

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
15 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5260  
FAX (415) 904-5400

**W-3a****RECORD PACKET COPY**

Date Filed: August 14, 2000  
49th Day: October 2, 2000  
180th Day: February 10, 2001  
Staff: JAS-SF  
Staff Report: August 24, 2000  
Hearing Date: September 15, 2000

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION FILE NO.:** 2-00-017

**APPLICANTS:** John C. Nickel

**PROJECT DESCRIPTION:** Construction of a 2,897-square-foot single-family residence, with an attached 436-square-foot, two-car garage, a gravel driveway and parking area, two wood decks overlooking Seadrift Lagoon, and a sand filter septic system on an 11,865-square-foot lot (Figures 1-3).

**PROJECT LOCATION:** 231 Seadrift Road, Stinson Beach, Marin County  
APN 195-090-36

**LOCAL APPROVALS:** Marin County Design/Architectural Review

**SUBSTANTIVE FILE DOCUMENTS:** Appendix A

**1.0 EXECUTIVE SUMMARY**

The applicant proposes to construct a 2,897-square-foot single-family residence, with an attached 436-square-foot, two-car garage, a gravel driveway and parking area, two wood decks overlooking Seadrift Lagoon, and a sand filter septic system on an 11,865-square-foot lot. Commission staff recommends approval of the permit with conditions to mitigate impacts related to geologic hazards and polluted runoff.

**STAFF NOTE**

The proposed project is located in the Seadrift Lagoon Subdivision of Stinson Beach in Marin County (Figures 1 and 2). Although Marin County has a certified LCP, the project site is located on filled public trust lands over which the State retains a public trust interest. Therefore, pursuant to Section 30519 of the Coastal Act, the Commission maintains development review authority. The standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

## 2.0 STAFF RECOMMENDATION

The staff recommends conditional approval of Coastal Development Permit Application No. 2-00-017.

**Motion:** *I move that the Commission approve Coastal Development Permit Application No. 2-00-017, subject to the conditions specified below.*

### Staff Recommendation of Approval

The staff recommends a YES vote. To pass the motion, a majority of the Commissioners present is required. Approval of the motion will result in the adoption of the following resolution and findings.

### Resolution

The Coastal Commission hereby **grants** permit No. 2-00-017, subject to the conditions below, for the proposed development on the grounds that (1) the development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and (2) there are no feasible alternatives or feasible mitigation measures other than those specified in this permit that would substantially lessen any significant adverse impact that the activity may have on the environment.

## 2.1 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. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

## 2.2 Special Conditions

1. **Assumption of Risk, Waiver of Liability and Indemnity.**
  - A. By acceptance of this permit, the applicant acknowledges and agrees:
    - (a) that the site may be subject to hazards from seismic activity;
    - (b) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development;

- (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and
  - (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amount paid in settlement arising from any injury or damage due to such hazards.
- B. *Prior to the issuance of the coastal development permit***, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**2. Erosion and Polluted Runoff Control Plan.**

- A. *Prior to issuance of the coastal development permit***, the applicant shall submit, for review and approval of the Executive Director, plans for erosion and runoff control. The plans shall include, at a minimum, the following components:
- (a) A narrative report describing all temporary runoff and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control.
  - (b) A site plan showing the location of all temporary erosion control measures.
  - (c) A schedule for installation and removal of the temporary erosion control measures.
- B.** The erosion control plan shall demonstrate that during construction, erosion on the site shall be controlled to avoid entering Seadrift Lagoon. The following temporary erosion control measures and best management practices (BMPs) shall be used during construction: covering of excavated material with plastic during storm events; and restriction of washing and cleaning of equipment and construction vehicles within 50 feet of Seadrift Lagoon.
- C.** The runoff control plan shall demonstrate that runoff from the project shall be prevented from entering Seadrift Lagoon. For the life of the project, runoff from all roofs, decks, and other impervious surfaces and slopes on the site shall be collected and discharged to avoid ponding or erosion either on or off the site. This will be accomplished through the elimination of downspouts located within 30 feet of the lagoon. Splashguards shall be installed at the base of all downspouts. The plan shall include a site plan showing finished grades and drainage improvements.
- D.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### 3.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

#### 3.1 Project Location

The parcel is located on the filled portion of the sand spit between Bolinas Lagoon and Bolinas Bay at Stinson Beach, north of Seadrift Road and immediately north of Seadrift Lagoon in Marin County (Figures 1 and 2). Seadrift Lagoon is an interior lagoon located between Dipsea and Seadrift Roads. The Seadrift area is a privately maintained, gated community. As with all of the properties located adjacent to Seadrift Lagoon, an existing bulkhead borders the lagoon side of the project site.

#### 3.2 Project Description

The applicant proposes to construct a 2,897-square-foot single-family residence, with an attached 436-square-foot, two-car garage, a gravel driveway and parking area, two wood decks overlooking Seadrift Lagoon, and a sand filter septic system on an 11,865-square-foot lot (Figures 1-3).

#### 3.3 Coastal Act Issues

##### 3.3.1 Hazards

Section 30253 states in relevant part:

*New development shall:*

*Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Salem Howes Associates, Inc. submitted a geotechnical investigation, dated March 14, 2000 as part of the project file documents (SHA 2000). The report notes that the project is located within the San Andreas Fault Zone, approximately 4,000 feet east of the 1906 fracture trace (Figure 4), and that "the fault passes through the Bolinas Lagoon in a broad riff [sic] zone approximately a mile wide and continues southeast directly under Seadrift". The report states that an earthquake of magnitude 6.5 or above with an epicenter on the San Andreas Fault in the vicinity of the project would subject the site to liquefaction below the water table to a depth of 30 feet. The geotechnical report concludes that there is "an inherent risk of instability associated with any construction adjacent to the San Andreas Fault ... therefore we are unable to guarantee the stability of any construction subjected to a significant seismic event." To mitigate the geotechnical risk to the project, the report specifies design measures for soil preparation, foundation design, and construction inspection. The report concludes that "construction in accordance with the recommendations of this report will be stable under static conditions, and that the risk of future instability during an earthquake is within the range generally accepted for construction on the Seadrift spit."

Given the information presented above, the Commission finds that the subject lot is an inherently hazardous piece of property. In order to minimize the development's risk to life and property in

## 2-00-017 (Nickel)

an area of high geologic hazard consistent with Section 30253 of the Coastal Act., the applicant has incorporated the geotechnical report's recommended design measures into the project. However, because the applicant proposes development on a geologically hazardous site, the Commission imposes **Special Condition 1**, which requires the landowner to assume the risks of any losses associated with the proposed development due to seismic, geologic, and geotechnical hazards of the property, waive any claim of liability on the part of the Commission for such losses, and indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards.

The Commission finds that **Special Condition 1** is required because the applicant has voluntarily chosen to implement the project despite the risk of hazards. Recordation of the deed restriction will also provide notice of potential hazards of the property and eliminate false expectations of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely into the future. In addition, the condition ensures that future owners will be informed of the Commission's immunity from liability and the indemnity afforded the Commission. Therefore, as conditioned, the proposed development minimizes risks to life and property in areas of high geologic, flood, and fire hazard and is consistent with Section 30253 of the Coastal Act.

### 3.3.2 Erosion and Polluted Runoff

Coastal Act Section 30231 states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The project site is level and is located on loose to medium dense fine-grained poorly sorted silty sand (SHA 2000). While the substrate is fine-grained sand, which generally percolates water quickly, the geotechnical report states that the top 24 inches are very soft and loose. The project site is bordered by Seadrift Lagoon to the southwest. However, the existing bulkhead prevents runoff from the site from directly entering the lagoon. Rather, surface runoff in the project area tends to percolate rapidly into the sandy soil.

The project involves a minimal amount grading. Approximately 35 cubic yards of material will be excavated for the foundation and 70 to 80 cubic yards will be excavated for the septic system. All excavated material will be used on site for the leach field and to raise the grade off the entry courtyard 8 to 14 inches.

The project will result in temporary site disturbance during construction and will create new impervious surfaces including roofs, decks, and a gravel driveway. Rainwater from the roofs will be directed via rain gutters to downspouts. Runoff from the proposed decks will reach the ground through the spaces between the decking. To ensure that new impervious surfaces created by the development do not increase surface erosion and sedimentation, **Special Condition 2** requires splashguards to be installed at the bottom of all downspouts to prevent erosion at the

downspout outlets. **Special Condition 2** also requires the applicant to employ best management practices to prevent runoff of sediments from the site during project construction. Thus, the project as conditioned will not result in significant impacts to coastal water quality either during or post construction. As conditioned, the Commission finds that the proposed development will protect the biological productivity and the quality of Seadrift Lagoon, in conformance with Coastal Act Section 30231.

### 3.3.3 Shoreline Protection Devices

Coastal Act Section 30235 states in relevant part:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*

Coastal Act Section 30251 states:

*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, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Section 30251 of the Coastal Act provides for the construction of shoreline protective devices only for the protection of existing development. The construction of a new shoreline protective device to protect new residential development is not authorized by Section 30235. In addition, the construction of a new shoreline protective device to protect new residential development would also conflict with the visual and landform alteration policies of Coastal Act Section 30251. The applicant is proposing to construct a new house. The proposed residential structure can only be found consistent with the above referenced provisions if a new shoreline protective device will not be needed in the future.

Within and adjacent to the project area is an existing bulkhead, approximately 4 feet tall, which runs approximately 2 miles around the perimeter of Seadrift Lagoon. The bulkhead prevents the sandy, artificially created fill on which the area surrounding the lagoon is built from eroding into the lagoon. Since Seadrift Lagoon is not subject to wave action from open coastal water, and since the tides do not directly cause the water elevation of the lagoon to rise and fall, there is no substantial threat of destruction of the bulkhead by wave action or erosion. Consequently, the shoreline at the project site is stable. Because the existing bulkhead is sufficient to protect the property from shoreline erosion, the proposed development will not require the construction of a new shoreline protection device in the future.

Although there is no evidence of bulkhead failure at the project site, the bulkhead may require repair or maintenance in the future. Section 13252 of the Commission's regulations lists the methods of repair and maintenance activities that involve a risk of adverse environmental effect and therefore are not exempt from permit requirements under Section 30610(d) of the Coastal

Act. Among these are repair or maintenance of shoreline works or use of mechanized construction equipment or materials on sand or within 20 feet of coastal waters. Since the site consists of medium dense to loose silty sand, and the bulkhead is located within 20 feet of coastal waters, bulkhead repair, maintenance or replacement requires a CDP. While repair and maintenance is not proposed at this time, if the bulkhead requires repair and maintenance in the future, the applicant will need to amend this permit or apply for a new coastal development permit.

Because the project site is protected from shoreline erosion by an existing bulkhead, and because any future repairs or maintenance of the bulkhead will require a coastal development permit or permit amendment, the Commission finds that the proposed development is consistent with Coastal Act Section 30235.

### **3.4 California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

The Commission incorporates its preceding findings on Coastal Act policies at this point as if set forth in full. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the development may have on the environment. Therefore, the Commission finds that the proposed project has been conditioned to mitigate the identified impacts and can be found consistent with Coastal Act requirements to conform to CEQA.

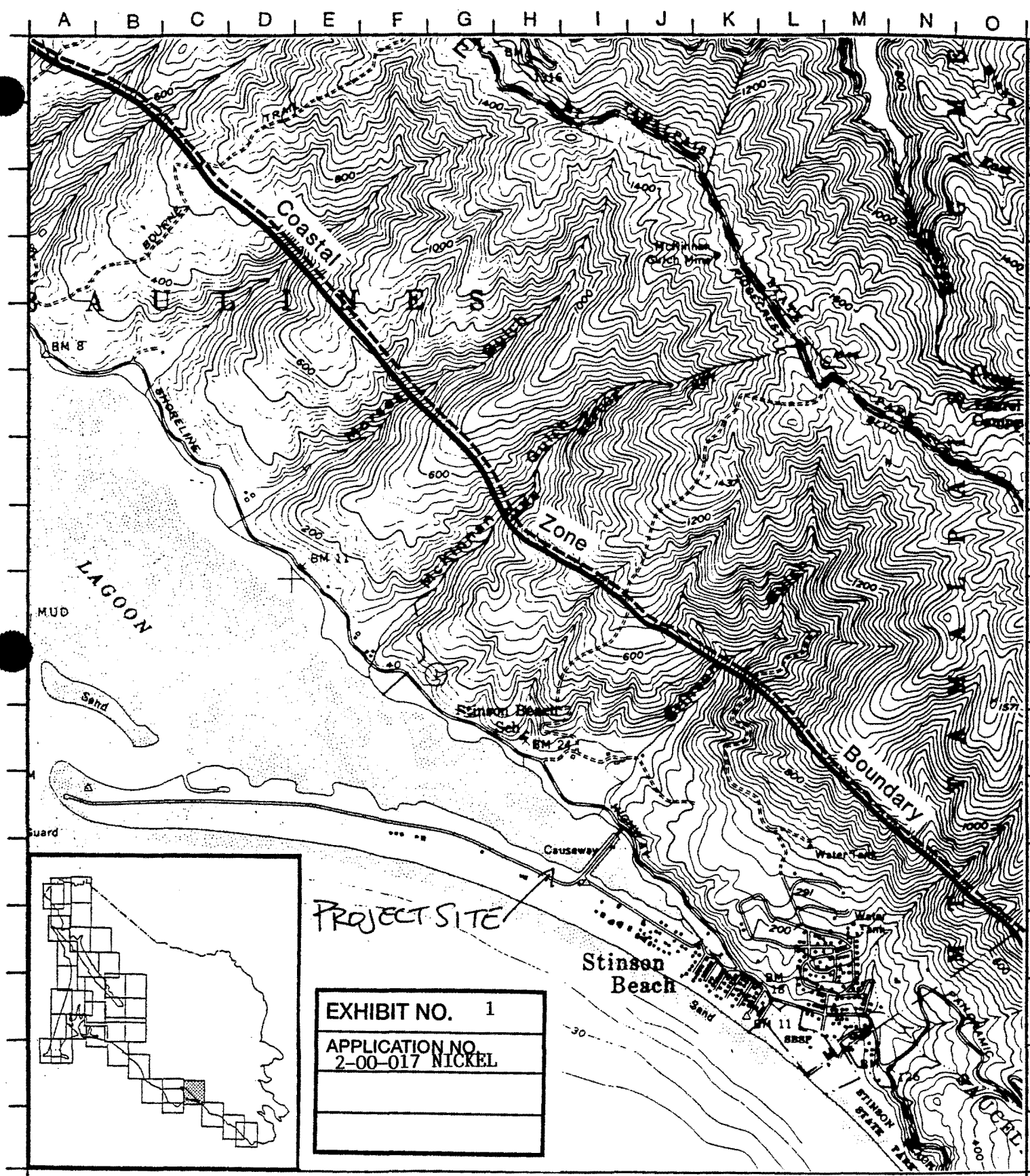
**APPENDIX A**  
**SUBSTANTIVE FILE DOCUMENTS**

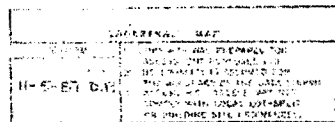
Bay Area Stormwater Management Agencies Association. Start at the Source: Design Guidance Manual for Stormwater Quality Protection, 1999.

Questa Engineering Corporation. Engineering Plans for a Sand Filter Sewage Disposal System, 23 Dipsea Road, Stinson Beach, June 8, 1999.

SHA 2000. Geotechnical Investigation, 23 Dipsea Road, Stinson Beach, California. March 14, 2000.



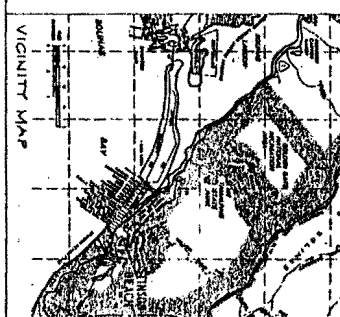




**NOTE—Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles**

**Assessor's Map Bk.195-Pg.09**  
**County of Marin, Calif.**

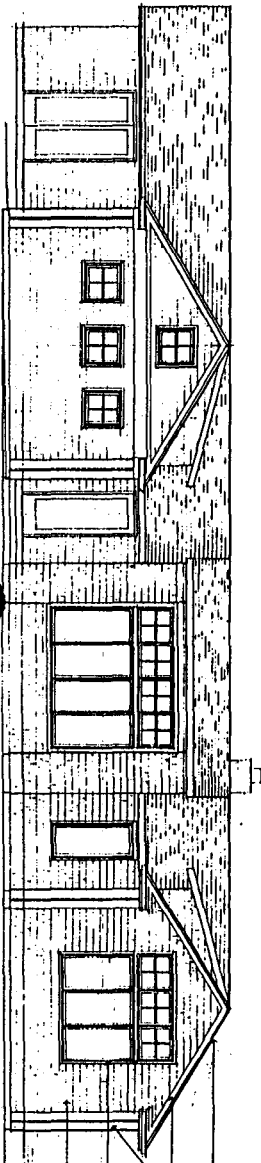
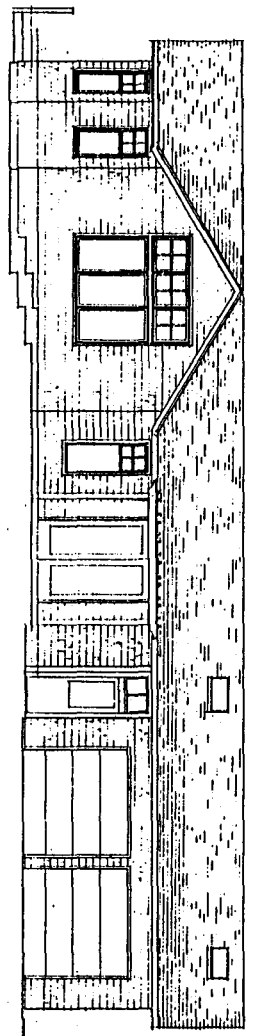
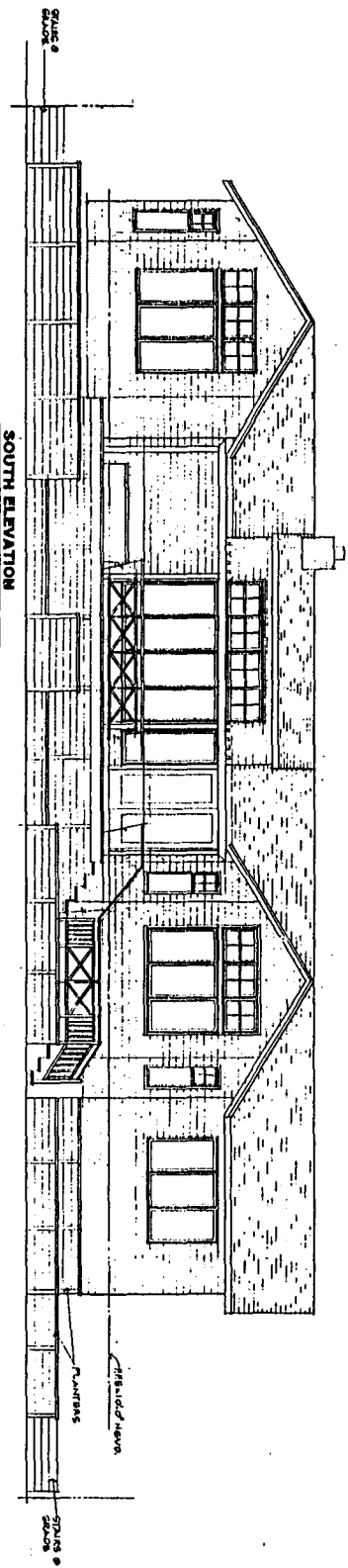
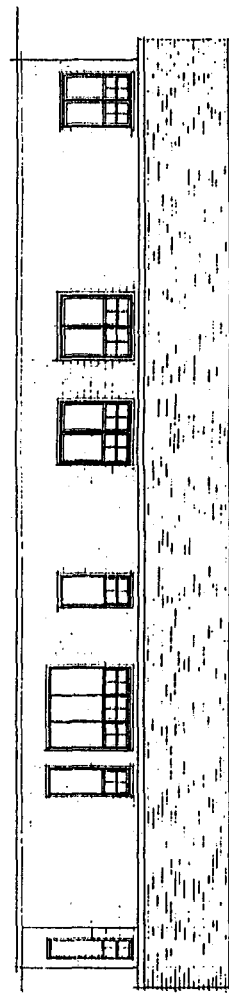
APPLICATION NO.  
2-00-017 NICKEL



**Architect: Stacey Nichol Ford**  
P.O. Box 376  
Stinson Beach, CA 94970  
PH/FAX: 415/868-0112

### SITE PLAN





### WEST ELEVATION

**SOUTH ELEVATION**

### EAST ELEVATION

**NORTH ELEVATION**

COMPACT on  
SUNBEL 86

WOOD TRIM -  
PAINTED

GLAZ WOOD  
BALCONIES + DECKS

WOOD SHINGLES -  
WHT. WEATHERING

FINISH - Cold Navy

LAUNDRY/IMPORTS  
EACH \$5.00  
NEW

FIELD NOVO.  
PANTAS.

**NICKEL RESIDENCE A.P. 195-090-38**  
**23 DIPSEA ROAD**  
**STINSON BEACH, CA 94970**

**Architect: Stacey Nichol Ford**  
**P.O. Box 376**  
**Stinson Beach, CA 94970**  
**PH/FAX: 415/868-0112**

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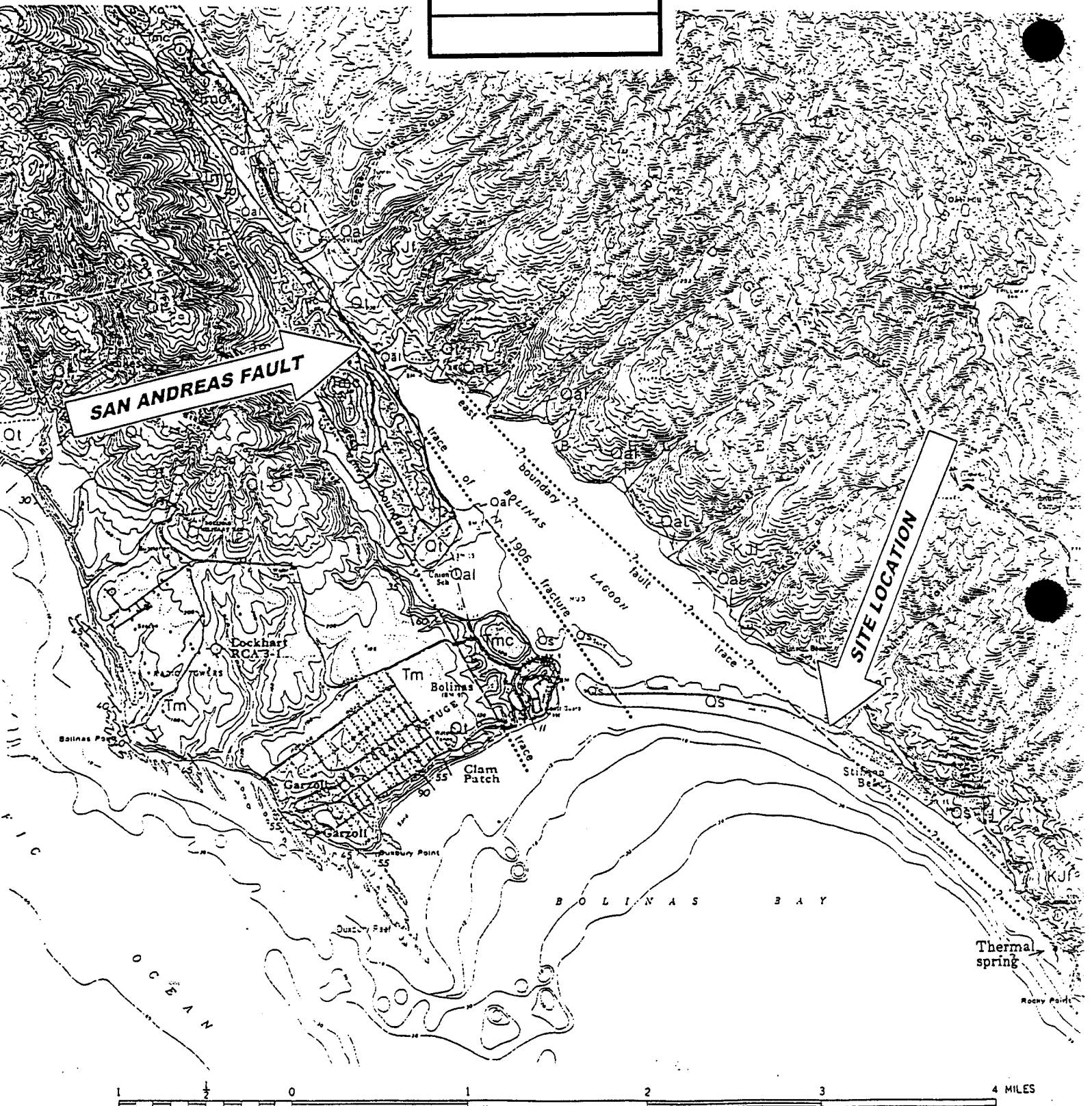
EXHIBIT NO.

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SALEM HOWES ASSOCIATES INC.

23 Dipsea Road, 14 March 2000



See following page for  
for an explanation of  
symbols on the map



LOCAL GEOLOGIC MAP

1" = 4000'

From Galloway (1)