

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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TH-10A



RECORD PACKET COPY

Filed: May 2, 2001
49th Day: June 6, 2001
180th Day: Oct. 29, 2001
Staff: SLB-SF
Staff Report: May 25, 2001
Hearing Date: June 14, 2001

STAFF REPORT: PERMIT AMENDMENT

APPLICATION FILE NO: 1-94-38 A

APPLICANTS: LOUIS & KATHY WILLIAMS

**DESCRIPTION OF PROJECT
PREVIOUSLY APPROVED:**

Construction of a 25-foot-high, 1,404-square-foot single family home, 715-square-foot paved parking pad, 130 cubic yards of grading and a septic system.

**DESCRIPTION OF
AMENDMENT:**

Terracing of slope with the five, four-foot high retaining walls ranging in length from approximately 30 feet to 80 feet, an accompanying system of steps from house to the 40-foot contour line, and a wooden landing and staircase from the 40-foot contour line to the level of the old access road, which will be four feet high from grade. Installation of lightweight composite drainage panel attached to retaining walls, series of drainage pipes and 20-foot long drainage percolation pipe set 18 inches deep at the base of the property.

PROJECT LOCATION: 82 Camino Del Mar, Inverness, Marin County
APN: 112-032-11

**SUBSTANTIVE FILE
DOCUMENTS:** See Appendix A.

1.0 EXECUTIVE SUMMARY

The staff recommends that the Commission approve with conditions the amendment request to modify Coastal Development Permit 1-94-38 approved in 1994 for a single family home, paved parking pad and septic system. The requested amendment would authorize the terracing and

landscaping of the southern portion of the parcel below the house with the construction of five retaining walls varying in length from approximately 30 feet to 80 feet, including a series of 34 steps and three landings that lead from the house to the fifth retaining wall, and a wooden landing and staircase from the fifth retaining wall to the base of the property. The amendment would also authorize the installation of lightweight composite drainage panels attached to the retaining walls, a series of drainage pipes, and a 20-foot long perforated pipe, set 18 inches deep at the base of the property to reduce stormwater runoff into an adjacent ephemeral stream and Tomales Bay.

The purpose of this project is to control hillside erosion, restore an eroded portion of the slope to its original contour, and provide areas for landscaping. The proposed amendment will contribute to the slope stability because terracing the hillside allows the surface runoff to percolate into the soil, minimizing erosion and preventing the movement of sediment into the ephemeral stream that is located on the adjacent property that drains into Tomales Bay. However, if sediment from the grading and construction is not contained, runoff into the stream and Bay may significantly adversely impact water quality and biological productivity of these coastal waters. Therefore, Commission staff recommends that the Commission impose Special Condition 1, requiring the applicants to prepare and implement, erosion control and surface runoff control plans. In addition, the landscaping proposed for the hillside will help with slope stability by preventing topsoil erosion. However, since the project site is located near environmentally sensitive habitat areas, it is important to ensure that invasive exotic species are not introduced through landscaping. Thus, the staff recommends that the Commission impose Special Condition 2, prohibiting the applicant from using non-native invasive plants at any time on the project site.

Thus, staff recommends that the Commission approve the amendment application on the basis that as conditioned the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

2.0 STAFF NOTES

Although Marin County has a certified Local Coastal Program, the proposed project is located within the Commission's retained coastal development permit jurisdictional area. Therefore, the standard of review for the Commission's consideration of the permit amendment application is the Coastal Act.

3.0 STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

3.1 Motion

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-94-38 pursuant to the staff recommendation.

3.2 Staff Recommendation of Approval

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

3.3 Resolution to Approve Permit

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

4.0 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.

5.0 SPECIAL CONDITIONS

All previous permit conditions of CDP 1-94-38 remain effective and unchanged. The Commission adds two new special conditions, as described below.

The Commission grants this permit amendment subject to the following special conditions:

1. Erosion Control

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT,** the applicants shall provide, for the review and approval of the Executive Director, an Erosion Control Plan to reduce erosion and, to the maximum extent practicable, retain sediment on-site during and after construction. The 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 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 Erosion Control Plan shall incorporate the Best Management Practices (BMPs) specified below.

1. Erosion & Sediment Source Control

- a. Sequence construction to install **sediment-capturing devices** first, followed by runoff control measures and runoff conveyances. Land clearing activities should only commence after the minimization and capture elements are in place.
- b. Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).
- c. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- d. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- e. Cover excavated material with plastic during storm events to reduce the potential of erosion.
- f. Place stockpiled soil and/or other construction-related material a minimum of 75 feet from any drainages. Stockpiled soils shall be covered with tarps at all times of the year.
- g. If sprinkling is used for dust control, application monitoring is required to prevent runoff.

2. Runoff Control and Conveyance

- a. Intercept runoff above disturbed slopes and convey it to a permanent channel or stormdrains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.

3. Sediment-Capturing Devices

- a. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
- b. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.

4. Chemical Control

- a. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.
 - b. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Restriction of washing and cleaning of equipment and construction vehicles within 100 feet of the ephemeral stream.
 - c. Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction.
- B.** The applicant shall undertake development in accordance with the final erosion control plans approved by the Executive Director. No proposed 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. The applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan.

2. Landscaping

- A.** No invasive exotic plant species shall be planted on the property that is the subject of this permit amendment for the life of the development authorized herein.
- B. PRIOR TO 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, reflecting the above restriction on landscaping on the property. The deed restriction shall include a legal description of the applicant's property. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

6.0 FINDINGS AND DECLARATIONS

6.1.1 Project Location

The project site, located at 82 Camino Del Mar, Inverness, is an approximately 20,925-square-foot parcel situated between Sir Francis Drake Boulevard and Tomales Bay. The parcel is in a residential neighborhood on the northwest side of Tomales Bay near Chicken Ranch Beach. The parcel is steep with an approximate slope of 50%. The base of the slope is unstable due to a near vertical approximately six-foot high road cut. (Exhibits 1 - 3). The property is bordered on the north, south, east and west by private property and on the northwest by Camino Del Mar. Two privately owned parcels and a parcel owned by the State Lands Commission separate the property from Tomales Bay. The adjacent property to the south contains a residence, barn, visitor serving guesthouse and an ephemeral stream, which runs along the south side of the project site, approximately 20 feet away from the base of the hillside and drains into Tomales Bay (Exhibit 4).

6.1.2 Project Description

The applicants request an amendment to CDP 1-94-38 to terrace and landscape the hillside from the 34-foot contour to the 62-foot contour. The total area of work is 1,737 square feet of the 20,925- square-foot parcel. Terracing the hillside would involve 47.33 cubic-yards of balanced cut and fill and the construction of five, four-foot high retaining walls ranging in length from approximately 30 feet to 80 feet. The applicants also propose to construct an accompanying system of steps and landings from the house to the 40-foot contour, which would follow the edges of the first four retaining walls. The steps would measure approximately four feet wide by seven inches high and would be filled with compacted soil topped with filter fabric and a one-inch gravel finish. The concrete landings measuring approximately five feet by five feet would follow the sixth, twelfth and eighteenth steps. After the thirty-fourth step, a wooden landing and staircase would accommodate the four-foot change in level from the step to the old access road (Exhibits 6-8). Miradrain 2000, a lightweight composite drainage panel would line the inside of each retaining wall. These panels would lead to perforated drainage pipes, four inches in diameter, placed throughout the retaining walls. The drainage pipes would be connected to create a drainage system to channel water to a 20-foot long percolation pipe set 18 inches deep to be placed at the base of the property. The retention pipe would be perforated and measure six inches in diameter. Gravel encased in filter fabric would surround the perforated pipe to filter out sediments. Six inches of topsoil would cover the gravel (Exhibit 9). In addition, the applicants propose to landscape the terraced hillside with a variety of native and non-native plants.

6.2 Geologic Hazards

Coastal Act Section 30253 states in relevant part:

New development shall:

(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.

The property contains a 1,404 square-foot home, paved parking pad, and septic system located in the northern portion of the parcel all permitted under Coastal Development Permit (CDP) 1-94-38, granted in 1994 (Exhibit 5). Special Condition 1 of CDP 1-94-38 states:

"development of the project shall conform to the recommendations set forth in the August 16, 1993 report (as supplemented November, 3 1993) titled 'Geotechnical Evaluation' prepared by Geoengineering Inc."

The 1993 geotechnical report and supplement report contain recommendations for ensuring the stability of both the proposed development and the hillside itself. The Commission required Special Condition 1 of CDP 1-94-38 to ensure that the development permitted in 1994 would not threaten the project site and hillside stability. The proposed development would modify the hillside to control erosion and create areas for landscaping. The proposed amendment would not result in the destabilization of the property. Its purpose is to increase hillside stability by controlling erosion with retaining walls and landscaping. This amendment would authorize development that will increase slope stability and will not be in conflict with Special Condition 1

of CDP 1-94-38. Therefore, the proposed development with the proposed amendment conforms to Coastal Act Section 30253.

6.3 Water Quality & Protection of Biological Resources

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 discharged and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waster water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30240 (b) states:

(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.

Coastal Act Section 30107.5 states:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

A five-foot wide, unnamed drainage channel, maintained by the adjacent property owners, flows near the southern border of the project site, approximately five feet from the property line and approximately within 20 to 25 feet of the proposed development (Exhibit 10). An existing old access road and fence would separate the proposed development from the channel. The Marin County Environmental Health Department has determined that the drainage channel is an ephemeral stream as defined under the County's certified LCP. Water from this ephemeral stream flows directly into Tomales Bay. Tomales Bay is within 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 Marin LCP emphasizes the importance of Tomales Bay on many levels. It provides important habitat for birds, marine mammals and over 1,000 species of invertebrates. In addition, sharks and rays spawn in the Bay. The Bay also supports a significant aquaculture industry. Protecting the water quality of Tomales Bay is essential to preserving the Bay and the coastal resources it supports.

There are many factors that contribute to water quality problems in Tomales Bay, including soil erosion. According to the Marin County LCP, increased construction around the Bay has augmented the rate of soil erosion. Inverness Ridge is especially susceptible to soil erosion, due

to the poorly consolidated character of the soils and the steep slope. Because Tomales Bay is the catchment basin for the eroded soil in its watershed, the Bay has experienced increased siltation.

To protect the water quality of the Bay it is important to prevent any erosion of soil into the Bay from the project site, which is located approximately 20 to 25 feet from the stream. The Coastal Act does not include policies that establish specific stream buffers. In this instance, the Commission finds that the proposed development will benefit the ephemeral stream and Tomales Bay by stabilizing the slope and reducing erosion of the hillside and the subsequent sedimentation of the stream and Tomales Bay. The terracing and landscaping of the hillside that would be authorized by this amendment would decrease erosion and runoff. While the landings, steps and staircase would create some impervious surfaces, overall the terracing and retaining walls would reduce the runoff velocity and increase infiltration of water into the soil. The terracing would create areas for planting with the goal of increasing slope stability and infiltration rates. The retaining walls would also create areas to trap and detain sediments. In addition, the proposed drainage system would prevent runoff by channeling excess water to the percolation pipe, which would allow the excess water to dissipate slowly into the ground.

The proposed development would enhance slope stability by preventing the erosion and introduction of sediments into the stream. However, during grading and construction, because of the proximity of the stream to the site, any erosion and runoff that occurs on the hillside may adversely impact water quality and biological productivity of the stream and consequently, Tomales Bay. Increased sediment load could affect the water quality and potentially any organisms living in the stream and Bay.

The applicants propose to install a silt fence along the perimeter of the property if construction occurs during the rainy season to reduce erosion and sedimentation during construction. However, the Commission finds that additional measures are necessary to ensure that grading and construction will not introduce sediment or other contaminants into the stream and Bay.

To prevent impacts to the ephemeral stream, riparian habitat and Tomales Bay, the Commission finds that additional temporary erosion control and runoff control best management practices (BMPs) are necessary. Therefore, to protect the water quality and biological productivity of the stream and Tomales Bay, Special Condition 1 requires that prior to issuance of permit, the applicants shall submit for the review and approval of the Executive Director, erosion control and surface runoff control plans in accordance with the BMPs listed in Special Condition 1.

In addition to protecting the water quality and biological productivity of the stream and Tomales Bay, it is important to consider the potential impacts landscaping may have on environmentally sensitive habitats (ESHA) near the project site. In sensitive habitat areas, native plants have important functions in the ecosystems, such as manufacturing oxygen and filtering impurities from water. They also provide food and shelter for native wild animals. A problem arises if non-native plants become established in ESHAs by out competing or smothering native plants. They can then clog waterways and deprive wild animals of native food (California Native Plant Society 2001).

The parcels near the applicants' property contain various environmentally sensitive habitats. A portion of the Third Valley Creek's riparian corridor is present on the property adjacent to the project site. In addition, an area on the eastern end of the property is very wet in the winter and supports blackberry bushes. According to the opinion of staff biologist, Dr. Dixon, the area

could possibly be delineated as a wetland. Furthermore, two brackish marsh areas are located to the east of the same property on a parcel owned by the State Lands Commission.

Introduction of non-native invasive species would threaten native plants and the overall habitat value of these ESHAs. Thus, the use of invasive exotic plants for the proposed landscaping would be inconsistent with Coastal Act Section 30240(b), which prohibits development adjacent to ESHAs that would significantly degrade those areas. The proposed landscaping plan does not include any invasive exotic plant species, consistent with the requirements of Section 30240(b). However, to ensure that for the life of the project the proposed development will not conflict with the requirements of Coastal Act Section 30240(b), Special Condition 2 requires the applicant to record a deed restriction prohibiting future planting of invasive exotic plants.

As conditioned to prevent soil erosion into the stream and Tomales Bay and to prohibit the introduction of non-native invasive species, the Commission finds the proposed development with the proposed amendment is consistent with Coastal Act Sections 30231 and 30240(b).

6.4 Public Access

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreation 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 resources areas from overuse.

Coastal Act Section 30211 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.

Coastal Act Section 30212 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 exists 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.*

(b) For purposes of this section, "new development" does not include:

- (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*
- (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed*

residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Coastal Act Section 30214 states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the Commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private

organizations which would minimize management costs and encourage the use of volunteer programs.

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 Williams property is located at 82 Camino Del Mar, between the first public road and the sea (Sir Francis Drake Boulevard and the western shore of Tomales Bay). The applicants privately own the project site. Two private parcels and the State Lands Commission parcel separate the applicants' property on the northeast, east and southeast side from the Bay. Chicken Ranch Beach, described in the Marin LCP as a small county beach located north of Golden Hinde Boatel on the west side of Tomales Bay, is located approximately a quarter of a mile southeast of the property.

The Commission is unaware of any evidence that the public possesses prescriptive rights to use the applicants' parcel to access Tomales Bay and no formal or informal public access exists on the property. Thus, the proposed development would not interfere with the public's ability to access the shoreline. Furthermore, the proposed development is for the purpose of erosion control and landscaping and will not create a new demand for additional public access. In addition, adequate public access already exists nearby. A public pedestrian access trail provides public access to Chicken Ranch Beach from the existing parking area on the shoulder of Sir Francis Drake Boulevard.

Although the project is between the first public road and the sea, it will not adversely affect public access. Three separate parcels separate the project site from the Tomales Bay shoreline and adequate access already exists to Chicken Ranch Beach via a public pedestrian access trail. There are not any formal or informal public access trails that exist on the site that the proposed development could potentially affect. Therefore, the Commission finds that the proposed project is consistent with Sections 30210, 30211, 30212, and 3014 of the Coastal Act.

6.5 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 the introduction of runoff and sediment from grading and construction into the ephemeral stream and Tomales Bay and to prevent the introduction of invasive exotic species into nearby environmentally sensitive habitat areas. 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.

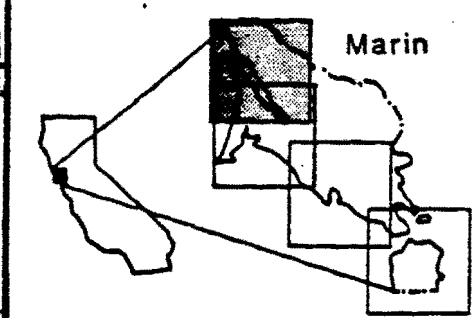
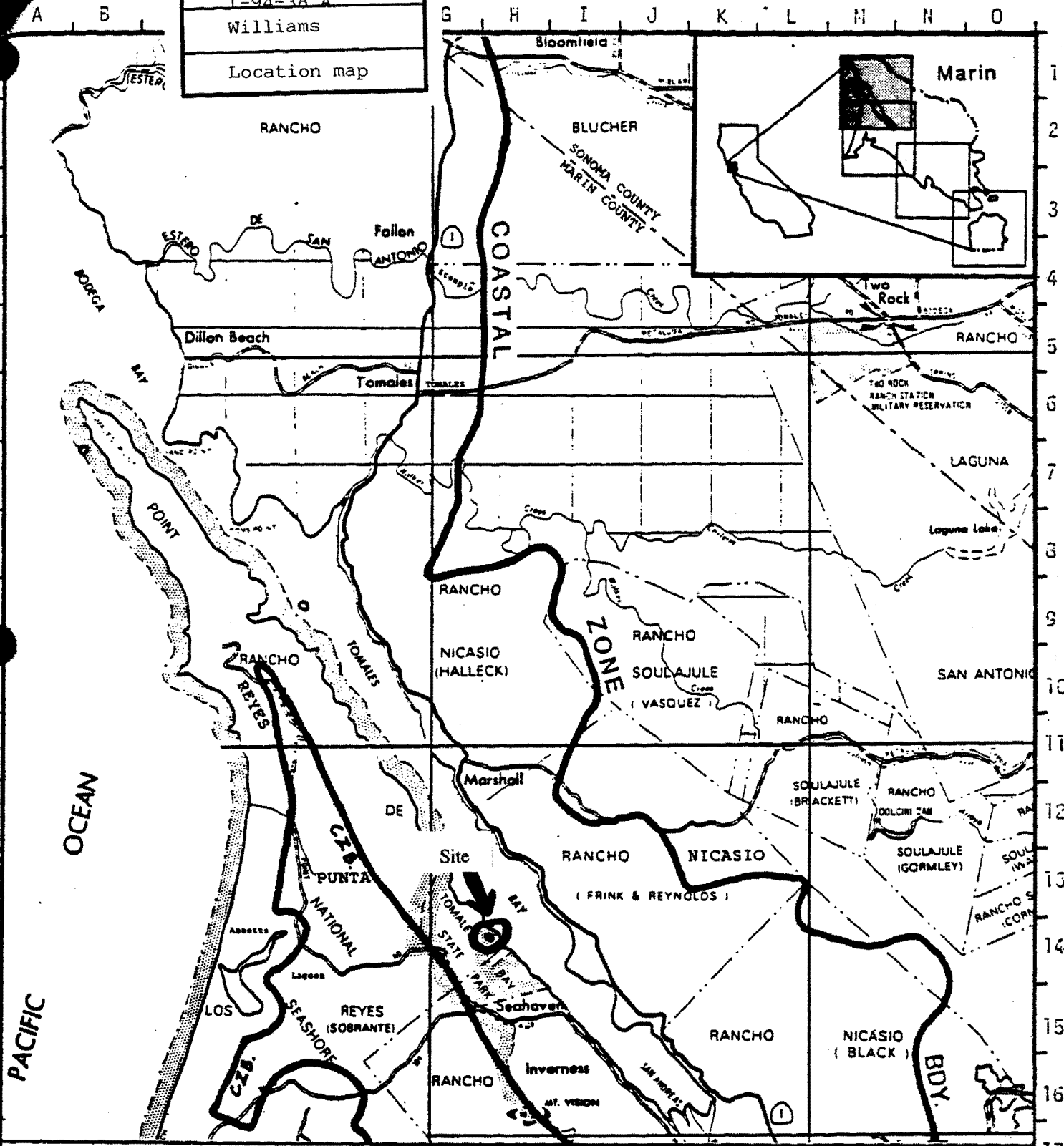
EXHIBITS

1. Location map
2. Vicinity map
3. Photographs of road cut and slope
4. Photographs of ephemeral stream
5. 1-94-38 Coastal Development Permit
6. Site plan
7. Site sections
8. Grading plan
9. Drainage plan
10. Location of ephemeral stream relative to project site

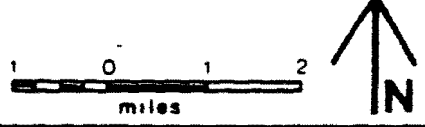
**APPENDIX A:
SUBSTANTIVE FILE DOCUMENTS**

California Native Plant Society 2001. Web site www.cnps.org/activities/natives.htm.

EXHIBIT NO. 1
APPLICATION NO. 1-94-38 A
Williams
Location map

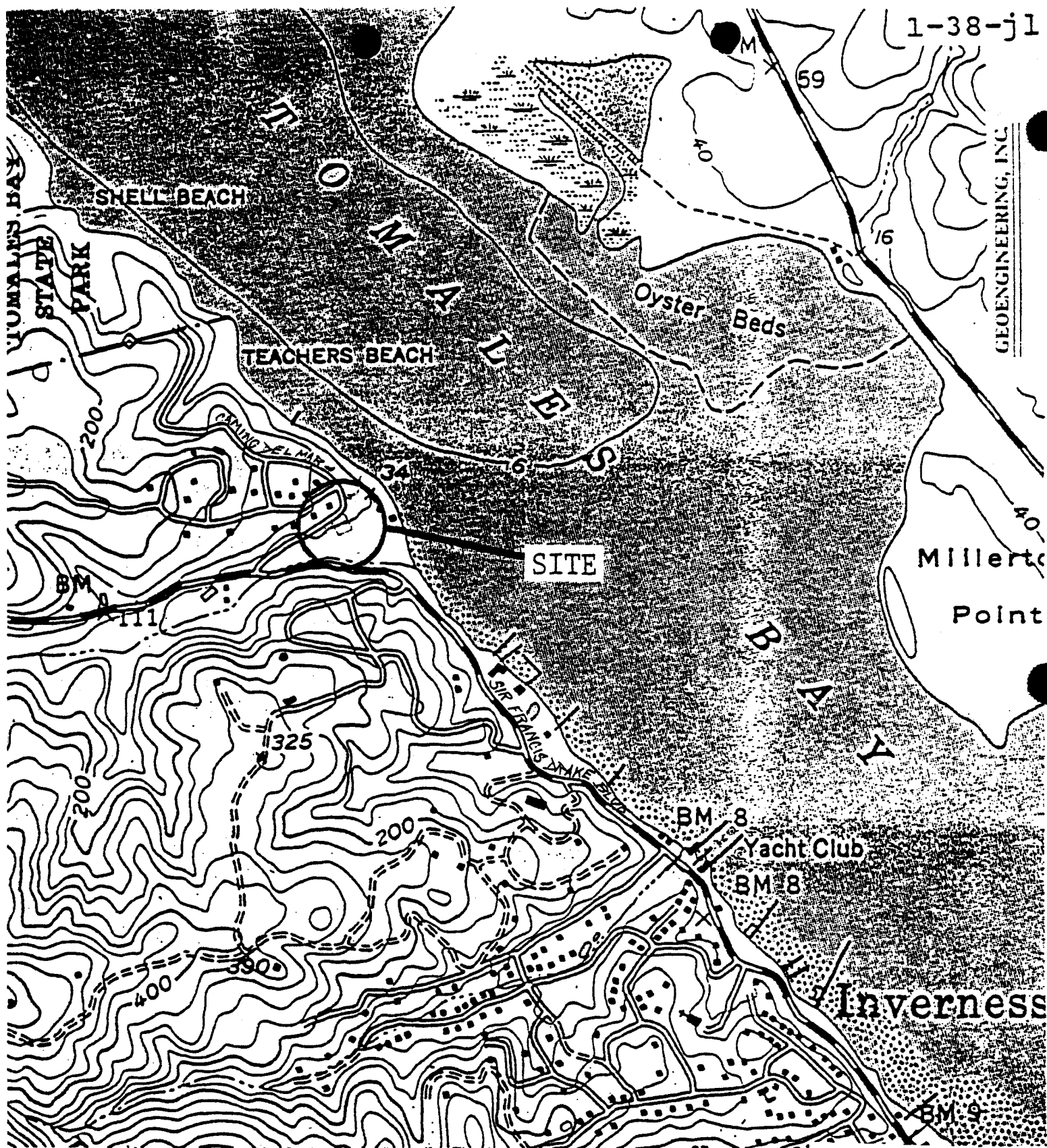


LOCATION MAP



1-38-j1

GEOENGINEERING, INC.



1 in. = 1000 ft.
40 ft. contours

Topographic Vicinity Map

EXHIBIT NO.	2
APPLICATION NO.	1-94-38 A
Williams	
Vicinity map	

82 Camino Del Mar
Inverness, CA

Existing house

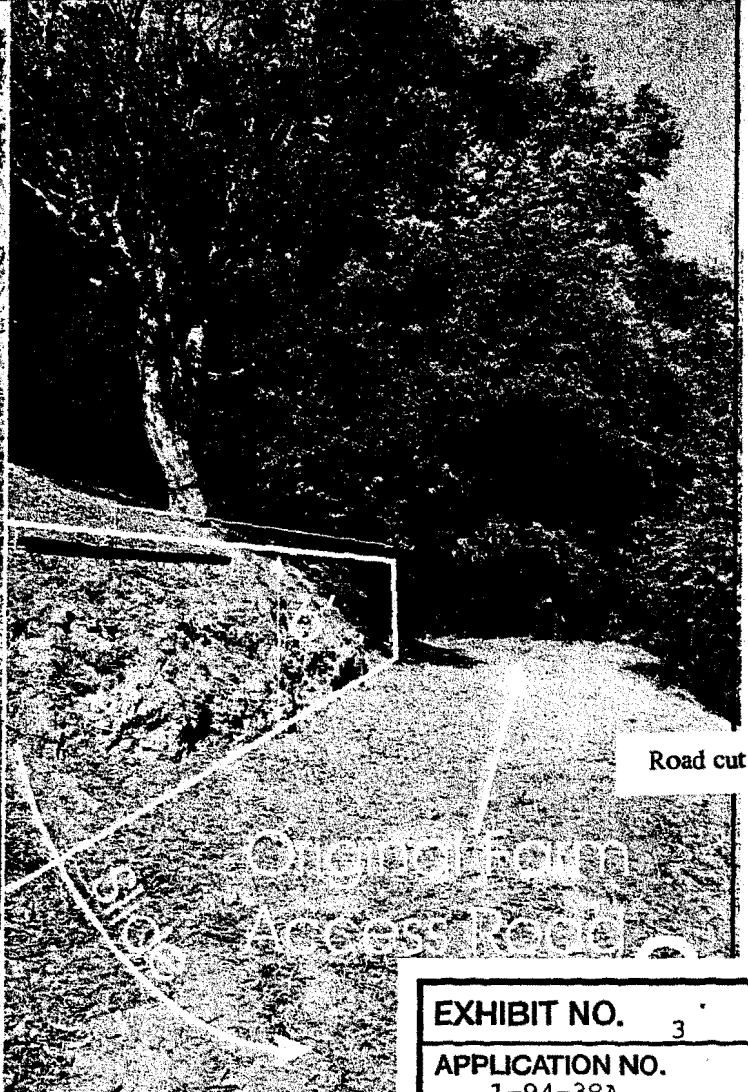
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Existing Slope from
Oak Tree



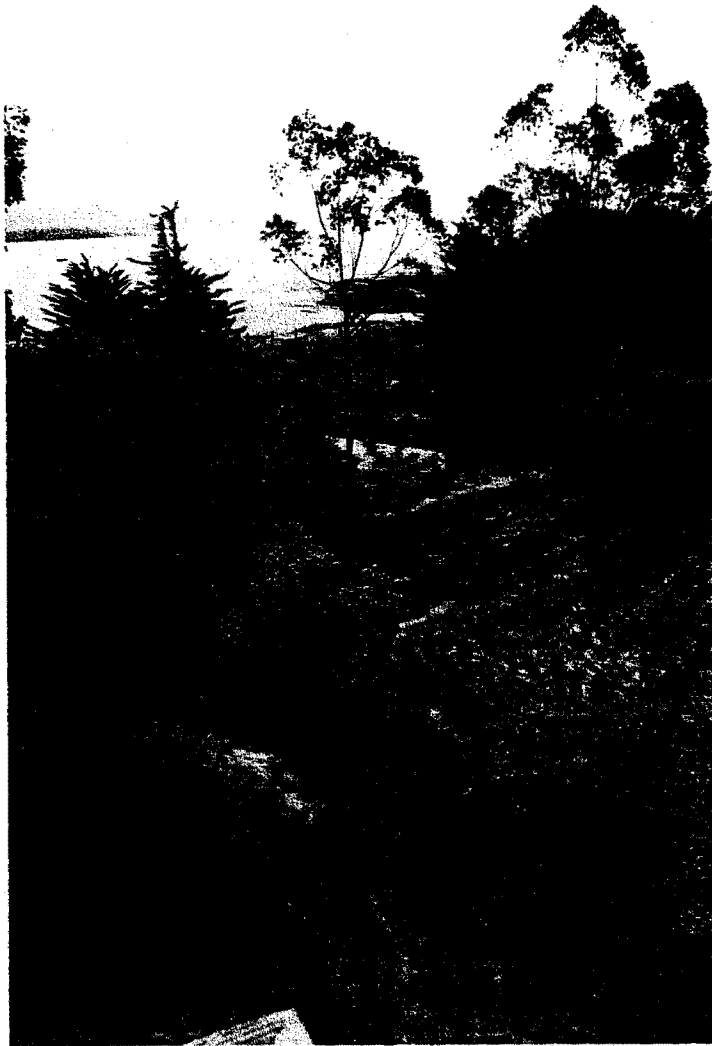
Oak Tree from House Deck



Road cut

Oak Tree from E

EXHIBIT NO.	3
APPLICATION NO.	1-94-38A
Williams	
Road cut & slope	



Ephemeral stream



Ephemeral stream

EXHIBIT NO.	4
APPLICATION NO.	1-94-38 A
Williams	
Ephemeral stream	

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
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Page 1 of 3
Date July 4, 1994

Permit Application No. 1-94-38

CALIFORNIA
COASTAL COMMISSION

ADMINISTRATIVE PERMIT

APPLICANT: JONATHAN LANGDON

PROJECT DESCRIPTION: Construct a 25-ft.-high, 1,404-square-foot, single-family home, with 715 sq.ft. paved parking pad, 130 cu.yds. of grading, and a septic system.

PROJECT LOCATION: 82 Camino Del Mar, Inverness, Marin County
APN 112-032-11

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE: Tuesday, July 12, 1994
TIME: Meeting begins at 10:00 a.m., Item No. 12b
PLACE: Waterfront Hilton Beach Resort
21100 Pacific Coast Highway, Huntington Beach, CA
TEL.NO. (714) 960-7873

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: BILL VAN BECKUM
Title: Coastal Planner

EXHIBIT NO.	5
APPLICATION NO.	1-94-38 A
	Williams
	1-94-38 CDP
	p(1 of 3)

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 this permit is reported to the Commission. 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 or 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 project during its development, 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

EXHIBIT NO.	5
APPLICATION NO.	1-94-38 A
Williams	
1-94-38 CDP	
(p 2 of 3)	

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

The proposed project is located in a residential neighborhood in Inverness (Exhibit 2) on a site approved by Marin County for installation of a septic system; water service to the site is available. The project therefore is consistent with Coastal Act Section 30250(a) policies regarding locating and planning new development.

Although the project is located between the first public road and the sea, it will not adversely affect public access. The site is separated from the Tomales Bay shoreline by another parcel; no public access exists on the site that could potentially be affected by the project.

Since the hillside site (a slope averaging 50%) is on a parcel (0.47-acre) "at least fifty percent smaller in total lot area than the one acre size that is otherwise required by the County's slope ordinance for properties with an average slope of 42.5%," the proposed development was subject to County design review requirements. The County's design review approval included conditions relating to the stepped-down building's materials and colors, to "include Monterey gray wood siding and trim, and a dark-colored roof" (see note on Exhibit 4). As such the proposed structure, which will be sited between the lot's 50-foot and 70-foot contours, and which will be visible from a public beach below the site (approximately 200 feet to the east and one lot removed from the site), will not be out of character with other residential development located in clearings on wooded hillside slopes on the west side of Tomales Bay. Furthermore, since the residence will be sited downslope of Camino del Mar and partially screened by existing vegetation near the road there will be no significant impacts to public views of Tomales Bay.

The applicant has submitted a geotechnical evaluation for the proposed residence (Geoengineering, Inc., August 16, 1993, with November 3, 1993 supplement), that contains recommendations for ensuring the stability of both the proposed development and the hillside itself. The Commission attaches Special Condition No.1, requiring project development in conformance with the evaluation's recommendations, so as to ensure project consistency with Coastal Act Section 30253 geologic hazards provisions.

SPECIAL CONDITION:

1. Development of this project shall conform to the recommendations set forth in the August 16, 1993 report (as supplemented November 3, 1993) titled "Geotechnical Evaluation," prepared by Geoengineering, Inc.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Jonathan Lynden
Applicant's Signature

7/6/94
Date of Signin

7102p

EXHIBIT NO. 5
APPLICATION NO. 1-94-38 A
Williams
1-94-38 CDP (p 3 of 3)

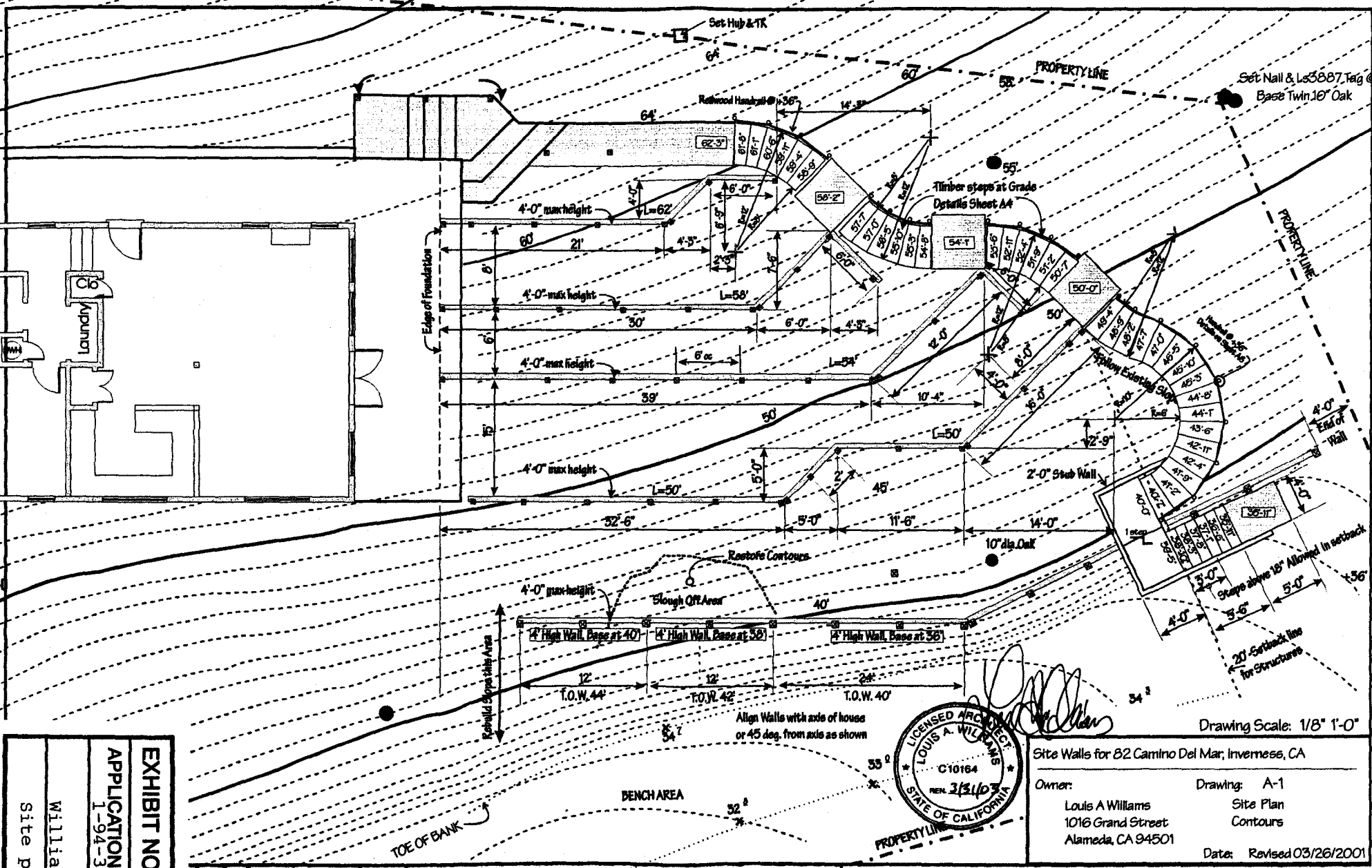
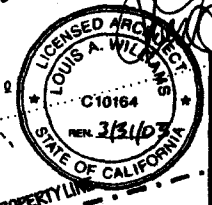
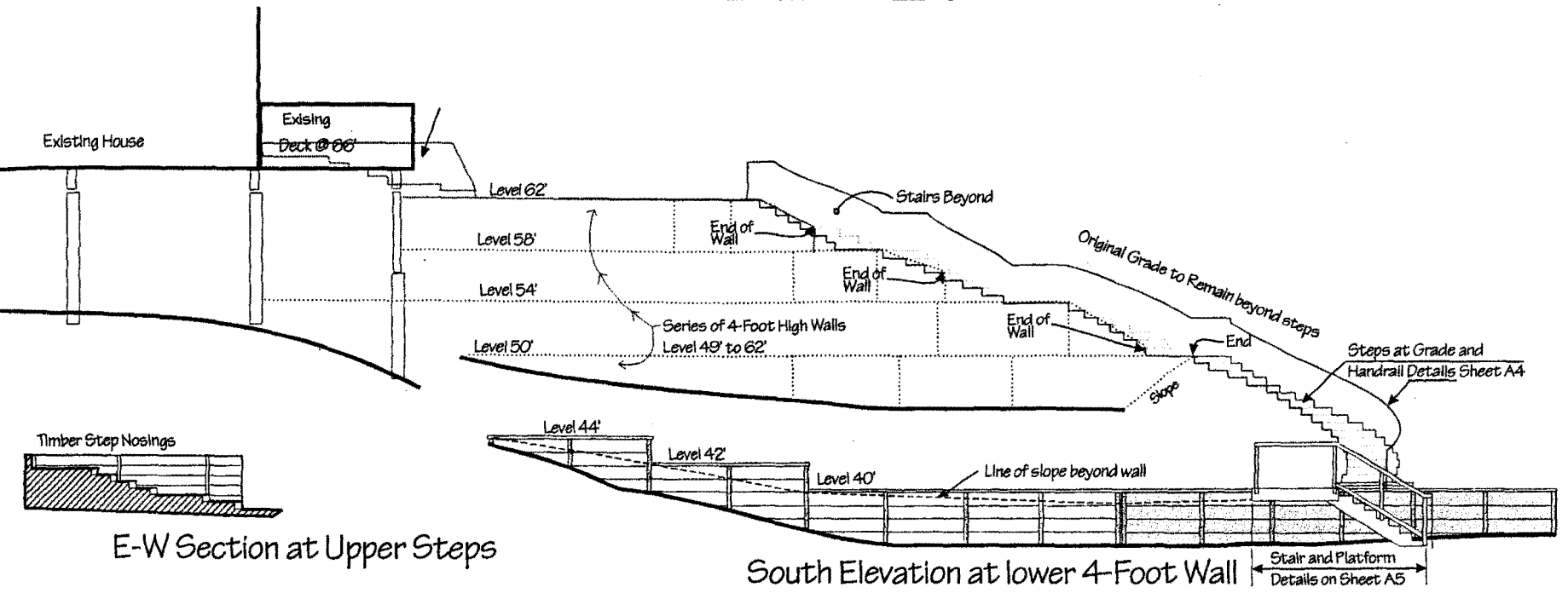


EXHIBIT NO. 6
APPLICATION NO. 1-94-38 A
 Williams
 Site plan

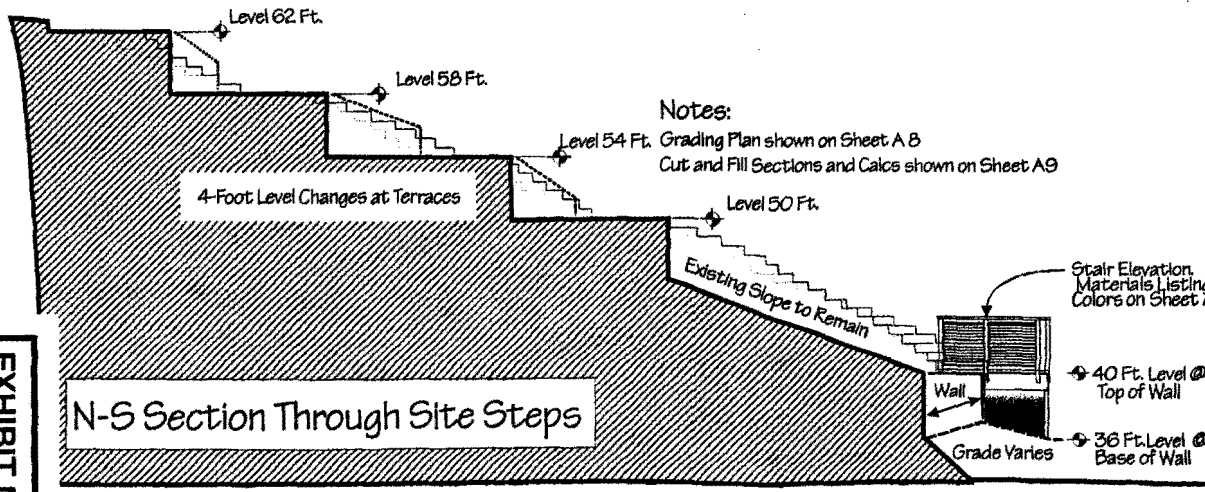


Drawing Scale: 1/8" 1'-0"
 Site Walls for 82 Camino Del Mar, Inverness, CA
 Owner: Louis A Williams
 1016 Grand Street
 Alameda, CA 94501
 Drawing: A-1
 Site Plan
 Contours
 Date: Revised 03/26/2001



E-W Section at Upper Steps

South Elevation at lower 4-Foot Wall



N-S Section Through Site Steps

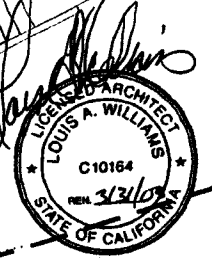
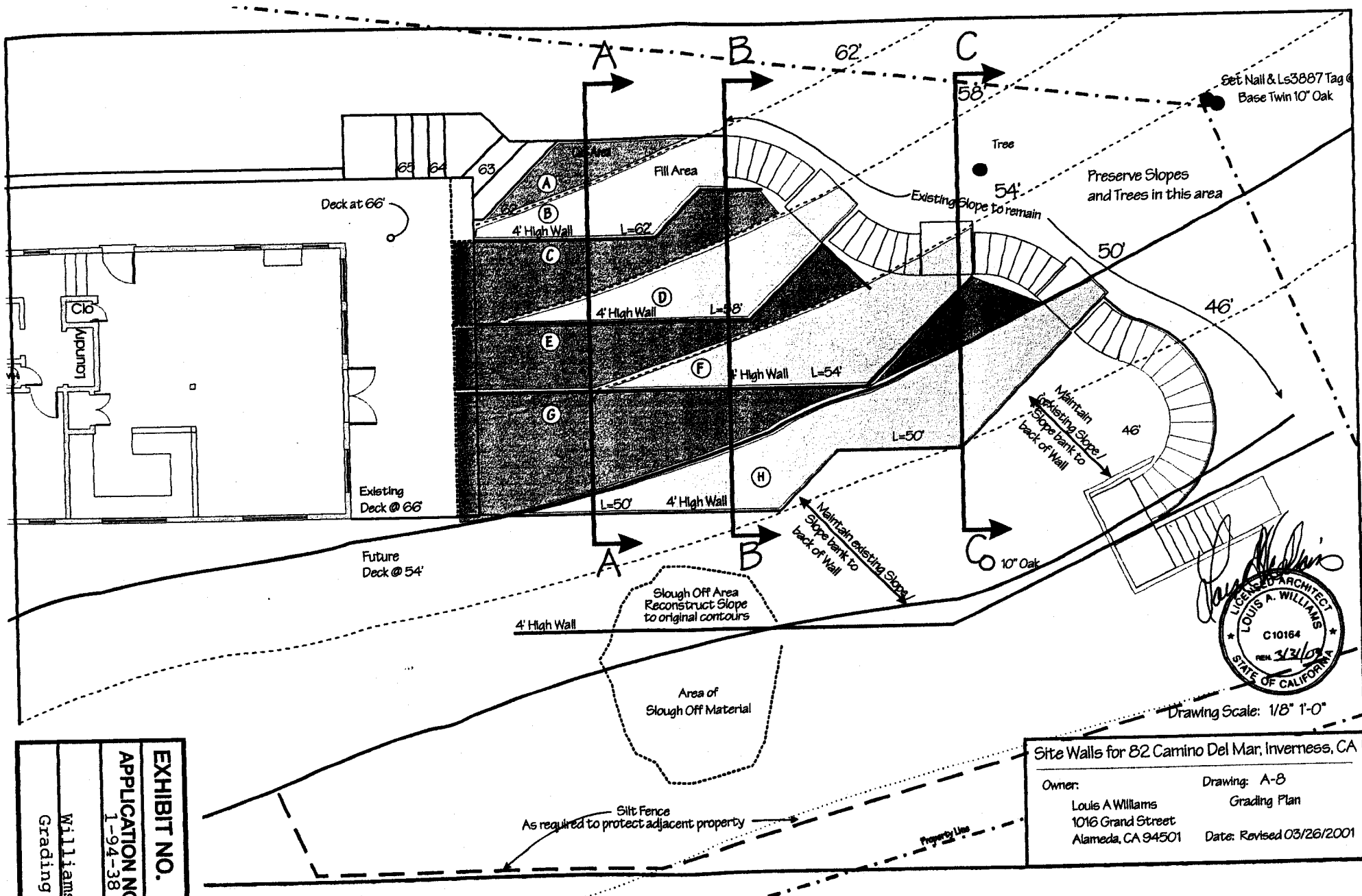
Notes:
 Level 54 Ft. Grading Plan shown on Sheet A B
 Cut and Fill Sections and Calcs shown on Sheet A9

Louis A. Williams
 LICENSED ARCHITECT
 LOUIS A. WILLIAMS
 C 10164
 03/31/01
 STATE OF CALIFORNIA
 Drawing Scale: 1/8" = 1'-0"

Site sections	Williams	EXHIBIT NO. 7
	194384	APPLICATION NO.
	82 Camino Del Mar	

Site Walls for 82 Camino Del Mar, Inverness, CA
 Owner: Louis A Williams
 1016 Grand Street
 Alameda, CA 94501
 Drawing: A-3
 Site Sections
 Date: Revised 03/26/2001

WAL
 CL
 dr.
 PL



Site Walls for 82 Camino Del Mar, Inverness, CA

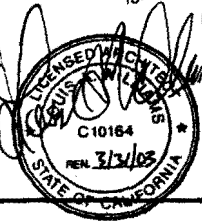
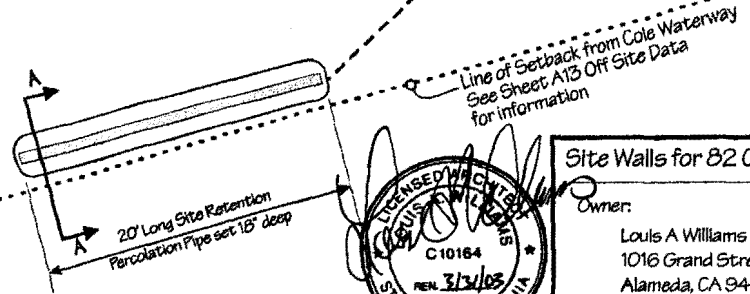
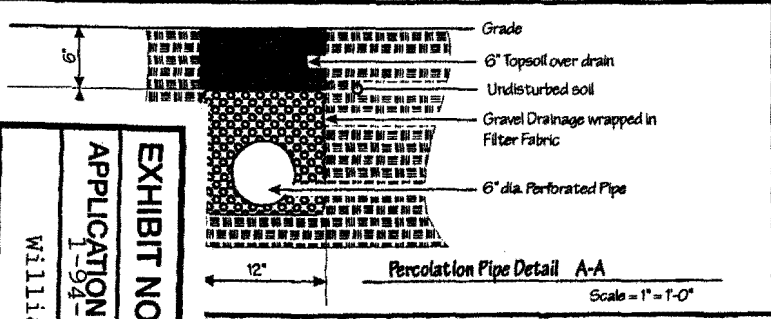
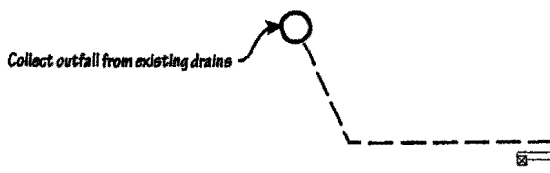
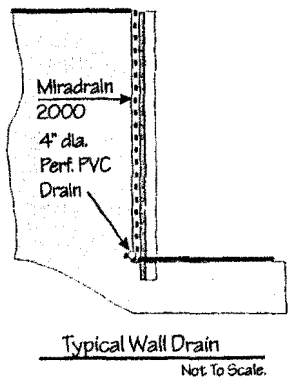
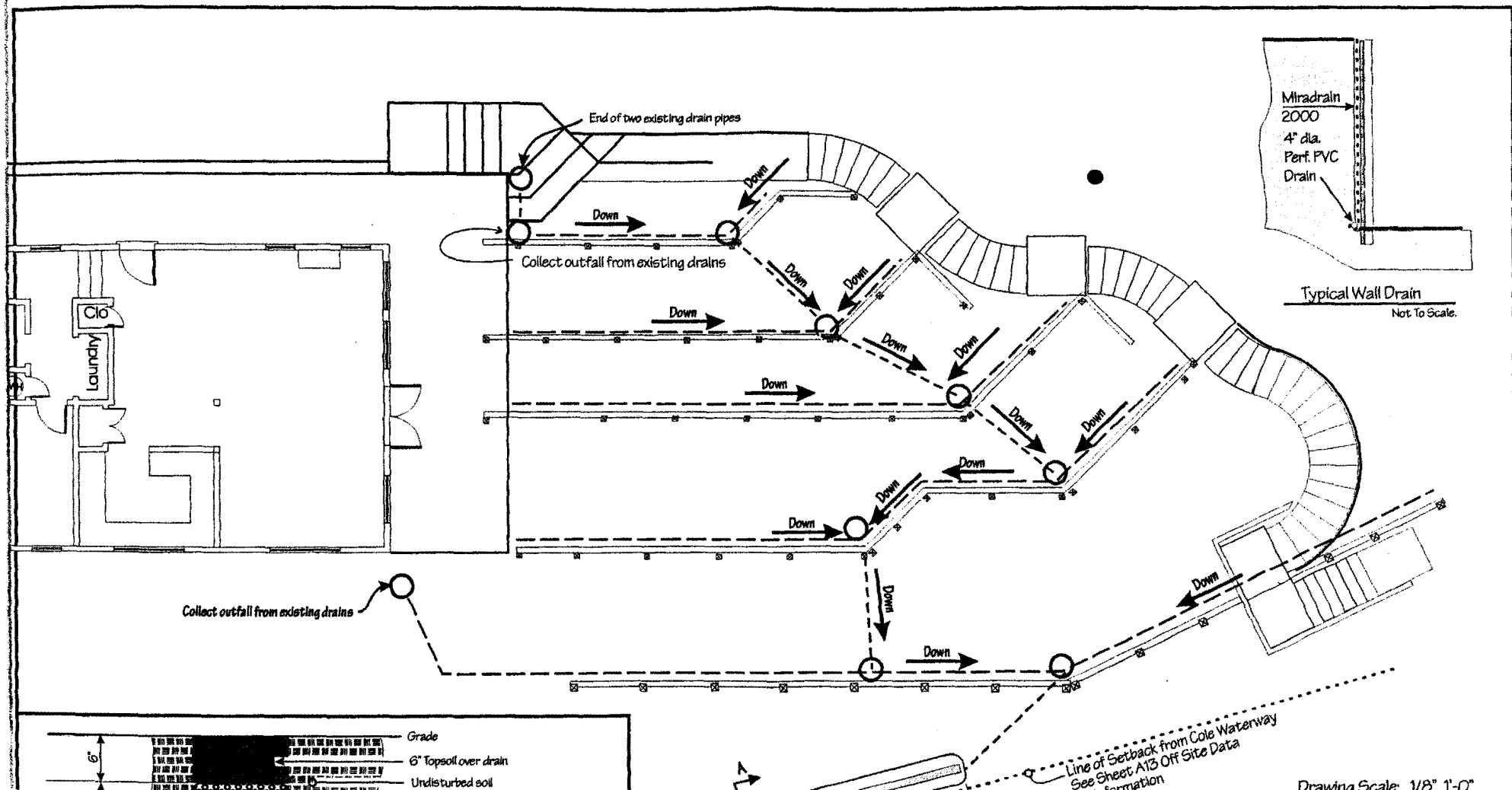
Owner: Louis A Williams
 1016 Grand Street
 Alameda, CA 94501

Drawing: A-8
 Grading Plan
 Date: Revised 03/26/2001

EXHIBIT NO. 8

APPLICATION NO. 1-94-38 A

Williams
 Grading Plan



Drawing Scale: 1/8" = 1'-0"

Site Walls for 82 Camino Del Mar, Inverness, CA
 Owner: Louis A Williams
 1016 Grand Street
 Alameda, CA 94501
 Drawing: A-10
 Drainage Plan
 Date: Revised 03/26/2001

EXHIBIT NO. 9
 APPLICATION NO. 1-94-38 A
 Williams
 Drainage plan

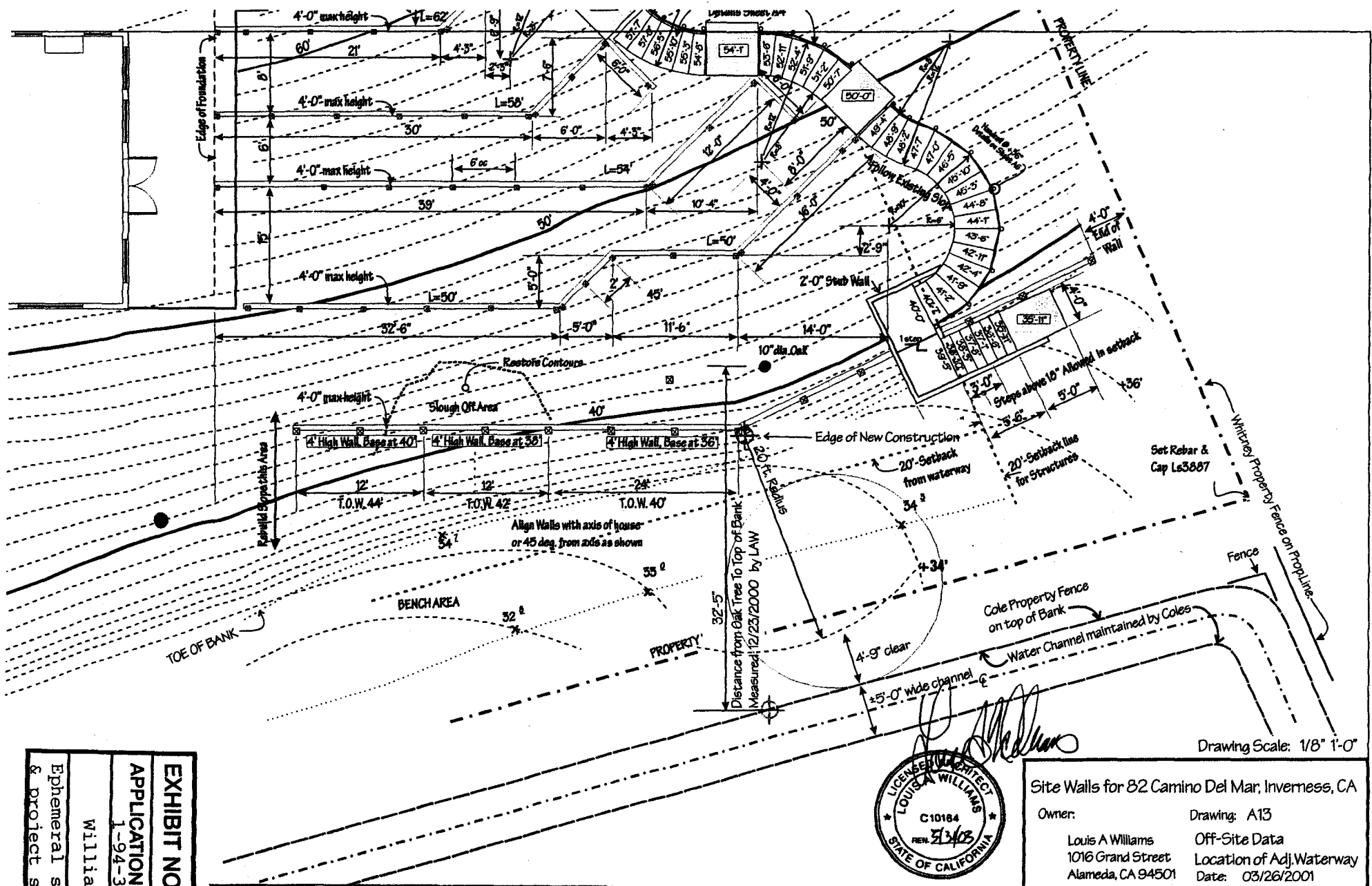
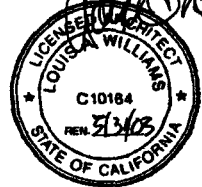


EXHIBIT NO. 10
APPLICATION NO. 1-94-38 A
 Williams
 Ephemeral stream
 & project site



Drawing Scale: 1/8" = 1'-0"
Site Walls for 82 Camino Del Mar, Inverness, CA
 Owner: Louis A Williams
 1016 Grand Street
 Alameda, CA 94501
 Drawing: A13
 Off-Site Data
 Location of Adj. Waterway
 Date: 03/26/2001