

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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CL
Th-8a



RECORD PACKET COPY

September 27, 2001

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director
 Chris Kern, North Central Coast District Supervisor
 Sarah Borchelt, North Central Coast District Planner

SUBJECT: **Addendum to the Staff Report for Coastal Development Permit No. 2-01-015 (Penzias)**
Item # Th-8a

Staff recommends the following changes to the staff report. Additions are double underlined; deletions are in strikeout.

Revise text on Page 1 to correctly reflect how the item is agendized:

STAFF REPORT: CONSENT REGULAR CALENDAR

Revise Special Condition 2 and related findings as follows:

Page 3, Section 2.2 Special Conditions, Condition 2 Biological Resources

1. Biological Resources

If tree removal occurs during the nesting season (February 15- ~~July~~ August 31), a qualified biologist shall survey the tree no more than ~~14~~ seven days prior to its removal. If an active nest is discovered, the nest shall be monitored and the tree shall not be removed until the young have fledged. Once the young have fledged, tree removal may proceed.

Page 7, last paragraph, final sentence

Therefore, to prevent the disruption of habitat values for any active nest in the tree, **Special Condition 2** requires that if tree removal occurs during the nesting season (February 15- ~~July~~ August 31), a qualified biologist shall survey the tree no more than ~~14~~ seven days prior to its removal.

Revise Special Condition 3 as follows:

Page 4, Section 2.2 Special Conditions, Condition 3 Biological Resources

2. Revised Construction Period Erosion Control Plan

A. *Prior to issuance of the coastal development permit*, the applicants shall provide, for the review and approval of the Executive Director, a revised Erosion Control Plan that adds

the listed Best Management Practices (BMPs) below to the Erosion Control Plan dated June 4, 2001 in order to reduce erosion and, to the maximum extent practicable, retain sediment on-site during and after construction. The revised plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The revised plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. The revised Erosion Control Plan shall incorporate the BMPs specified below.

1. Erosion & Sediment Source Control
 - a. ~~Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).~~ If any cleaning or grading activities are conducted during the rainy season (October 15 through April 30), all BMPs listed in the revised Erosion Control Plan shall be in place prior to October 15 and maintained through April 30.
 - b. If sprinkling is used for dust control, application monitoring is required to prevent runoff.
 - c. Street sweeping on adjacent public right-of-way at the end of the workday, everyday.

Page 10, last paragraph, second sentence

Special Condition 3 requires the applicants to submit a final revised erosion control plan, which incorporates the Best Management Practices listed in Special Condition 2 3 into the submitted Erosion Control Plan, dated June 4, 2001, to minimize the potential sources of sediment, control the amount of runoff, and retain sediment on-site during construction.

Revise text on Page 6 to correctly reflect the characterization of the land within the 25-foot setback as follows:

Page 6, first paragraph, final sentence

At present the land within the 25-foot setback is level and vegetated by various grasses, ice plant and acacia shrubs. ~~there are low sand dunes, shrubs, and various grasses, within the 25-foot setback; the dunes would remain unchanged.~~ The proposed development would not affect this area.

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Th-8a**RECORD PACKET COPY**

Date Filed: September 10, 2001
 49th Day: October 29, 2001
 180th Day: March 9, 2002
 Staff: SLB - SF
 Staff Report: September 20, 2001
 Hearing Date: October 11, 2001

STAFF REPORT: CONSENT CALENDAR

APPLICATION FILE NO.: 2-01-015

APPLICANTS: Arno and Sherry Penzias

PROJECT DESCRIPTION: Construction of a 4,386-square-foot, 24.5-foot-tall single-family residence, hot tub, swimming pool, porches, patios, sand filter septic system, and landscaping for a total lot coverage of 7,600-square-feet.

PROJECT LOCATION: APN: 195-320-66 and 67
 309 Seadrift Road, Stinson Beach, Marin County
 (Exhibit 1, Regional Map)

LOCAL APPROVALS: Marin County Design/Architectural Review

SUBSTANTIVE FILE DOCUMENTS: See Appendix A.

1.0 EXECUTIVE SUMMARY

The applicants propose to construct a 4,386-square-foot, 24.5-foot-tall, one-story, single-family residence consisting of four structures: (1) 1,120-square-foot big room; (2) 870-square-foot master suite; (3) 320-square-foot shower house; and (4) 2,076-square-foot bunk house/shop/garage structure on a 26,380-square-foot vacant parcel in the Seadrift Subdivision of Stinson Beach (Exhibit 5, Project Plans). The proposed development also includes a hot tub, swimming pool, fences, porches, patios, gravel driveway, landscaping, and sand filter septic system for a total lot coverage of 7,600-square-feet. Commission staff recommends approval of the permit with conditions to mitigate impacts related to tree removal, erosion control and polluted runoff, and to indemnify and hold the Commission harmless for any hazards associated with the proposed development in an area of high seismic hazard.

STAFF NOTE

The proposed project is located in the Norman's Seadrift Subdivision of Stinson Beach in Marin County (Exhibit 2, Project Location Map). 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. The policies of the Marin County LCP serve as guidance only and are not the standard of review for this project.

2.0 STAFF RECOMMENDATION

The staff recommends conditional approval of Coastal Development Permit Application No. 2-01-015.

Motion:

I move that the Commission approve Coastal Development Permit No. 2-01-015 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development 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 applicants acknowledge and agree:
 1. that the site may be subject to hazards from seismic activity;
 2. to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development;
 3. 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
 4. 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 applicants 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 applicants' 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. Biological Resources

If tree removal occurs during the nesting season (February – July), a qualified biologist shall survey the tree no more than 14 days prior to its removal. If an active nest is discovered, the nest shall be monitored and the tree shall not be removed until the young have fledged. Once the young have fledged, tree removal may proceed.

3. Revised Construction Period Erosion Control Plan

- A. *Prior to issuance of the coastal development permit*, the applicants shall provide, for the review and approval of the Executive Director, a revised Erosion Control Plan that adds the listed Best Management Practices (BMPs) below to the Erosion Control Plan dated June 4, 2001 in order to reduce erosion and, to the maximum extent practicable, retain sediment on-site during and after construction. The revised plan

shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The revised plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. The revised Erosion Control Plan shall incorporate the BMPs specified below.

1. Erosion & Sediment Source Control

- a. Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).
- b. If sprinkling is used for dust control, application monitoring is required to prevent runoff.
- c. Street sweeping on adjacent public right-of-way at the end of the workday, everyday.

2. Chemical Control

- a. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.

B. The applicants shall be fully responsible for advising construction personnel of the requirements of the revised Erosion Control Plan approved by the Executive Director.

C. The applicants shall undertake development in accordance with the final revised erosion control plan approved by the Executive Director. No proposed changes to the approved final revised erosion control plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Post-Construction Stormwater Pollution Prevention Plan.

A. *Prior to issuance of the coastal development permit*, the applicants shall submit, for review and approval of the Executive Director, a Post-Construction Pollution Prevention Plan showing final drainage and runoff control measures. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site after completion of construction.

1. The pollution prevention plan shall demonstrate that:

- a. runoff from the project shall be prevented from entering Bolinas Lagoon.
- b. runoff from the roof and other impervious surfaces shall be collected and directed into pervious areas on the site (e.g., landscaped areas) for at least partial infiltration in a non-erosive manner, prior to being conveyed off-site

2. The Post-Construction Stormwater Pollution Prevention Plan shall include, at a minimum, the components and Best Management Practices (BMPs) specified below:
 - a. The final site plan shall show the finished grades and the locations of the drainage improvements, including downspouts and splash guards.
 - b. Native or non-invasive drought-tolerant adapted vegetation shall be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.

- B. The applicants shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan 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 Site Description

The project site is located at 309 Seadrift Road on the filled extension of the natural sand spit between Bolinas Lagoon and Bolinas Bay in Stinson Beach, Marin County. The property site consists of two contiguous parcels that create an approximately 70-foot-wide by 370-foot-long, level, legal lot, totaling 26,380 square feet (approximately 5,695-square-foot portion of the property is in Bolinas Lagoon, leaving a buildable area of 20,685 square feet) (Exhibit 3, Assessor Parcel Map). An existing corrugated, concrete, asbestos and timber bulkhead separates the upland portion of the site from Bolinas Lagoon (Exhibit 4, Photograph of Bulkhead). This bulkhead continues on both the eastern and western sides of the Penzias property, separating the existing adjacent residences from the lagoon for a total length of 1,556 linear feet. The western most end of the wooden bulkhead (915 linear feet) was replaced between 1998 and 2000 with an epoxy coated steal interlocking sheet-pile armor bulkhead. Currently, the site is undeveloped and contains a mixture of native dune species, escaped exotics from surrounding development, one 16-inch diameter Monterey pine, and a cluster of acacia trees. Several open areas on the property are bare sand or are vegetated by low-lying herbaceous plants. The top 12-inches of substrate consists of soft loose to medium dense sand. Beginning 60-feet before the bulkhead, the soil becomes very soft to a depth of over five feet. The property is bordered on the south by Seadrift Road, the north by Bolinas Lagoon, and the east and west by existing residences. Both of these residences are within 25 feet of the bulkhead and Bolinas Lagoon.

3.2 Project Description

The applicants propose to construct a 24.5-foot-tall, single-story, 4,386-square-foot single-family residence, consisting of four structures: (1) 1,120-square-foot big room; (2) 870-square-foot master suite; (3) 320-square-foot shower house; and (4) 2,076-square-foot bunk house/shop/garage structure on a 26,380-square-foot vacant parcel (Exhibit 5, Project Plans).

The proposed development would also include construction of a hot tub, swimming pool, gravel driveway, and fences, landscaping, the removal of a Monterey pine tree, and the installation of a sand filter septic system, for a total lot coverage of 7,600 square feet. The septic system consists of a 1,500-gallon concrete septic tank, 1,200-gallon pump chamber, 107 feet of leach lines, a sand filter, and leach fields. The master suite, big room, and north patio are sited 25 feet from the bulkhead and Bolinas Lagoon. At present there are low sand dunes, shrubs, and various grasses, within the 25-foot setback; the dunes would remain unchanged.

3.3 Hazards

Section 30253 of the Coastal Act states in relevant part:

New development shall:

- 1. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- 2. 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.*

SalemHowes Associates, Inc. submitted a geotechnical investigation of the site, dated March 14, 2000, as part of the project application. The investigation notes that the project is located within the San Andreas Fault Zone, approximately 4,000 feet east of the 1906 San Francisco earthquake fracture trace (Exhibit 6, Local Geologic Map), 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 investigation 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 investigation concludes that there is "an inherent risk of instability associated with any construction adjacent to the San Andreas Fault, which is located on saturated sands ... 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 investigation specifies design measures for soil preparation, foundation design, and construction inspection. According to the investigation, "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 an area of high geologic hazard consistent with Section 30253 of the Coastal Act, the applicants have incorporated into the project design measures recommended in the geotechnical report. In addition, as discussed further below, the development is setback 25 feet from the lagoon and is protected by an existing bulkhead, which is subject to minimal surf and wave action because it is in the interior of Bolinas Lagoon. However, because the applicants propose development on a geologically hazardous site, the Commission also 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 applicants have 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.

3.4 Biological Resources

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The applicants submitted a biological assessment of the parcel by Zander Associates dated August 28, 2001, which contains the results of its reconnaissance-level survey of the project site conducted on August 2, 2001. During the survey, no environmentally sensitive habitat areas or state or federally listed endangered, threatened, rare or candidate plant or wildlife species were observed on the project site. In addition, the existing bulkhead separates the project site from Bolinas Lagoon, making it difficult for marine mammals to access the property from the mudflats of the lagoon. Commission staff reviewed the proposed development with staff from the Gulf of the Farallones National Marine Sanctuary and Audubon Canyon Ranch. Neither of these organizations raised any concerns with the proposed development, as long as the septic system is setback a sufficient distance to avoid adverse impacts to Bolinas Lagoon.

Coastal Act Section 30240(a) protects environmentally sensitive habitats from any significant disruption of habitat values. The applicants propose to remove a 16-inch diameter Monterey Pine tree. The biologist hired by the applicants observed that this tree could provide nesting sites for migratory birds. There is no evidence in the record of sensitive bird species nesting in this tree, and the Monterey pine tree is not a protected species itself in Marin County. Therefore, the tree proposed to be removed is not an environmentally sensitive habitat area as defined in the Coastal Act. However, sensitive bird species could nest in the tree in the future. Removal of the tree at such time would be inconsistent with Coastal Act Section 30240(a). Therefore, to prevent the disruption of habitat values for any active nest in the tree, **Special Condition 2** requires that if tree removal occurs during the nesting season (February - July), a qualified biologist shall survey the tree no more than 14 days prior to its removal. If an active nest is discovered, it shall

be monitored and the tree shall not be removed until the young have fledged. Once the young have fledged, tree removal may proceed. Thus, as conditioned to protect any active nests, which may occur in the tree, the Commission finds that the development as proposed conforms with Section 30240(a) of the Coastal Act.

Although the proposed development is not located within an environmentally sensitive habitat area, the site is adjacent to Bolinas Lagoon. Bolinas Lagoon is part of the Gulf of the Farallones National Marine Sanctuary, one of four national marine sanctuaries in California and one of thirteen in the nation. The Sanctuary was designated in 1981 to protect and manage the 1,255 square miles encompassing the Gulf of the Farallones, Bodega Bay, Tomales Bay, Drakes Bay, Bolinas Bay, Estero San Antonio, Estero de Americano, Duxbury Reef, and Bolinas Lagoon. The approximately 2.2-square-mile (1,400-acre) lagoon contains environmentally sensitive habitat, including wetland and mudflats. The lagoon provides an important haul-out and birthing site for harbor seals. In addition, benthic invertebrates and fish in the lagoon support a great diversity and abundance of wintering and migratory shorebirds, waterfowl, gulls, and other water-associated birds (Marin County LCP 1981). The lagoon is the only designated "Wetland of International Significance" on the Pacific Flyway as determined by the Convention on Wetlands of International Importance in 1998, and was recognized particularly for its waterfowl habitat. Approximately 245 species of birds have been identified at the Lagoon and its surrounding watershed. Twenty-three of these species are considered rare, threatened, or endangered. Shorebirds and waterbirds such as the brown pelican, snowy plover, dunlin, great blue heron, black crowned night heron, willet, sandpiper, and greater sand plover have been observed on the lagoon. Heron and egret are known to nest in the lagoon. Of the fifty or so estuaries that have formed along the Pacific Coast, Bolinas Lagoon is one of only 13 that sustains large numbers of migratory shorebirds. Furthermore, the Bolinas Lagoon Management Plan prepared by Marin County in 1996 also identified three species each of amphibians and mammals that frequent Bolinas Lagoon as rare, threatened or endangered (Bolinas Lagoon Ecosystem Restoration 2001). Marin County designates Bolinas Lagoon as a County Nature Preserve. The U.S. Army Corps of Engineers found that Bolinas Lagoon is part of a larger natural habitat complex that is part of or adjoins the Sanctuary, encompassing the Pt. Reyes National Seashore, Golden Gate National Recreation Area, Central California Coast Biosphere Preserve, Mt. Tamalpais State Park, and the Audubon Canyon Ranch Bird Sanctuary (USACOE 1997).

The Commission considers Bolinas Lagoon to be a unique and important coastal wetland and environmentally sensitive area and finds that any development proposed on properties adjacent to the lagoon must be sited and designed to avoid impacts that would significantly degrade the habitat value of the lagoon. Development adjacent to the lagoon may disturb birds and other wildlife that depend on the lagoon habitat, inconsistent with Section 30240(b) of the Coastal Act.

The Marin County LCP, which serves as guidance for the Commission in its review of this coastal development permit application, requires a 100-foot buffer strip between new development and Bolinas Lagoon. The Commission has followed this guidance and required a 100-foot setback in past actions for development in the eastern end of the Seadrift Sand Spit. In those instances, the Commission found a 100-foot setback was necessary to maintain the habitat value of the Bolinas Lagoon. The eastern end of the spit is subdivided into six legal lots and is adjacent to 15-acres of undeveloped open space that lies north of Dipsea Road and abuts Bolinas Lagoon identified as a Seadrift Subdivision sub-area five (Exhibit 7, Assessor Parcel Map of

Eastern end of Spit). Together, the eastern end and the 15-acres of open space constitute over one mile of land on the spit that remains tidally influenced. According to the Marin County LCP provisions for Unit I, this area provides significant tidal flat habitat for wildlife and requires that a 100-foot buffer be maintained in a natural condition. In past actions the Commission has required developments at this end of the spit to maintain a 100-foot buffer from Bolinas Lagoon, to avoid significant adverse impacts to the habitat values of the lagoon.

As opposed to the eastern end of the Seadrift Sand Spit, where existing development is located at least 100 feet from Bolinas Lagoon, development on the western end is sited much closer to the lagoon. This area, Seadrift Subdivision sub-area three, is subdivided into 19 parcels. Seventeen of those parcels are developed or being developed, and the remaining two are vacant lots (one of which is the applicants' property). A 1,556-linear-foot bulkhead separates the 19 parcels from the lagoon. The majority of the residences either abut the bulkhead or observe a 20 to 25-foot setback. Either Marin County or the Coastal Commission issued coastal development permits for most of the developments, while some predate the Coastal Act.

When comparing the lagoon setbacks on the eastern and western end of the spit, it is important to recognize the difference between the sensitivity of the two areas. The western end of the spit does not provide the same habitat value as the eastern portion of the spit. The western end is not tidally influenced because a bulkhead separates the developed area from the lagoon, development already exists within 100 feet of the lagoon, and the area is highly developed. The eastern end remains tidally influenced with no bulkhead separating the private properties from the lagoon and existing development maintains a 100-foot buffer in a natural condition. An aerial photograph, taken in 1993, illustrates the contrast between the two ends of the spit (Exhibit 8, Aerial Photograph).

The proposed development constitutes an in-fill development, which would maintain similar setbacks as the other development on the western end of the spit and would locate the septic system over 100 feet from the lagoon. At this end of the spit, given the proximity of the surrounding development to Bolinas Lagoon and the presence of the wooden bulkhead, further setback is not necessary to protect the habitat value of the Bolinas Lagoon. As proposed to be sited within 25 feet of the lagoon, the proposed development would not significantly adversely impact the habitat value of the lagoon.

Because the western end of the Seadrift Sand Spit is developed with a bulkhead that separates the project site from the lagoon, and is therefore not tidally influenced, the Commission finds that locating the proposed development 25 feet from Bolinas Lagoon, will not significantly degrade the habitat value of the lagoon. Therefore, the Commission finds that the proposed development conforms with Section 30240(b) of the Coastal Act.

3.5 Water Quality

Section 30231 of the Coastal Act 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, except for the lagoon bank, and the project would involve a minimal amount of grading. Approximately 62-cubic-yards of material would be excavated for the pool and hot tub, and 58 cubic yards for the garage, bunk house, pool house, master suite, big room and porches. The excavated material will be used onsite to construct the south patio, north patio, breezeway, garage slab, gravel driveway and interior yard. The applicants' geotechnical investigation characterizes the substrate as medium dense poorly sorted sand with some shell fragments and traces of coarse sand and fine gravel (SHA 2000). This sandy substrate allows a rapid rate of percolation into the water table relative to other soil types.

Section 30231 of the Coastal Act protects the biological productivity and quality of coastal waters and wetlands. Installing a septic system on the applicants' property could potentially impact the water quality of Bolinas Lagoon, inconsistent with Section 30231. However, the septic system would be adequately setback from the lagoon to prevent impacts. The proposed septic tank and pump tank would be sited approximately 114 feet from Bolinas Lagoon and the leach field and sand filter would be located approximately 244 feet from the lagoon, consistent with the standards of the Stinson Beach County Water District for setbacks from water bodies. In a letter dated September 26, 2000, the District states that it considers the project complete and consistent with the Stinson Beach County Water District Regulations. When the septic tank is installed and inspected, the District will create a monitoring program and schedule regular inspections of the system. The over 100-foot distance between the septic system and the lagoon and regular inspections of the system will ensure that the proposed septic system will not impact Bolinas Lagoon (Schauf, pers. comm.). The Commission therefore finds that the septic system will not impact the biological productivity and quality of coastal waters and is consistent with Section 30231 of the Coastal Act.

As proposed, the project would create over 7,600 square feet of new impervious surfaces, including the rooftops of the residence and garage, the swimming pool, hot tub, concrete apron, patios, porches, and breezeway. Sediments or polluted runoff caused by the development during construction and increased runoff from new impervious surfaces could adversely impact the biological productivity and quality of Bolinas Lagoon in conflict with Section 30231 of the Coastal Act.

To control runoff from the residence, the applicants propose to install down spouts and splash blocks vegetated with dune grass. There would be no direct discharge of stormwater runoff into Bolinas Lagoon; instead water collected by the downspouts will percolate into the pervious surfaces on the property.

To further ensure that the proposed development does not adversely affect the biological productivity and quality of coastal waters, the Commission imposes **Special Conditions 3 and 4** to require the applicants to employ best management practices to prevent the runoff of sediments and other pollutants into Bolinas Lagoon. **Special Condition 3** requires the applicants to submit a final revised erosion control plan, which incorporates the Best Management Practices listed in Special Condition 2 into the submitted Erosion Control Plan, dated June 4, 2001, to minimize the potential sources of sediment, control the amount of runoff, and retain sediment on-site during construction. The plan must also limit the application, generation, and migration of toxic substances and ensure the proper storage and

disposal of toxic materials without causing significant nutrient runoff to Bolinas Lagoon. **Special Condition 4** requires the applicants to submit a stormwater pollution prevention plan to control the volume, velocity, and pollutant load of stormwater on the developed site after project construction. As conditioned, the development will not result in significant impacts to coastal water quality during or after construction. The Commission therefore finds that the proposed development will protect the biological productivity and the quality of coastal waters and conforms with Section 30231 of the Coastal Act.

3.6 Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects, except where:

- 1. It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- 2. Adequate access exist nearby, or,*
- 3. Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to offset a project's adverse impact on existing or potential public access.

The project parcel is located between the first public road and the sea but within a gated private community. The applicants do not propose public access on the parcel, and the County does not designate the parcel for public access. However, the County's Open Space District does retain an open space easement and a limited pedestrian access easement over a strip of lagoon-front land east of the project parcel. This approximately 15-acre strip on the north side of Dipsea Road, from 16 Dipsea Road to near the western end of Dipsea Road, is owned by the Seadrift Homeowners Association. Periodic use of the land is allowed for educational and environmental organizations only by appointment with the Association (Miska, pers. comm.). In particular, the Association has permitted organized groups to access the land to observe birds on the Bolinas Lagoon (Kamieniecki, pers. comm.). Thus, the land

adjacent to the project parcel does not provide unrestricted public access to Bolinas Lagoon. Public access around Bolinas Lagoon is guaranteed only below the mean high tide line.

Since the proposed development will not increase the demand for public access to the shoreline and will have no other significant adverse impacts on existing or potential public access, the Commission finds that the proposed project is consistent with Sections 30210, 30211, and 30212 of the Coastal Act.

4.0 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, which would substantially lessen any significant adverse effects, which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. The proposed project has been conditioned to be found consistent with the policies of the Coastal Act and to minimize all adverse environmental effects. Mitigation measures have been imposed to prevent disruption of significant habitats during tree removal, the introduction of runoff and sediment from grading and construction into Bolinas Lagoon and minimize risks to life and property in an area of high geologic hazard. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts, which the development may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with Coastal Act requirements to conform to CEQA.

EXHIBITS:

1. Regional map
2. Project location map
3. Assessor parcel map
4. Photograph of bulkhead on western end of the Seadrift Sand Spit
5. Project site plans and residence elevations
6. Local geologic map
7. Assessor Parcel map of the eastern end of the Seadrift Sand Spit
8. Aerial photograph of Seadrift Sand Spit

APPENDICES:

- A - Substantive File Documents

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

Bolinas Lagoon Ecosystem Restoration 2001. Web site www.bolinaslagoon.org.

Marin County Local Coastal Program, Unit 1, certified by the California Coastal Commission on June 3, 1981.

SalemHowes Associates, Inc. *Geotechnical Investigation, Penzias Residence, 309 Seadrift Road, Stinson Beach, California.* January 24, 2000.

Stinson Beach County Water District. *Title IV, Onsite Wastewater Management Code, Chapter 4.15, Section 101, Setbacks.*

Zander Associates. *Habitat Assessment, Penzias Property, Stinson Beach, California.* August 28, 2001.

United States Army Corps of Engineers. *Preliminary Analysis the Bolinas Lagoon Study.* 1997.

Personal communication:

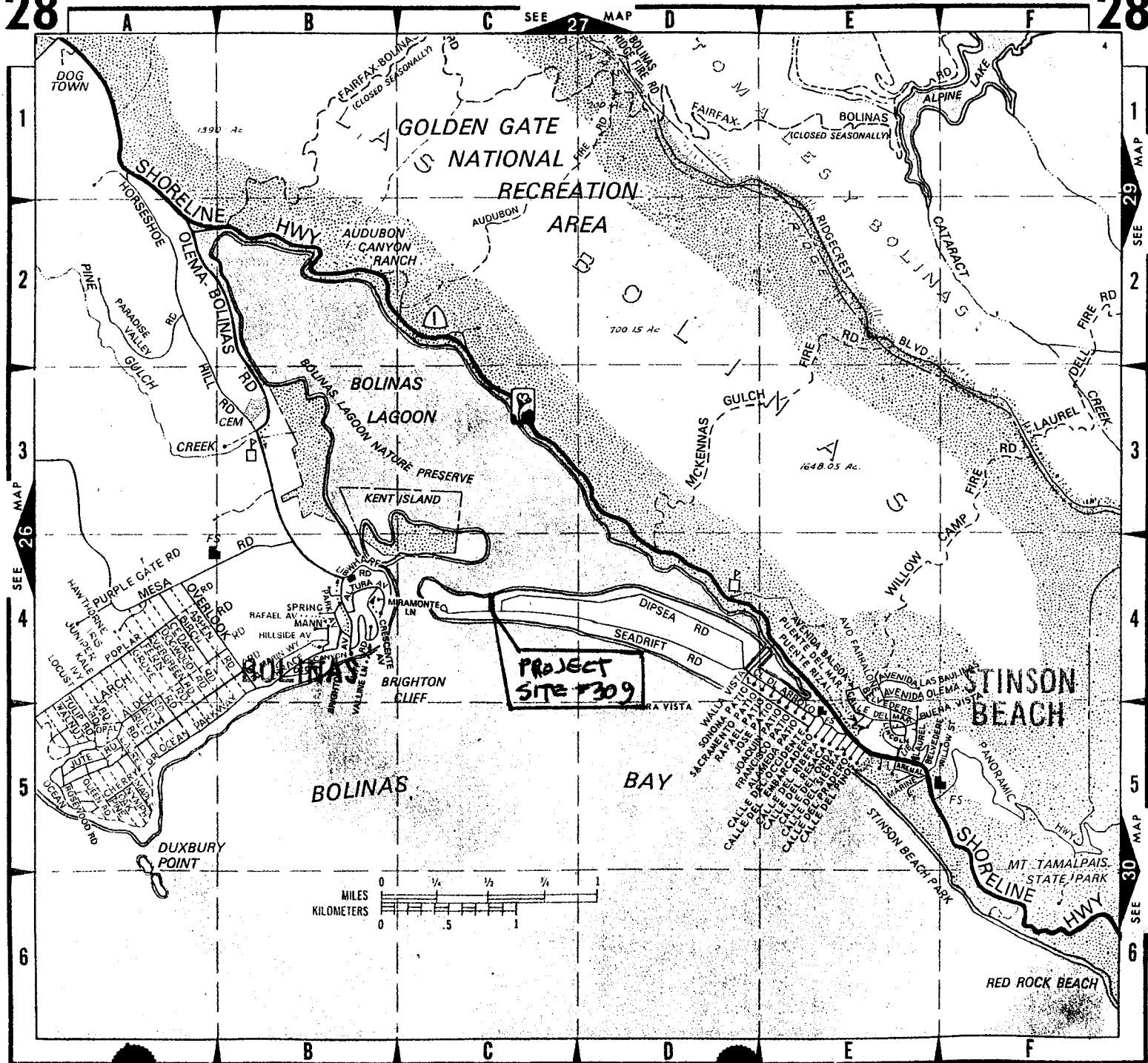
Edward Ueber, Gulf of the Farallones National Marine Sanctuary, September 7, 2001.

Ravin Schauf, Stinson Beach County Water District, September 12, 2001.

Maurice Schwartz, Audubon Canyon Ranch, September 13, 2001.

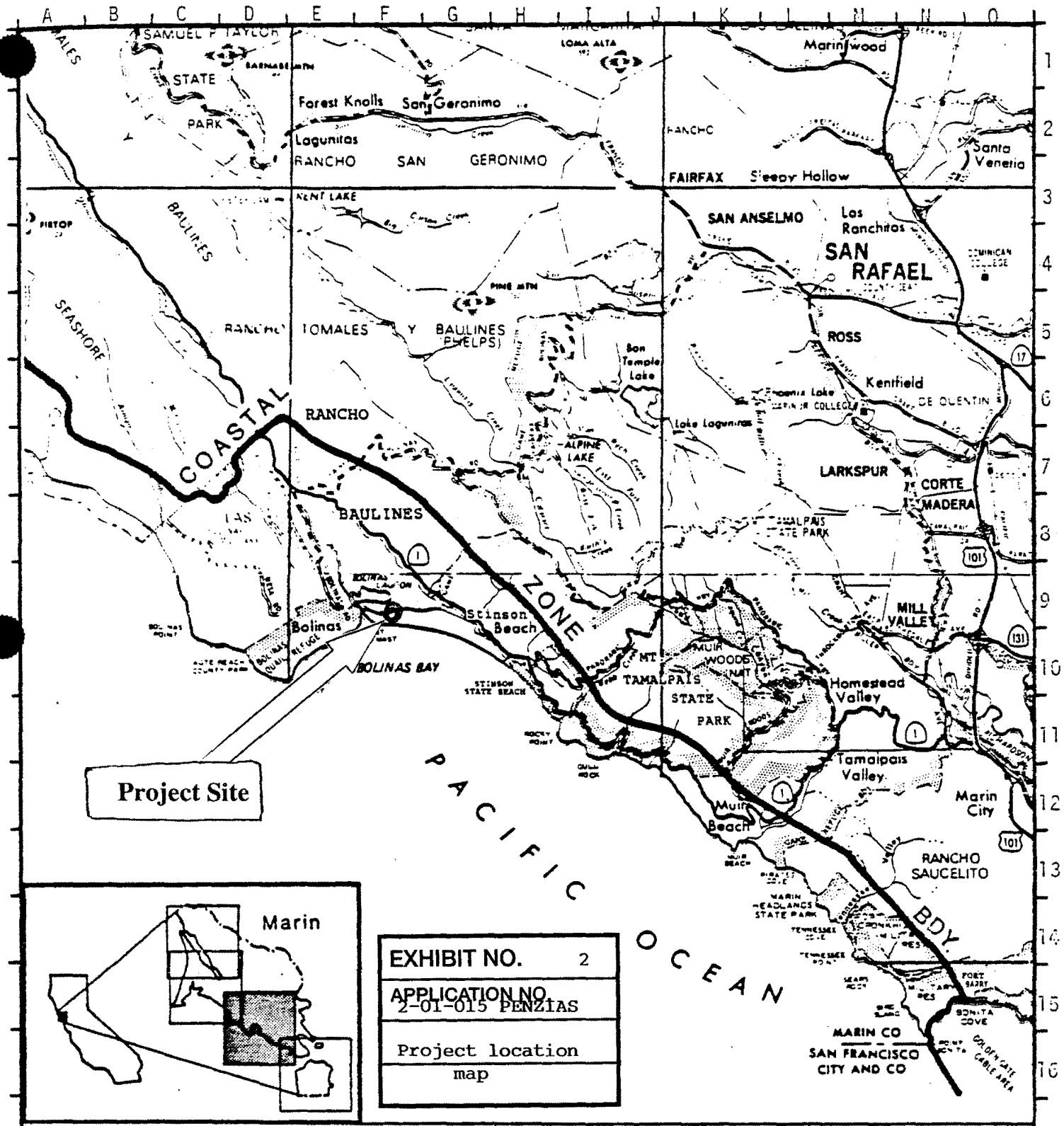
Richard Kamieniecki, Seadrift Homeowners Association, September 18, 2001.

Ron Miska, Marin County Open Space District, September 19 and 20, 2001.



COPYRIGHT © 1984 BY Thomas Don Map

EXHIBIT NO.	1
APPLICATION NO.	2-01-015 PENZIAS
Regional map	



Project Site

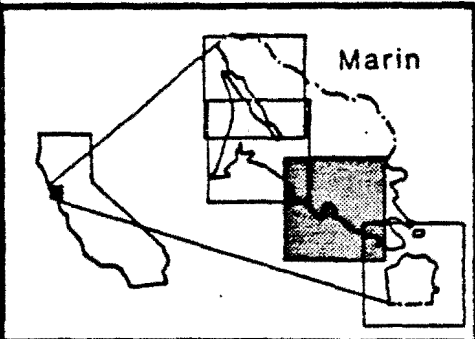


EXHIBIT NO.	2
APPLICATION NO	2-01-015 PENZIAS
Project location	
map	



LOCATION MAP

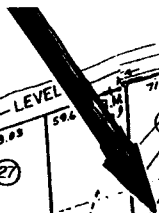


POR. T.L.S. 204 & 205

Tax Area Code

195-31

Project Site



BOLINAS

LAGOON

(29)

(29)

(70)

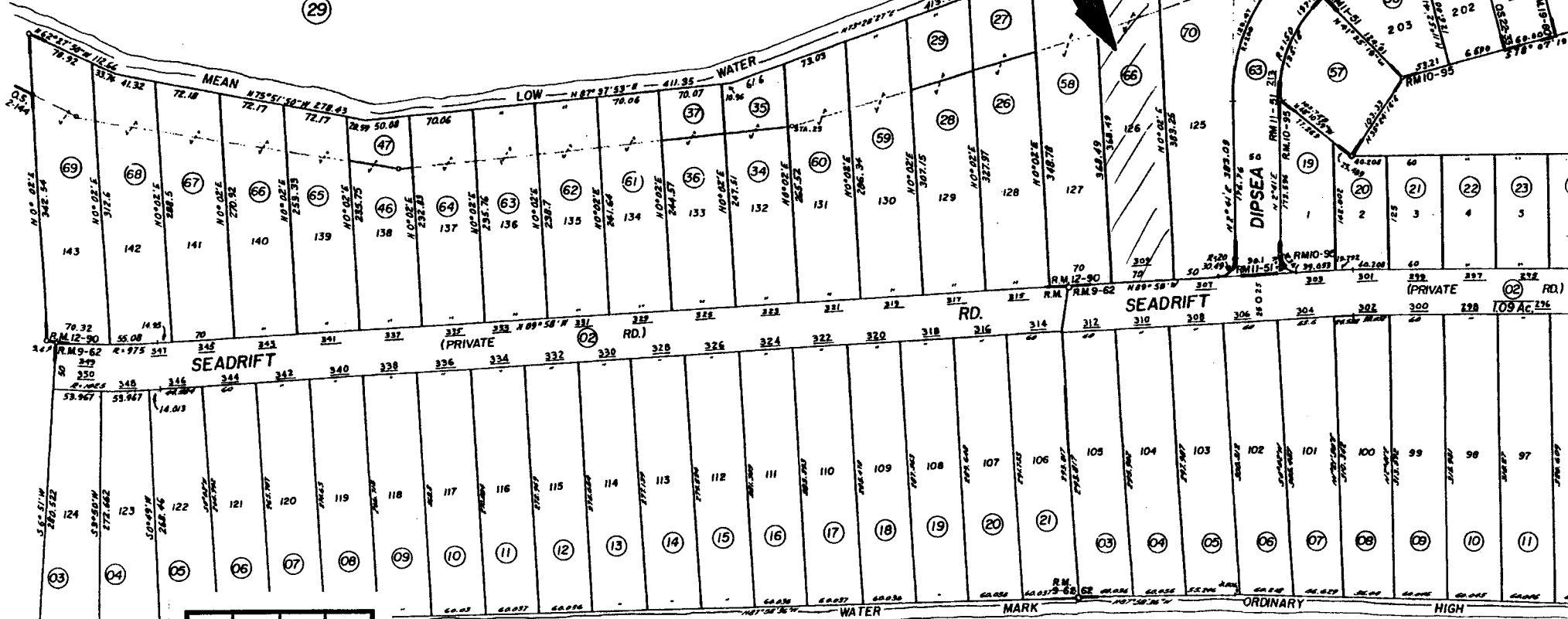


EXHIBIT NO. 3
APPLICATION NO. 2-01-015 PENNZIAS
Assessor Parcel map west end of Seadrift Spit

Map of Seadrift Subdivision No.2, R.M. Bk.9-Pg.62
Map of Seadrift Subdivision No.3, R.M. Bk.12-Pg.90

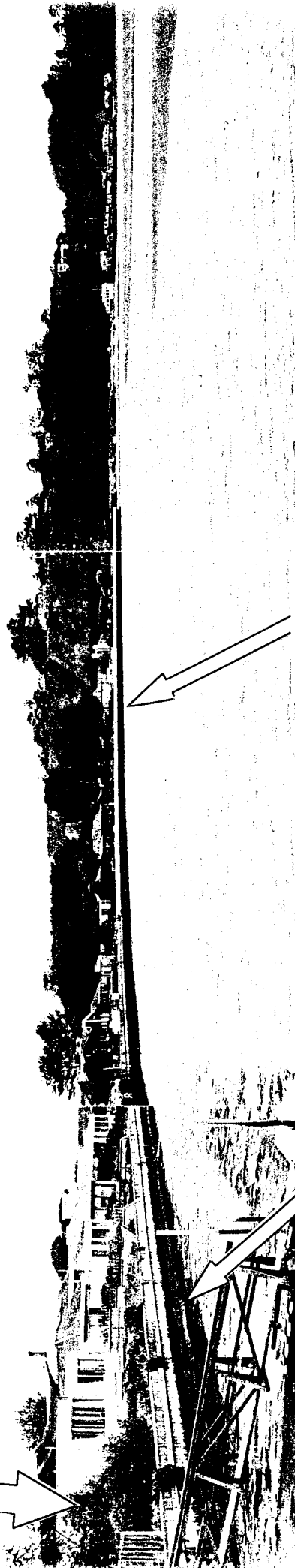
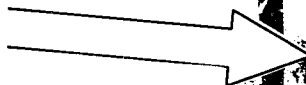
OCEAN
Assessor's Map Bk
County of Mari

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

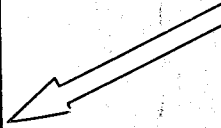
PACIFIC

acifc Ocean

Project Site



Bulkhead

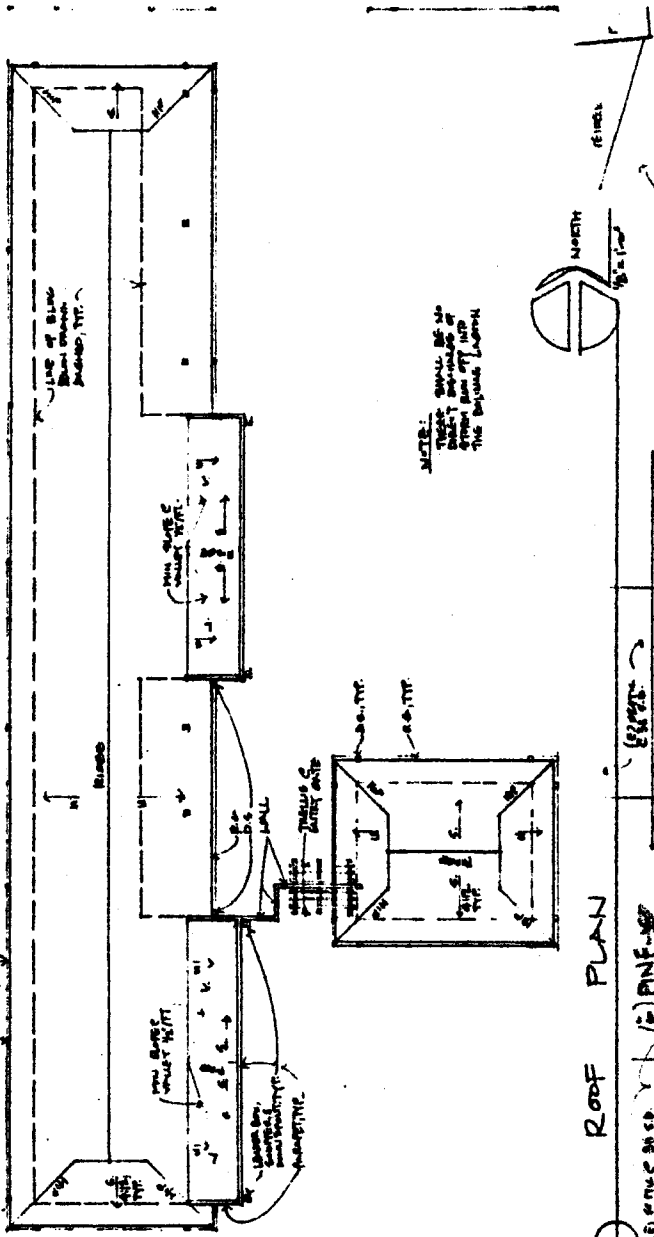


Bulkhead



EXHIBIT NO.	4
APPLICATION NO.	2-01-015 PENZIAS
Bulkhead on west end of Seadrift Spit	

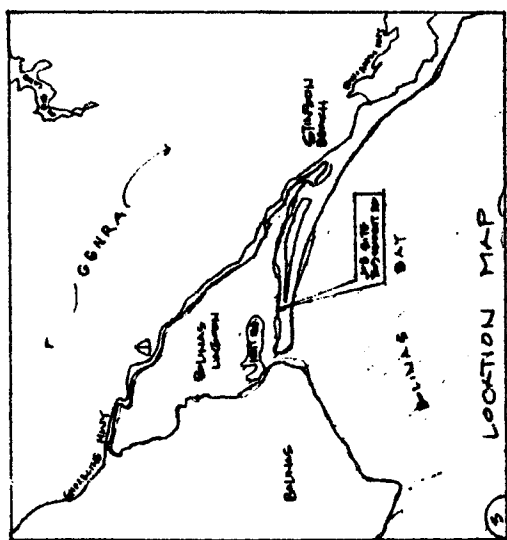
SEE NEXT SHEET FOR
 SITE PLAN



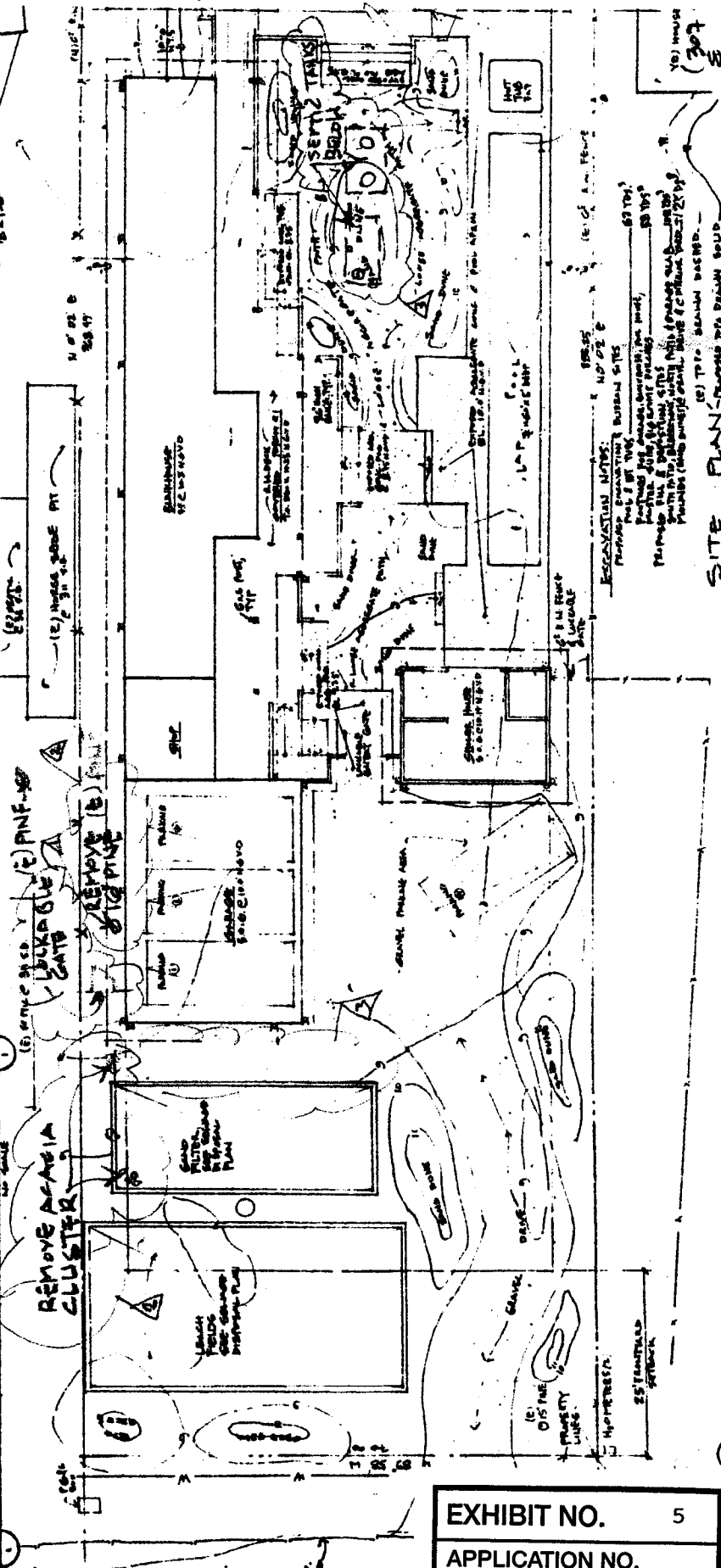
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ROOF PLAN



LOCATION MAP



EXISTENTIAL NOTES:
 1. ALL EXISTING UTILITIES SHALL BE MAINTAINED UNLESS OTHERWISE NOTED.
 2. ALL EXISTING UTILITIES SHALL BE MAINTAINED UNLESS OTHERWISE NOTED.
 3. ALL EXISTING UTILITIES SHALL BE MAINTAINED UNLESS OTHERWISE NOTED.

SITE PLAN
 DRAINAGE PLAN

EXHIBIT NO.	5
APPLICATION NO.	2-01-015 PENZIAS
Site plan, elevations	
Page 1 of 4 pages	

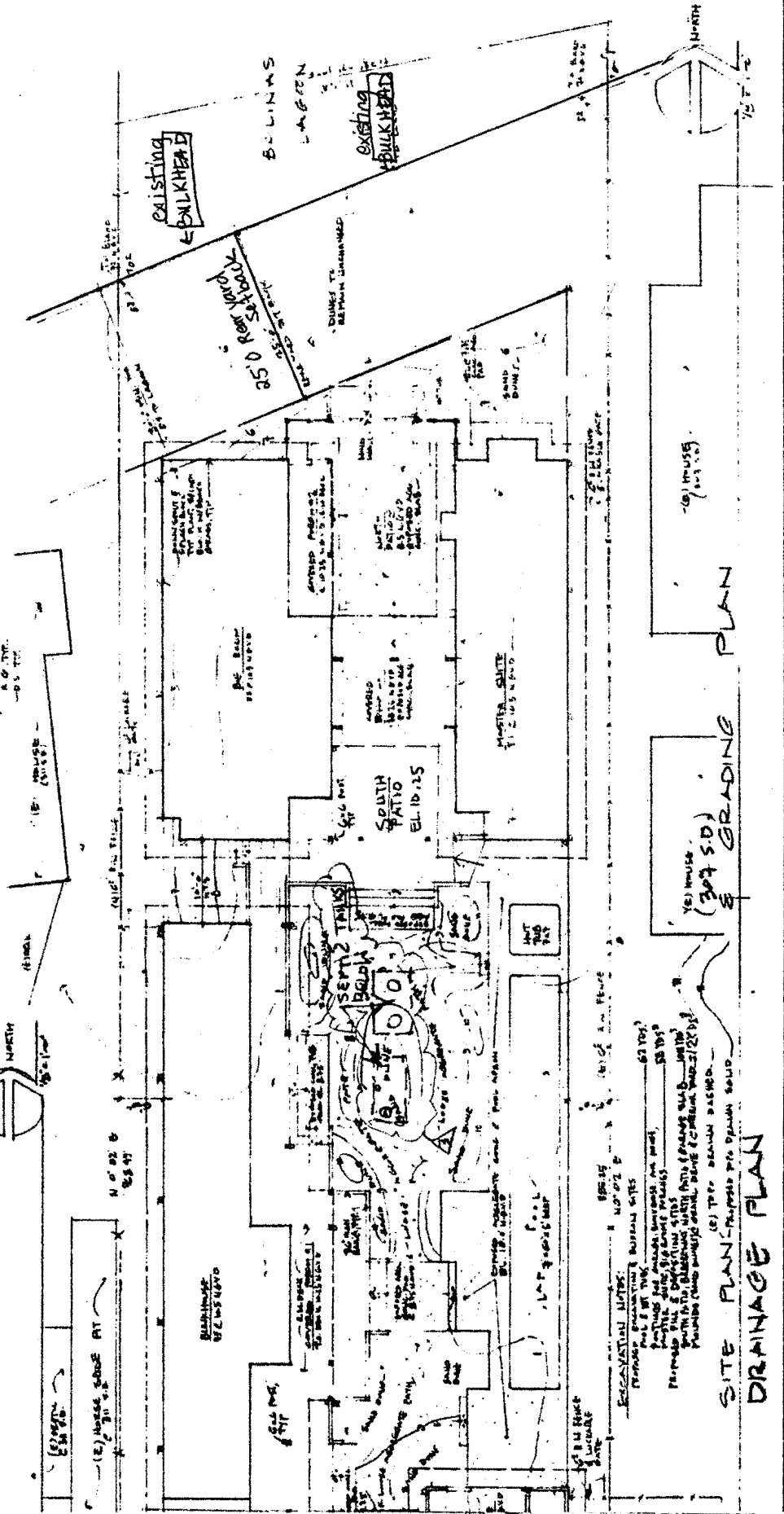
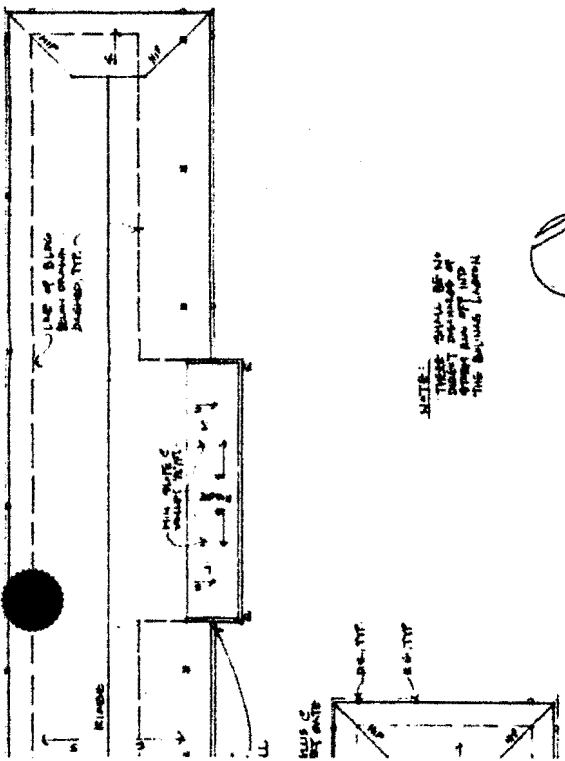
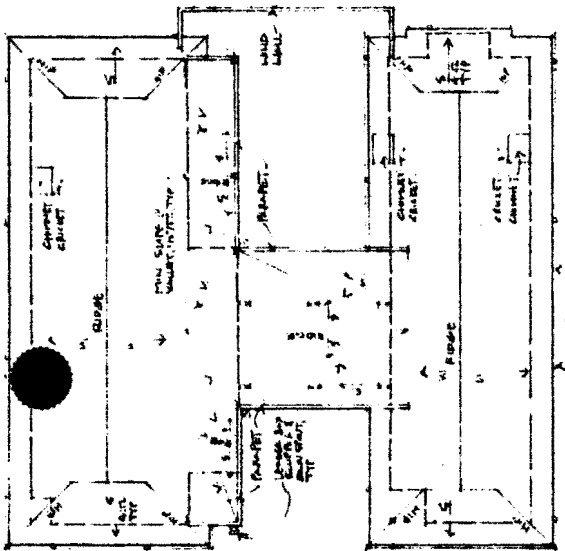
PERMIT NO. 1013100
 DATE 11/10/00
 7/16/01

PROPOSED TO BE THE NATIONAL...
 THE 1973 UBC - RC W/CD 3 77.6
 PER THE DIRECTION OF THIS BOARD.

PROJECT DATA
 NO SCALE

PROPOSED TO BE THE NATIONAL...
 THE 1973 UBC - RC W/CD 3 77.6
 PER THE DIRECTION OF THIS BOARD.

PERMIT NO. 1013100
 DATE 11/10/00
 7/16/01



SEE PREVIOUS SHEET FOR REMAINDER OF SITE

NOTE: THESE SHALL BE NO...
 THE BUILDING LAYOUT

REGISTRAR'S OFFICE
 PERMIT NO. 1013100
 DATE 11/10/00
 7/16/01

PROJECT DATA
 NO SCALE

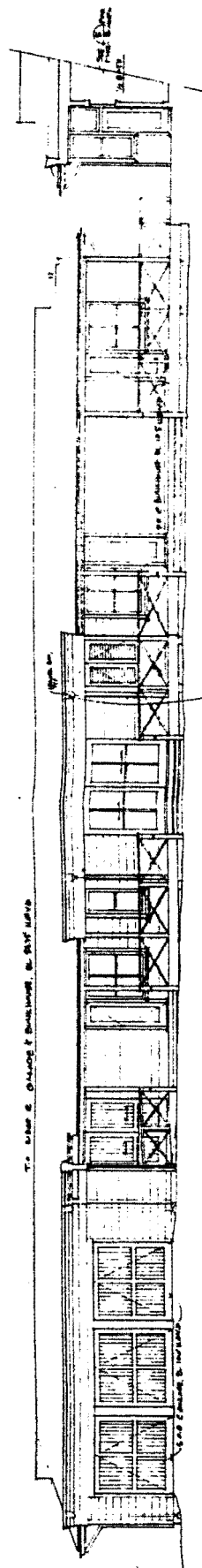
SEE PREVIOUS SHEET FOR REMAINDER OF SITE

NOTE: THESE SHALL BE NO...
 THE BUILDING LAYOUT

REGISTRAR'S OFFICE
 PERMIT NO. 1013100
 DATE 11/10/00
 7/16/01

1. THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

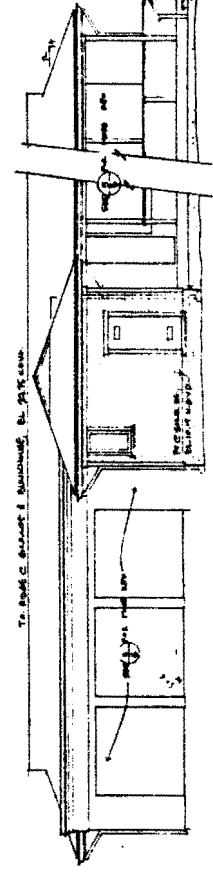
TO SHOW E. GARDEN & BATHHOUSE, B. BAY HOUSE



SECTION/ELEVATION LOOKING WEST @ ENTRY ONTO

①

TO SHOW E. BATHHOUSE & BATHROOM, B. BAY HOUSE

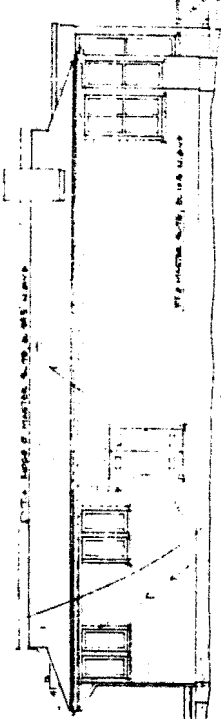


EAST ELEVATION @ SHOWER HOUSE

②

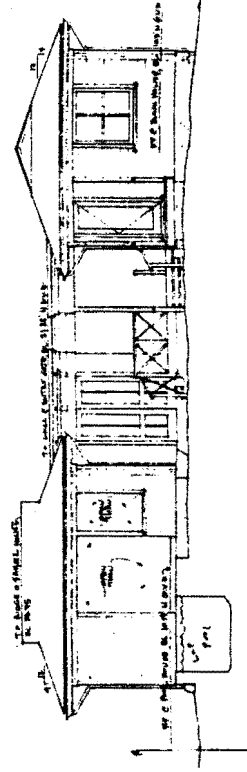
EAST MASTER SUITE

③



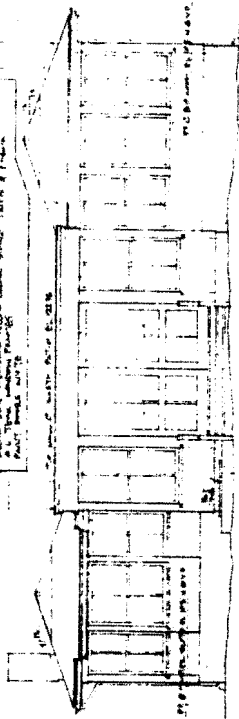
EAST ELEVATION @

④



NORTH ELEVATION @ SHOWER HOUSE & BUNK HOUSE

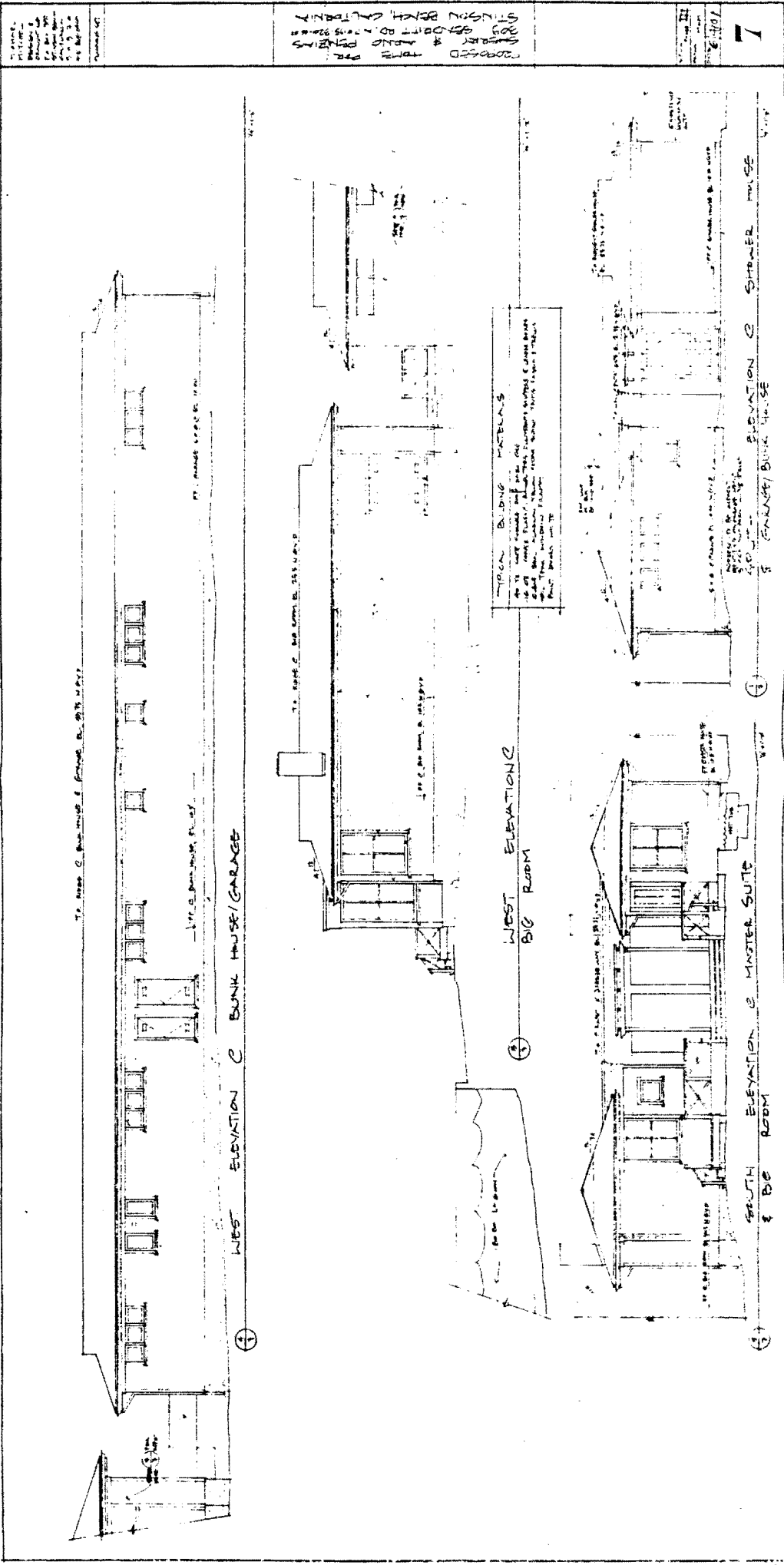
⑤



NORTH ELEVATION @ BIG ROOM & MASTER SUITE

⑥

APPROVED HOME
 SHEETS & PLAN BOOKS
 3009 SUNDRIFF RD. #100
 STANFORD, CALIFORNIA



1. ARCHITECT
 2. ENGINEER
 3. CONTRACTOR
 4. OWNER
 5. DATE
 6. SCALE
 7. SHEET NO.

1. ARCHITECT
 2. ENGINEER
 3. CONTRACTOR
 4. OWNER
 5. DATE
 6. SCALE
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 5. DATE
 6. SCALE
 7. SHEET NO.

1. ARCHITECT
 2. ENGINEER
 3. CONTRACTOR
 4. OWNER
 5. DATE
 6. SCALE
 7. SHEET NO.

TYPICAL BUNGALOW DETAILS
 TO BE USED FOR ALL BUNGALOWS
 IN THIS DEVELOPMENT
 SEE DRAWING FOR FURTHER DETAILS
 AND SPECIFICATIONS

SOUTH ELEVATION & MASTER SUITE
 & BIG ROOM

WEST ELEVATION &
 BIG ROOM

WEST ELEVATION & BUNK HOUSE / GARAGE

TO BE USED FOR ALL BUNGALOWS
 IN THIS DEVELOPMENT

TO BE USED FOR ALL BUNGALOWS
 IN THIS DEVELOPMENT

TO BE USED FOR ALL BUNGALOWS
 IN THIS DEVELOPMENT

TO BE USED FOR ALL BUNGALOWS
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TO BE USED FOR ALL BUNGALOWS
 IN THIS DEVELOPMENT

SOUTH ELEVATION & SHOWER HOUSE
 & GARAGE / BUNK HOUSE

TO BE USED FOR ALL BUNGALOWS
 IN THIS DEVELOPMENT

TO BE USED FOR ALL BUNGALOWS
 IN THIS DEVELOPMENT

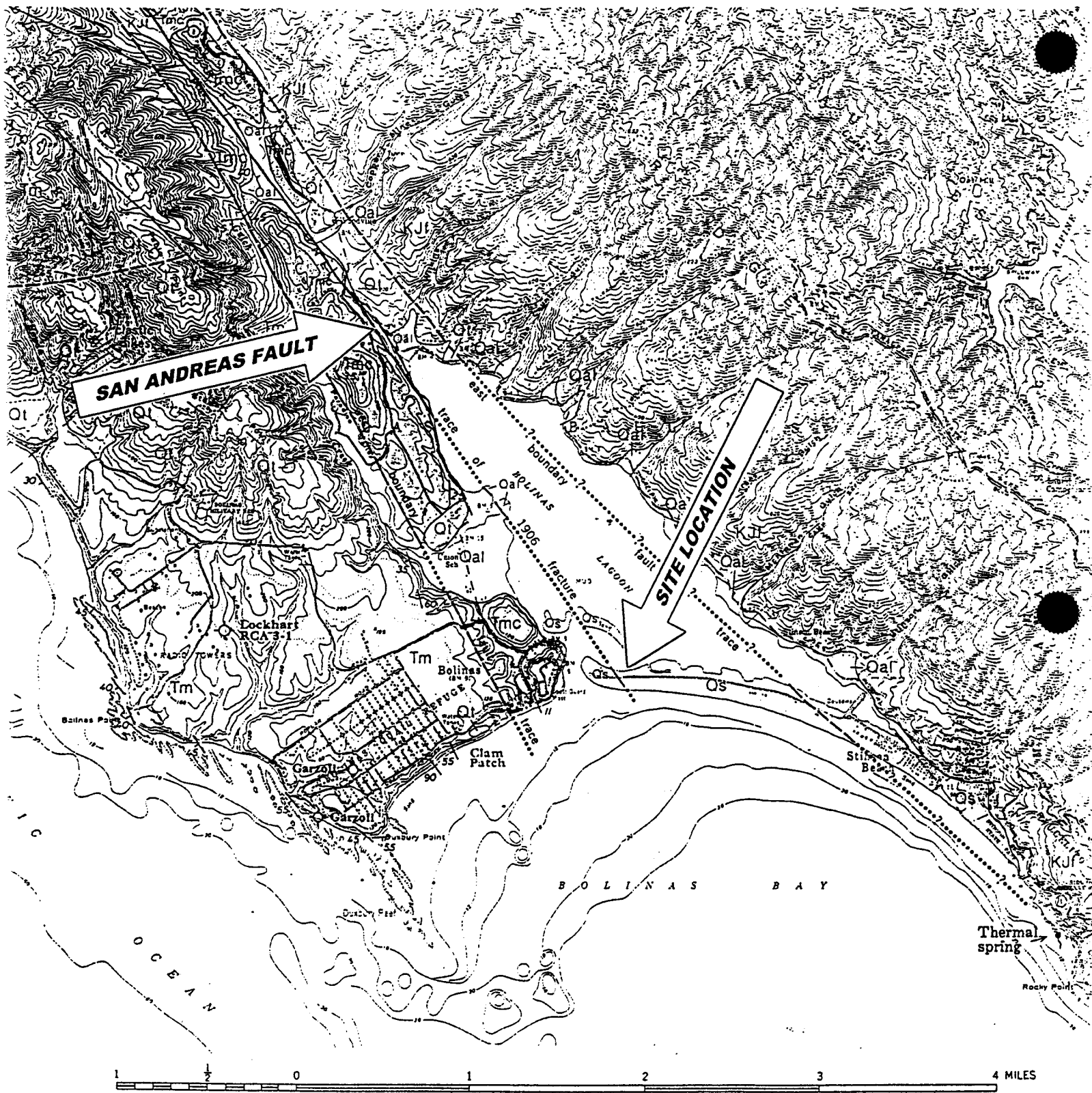
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 IN THIS DEVELOPMENT

TO BE USED FOR ALL BUNGALOWS
 IN THIS DEVELOPMENT



See following page for an explanation of symbols on the map



LOCAL GEOLOGIC MAP

1" = 4000'

From: Galloway⁽¹⁾

EXHIBIT NO.	6
APPLICATION NO.	2-01-015 PENZIAS
Local geologic map	

Tax Area Code
56-022
56-011

195-09

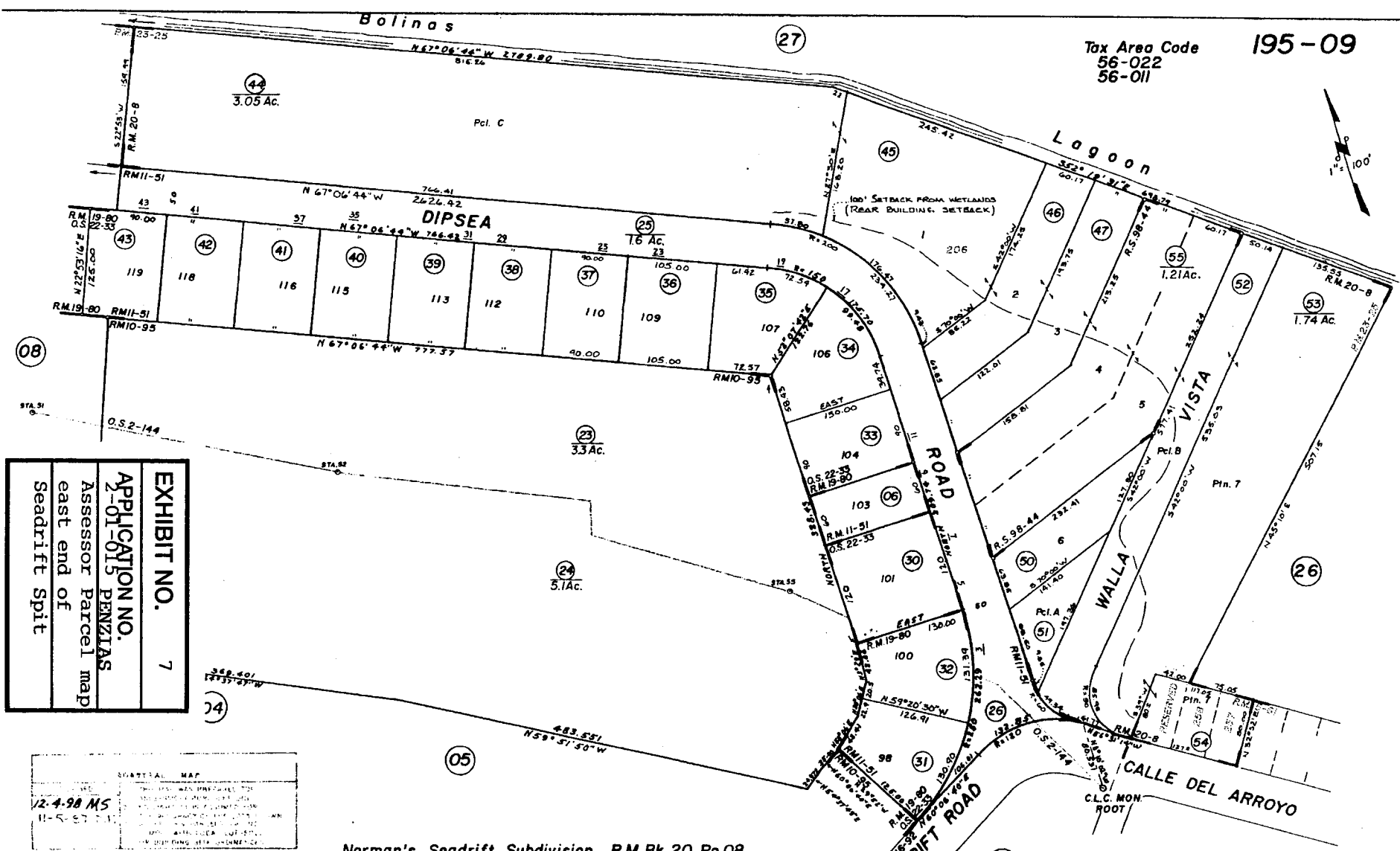
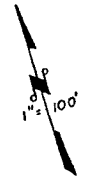


EXHIBIT NO.	7
APPLICATION NO.	2-01-015
PENZIAs	
Assessor Parcel map	
east end of	
Seadrift Spit	

SPATIAL MAP
12-4-98 MS
11-5-97

Norman's Seadrift Subdivision, R.M. Bk. 20, Pg. 08
 Map of Seadrift Lagoon Subdivision No. 1, R.M. Bk. 10, Pg. 95.
 Map of Seadrift Lagoon Subdivision No. 2, R.M. Bk. 11, Pg. 51.
 Resubdivision of Portions of Seadrift Lagoon Sub'd's No. 1 & No. 2, R.M. Bk. 19 Pg. 80

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

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

6-9-93

CDBW-BBK-C

136-6

Project Site



EXHIBIT NO. 8

APPLICATION NO.
2-01-015 PENZIAS

Aerial Photograph
of Seadrift Spit