

Bolinas Community Public Utility District

A Special Meeting Of The Board Of Directors

June 2, 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, Siedman and Smith present via teleconference; director Godino absent. Director Siedman presiding.

3. Community Expression.

Director Amoroso asked staff about the status of water consumption in town at the present time. Staff reported a large increase in consumption during the hot Memorial Day weekend, which prompted staff to post a request for voluntary conservation on “Nextdoor” the following week and to plan for an intensive round of meter-reading to identify exactly where in town consumption is increasing so significantly. Consumption did decline a bit that week but then shot back up, so staff will obtain as much data as possible for a more detailed report at the regular June Board meeting.

4. BCPUD Letter to the California Coastal Commission (“CCC”) re: the CCC Staff Report (Findings and Special Conditions), Coastal Development Permit Application No. 2-17-0438 re: 100 Brighton Seawall Repair Project; California Coastal Commission (Virtual) Meeting, Agenda Item W11a, June 10, 2020.

Staff confirmed that the permit application for the seawall repair at 100 Brighton is scheduled to be heard by the California Coastal Commission (“CCC”) at a remote meeting on June 10, 2020. Logistical details are under discussion and it is not yet clear exactly how the public will be able to participate or how much time will be allotted for public participation; it is possible that public comment time will be significantly reduced as compared to the CCC’s in-person meetings. The AMJT planning team has prepared a “briefing book” to be distributed to the Commissioners describing the project and identifying the key points of disagreement between the applicants and Coastal staff. Staff explained that while Coastal staff is recommending approval of the permit, the “special conditions” recommended for the permit are very problematic for both applicants. BCPUD and AMJT have submitted a redline of the special conditions and AMJT has prepared an extensive explanatory cover letter to explain the reasons for the redlines.

Director Smith said he noted the AMJT letter and redline of special conditions are addressed to Coastal staff and the Chair of the Commission, but not to the other Commissioners. Anne Blemker with McCabe and Company, planning consultants for AMJT, explained that applicants are legally required to transmit materials to Coastal staff first (which has been done) and then, once Coastal staff confirms receipt of the materials, they can be sent to the Commissioners, which Anne will do. Discussion ensued concerning the content of the BCPUD’s letter to the CCC, a memo from staff of the issues to consider are in the Board binders. Staff recommended that the general points to be included in the BCPUD letter should address Coastal staff’s special conditions (1) limiting the width of the seawall, (2) referring throughout to “Permittees”, thereby imposing all of the seawall construction and maintenance obligations on the BCPUD, which is clearly unacceptable, (3) limiting the permit to 20 years even though the obligations on the BCPUD via the required deed restrictions are in perpetuity.

Director Comstock noted that AMJT prepared an extensive redline of special conditions and asked if staff is recommending that BCPUD express support for the entirety of the redline, with special emphasis on the points noted, or is staff recommending BCPUD express only the points noted. Staff clarified that the recommendation is to join the redline, as long as AMJT has no objection, and underscore the specific points noted. Anne Blemker affirmed that the BCPUD’s support of the redline would be very helpful and noted that changes required by BCPUD are included in the redline.

Staff said the BCPUD letter needs to be finalized by June 4, 2020; as such, staff requested authority from the Board to prepare for director Siedman’s signature which supports AMJT’s redline of special conditions and emphasizes the three key points discussed during the meeting. Director Smith said he has a couple of comments for consideration. First, he said that when the tide is high and waves crash against the seawall, the existing riprap help dissipate wave action; as such, he believes the riprap enhances public

safety. Second, he noted that Coastal staff are recommending a narrower wall and the removal of riprap which, taken together, will really diminish the public access benefits. Director Godino joined the meeting; she apologized for joining late and said she had been listening for some time and agrees with director Smith's comments. Staff noted that Coastal staff has required (and AMJT has agreed) to raise the level of the seawall due to sea level rise concerns; however, AMJT has not agreed to remove the riprap. Director Comstock concurred, noting that the riprap also softens the appearance of the seawall. Discussion ensued and staff was directed to include to general statement of support of AMJT's request to retain and restack the riprap.

Director Comstock said he would like the letter to be written as a strong and forceful statement of the public benefits of the seawall and the other directors agreed. Staff said the most problematic aspect of the special conditions is the section in which the "Permittees" language is used as this imposes unacceptable obligations on the BCPUD. Staff said the BCPUD would have no choice but to withdraw as co-applicant if Coastal staff will not agree to remove these references; staff asked Anne Blemker whether BCPUD needs to include a sentence to that effect in its comment letter to avoid any risk of the permit issuing with this language. Anne Blemker clarified that the permit is subject to a number of "prior to issuance" conditions that must be fulfilled before the permit is released so, even if Coastal staff or the Commissioners will not change the "Permittees" language, BCPUD can decline to fulfill those conditions. In response to a question from director Smith, Anne explained that AMJT would then need to file a permit amendment request to proceed without BCPUD. Anne said it would be fine to include a sentence indicating that if the Permittees language is not removed, BCPUD will have to reconsider whether to proceed with prior to issuance conditions, which will flag the issue in a less offensive way than threatening to pull out entirely.

D. Smith/L. Comstock all in favor designating staff to prepare the BCPUD's comment letter to the CCC consistent with the discussion at the meeting.

5. Grant of Easement Agreements between BCPUD and AMJT Capital, LLC re: 100 Brighton Seawall Repair Project: *Access for Installation of Seawall project; Permitting Encroaching Improvements to Remain.*

Staff explained that there will be two separate easement agreements in connection with the seawall project, but they are not yet finalized for approval. One agreement grants AMJT permission to be on and over BCPUD property for purposes of installing the seawall repair project and the public improvements on the opposite side of the access ramp; the other allows minor existing AMJT encroachments (a shed and portion of a fence) on BCPUD property to remain. Anne Blemker requested that the BCPUD make clear to Coastal staff that the agreement allowing the encroachments is under development and close to completion. Director Smith said it seems like Coastal staff is asking for all of the encroachments on BCPUD property to be removed; Anne affirmed that is the case, but AMJT is fighting this special condition and BCPUD has agreed in principle to allow them to remain. Discussion ensued as to whether the BCPUD would approve the forms of easement before the CCC approves the seawall; ultimately, staff was directed to include a general statement of commitment in the BCPUD comment letter to the CCC allow AMJT's minor encroachments onto BCPUD property to remain.

6. Adjournment.

11:39 a.m.