the Board consider items 4 and 5 together to facilitate the discussion; the Board had no objection.

4. Update on Status of Coastal Permit Application for Seawall Bulkhead Repair Project at 100 Brighton Avenue, Bolinas (McCabe & Company, Noble Consultants and Walker Construction Management on behalf of property owner AMJT Capital, LLC).

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5. Request for BCPUD to Join as Co-Applicant on Coastal Permit Application for Seawall Bulkhead Repair Project at 100 Brighton Avenue, Bolinas, or alternatively, Request for BCPUD to Submit Letter of Authorization: *Potential Public Access Enhancements Previously Proposed by BCPUD (Design of Entry Ramp to Bulkhead from Brighton Avenue, Minor Repair of Existing Boat Ramp)*

Anne Blemker (McCabe & Company), Ron Noble (Noble Consultants) and Kirsten Walker (Walker Construction Management) were present on behalf of the property owner, AMJT Capital, LLC.

Director Siedman noted the BCPUD previously was asked to be a co-applicant on this project and discussions were held with the prior project manager about certain public access improvements proposed by the BCPUD, namely: a slight redesign of the pedestrian entry ramp to the top of the seawall bulkhead from Brighton Avenue (to lessen the grade) and a minor repair of the public access ramp to the beach. A change of project manager in 2018 resulted in some communication lapses; the Board now understands that permit application for the seawall bulkhead repair project was submitted to the Coastal Commission without these public access improvements proposed by the BCPUD. The question before the Board at this juncture is whether the district still agrees to be a co-applicant on the project notwithstanding the absence of the public access improvements or, alternatively, whether the BCPUD prefers to simply issue a letter of authorization.

Discussion ensued about the history of the project, past discussions and meetings of the Board and project team members concerning this project, which director Comstock pointed out were quite complicated, including consideration of draft easement agreements and/or lot line adjustments (needed because of the proximity of BCPUD property to the project site). Director Smith said the Board previously alerted the former project manager to (1) the condition of the access ramp and she had agreed to consult with Noble Consultants about including a repair in the scope of work for the project (with a sheet piling at the toe of the ramp to protect it from erosion); (2) aesthetic concerns relating to the existing fence, which could be modified to open up the view of the sea from the street; (3) community suggestions about possible improvements of the public garden at the beach entrance; and (4) the existence of carvings on some of the the rip rap rocks in front of the seawall made by a now-deceased local artist (it was asked that the carved boulders be put aside during reconstruction and replaced when the seawall repair is completed). Director Smith expressed regret that the opportunity to include these items in the scope of the project may be lost.

Ron Noble affirmed that he attended some but not all of the prior meetings on these topics. He noted that the pedestrian ramp was redesigned to reduce the grade of the slope to the top of the seawall bulkhead, but not all of the way to the street. To respond to the California Coastal Commission (the staff of which has raised substantial questions about the project), Ron said he proposed to the Commission staff that a new wall could be built *behind* the existing seawall (the veneer of which had not been permitted), which would leave all of the rip rap (including those with carvings) in place. As for the sheet piling at the toe of the ramp, he said it is possible to do so (from an engineering standpoint) and he recalls past discussions about it, but the project lapsed for a period of time and that issue was not included when work on the project resumed.

Anne Blemker introduced herself to the Board and said McCabe & Company was brought in on the project when the prior project manager departed in 2018 and the project permit application already was submitted to the Coastal Commission. She explained that Coastal Commission staff has requested acknowledgements from all other landowners affected by the project, including the BCPUD and the State Lands Commission, stating they have no objection to the project occurring on their land. Anne said that AMJT Capital LLC invited the BCPUD to be a “co-applicant” on the coastal permit application; if BCPUD declines to do, AMJT would like BCPUD to issue a letter of authorization.

Director Comstock said he would like to understand exactly where the project stands right now given the number of years that have gone by and the intermittent involvement of the BCPUD. Specifically, he asked: (1) what does the design of the pedestrian entry ramp look like at this point? (2) is there a map which clearly depicts the BCPUD property vis-à-vis the project site?

Ron Noble presented a set of drawings with elevations of the current project design and provided a detailed explanation to the Board. Director Smith and Ron Noble discussed how to incorporate an ADA-compliant ramp from the street level to the top of the seawall bulkhead. Ultimately, it was acknowledged that some of director Smith’s ramp redesign suggestions would require the cooperation and consent of additional nearby property owners for encroachments onto their property, which would further delay and complicate an already very complicated project.

Director Siedman said he discussed the project with one of the property owners at the property, and the property owner said he was willing to include the cost of the repair of the public access ramp (including fortification of the toe) as part of the seawall project, particularly since heavy equipment needed to install the project is likely to further damage the surface of the ramp, but the property owner was not willing to assume any ongoing maintenance obligations. Ron Noble confirmed his recollection of that discussion, as well; he said the sheet pile at the toe of the ramp would be installed below ground to prevent erosion/undermining of the toe. Anne Blemker expressed concern about adding a “new hardened structure” to the project given the Coastal Commission’s focus on removing such structures as part of “managed retreat”; such structures can only be justified these days to protect an existing, pre-Coastal Act structure, she said. Discussion ensued about when the access ramp was constructed (which will need to be researched).

Anne said the seawall bulkhead repair project has been deemed complete by Commission staff after several years of submissions and is tentatively scheduled for consideration at the November 2019 Coastal Commission meeting, so she is reluctant to include any “new” concepts that might delay the process for the property owners. Director Comstock said that the BCPUD would like to see the ramp be resurfaced as it is the *only* public and emergency access to the beach at this location. He suggested the BCPUD write a letter to the Coastal Commission to state that and make clear the district will be a coapplicant if this work is included. Ron said he believes the sheet piling and resurfacing could be installed relatively efficiently from a cost perspective. Anne suggested the BCPUD consider initiating a separate coastal permit application on a parallel track for the public access ramp repair work, perhaps jointly with the County. Further discussion ensued about how the work would be done, likely costs, permitting implications, and so forth. The project planners expressed strong reservations that the Coastal Commission staff may require a long list of additional requirements and studies on AMJT Capital LLC in order to include the access ramp repair into the scope of the project.

Director Siedman recommended the planners make clear to the Coastal Commission staff that the purpose of the BCPUD’s suggestion (for a minor repair of an existing “structure”) would be to preserve the *only* safe public access to the beach along the ramp – and protecting public access is a clear mandate of the Coastal Commission. Director Comstock said that he personally supports granting a non-exclusive easement across BCPUD property (i.e., “authorizing” the project on its land) to install the project, but if the BCPUD is to be a coapplicant, the district wants to secure a benefit for the public such as the repair of the access ramp. Director Smith said there is a huge opportunity to slightly redesign pedestrian access ramp to the seawall to allow wheelchair access, which also would be a positive public benefit. Ron Noble did not disagree, but said it would add complications given the ADA specifications and the need to obtain additional property owner consent/authorization; after discussion, it was agreed that any further changes to the pedestrian access ramp will not be pursued as part of this project.

Director Siedman said the Board seems to be of the view that if the property owner agrees to resurface the public access ramp and install the sheet piling to stabilize the toe as a public access benefit, the district will become a co-applicant on the project. Director Comstock concurred and said the Board understands that if the property owner agrees to include and pay for these improvements, he would not be agreeing to undertake any future maintenance responsibilities; at the same time, the BCPUD similarly does not wish to undertake any obligations it does not already have as a result of the project, hence the holdharmless language in the proposed easement agreement. Anne Blemker noted the Coastal Commission routinely imposes ongoing monitoring and maintenance requirements on projects it permits in the Coastal Zone, which could be an issue; she also expressed concern that additional or updated studies might be required to extend the sheet piling over to include the toe of the ramp. Ron Noble suggested this might be relatively easily handled via letter updates to the existing studies as the overall

work is relatively minor in scope and cost as compared to the full project, but Anne and Kirsten were not as confident. Kirsten requested copies of the easement agreement previously considered by the Board as the current team has not seen it; staff noted the previous project managers created the easement document and staff would forward it to Kirsten. Kirsten said it seemed the best next step would be to confer with the property owners; director Siedman agreed to participate in a meeting with the property owners for this purpose, as did Ron Noble, as needed.

L. Comstock/D. Smith four in favor, director Godino absent authorizing the BCPUD to become a coapplicant on the seawall bulkhead repair project at 100 Brighton Avenue on the condition that the property owner agrees to resurface the public access ramp and install the sheet piling to protect the toe as a benefit to public access (but undertake no responsibility for maintenance thereof) and directing staff to write a letter to that effect to the Coastal Commission, consistent with the discussion at the meeting.

6. Adjournment.

11:22 a.m.