

Bolinas Community Public Utility District

A Special Meeting Of The Board Of Directors

May 8, 2020 270 Elm Road, Bolinas

In compliance with local and state shelter-in-place orders, and as allowed by the Brown Act as currently in effect under the State Emergency Services Act, the Governor’s Emergency Declaration related to COVID-19, and the Governor’s Executive Order N-29-20 (March 17, 2020), the BCPUD did not offer an in-person meeting location for the public to attend this meeting. The meeting was limited to essential district business items and was conducted by the BCPUD Board, staff and public via teleconference.

1. Call to Order.

11:04 a.m.

2. Roll.

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

3. Community Expression.

None.

4. Hiring Recommendation – BCPUD Shift Operator position.

Staff reported that on March 23, 2020, the district issued a hiring announcement for an entry-level shift operator position and directed interested candidates to submit an application and cover letter no later than April 3, 2020 to be considered for the first round of interviews. Five candidates timely submitted applications by the April 3, 2020 deadline; a sixth application was received the following week. The hiring committee evaluated the five timely submitted applications and offered interview opportunities to all five candidates. During the week of April 20, 2020, the Hiring Committee interviewed four of the five candidates; one of the candidates regrettably booked a conflicting appointment on his assigned interview day and was unable to appear for the interview.

Following the interviews, the hiring committee met to consider the four remaining candidates and develop a hiring recommendation to the Board of Directors. It was a challenging task as the district was fortunate to receive applications from a group of very strong candidates. The hiring committee selected its top candidate and conducted reference checks; all three references were outstanding. It is the unanimous recommendation of the hiring committee that the district offer the shift operator position to Blake Miller.

D. Smith/G. Godino all in favor to accept the hiring committee’s recommendation and offer the shift operator position to Blake Miller.

5. BCPUD Comments on the California Coastal Commission (“CCC”) Staff Report (Findings and Special Conditions), Coastal Development Permit Application No. 2-17-0438 re: 100 Brighton Seawall Repair Project; California Coastal Commission Meeting Dates: June 10-12, 2020, Rohnert Park.

Ann Blemker of McCabe and Associates joined the meeting via teleconference.

Staff provided the Board with an update on the overall status of the 100 Brighton seawall repair project. The property owner’s planning team has been working hard for the last several weeks to prepare responses to the California Coastal Commission (“CCC”) staff report about “special conditions” for this project that issued in February. Although the project permit application was on the agenda for the March 2020 CCC meeting, the applicants (meaning the property owner and the BCPUD) jointly requested a postponement after the staff report was issued to the June 2020 CCC meeting, which is scheduled to be held in Rohnert Park, because this would better enable local participation and because the staff report and special conditions contain numerous problematic provisions. As this time, it is unclear whether the June CCC meeting will be held in Rohnert Park or remotely in light of the Coronavirus pandemic. The property owner’s planning team has confirmed with CCC staff that they (CCC staff) intend to bring this permit application before the Commission in June, whether the meeting is in person or remote, notwithstanding an order issued by Governor Newsom in connection with the pandemic which extends the deadline for CCC action on pending projects.

The property owner’s project planning team provided detailed information to CCC staff in response to the staff report and special conditions, including an analytical report by coastal engineer Ron Noble concerning CCC staff’s requirement that all riprap in front of and to the side of the seawall be removed and a new wall be built on the “upcoast” end, ostensibly to create more usable beach. Ms. Blemker noted that this

wall requirement was entirely new and had never been discussed or analyzed. Ms. Blemker and her team have prepared a draft “redline” set of comments on the CCC staff’s special conditions. Staff has reviewed these comments and redlines with Ms. Blemker and recommends that the district submit additional comments/redline suggestions in the following general categories: 1) nearly all references to “Permittees” should be to “AMJT” (the property owner) as the BCPUD should not be obligated in the same manner as the property owners to the extensive construction, monitoring, and repair provisions of the permit; 2) the area of “overlook improvements” CCC staff is requiring as “mitigation” is partially on BCPUD property and partially on County of Marin property, so the special conditions should be revised accordingly; 3) the detailed “Public Access Management Plan” also seems unnecessary as the same basic provisions are covered by the permit terms and the deed restrictions CCC staff will require on AMJT and BCPUD property to ensure public access. Staff recommends the language pertaining to a plan be replaced with a general requirement to improve the “overlook area” after undergoing a public design process.

Discussion ensued about the design of the project and, in response to questions from the Board, Ms. Blemker confirmed that the property owner has not agreed to reduce the width of the public accessway across the top of the seawall; however, CCC staff is insisting it be reduced to a maximum width of 7-feet. Director Smith commented that the removal of the beach-level structures on the adjacent property would be ill-advised; Ms. Blemker noted the adjacent property-owners have not and will not agree to allow their removal. The Board debated how to respond to the CCC staff’s insistence on the maximum 7-foot wide seawall and the removal of riprap. It was noted that CCC staff and the applicants are at a total impasse on these topics because CCC staff refuses to credit *any* beneficial use of the accessway across the top of the seawall (instead, CCC staff argues the seawall itself *blocks* lateral beach access) and therefore wants it to be as narrow as possible on the theory more beach will be available. CCC staff wants all riprap removed for the same reason.

Directors Comstock and Amoroso stated the district should withdraw its support of the project if the CCC will not permit the project as proposed with regard to seawall width/public accessway. Ms. Blemker noted that the district has the right to withdraw as co-applicant up until and including the meeting date; she urged the district to remain as co-applicant as long as possible. Ms. Blemker noted that even if the BCPUD withdraws as co-applicant, the CCC may still approve the project only with the reduced width of seawall/accessway. Director Comstock clarified that he believes the BCPUD should withdraw from the project altogether if the seawall width must be narrowed, meaning a withdrawal of its grant of an easement across BCPUD property to install the project, which would mean the project could not go forward. He emphasized that the only reason the BCPUD is acting as a co-applicant is to advocate for the public and the public use and enjoyment of the top of the seawall is of critical importance. Director Amoroso concurred.

Director Siedman asked the other Board members for their opinions on this suggestion. Director Godino stated that she agrees in principle with the sentiments, but she would need more time to consider all of the implications of a complete withdrawal before supporting the concept. Director Smith said that if the project does not go forward, the seawall will only continue to deteriorate, which is also problematic for the public. After further discussion, it was resolved that staff should not include the “withdrawal completely from the project” concept in the district’s comments on the staff report and special conditions at this time. Ms. Blemker told the Board that there will be time at a later date to take action and decline to accept the terms of the permit for the project, if the Board officially resolves to do so.

D. Smith/L. Comstock all in favor to delegate staff to authority to draft comments and redline the CCC staff report and special conditions.

6. BCPUD Comment Letter: “Making California’s Coast Resilient to Sea Level Rise: Principles of Aligned State Action”, CCC Executive Director Recommendation that the Commission Adopt These Sea Level Rise Planning Principles (*California Coastal Commission May 13, 2020 Meeting Date, Agenda Item W6g*).

Staff reported that this new item suddenly appeared on the agenda for the CCC’s May 13, 2020 meeting and the timeframe to submit comments is very short. In brief, CCC staff is recommending the Commission adopt certain sea level rise planning principles as part of an apparent “aligned” state action. As far as staff is aware, there has been no public participation on the drafting of these principles and there is considerable concern among the other West Marin villages and the County of Marin about the establishment of a minimum target of 3.5 feet of sea level rise by 2050 as a planning tool for state agencies, including the CCC. The CCC’s own sea level guidance document uses a 1.9 foot level target as an extreme scenario. The County of Marin Community Development Agency will be submitting a letter urging the CCC to defer any action on this item until such time as public input can be submitted, as will the Alliance of Coastal Marin Villages. Staff recommends the BCPUD send in a similar letter..

D. Smith/V. Amoroso all in favor to submit a comment letter to the CCC urging the Commission to defer action on this item due to a lack of public engagement and questioning the 3.5 foot sea level rise target.

7. Adjournment.

12:23 p.m.