

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

FREMONT, SUITE 2000

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49th Day:	May 30, 1997
180th Day:	October 8, 1997
Staff:	Bill Van Beckum
Staff Report:	May 23, 1997
Hearing Date:	June 13, 1997
Commission Action:	

STAFF REPORT: REGULAR CALENDARAPPLICATION NO.: **1-96-50**APPLICANT: **SONOMA COUNTY DEPT. OF
TRANSPORTATION & PUBLIC WORKS**PROJECT LOCATION: **Whaleship Road and Sandpiper Court, Bodega Bay, Sonoma
County**PROJECT DESCRIPTION: **Widen and pave 1,180 lineal feet of the 1,600-foot total
length of Whaleship Road and Sandpiper Court, from 9
feet to 16 feet to meet County standards, and along the
same roads construct a 75-foot-long retaining wall and
50-foot-long guard rail, replace 2 storm drain pipes,
and remove 8 trees.**LOCAL APPROVALS RECEIVED: **County of Sonoma Negative Declaration and
Mitigation Monitoring Plan, July 9, 1996**SUBSTANTIVE FILE DOCUMENTS: **Sonoma County Local Coastal Program**STAFF NOTES:1. Standard of Review:

The proposed project is located adjacent to West Shore Drive at the north end of Bodega Harbor. Sonoma County has a certified LCP, but the project site is within the Commission's retained jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

2. Summary of Staff Recommendation:

Staff recommends approval of the application with conditions. The principal issues raised by the application are: (1) the site's geologic capabilities to accommodate development that will be structurally sound and that will not

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contribute to any instability of the project site itself, (2) the protection of adjacent environmentally sensitive marsh habitat from storm water runoff contaminants, and (3) the protection of coastal views and compatibility with the surrounding visual character. Concerns with possible geological impacts are addressed by the requirements of recommended Special Condition No. 1 that final grading and site drainage plans be reviewed for consistency with recommendations contained in the geotechnical report that has been prepared for the project.

Recommended Special Condition No. 2 includes requirements to reduce the volumes of potential contaminants in stormwater runoff discharging from the project site to ensure that adverse impacts to adjacent marsh habitat will be minimized. Staff believes the project is consistent with the visual resource protection provisions of the Coastal Act in that the project will not interfere with public coastal views and is compatible with the visual character of the project setting. Staff therefore recommends that the Commission finds that the proposed development, as conditioned, is consistent with the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See Attachment A.

III. Special Conditions.

1. Final Grading and Site Drainage Plans.

PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit for the review and approval of the Executive Director final foundation, grading, and site drainage plans for the proposed project. These plans shall be consistent with the grading and site drainage recommendations made in the site-specific Geotechnical Investigation report prepared by RGH Geotechnical and Environmental Consultants, September 7, 1995, which was submitted with the application. Any deviation from the approved plans will require an amendment to this permit.

2. Drainage Pipe Plans.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit to the Executive Director for review and approval final stormdrain pipe plans that

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provide for the incorporation of water quality inlet features, such as absorbent sand filters or oil/grit separators, in the pipes' drop inlets. The water quality features shall be designed to capture petroleum hydrocarbon contaminants so as to reduce the volume of such pollutants being discharged through the pipes.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Project and Site Description.

The project site, the Whaleship Dunes Assessment District, is located adjacent to, upslope, and north of Old Bay Flat and Westshore Roads, at the north end of Bodega Harbor in the unincorporated town of Bodega Bay. The assessment district extends over a sand dune complex and consists of a 50-lot single-family residential subdivision. See Exhibits 1 and 2.

The subdivision is accessed from Westshore Road, the first public road paralleling the harbor. Whaleship Road, a narrow paved cul-de-sac, and Sandpiper Court, a short paved cul-de-sac off Whaleship Road were created as part of the subdivision to serve individual home sites (Exhibit 3). The roads were originally constructed primarily by cutting on the uphill side and casting loose sandy fills on the downhill side. The roads were not constructed to Sonoma County standards.

In 1993, the County Board of Supervisors, at the request of Whaleship Dunes property owners, determined that Whaleship Road and Sandpiper Court could be accepted into the County road system and maintained by the County provided that, prior to such acceptance, adequate rights-of-way would be dedicated and the roads would be improved to current County standards.

The proposed project is the improvement of the two roads to County standards. With the project application submittal the County has provided copies of the recorded "Permanent Easement(s) for Roadway and Utility Purposes," granted to the County by the assessment district's property owners, necessary to demonstrate that the County has secured sufficient property rights to carry out the road improvement project on behalf of the district.

The project consists of widening and stabilizing certain roadway embankments, modifying roadway drainage facilities to conform to the geometric configuration of the widened paved area, and replacing existing associated drainage pipes which carry storm water runoff across four of the parcels to existing piping under Old Bay Flat Road. In addition, the project includes developing an earthen ditch to carry storm water runoff from Sandpiper Court to the Old Bay Flat Road underground storm drain system.

The road widening and improvements consist of widening 830 feet of the 1,250 feet of existing pavement on Whaleship Road from its present 9 feet to 16 feet, and paving a hammer-head turn around at its western terminus. A section

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of Whaleship Road which extends approximately 370 feet from its intersection with Old Bay Flat Road is already paved to a width of 16 feet. The 350-foot-long road bed of Sandpiper Court would be widened from 9 to 16 feet, and a standard-radius cul-de-sac would be constructed at its terminus.

Roadway widening will be accomplished primarily by cutting on the uphill side. In one uphill location a 75-foot-long retaining wall is proposed. A standard Caltrans guard rail, 50 feet long, is planned along the outboard edge of the fill embankment at the beginning of Whaleship Road, just uphill from Old Bay Flat Road. The proposed project includes approximately 1,306 cubic yards of cut and 127 cubic yards of fill, yielding 1,179 cubic yards of graded material that will be exported. Eight trees are proposed to be removed to accomplish the widening.

The project's key features are illustrated in Exhibit 4.

2. Geologic Hazards/Stability.

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic hazard by not creating erosion, geologic instability, or destruction of the site or the surrounding area.

The applicant has submitted a geotechnical investigation for the proposed project (RGH Geotechnical and Environmental Consultants, September 7, 1995), that includes the results of on-site geological investigations and contains recommendations for ensuring the stability of both the proposed project and the hillside project site itself.

The on-site evaluation determined that the primary geotechnical concerns during design and construction of the project are:

1. The presence of loose dune sands that are subject to severe creeping and erosion along the outboard edge of the fill embankment at the beginning of Whaleship Road and the proposed cut slope near the junction with Sandpiper Court.
2. The potential for severe erosion of loose dune sands by concentrated runoff from the roadway.
3. The strong ground shaking predicted to impact the site during the life of the project.

The evaluation concluded that provided that recommendations contained in the evaluation report are incorporated into the design and construction of the project, the site is suitable for support of the proposed project.

Included in the evaluation are recommendations regarding grading (site preparation, excavation depths and slopes, fill quality and placement),

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retaining wall engineering, utility trenching, paving specifications, drainage and project and site maintenance.

Final grading and site drainage plans conforming to the above recommendations have not yet been submitted to the Commission. Therefore, the Commission attaches Special Condition No. 1, requiring the submittal of such plans for the review and approval of the Executive Director that are in conformance with the evaluation's recommendations regarding grading and site drainage. As conditioned, the Commission finds that the proposed project is consistent with the geologic hazard provisions of Coastal Act Section 30253.

3. Environmentally Sensitive Habitat.

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values and that development near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas.

Although no ESHAs have been identified in any of the areas where road improvements are proposed, two freshwater marsh areas are located just below the project site, in the flat area between Old Bay Flat Road and West Shore Drive. The two drainage pipes that are proposed to contain captured runoff from the improved roads each have their terminus approximately 150 feet from the wetland areas. These pipes will be upgrades of existing pipes, slightly increasing the diameter and lengths of the pipes. The portions of the pipes that will be below Old Bay Flat Road (the western pipe) and Whaleship Road (the eastern pipe), just before their termini at the downslope sides of these roads, will be perforated so as to allow some filtration into the sandy substrate. No high water flows from the pipes' outlets are expected except during storm conditions, when ground conditions may become too saturated for effective filtration. In such situations, runoff discharged from the pipes may sheet flow toward the marshy areas, potentially conveying contaminants to the marsh areas such as petroleum hydrocarbons, from motor oil drippings from vehicles using the paved roads. Contaminants of this nature could compromise the habitat values of the freshwater marshes by degrading water quality.

Adverse impacts on the environmentally sensitive marsh areas from such contaminated runoff could be minimized if the contaminants are captured before being discharged from the proposed drain pipes. One such means of "urban runoff" contaminant capture, that is recommended by the U.S. Environmental Protection Agency (EPA) as a "structural Best Management Practice" (BMP), is the provision of a "water quality inlet (e.g., ... catch basin with sand filter, oil/grit separator)." A Best Management Practice, as defined in the Code of Federal Regulations (Title 40, C.F.R. Section 130.2[m]), is:

- (1) A practice or combination of practices that are determined to be the most effective and practicable means of controlling point and nonpoint pollutants at levels compatible with environmental quality goals.
- (2) A method, measure or practice selected by an agency to meet

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its nonpoint source control needs (including but not limited to) structural and nonstructural controls and operation and maintenance procedures.

There are several types of catch basin filter systems available, such as ones that consist of the installation of easily accessible troughs, just below curbside drainage drop inlets, designed to hold contaminant-absorbing materials. The absorbants are periodically inspected, removed as they become saturated, and replaced with fresh absorbants. Such systems provide a simple means to deal with stormwater runoff impacts, and are relatively low-cost, especially when included as part of initial drainage installations rather than as retrofits.

To ensure that the project will provide mitigation to minimize the adverse effects on water quality caused by the discharge of stormwater runoff through the drainage pipes, the Commission attaches Special Condition No. 2 which requires the applicant to submit for the review and approval of the Executive Director, prior to the commencement of construction, drainage improvement plans that provide for the incorporation of water quality inlet features for all road-edge drop inlets that capture runoff from the paved roads and that direct captured runoff into the drainage pipes. The condition requires that the water quality inlet features be designed specifically to reduce the volume of petroleum hydrocarbon contaminants being discharged through the pipes. The Commission finds that with Special Condition No. 2, the project will be designed to prevent significant adverse water quality impacts to the environmentally sensitive marsh habitat, and the project as conditioned is consistent with Coastal Act Section 30240.

4. Visual Resources.

Section 30251 of the Coastal Act provides in applicable part that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and shall be visually compatible with the character of surrounding areas.

The primary east-west road on the north side of Bodega Harbor is Westshore Drive. The hillside Whaleship Dunes subdivision is just upslope, and is therefore prominent in the viewshed. The subdivision is characterized by mostly one and two story homes on hillside lots landscaped with shrubs and scattered trees capable of survival in sandy soil conditions. Eight such introduced trees (pines, cypresses and a eucalyptus) in the southwest quadrant formed by the intersection of Whaleship Road and Sandpiper Court are proposed to be removed since they are growing in areas where the road will be widened. No roadway tree replacement is proposed because the roadway easements are too narrow to provide appropriate space for tree planting. However, as discussed in the Mitigated Negative Declaration adopted by the County for the project, the County will provide tree seedlings to the owners of lots where trees will be removed for the road widening for planting elsewhere on the property.

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The proposed project includes no development that will block coastal views. The only developments proposed are roadway widening and paving, a retaining wall, and drainage facilities, all of which will be built at ground level. Although the project involves some grading on the upslope side of roads to accommodate the proposed roadway widening, the alteration of natural landforms will be minimized as the current alignment of the roadways will be maintained, eliminating the more massive cuts and fills that would be required if the alignment were altered. Finally, the proposed project will not significantly affect the visual character of the area. The minimal hillside alteration required for the road widening will conform to the hillside alterations previously made to the site when the subdivision was originally developed. The removal of trees will not significantly affect the visual character, as numerous trees will remain within the subdivision and the vegetation pattern within the subdivision of scattered trees amidst shrubs and grasses will be maintained, albeit with fewer trees. In addition, some trees may be replanted if property owners take advantage of the County's offer to provide replacement tree seedlings for planting on their property. Thus, to the extent that the tree removal will have even a less than significant impact on the visual character of the area, the impact may be minimized by the tree planting on the residential lots.

Therefore the Commission finds that the proposed project consistent with Section 30251 as the scenic and visual qualities of coastal areas will be protected.

5. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. As discussed above, the project has been mitigated to prevent runoff from polluting freshwater marsh habitat adjacent to the site. The project, as conditioned, therefore will not have a significant adverse effect on the environment within the meaning of CEQA.

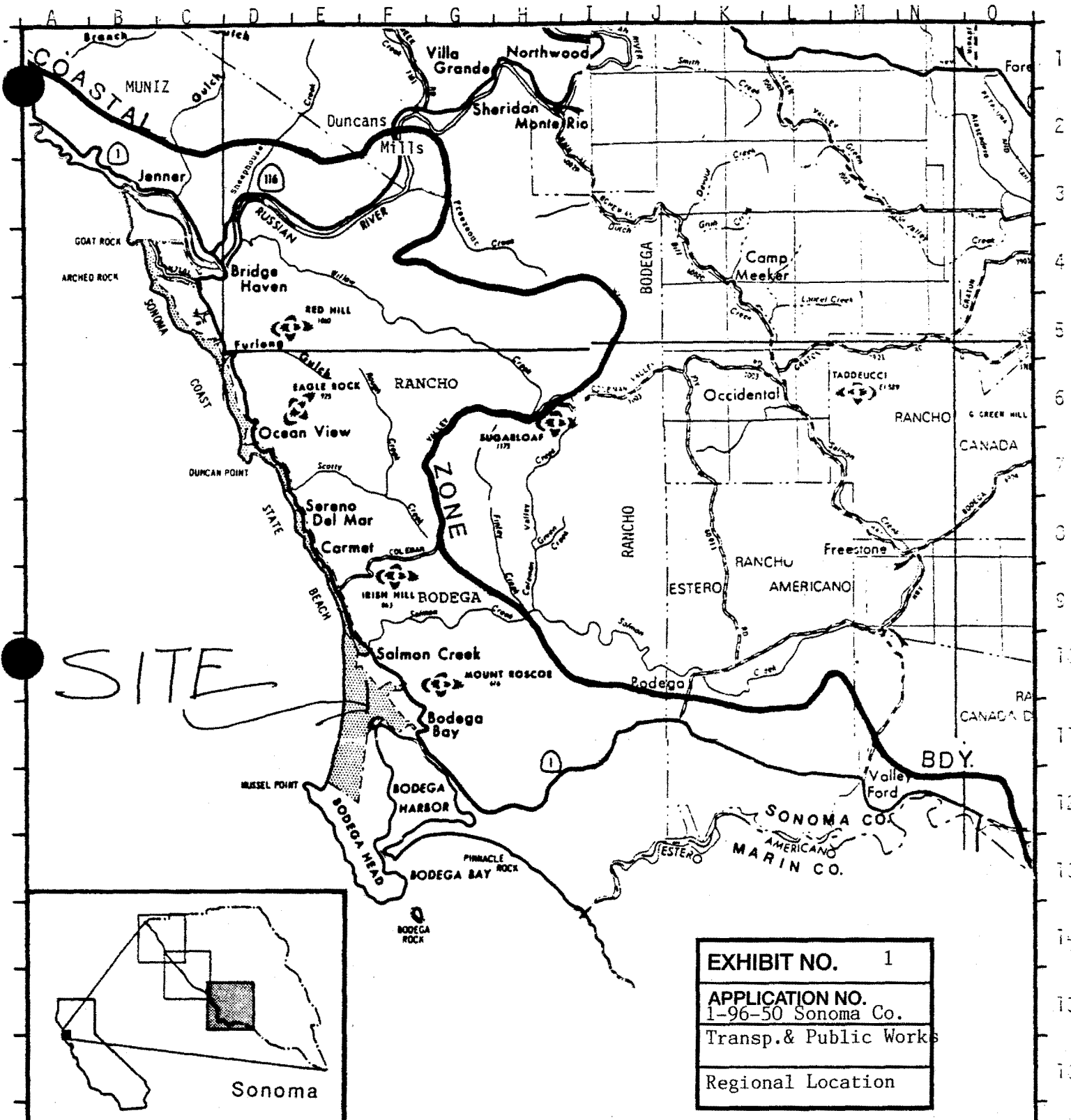
EXHIBITS:

1. Regional Location Map .
2. Site Location Map
3. Vicinity Map
4. Site Plan

ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



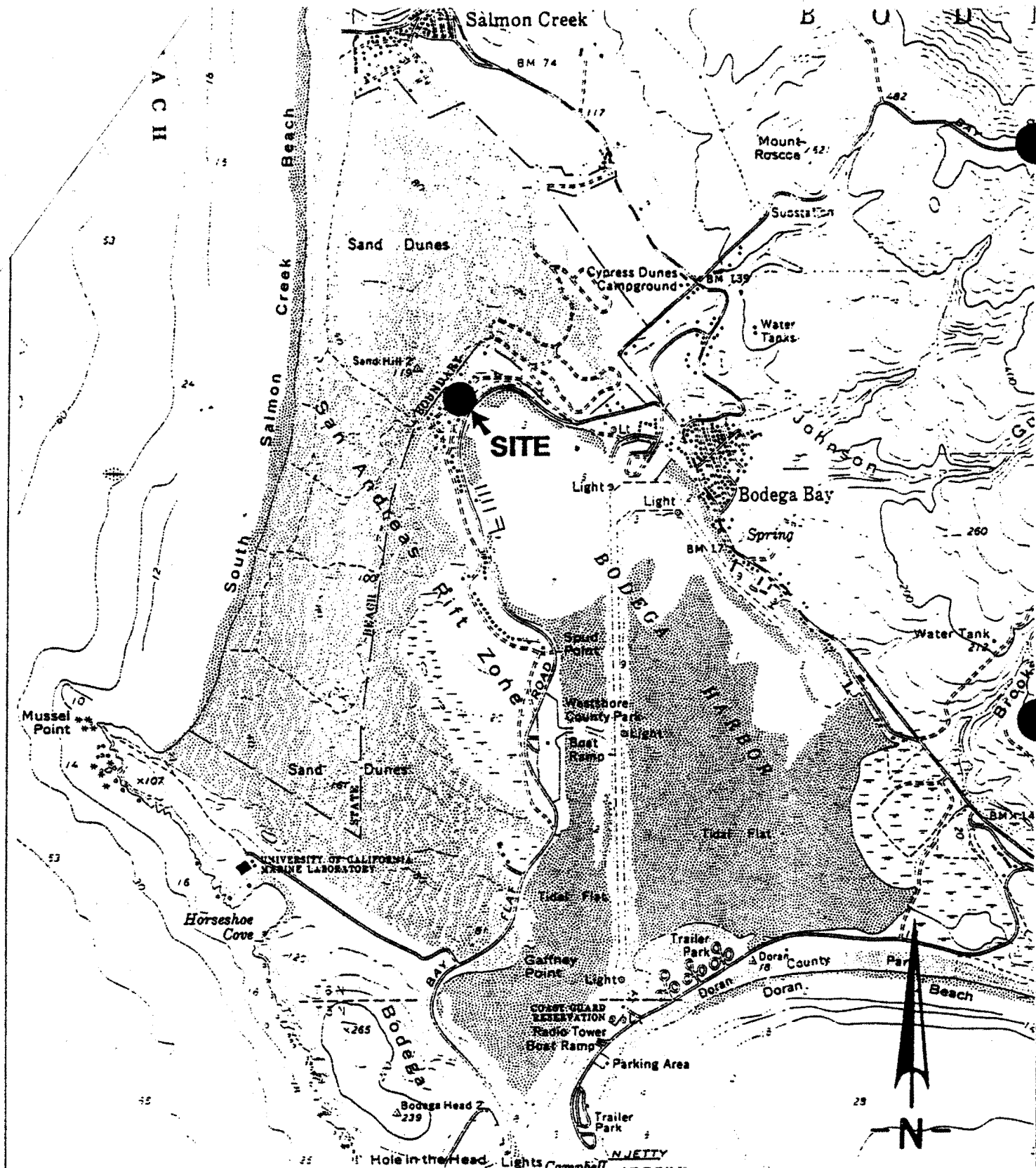
SITE

EXHIBIT NO.	1
APPLICATION NO.	1-96-50 Sonoma Co.
	Transp. & Public Works
Regional Location	

California Coastal Commission

LOCATION MAP





Reference: U.S.G.S. Bodega Bay, California 7½-Minute Quadrangle

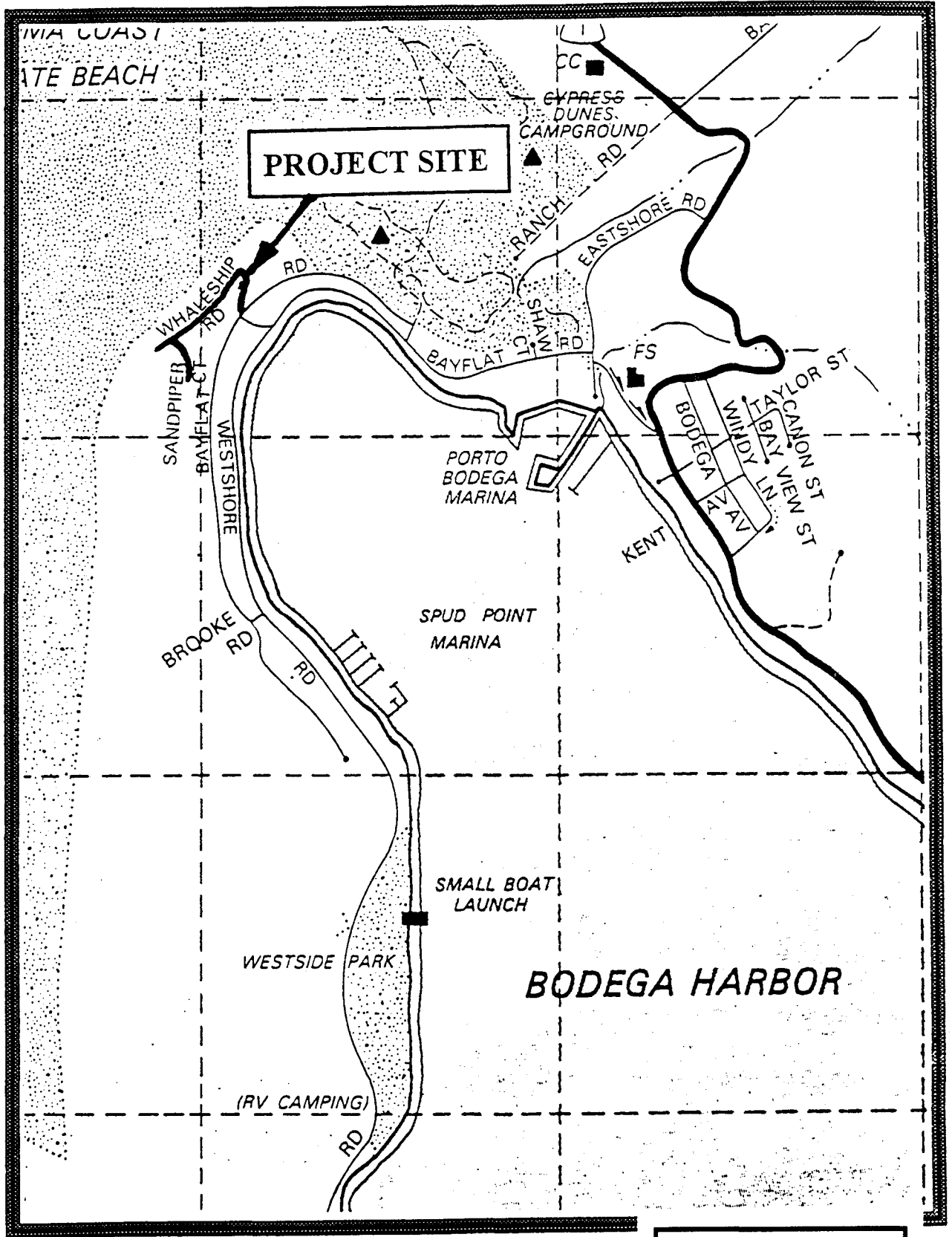
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R G H
 Geotechnical and
 Environmental
 Consultants

EXHIBIT NO.	2
APPLICATION NO.	1-96-50 Sonoma Co. Transp.&Public Works
Site Location	

SITE LOCATION MAP
WHALESHIP DUNES
ASSESSMENT DISTRICT
 Bodega Bay, California

PLATE
 1



Vicinity Map
Exhibit "A"

EXHIBIT NO.	3
APPLICATION NO.	1-96-50 Sonoma Co.
	Transp.&Public Works
Vicinity Map	

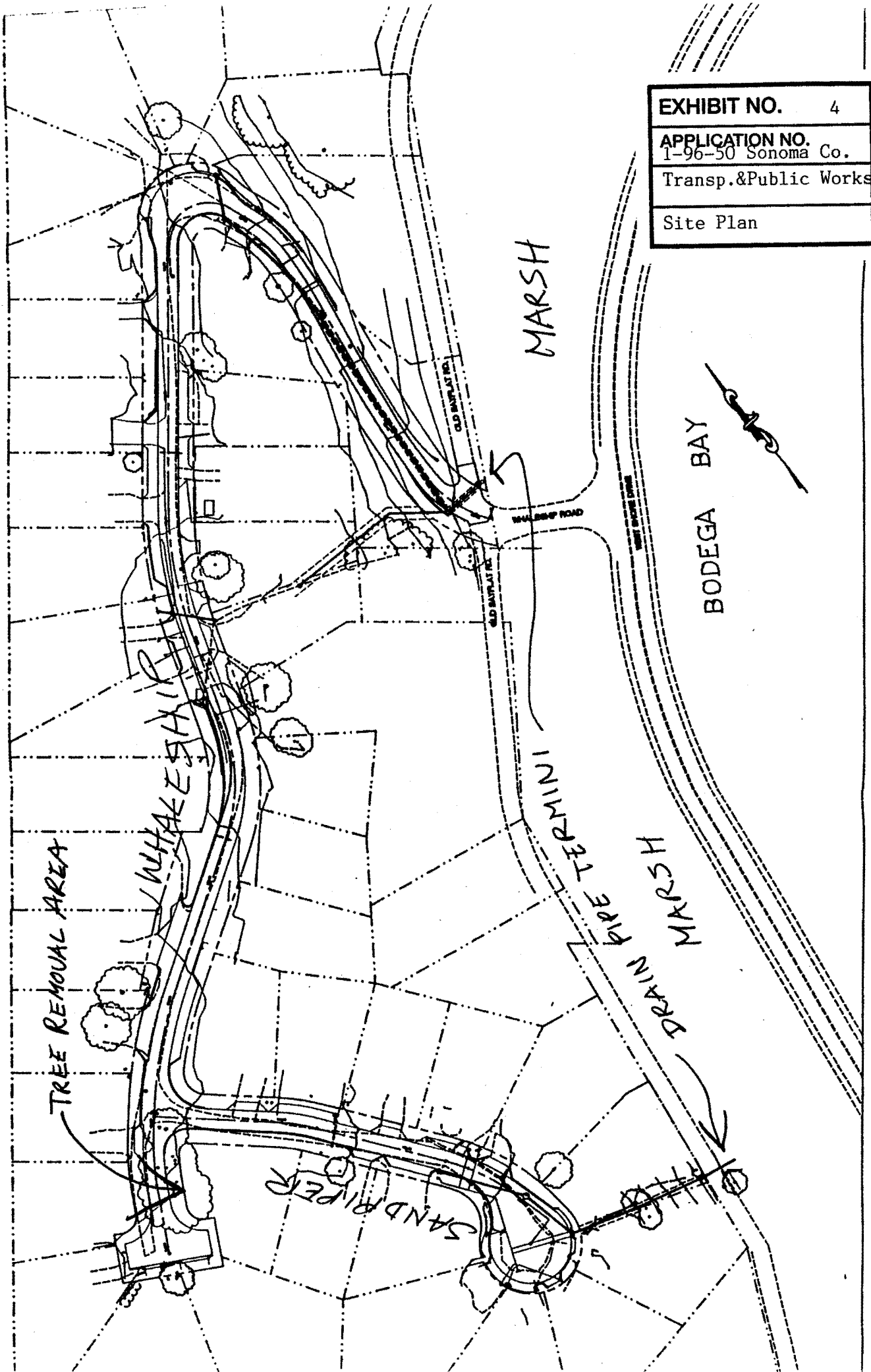


EXHIBIT NO.	4
APPLICATION NO.	1-96-50 Sonoma Co.
Transp. & Public Works	
Site Plan	



SITE PLAN

UNES ASSESSMENT DISTRICT