

**Bolinas Community Public Utility District**  
**A Special Meeting Of The Board Of Directors**  
**March 5, 2020 270 Elm Road, Bolinas**

**1. Call to Order.**

6:37 p.m.

**2. Roll.**

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

**3. Community Expression.**

None.

**4. BCPUD Letter to California Coastal Commission -- Postponement Request; Request for a 90-Day Time Extension (CDP Application No. 2-17-0438 re: 100 Brighton Seawall Repair Project).**

Staff presented a draft letter to the California Coastal Commission (“CCC”), which is nearly identical to a letter submitted by the property owner, requesting to postpone the hearing date for the permit application for the 100 Brighton Avenue seawall repair project from March 2020 to June 2020. The request is being made so that the CCC can consider the application in Rohnert Park (the location of the June 2020 meeting) in order to facilitate community participation in a matter of strong local interest. The 90-day time extension request is due to a state “streamlining” act that requires the CCC to consider an application with 180-days of deeming it to be complete, which means this application would have to be heard in April without a time extension. Staff noted that Supervisor Rodoni plans to send a letter of support for these requests. Staff further noted that the staff report concerning the project was just issued a few days ago and is quite lengthy, with many “special conditions” imposed on the permit, some of which were expected and some of which were not. For example, the CCC staff report requires that all riprap outside the existing seawall be removed even though it was permitted by the CCC years ago; CCC staff now seeks to require the homeowner to remove the riprap and instead build a significant extension of the seawall on the upcoast side (extending back to the base of the bluff, with a height of up to 24-feet), which is entirely unexpected and which would be an enormous additional cost. Staff said that for the BCPUD, there are many unacceptable requirements in the CCC staff report (including but not limited to the imposition of individual and joint responsibility on the district for the maintenance and/or eventual removal of the seawall); if those requirements are not removed prior to finalization of the permit, staff said the BCPUD will have no choice but to withdraw as co-applicant.

A brief discussion ensued about the district’s options for withdrawing as co-applicant or refusing to accept the permit if it is issued with the unacceptable conditions. This was followed by a brief discussion of the new upcoast extension of the seawall required in the CCC staff report and some of the other special conditions, such as reducing the width of the seawall to a maximum of 6 feet. Directors expressed strong concerns about the potential wave action against the proposed upcoast extension of the seawall, in addition to the consequences of removing the riprap for the adjacent property and the reduction in public access and recreational benefits of a narrower seawall. Director Comstock said the district will need to decide whether it will take a position with regard to the CCC staff requirement for the upcoast extension of the seawall and, if it decides to do so, how to obtain engineering advice on this point. Staff urged the directors to read the CCC staff report and become familiar with the CCC staff special conditions and other requirements as they are quite extensive and have multiple potential repercussions for the district.

Director Comstock moved that the Board approve the draft letter to the CCC. Director Smith suggested changing the word “voluminous” in the letter to “extensive” when describing the CCC staff report on the project. The Board had no objection.

L. Comstock/D. Smith four in favor, director Godino absent to approve the BCPUD letter (as amended) to the CCC requesting postponement of the hearing date and a 90-day time extension for the 100 Brighton Seawall Repair project.

**5. Manager’s Report.**

Staff reported that she misspoke at the last meeting due to a lack of updated information about a possible water service violation at 79 and/or 81 Crescente; staff had understood that two structures at this location are on two separate assessor parcels and that there was reason to believe that one may be providing water to the other in violation of district’s regulations. However, further research and an updated check of County records reveals that the structures are on a single assessor’s parcel (having been merged in 2015). Discussion ensued about the Board’s historic approval (in the late 1980’s) of a water meter transfer off of one of the formerly separate parcels.

Staff also updated the Board on the status of the district's sewer system capacity study. Staff recently conferred with engineer Kathryn Gies at West Yost about the underlying data supplied to her thus far by the district, the remaining data needed and the associated cost of the study. Upon further consideration, Kathryn Gies and staff agree that the district should first seek explicit guidance from the Regional Water Quality Control Board ("RWQCB") about whether a capacity study is required and, if so, the permissible scope. She said it may be that under the circumstances (i.e., the limited number of homes to be added) there will be no objection from the RWQCB to connecting the homes on Canyon Road to the district's sewer system. Or, the RWQCB may require a capacity study but with limited (i.e., less costly) parameters. Staff intends to confer further internally about this approach but likely will formally recommend this at the March 18<sup>th</sup> regular Board meeting.

On a related note, staff asked Kathryn Gies to submit a proposed consulting contract so that staff can contact her for engineering and regulatory advice and guidance from time to time; her time for such advice and guidance would then be billed under the consulting contract. For example, the State Water Resources Control Board recently issued new reporting requirements and staff would like Kathryn's guidance on compliance, as well as advice in connection with the upcoming re-certification of the district's Sewer System Management Plan (which is due this summer). The Board had no objection. With regard to the treatment capacity study, director Comstock said he believes it remains important for the district to confirm *why* the RWQCB required the district to impose a moratorium on new connections to the sewer system. If the requirement was imposed due to excessive infiltration and inflow ("I&I") at the time (i.e., the 1980's), as staff believes, then the RWQCB likely will look favorably upon more recent data verifying a decline in I&I.

Staff reported that Mike Aitken is concerned that the loader at the Resource Recovery Project ("RRP") is in need of replacement. The RRP Committee is scheduled to meet on March 23<sup>rd</sup> and this topic will be discussed. A used loader may cost as much as \$100,000.

Staff is planning to attend the California Coastal Commission hearing next week in Santa Cruz with other members of the Alliance of Coastal Marin Villages ("ACMV") to provide further comment on the CCC's draft Strategic Plan. Staff noted that Marin County's Director of the Community Development Agency, Brian Crawford, submitted an excellent comment letter in which he explicitly endorsed the ACMV comment letter. Mr. Crawford's letter also suggested that the various guidance documents contemplated for development by CCC staff in the draft plan should be developed collaboratively with local communities to ensure such guidance reflects community-specific factors (and is practical, feasible and enforceable at the local level), which staff noted is an excellent suggestion.

Staff said that the regular Board meeting in May is scheduled to occur on May 20<sup>th</sup> this year; staff asked whether it would be possible to hold the meeting a week earlier to facilitate her attendance at her daughter's college graduation on May 18<sup>th</sup>. Director Siedman noted that May 13<sup>th</sup> is his birthday. Discussion ensued about acceptable alternative dates, including a week later, on May 27<sup>th</sup> and directors agreed to check their calendars. In addition, staff said a special meeting may be necessary next Thursday, March 12<sup>th</sup> at 4:00 p.m. for a closed session for the Board to consult with legal counsel.

## **6. Adjournment.**

7:13 p.m.