

Bolinas Community Public Utility District

A Special Meeting Of The Board Of Directors

December 1, 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.

7:32 p.m.

2. Roll.

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

Director Siedman explained that the purpose of the meeting is to provide a local forum for the community to comment on the Bolinas Community Land Trust (“BCLT”)’s proposed project at 31 Wharf Road. The BCPUD will summarize the comments and convey them to the County, along with copies of the letters received about the project. Director Siedman said that he will first ask the BCLT to speak and then solicit public comment.

3. Community Expression.

None.

4. Coastal Permit Application (Project P2835), Limited Water Use Permit Application, 31 Wharf Road, APN# 193-061-03 (Bolinas Community Land Trust) (*construction of a 10,288-square-foot mixed used development consisting of 8,649 square feet of affordable housing units (a total of 8 units), 1,639 square feet of commercial area and 6,934 square feet of on-site, project-related parking*).

4(a). BCLT Request for a Letter of Support from the BCPUD to the State Water Resources Control Board and the County of Marin for the BCLT’s Installation of a Community Service Well at 31 Wharf Road.

4(b). BCLT Proposal for an Agreement to Limit Discharges at 31 Wharf Road into the BCPUD’s Sewer system.

4(c). BCLT Request to Use its Existing Water Meter at 31 Wharf Road for Emergency Purposes (i.e., fire suppression system and/or backup water system in the event of well malfunction or failure); Application for a Limited Water Use Permit.

On behalf of the BCLT, Arianne Dar explained that the project proposed for 31 Wharf Road is designed to provide eight (8) affordable housing units and two (2) commercial spaces (the latter of which are required due to County coastal zoning rules applicable to the downtown “commercial core”). The BCLT has drilled a test boring for a water well to serve the property. The BCLT’s first request is for a letter of support from the BCPUD for the BCLT to permit this well as a community water system inside the jurisdictional boundaries of the BCPUD because any well serving more than four units or 25 people must be permitted as a community water system by the State Water Resources Control Board (“SWRCB”); the well also will need a coastal permit from the County of Marin. Arianne explained that the BCPUD’s letter of support is important as it is unusual for the SWRCB to permit a water system inside of an established water district, but it makes sense to do so in this case due to the BCPUD’s limited water supply.

The BCLT’s second sub-item on the agenda is a proposal whereby the BCLT would agree to limit discharges into the BCPUD’s sewer system. Arianne said the BCLT is aware that community members are concerned about the potential impact of the project on the district’s sewer system and therefore proposes to limit their discharge to no more than 1200 gallons per day for the entire development. Finally, with regard to the third sub-item on the agenda, the BCPUD would like to keep the existing water meter in place as the water source for the fire suppression system and as an “emergency back-up” in the event of some sort of temporary contamination of the well or if extended maintenance work on the well was necessary.

Director Siedman called for public comment. Jody Angel requested that the BCPUD Board appoint a committee of community members to assess this project and make alternative recommendations. Roland Crotts inquired about the criteria for becoming a tenant in the new development and Arianne explained income eligibility requirements (vis-à-vis median average income) and noted that the BCLT’s waiting list for

housing units has 200 people. In response to further questions, Arianne said that while the goal of the project is to provide housing for the Bolinas workforce, the BCLT must adhere to the fair housing laws and cannot discriminate against non-Bolinas residents. Steve Ratcliffe commented that the project plans to house 32 people, which is a large increase in downtown residents and a change to the character of downtown; in addition, the 24 parking spaces planned for the project will generate increased traffic in the already congested downtown area. He said the project seems to rely on the well, but what will happen if the well fails? Arianne said the project is not contingent on the well as the BCLT has water meters to satisfy the needs of the residents, but the BCLT is hoping the well will be productive and reduce the need to rely on the town's water supply. Finally, Steve said the project doesn't seem to be oriented toward single people or senior citizens. Arianne said that the BCLT's other downtown projects (the Gibson House and 6 Wharf) both house mainly single people and couples; the BCLT has identified a need for affordable family and workforce housing in town, so the project at 31 Wharf proposes four apartments with two bedrooms and four apartments with three bedrooms. With that said, she noted that single people could share an apartment at 31 Wharf, there is no intent of any kind to exclude single people from this housing.

Director Amoroso joined the meeting at 7:47 p.m.

Howard Dillon said he is a member of the BCLT Board of Directors and he congratulated Arianne and John Lum, architect, for creating an excellent project. He noted that due to County zoning rules, this is the only location in town where such a project can be built; although the BCLT is hoping to create agricultural worker housing on the Bolinas Mesa, that project is years down the line. Howard said it is a "first-class project" and he urged everyone to get behind it, noting that no opposition to the size of the project was expressed during the public meetings the BCLT held on the project prior to the pandemic. Rudi Ferris said he does not object to the project location, but believes the project as proposed is too big and aesthetically would turn downtown in to a "canyon". He also is concerned about parking and water use. In addition, he expressed frustration with the zoning requirement to include two commercial establishments in the project as such businesses are unnecessary and will add to the existing traffic and parking problems. Joan Robbins echoed Howard Dillon's remarks and said this is the community's opportunity to express diversity and awareness of housing differences in town, and it is a vital step forward in the battle for economic equality.

Janine Aroyan said that several technical issues need to be addressed. First, she inquired whether a "water district within a water district" such as the BCLT proposes would be allowed to sell water: If so, would BCPUD monitor that to prohibit any conflicts of interest? Second, the project should be conditioned on retaining the Gibson meter (not transferring it elsewhere or selling it) in the event the well fails. She noted the project is "incomplete" at this point and ongoing adjustments are being made to its design so the public does not yet know specifics about setbacks, parking requirements and the like; only when the project is deemed "complete" will the public know its precise scope and details. Third, she said the equivalent of eight homes would be using one sewer lateral without the BCPUD's ability to control the amount of water used and she questioned whether the sewer system has the capacity to accommodate this in addition to possible connections for homeowners on Canyon Road, the BCLT's agricultural worker project on the Bolinas Mesa, the revitalized College of Marin project and the recently completed project at Smiley's Saloon. Janine also mentioned concerns about parking, stormwater and aesthetics and said she would like to see more community input on this project.

Per a request from director Siedman, staff explained that the property at 31 Wharf has a current and active connection to the BCPUD's sewer system and has paid into the sewer system for years to maintain that connection. In contrast, the properties on Canyon Road are not on the sewer system, so the district needs permission from its regulators to add these properties to the system because the district has a moratorium on new sewer connections. Janine said she understands this, but the considerable discharge into the sewer system from the BCLT project at 31 Wharf should not be overlooked. Arianne said the BCLT has proposed to self-limit its discharge into the sewer system to no more than 1200 gallons per day. Janine noted this assumes only 25 gallons of water per day per person, which is exceedingly low and she questioned the ability to comply with such low water usage.

Ralph Camiccia thanked the Board for hosting the meeting and said he feels a project such as the one proposed for 31 Wharf Road needs to be part of a community process. For example, he noted that when the Fire District rebuilt the old fire station, the district put together a big community working group of people to develop the design; similarly, a community group worked on the design of the College of Marin's replacement marine lab. He said the BCLT is proceeding as though the project is a private endeavor which it is not – the issues it raises are community issues (water, sewer, parking, traffic, etc.) and the project is having a divisive effect on the town, with a lot of people afraid or reluctant to comment on it. Ralph said that a good example of a community working group is the one formed when the groin was rebuilt. Initially a huge groin structure was proposed and the BCPUD placed an advisory measure on the ballot and the town ultimately has the groin that is there now. Public input slows the process down, Ralph noted, but people are then happy with the outcome. Ralph said the BCPUD needs to be very cautious when it evaluates the reliability of a well serving 8 units (or 32 people), as it is a big responsibility; he said the well may be fine for 6-7 years, but then the potential for saltwater intrusion rises as the aquifer is drawn down given how close to the well is to the lagoon. Ralph said there is a responsibility to plan for the future and he has submitted a letter outlining the breadth of his concerns about the project, including the burden that will be placed on the BCPUD to monitor the discharges of the eight homes into the sewer system. Ralph said he would like to see the project proceed,

but it should be reduced in size as a benefit to the community, especially the Crotts home and Smiley's on each side. With regard to the topic of an advisory measure, director Siedman agreed that the BCPUD historically has placed advisory measures on the ballot for public, community-wide projects such as the groin, or camping on the beach, or downtown parking regulations, but it has never done so for privately-owned projects. Having said that, he noted there is no reason not to have community input on the design of the BCLT project, but there is a difference between community involvement in that manner vs. the BCPUD placing an advisory measure on the ballot for a private project.

Genie McNaughton thanked the BCPUD for holding this special meeting and receiving public input on the BCLT project. She said that her concern is about water; it is well known that aquifers in California diminish over time, so the reliability and quality of this water source really needs to be assessed. She cautioned against the urgency to push this project forward given that water reliability is unknown. As for the sewer, she said the treatment ponds were built with some extra capacity but it is important to understand the actual capacity at this time. She said she would like to see a smaller project that fits within the water-limited community of Bolinas and that overall she feels that there are a lot of infrastructure issues that are not yet addressed, including stormwater management. Genie hopes the BCLT will hear that the community is very much in favor of affordable housing, but wants it to be done right, and for it to be long-lasting and something the community is proud of as a town asset.

Patty Bradford said she is on the Board of the BCLT and she spoke to the acute need for affordable housing in Bolinas as evidenced by the fact that there are over 200 people on the BCLT waiting list. Patty said she believes this project will help restore the diversity of the community's population and vibrancy to the town. Lucy Reid said this is the third public meeting that she has attended about this project; other meetings occurred at the Firehouse and addressed a wide scope of design issues. She also works on parking issues in downtown Bolinas and the implementation of Measure X. She said she cannot imagine a better project for downtown Bolinas -- parking is provided, the design has a step-back so that a "canyon" is not created; she said the push back to reduce the scale of the project is a bad idea because the town needs places for young people to live and she supports the project completely.

Barbara McDonald said she is very concerned about the size of the project and that an anonymous person donated the project funding and is now mandating the design. She said that eight units are okay, but the units are too large and should be downsized to reduce the number of people living there and the resulting impact on the town's water, sewage, parking and other resources. John Fitzpatrick said he was shocked when the story poles went up and he saw the size of the project. He said he wishes the story poles went up earlier and that everyone he talks with thinks the structure is too big and will dominate the downtown.

Melinda Stone thanked the Board for holding the meeting and said she would like to express her gratitude to the BCLT for holding community meetings about the project, for listening and for understanding the need for housing in town. She said when she sees the story poles she sees a space that needs to be filled and enlivened by families living and working downtown. She supports the project whole-heartedly and is thankful for the BCLT's hard work and the open public process that it has implemented for this project. Tina Ann said she is very confused about the comments that more public meetings ARE needed or that a community review committee should be created -- all of the issues raised tonight were addressed at the BCLT's public meetings, which were open to everyone. She said she is totally in support of this project and agrees it is not possible anywhere else in town, as has been pointed out.

Matt Lewis expressed concern that the anticipated water usage for the project is understated because there are no laundry facilities planned for the project; the residents will need to use the downtown laundry mat, which is on the BCPUD water system, and will add additional flow to the sewer system. He asked if there are any preliminary production estimates for the well. Arianne said that the preliminary production estimates are very high at 200 gallons per minute over an 8-hour period and, more realistically, the BCLT will be looking for the well to produce 10-20 gallons per minute; she cautioned that the BCLT has not yet completed more extensive testing but has hired a hydrologist to lead this effort. Matt asked if there are any plans for water storage at the property; Arianne said the BCLT is planning for 20,000 gallons of storage. Matt asked why laundry facilities are not planned for the project; Arianne said the BCLT would be happy to include laundry facilities but has understood that it would be preferable for project residents to use the high efficiency, low-water use machines at the laundry mat. Matt said he thinks it is necessary for the BCLT to have laundry facilities for its tenants.

Arianne said she would like to clarify one point raised by Janine Aroyan with regard to where the project is in the planning process. She said the BCLT submitted its coastal and building permit applications some time ago and is scheduled to have a meeting at the County on December 5th at which the application may be deemed complete, so she wanted to be sure everyone understands where the project is with the permitting project. Barbara McDonald asked if the BCLT has any plans for a greywater system at the project. Arianne said no there are no such plans due to the drainage requirements at the site the BCLT will not add to that by installing any greywater systems.

Evie Wilhelm, Managing Director of the BCLT, clarified that there will be no landscape watering at this property (she said she has heard concerns about landscaping expressed in town) and the first 24 families on the BCLT wait list who are eligible for this project are all local families, some of whom are living in very

sub-par conditions. She noted that these families already live in town and therefore already use the town's water and laundry mat. Evie said the BCLT held community meetings on the project and provided project updates on all community platforms (including images of the design) for over two years; a lot of information is available on the BCLT's website. Evie warned that Bolinas is changing extremely fast and the town is losing its remaining socio-economic diversity; she urged everyone to keep in mind that the BCLT Board and staff are working to preserve the small vibrant little town everyone loves. Jennie Pfeiffer thanked Evie, Arianne, and the BCLT overall and said it will be fabulous to have affordable housing downtown, but she is concerned about the amount of concrete that will be placed on a hillside, covering permeable land and causing water to run off quickly. She suggested the footprint of the building could be reduced by changing the three bedroom units to single bedroom units to address the needs of seniors, who will benefit by being closer to the stores, library and so forth, and increase the land available as well as community access to the open space above; whereas families would benefit more from living on the Bolinas Mesa, close to Mesa Park.

John Lum, architect of the BCLT project, said he would like to speak in his capacity as a resident. He said he is very passionate about this project as it is serving a real need; he noted it will provide twice as much parking as is legally required, spaces which likely will be used by adjacent businesses as well. John said he is hearing people discussing the parking implications and worried about personal inconvenience, but the project is seeking to address a desperate need for housing for people who cannot afford to buy a home here. He said the concept that the project will "destroy" downtown is incorrect; people say they care about the community but for Bolinas to be a vibrant place for people other than the wealthy or those who can afford to buy their own homes, this project is critical as it will house people who work in town, many of whom are people of color. He urged the community to consider the future of Bolinas and the need to accommodate all sorts of people. Genie McNaughton said that a lot of concerns about the project have been brought out and to characterize the people who express them as selfish, or focused only on themselves, is not helpful. Genie said that Arianne has done a great job of remaining measured and answering questions; she said she thinks more people will be coming out to participate in this and she hopes their input will be welcome as they care very much about making this the best possible project for the town.

Kathleen O'Neil said she would like to express her support for the project; she said housing is very important for Bolinas and the BCLT is doing its best to put together a great project. Rudi Ferris said he appreciates Genie's comments because most of the people in Bolinas agree about affordable housing and that Jennie Pfeiffer made a really good point about the potential for stormwater runoff from the project to the lagoon and he will raise concerns with the Bolinas Lagoon Advisory Committee. Janine said that people seeking to have input on this project are characterized as selfish and against affordable housing and neither are true; she said people have done a lot of work to research the project and are coming from a good place of wanting the project to work. Bonnie Jones expressed concern about reliance on a well for the project given the potential for seawater intrusion; she said that the BCPUD should not allow project to rely on this well.

Roland Crotts said the house next door to the project site formerly belonged to his mother and he had not heard about the project until the property was prepared to be sold. He said he is in favor of a project to help people in town who need housing, but not a project of this size. He noted that the project will block views and sun to his former property, as well as two prescriptive easements; finally, he said everyone seemed to be in favor of the project until the story poles went up. Patsy Raven agreed; she said it was a shock when the story poles went up and the project is too big -- although Bolinas needs the housing, she said, it would help to have more public input. She noted that when surfers come to town they take every single space available and this project will add to the problem. Janine Aroyan urged the Board to consider the parking impact in terms of what will happen to the tenants -- what will they do when it's a sunny day and they can't park? Al Minvielle asked if the Bolinas Fire District has evaluated the project and the district's ability to fight a fire in such a dense building, located in a cul-de-sac with very limited space. Arianne said Chief Krakauer has done so and has no concerns; John Lum noted that the building will have a full fire suppression system. D.J. O'Neil asked if the commercial spaces can be removed from the project to reduce the physical footprint of the building; Arianne said it is not possible to do so under applicable zoning rules that require commercial space in the downtown business zone. Director Smith commented that this requirement was recently enacted and there is a lot of opposition to it, so there may be opportunity in the future to change it.

Director Siedman asked if staff has any comments or observations on the BCLT request for a letter of support from the BCPUD to the State Water Resources Control Board ("SWRCB") and County of Marin for the BCLT's efforts to permit a community service well. Staff noted the Board previously has expressed a willingness to support the permitting of this well as a separate water system but a letter may be premature at this time without any definitive information about the quantity or quality of the well water; in addition, staff would like to confer with the district's regulators at the SWRCB to ensure there are no objections there to the concept. Arianne clarified that the BCLT at this time just needs a letter from the BCPUD confirming access to water -- either via the well or back-up water meters -- in order to get a hearing at the County on the project to know whether the building will be permitted before the BCLT spends what might be tens of thousands of dollars to develop the well. Director Godino said that based on Arianne's clarification, she supports issuing such a letter. Director Comstock said the SWRCB's possible objection to a "district within a district" from a competition standpoint is not applicable here due to the limited nature of the BCPUD's water supply; that said, the BCPUD should not take a position on the BCLT's ability to operate a water district and should make clear the BCPUD is not supervising this activity. Arianne said the BCLT will be hiring a professional company to operate and manage the water well. Director Smith said there are questions to be studied about

the sustainability of the well, but a letter from the BCPUD that the district has no objection to the BCLT exploring such a system is fine with him; he noted the district would need to understand if it would be undertaking any obligations in this regard other than to serve the property with existing meters if the well should prove insufficient. Director Amoroso said he agrees with director Smith's comments, but he does not agree that one meter would be adequate to supply the entire project, so a second meter may be needed in that event. Director Siedman summarized the Board's comments as a consensus of no objection to the BCLT exploring the permitting of a community water system served by the well as long as there is a back-up plan to supply water meters in the event of a well failure.

D. Smith/G. Godino all in favor to issue a letter of non-objection to the BCLT's efforts to develop its well as a state-permitted community water system to serve the project at 31 Wharf.

Director Siedman turned to the next sub-item on the agenda, which is the BCLT's proposal to limit discharges from 31 Wharf into the sewer system and asked if staff has any comments or observations. Staff said that per state affordable housing laws, the district cannot limit or condition its sewer service for affordable housing without an engineering study determining it is necessary to do so. Staff said the district is permitted to accept up to 65,000 gallons per day of wastewater into its collection system and flows average 30,000 – 40,000 gallons per day (on the high end; flows are often well below that); the 1,200 gallons per day proposed by the BCLT would be just 3–4% of the district's total average flows. Staff noted that existing commercial customers in the district discharge more than this volume already and the district is able to handle it. Staff has no objection to entering into an agreement with the BCLT to limit discharge to the sewer system, but recommends that the district take the time needed to carefully assess its capacity and prepare an appropriate agreement. Arianne said that this agreement is not urgent; rather, the proposal was intended to ease minds about the impact of the project on the district's sewer system.

Director Comstock said he would like to comment because prior comments indicate that there is a fair amount of confusion between an existing sewer connection -- such as the BCLT has at 31 Wharf -- versus a new permit to connect to the sewer system notwithstanding the district's moratorium on new connections. He underscored that the BCLT is not asking for a new connection, it has a sewer connection at this property. Also, the BCPUD generally does not monitor discharges into the sewer system; rather, water use is metered and serves as a proxy for wastewater discharge which would not be the case here if the BCLT uses the well. Director Comstock said he appreciates that the BCLT understands this presents a potential problem for the BCPUD and has affirmatively offered to self-limit its discharge into the BCPUD's sewer system. Director Siedman suggested the Board defer any action on this specific item to allow staff time to assess the district's capacity and prepare an appropriate agreement.

Director Siedman turned to the third sub-item on the agenda concerning the BCLT's request to use the existing water meter at 31 Wharf Road for emergency purposes (i.e., fire suppression and/or back up water supply) and its application for a limited water use permit for that meter. Staff advised that BCPUD Resolution 655 is applicable to this agenda sub-item. Director Amoroso said he believes the Board should apply this resolution and grant a permit with a maximum quarterly water use of 2,700 cubic feet (the community average plus 50%). Director Smith asked about the history of water use at the property; staff noted that there has been no water use for many years and specifically not within the most recent 12 quarters. Director Smith concurred with director Amoroso unless some sort of emergency or special circumstances would warrant more usage (per subsection c of Resolution 655). Arianne said there are no such circumstances at this time, although if it should be necessary in the future to transfer water allowances between BCLT properties it is possible such circumstances could arise at that time.

Director Comstock said he wants to be sure he understands the issue before the Board. It is his understanding that the meter currently located at 31 Wharf has not been in use for many years and the BCLT at this point in time is anticipating using it only for emergency purposes (because it will rely on the well as the primary water source). Per standard BCPUD policy, the Board would issue a limited water use permit for a new building project such as this with a limit of 2,700 cubic feet per quarter. Director Comstock noted that the limit is quarterly and violations are assessed as such, not on a daily basis. The other directors concurred and directors Godino and Siedman agreed that the 2,700 cubic feet limit is appropriate. In response to questions, Arianne clarified that the meter would be used for fire suppression, or for only a short-term emergency shut down of the well if it needed to be serviced. She said she is aware this meter alone is not adequate to serve the project in the event of a complete well failure. She suggested that it would be reasonable for the BCPUD to require the BCLT to hold its water allotment at the Gibson House in perpetuity (and not transfer it elsewhere) in the event it should be needed to serve the 31 Wharf Road project. Director Comstock said he would like to condition the motion approving the limited water use permit on the understanding that the meter is not adequate to serve project and the Board is not approving it for such use. Discussion ensued and staff was instructed to include the condition on the permit itself, as well.

D. Smith/V. Amoroso all in favor to grant a limited water use permit for 31 Wharf Road with a maximum quarterly water use limit of 2,700 cubic feet, on the condition that the permit states that it is not approved as the sole water source to serve the project but is intended for emergency purposes, such as fire suppression or in the event of a temporary shut-down of the well for maintenance or service.

Director Siedman thanked everyone in attendance for a very civil discussion under difficult virtual circumstances and said the BCPUD will send a letter to the County summarizing the public comments made during the meeting and forwarding copies of all written comments it has received.

5. Adjournment.

9:47 p.m.