



## CALIFORNIA COASTAL COMMISSION

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Date Filed: March 4, 2002  
49<sup>th</sup> Day: April 22, 2002  
180<sup>th</sup> Day: August 31, 2002  
Staff: KJB-SF  
Staff Report: March 23, 2002

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION FILE NO.:** 2-01-016

**APPLICANT:** Inverness Yacht Club

**PROJECT DESCRIPTION:** Remodeling and rebuilding of front entrance staircase and 2<sup>nd</sup> floor porch. Repair and upgrading of foundation on north side. Removal of four concrete pier footings, and installation of five new concrete footings to support new rear staircase. Addition of a disabled access lift and remodeling of interior space used for a day room on the ground floor. Upgrading of electrical service.

**PROJECT LOCATION:** 12850 Sir Francis Drake Blvd., Inverness, Marin County.  
(See Exhibit 1)  
APN 112-151-022

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit File 2-00-001

**SUMMARY OF STAFF RECOMMENDATION**

The Inverness Yacht Club proposes to replace a rear stairway, located on the Tomales Bay side of its two story clubhouse. The supporting wooden posts of the stairway and their concrete pier footings are in an advanced state of disrepair due to long term water exposure from tidal action and weathering. As part of the construction, the applicant proposes to replace the four concrete pier footings that support the current staircase, with five new concrete pier footings along with vertically extending the eight concrete foundation footings located on the north side of the building. The applicant further proposes to replace the rotting front deck and staircase located

on the Sir Francis Drake Blvd. facing side of the building, as well as adding an elevator lift for disabled access within the current footprint of the front deck and stairway. The applicant also proposes to remodel the interior and upgrade the electrical service. The current footprint of the clubhouse building, and both its exterior front and rear deck and stair structures would not be expanded by this work, particularly that portion of the rear deck located over water. The location where the concrete footing work would be conducted is not in an environmentally sensitive habitat area, but it is subject to tidal action. Therefore, in order to minimize the effects of construction on the local marine life, the staff recommends the Commission approve the project with a special condition specifying the complete and lawful removal of all construction related debris from the waters of Tomales Bay.

## **1.0 STAFF RECOMMENDATION**

### **1.1 Motion**

*I move that the Commission approve Coastal Development Permit No. 2-01-016 pursuant to the staff recommendation.*

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.

### **1.1 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.

## **2.0 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.

### 3.0 SPECIAL CONDITIONS

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

1. Debris. All construction debris shall be removed from the site and disposed of in a lawful disposal site. Any floating debris entering the tidal waters of Tomales Bay shall be retrieved and lawfully disposed of.

### 4.0 FINDINGS AND DECLARATIONS

#### 4.1 Project Description and Location

The approximately three-acre property is located on the west shore of Tomales Bay at Inverness, in Marin County (Exhibits 1 and 2). Current on-shore site development consists of a single 90 year old, two-story wood framed structure, along with a pier that extends several hundred feet into Tomales Bay. There is also an existing graded parking area with 20 parking spaces, and a dry boat storage area (Exhibits 3 and 4). The number of parking spaces will remain the same after construction.

The four concrete pier footings that support the rear staircase support beams have significantly deteriorated due to long term tidal action and weathering. The lower portions of the wooden support posts that rest upon these concrete pier footings also clearly show signs of significant water damage and rotting due to weathering exposure (Exhibit 7). The applicant proposes to remove the four decaying concrete pier footings, and to install five new concrete pier footings. The five new footings would have a combined footprint of 7.7 square feet, while the four old footings have a combined footprint of 12.75 square feet. This results in a net loss of approximately 5 square feet of concrete fill material from the tidal area. The rotting wooden posts along with all the wooden decking and stairs would be replaced with water resistant, pressure treated wood (Exhibits 5 and 6).

To remove the concrete pier footings, the contractor intends to lay down a plywood walkway on the mudflat and hand dig the concrete footings out with pick and shovel. A small hoist and come-along would be used to lift the footings out of the mud. Should any concrete footings break during the removal process, the applicant proposes to remove every remaining piece following the same process. The concrete footing removal work would be done over two days during low tide. The form building and concrete pouring work would also be done over a two day period, with the form building and first concrete pour being done on the first day, and the second concrete pour to grade above ground on the next day's low tide.

The north side foundation work consists of vertically extending the eight existing concrete footings flush with the underside of the building's frame (Exhibit 8). No excavation work is involved in this process.

The west side deck and staircase replacement consists of removing the old deck and staircase, and replacing them with a new, pressure treated wood deck and staircase. The disabled lift will fit within the footprint of the new deck/staircase structure. An approximately 6-foot-long concrete disabled access ramp would also be built, leading from the ground level to the first floor lift (Exhibit 9).

## 4.2 Coastal Act Issues

### 4.2.1 Fill in Coastal Waters

The Coastal Act defines fill as including “earth or any other substance or material...placed in a submerged area.” The proposed project includes the replacement of existing pier footings and would result in an approximately 5 square-foot reduction of fill in open coastal waters.

Section 30233 of the Coastal Act addresses the placement of fill within coastal waters. Section 30233(a) provides as follows, in applicable part:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

...

*(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities, and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities...*

...

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...*

The above policies set forth a number of different limitations on what fill projects may be allowed in coastal waters and environmentally sensitive habitat areas. For analysis purposes, the limitations can be grouped into three general categories or tests. These tests are:

- a. that the purpose of the project is limited to one of eight uses;
- b. that the project has no feasible less environmentally damaging alternative; and
- c. that adequate mitigation measures to minimize the adverse impacts of the proposed project on habitat values have been provided.

The proposed project meets the criteria of Section 30233 of the Coastal Act, as the purpose of the project, repairing “boating facilities,” is an allowable use for fill pursuant to Section 30233(a)(4).

Moreover, the proposed project would result in a slight reduction in fill associated with the yacht club's deck

No feasible alternatives to the proposed fill related aspect of this project have been identified. The no project alternative would eventually result in the further deterioration of the rear staircase supports, to the degree that a catastrophic collapse of the staircase would be likely. No other alternatives for repairing the existing structures have been identified that would involve less fill.

No direct significant impacts of the project as proposed have been identified. The area to receive fill is generally mud, with no discernable vegetation. Although some benthic organisms such as barnacles that attach to the four existing concrete pier footings, would be displaced by their removal, this loss would be mitigated by the creation of additional habitat for barnacles and other species on the added vertical fill created by the five new concrete pier footings. Furthermore, the proposed project would result in a reduction of fill. Therefore, the Commission finds that no additional mitigation is required for the loss of habitat area to be covered by the fill.

The Commission thus finds that the project is an allowable use for fill of coastal waters, that there is no feasible less environmentally damaging alternative, and that adequate mitigation for the minor impacts associated with the new fill would be provided. In addition, the Commission finds that the project would maintain the functional capacity of the Tomales Bay estuary. Therefore, the Commission finds that the proposed development is consistent with Section 30233 of the Coastal Act.

#### **4.2.2 Water Quality/Marine Resources**

The Coastal Act protects marine resources, including water quality, as cited below:

##### **Section 30230**

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

##### **Section 30231**

*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.*

Section 30232

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

Since the removal of the four concrete footings will be conducted during low tide, the impact on local waters will be minimal, with only a slight possible increase in turbidity. No toxic materials will be introduced that could adversely affect water quality within the bay, as only inert concrete footings are being removed, along with any pieces that may break off during the removal process.

The applicant proposes to use non-toxic, pressure treated lumber for the deck and staircase replacement materials. Standard concrete will be used for the pier footing replacement and foundation footing extension work. Nevertheless, the project could have an adverse impact on the water quality of Tomales Bay if construction debris were allowed to enter the water. In addition, any floating debris that becomes loose on the water could pose a navigation hazard to boaters. Therefore, the Commission attaches **Special Condition No. 1**, which requires all construction related debris to be promptly and lawfully disposed of, including any floating debris that enters the water.

The Commission finds that the proposed project, as conditioned, will not adversely affect the quality of coastal waters. Therefore, the Commission finds that the proposed project is consistent with Sections 30230, 30231, and 30232 of the Coastal Act.

**4.2.3 Visual Resources**

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect public views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

This project will not result in any blockage of public views to Tomales Bay, as the fill related part of the project is below the level of the land between Sir Francis Drake Boulevard and the Bay. The remodeling of both the front deck/staircase and rear deck/staircase will result in no significant increase of the current physical and visual footprint of the existing building. The disabled lift has been designed to fit within the current front porch footprint. The project, therefore, is consistent with Section 30251, as it is designed to protect views to and along Tomales Bay, does not alter natural land forms, is visually compatible with the character of surrounding areas, and enhances the visual quality of the marina area.

#### **4.2.4 California Environmental Quality Act**

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

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

#### **Exhibits**

1. Regional Location Map
2. Site Location Map
3. Site Detail Map
4. Site Plan
5. West Entrance Plan
6. East Deck/Staircase Plan
7. Photo of East deck/staircase/footings
8. Photo of North side concrete foundation footings
9. Photo of West front deck/staircase

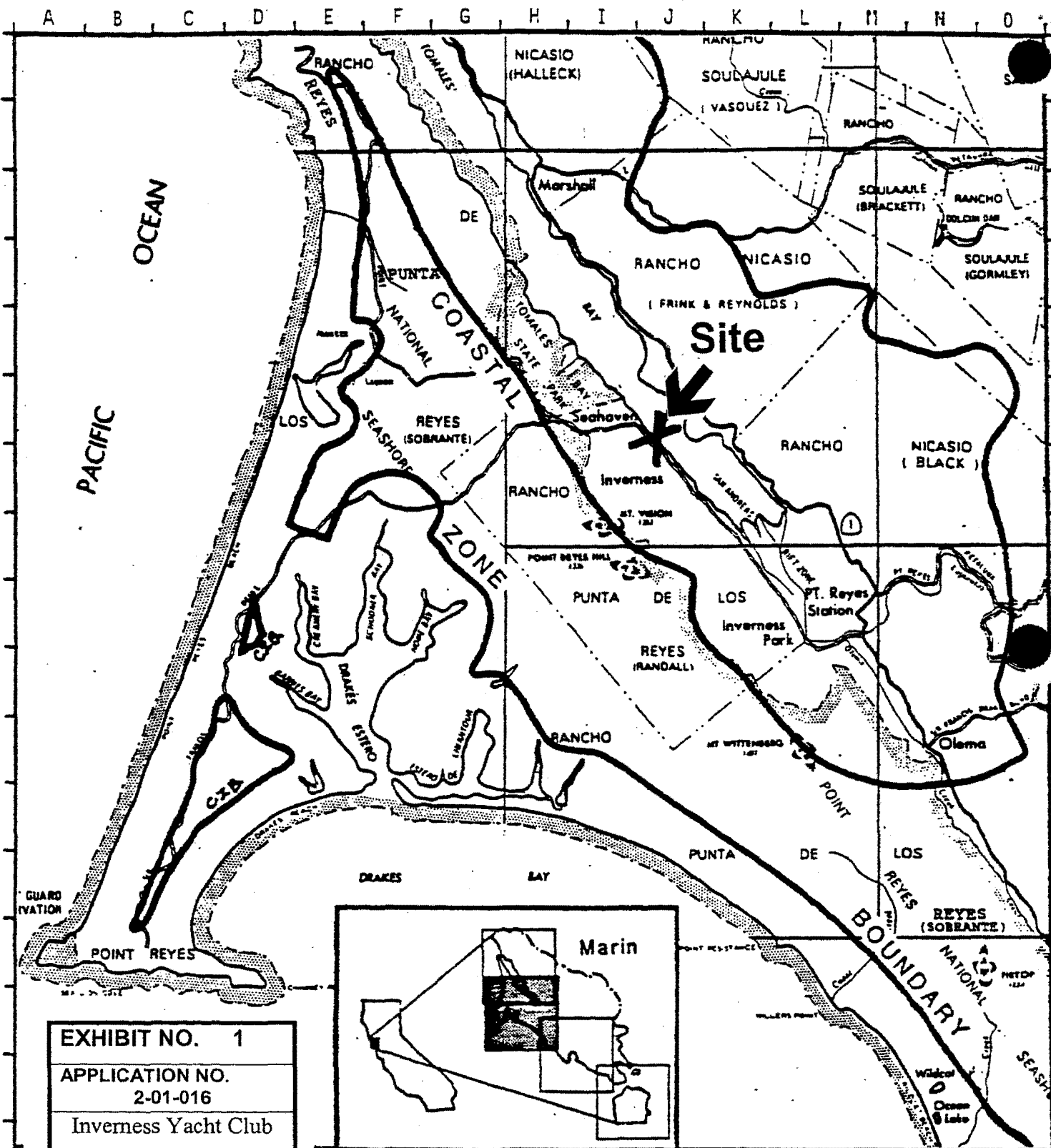
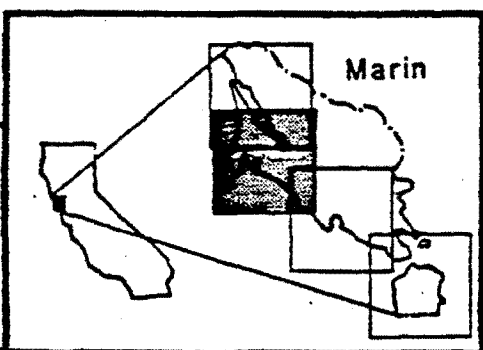


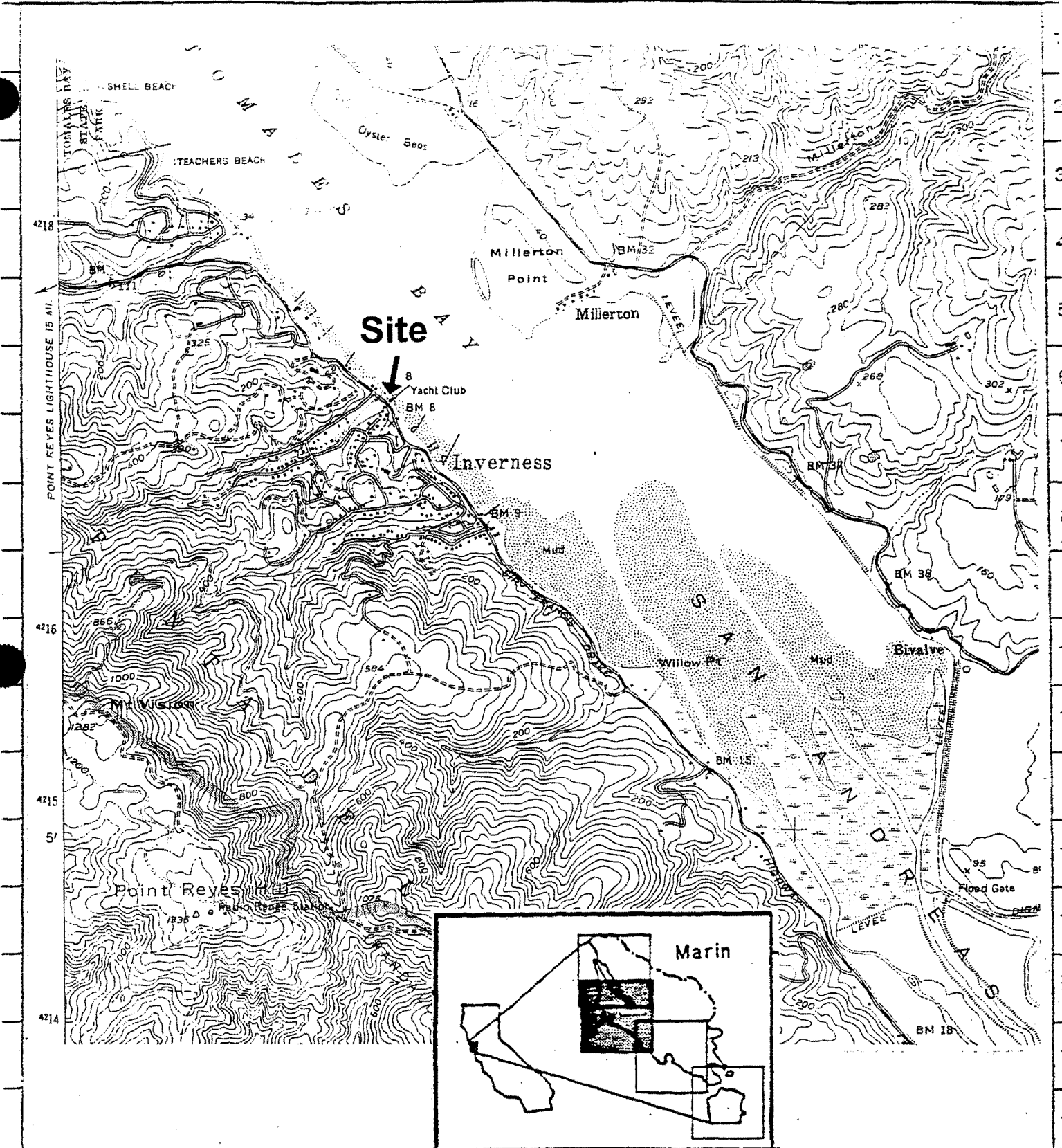
EXHIBIT NO. 1
APPLICATION NO. 2-01-016
Inverness Yacht Club
Regional Location



**LOCATION MAP**







**Site Location Map**  
**Inverness Yacht Club**  
**12850 Sir Francis Drake Blvd.,**  
**Inverness, California**

DATE \_\_\_\_\_ REVISED \_\_\_\_\_

<b>EXHIBIT NO. 2</b>
APPLICATION NO. 2-01-016
Inverness Yacht Club
Site Location

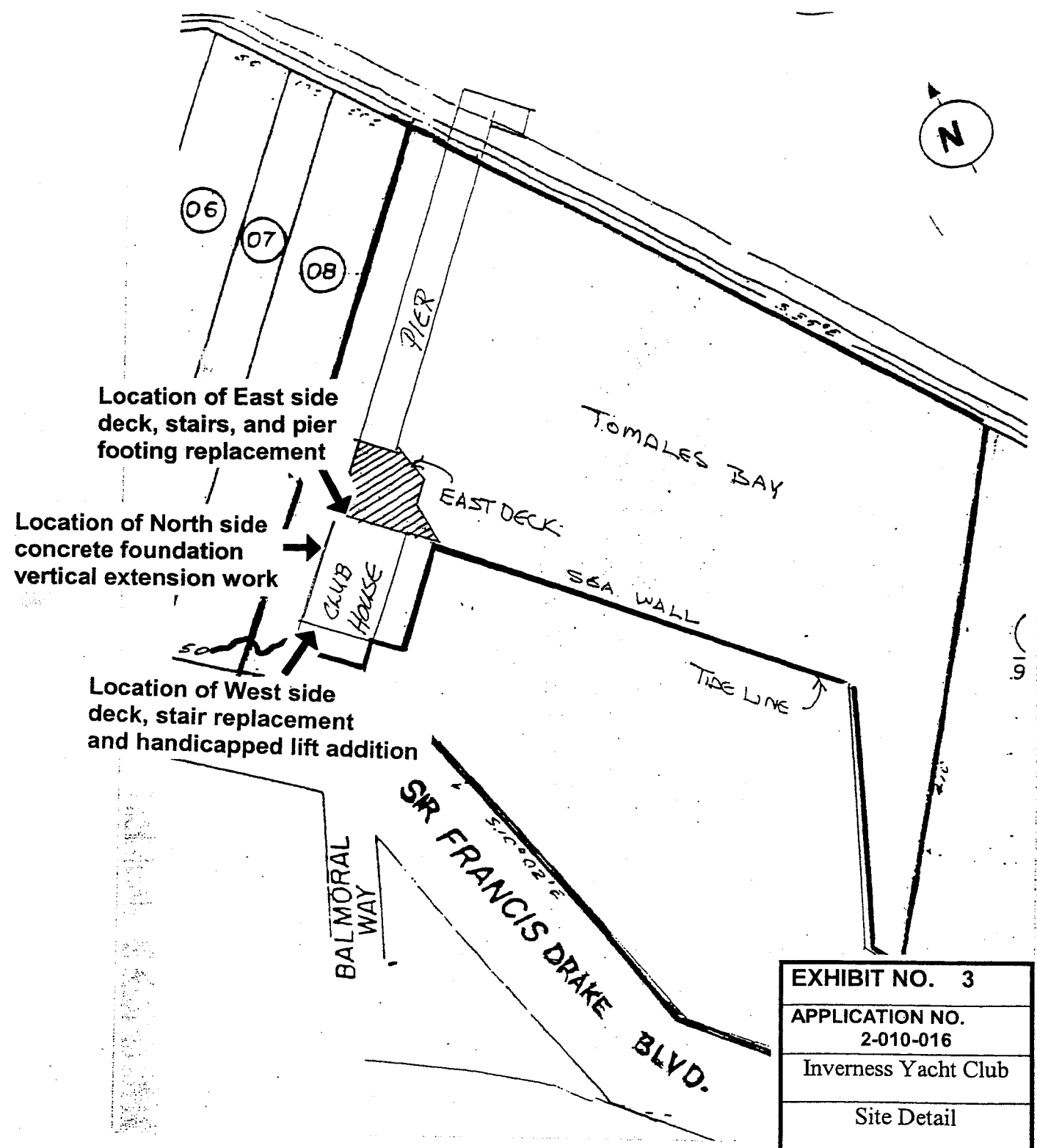


EXHIBIT NO. 3
APPLICATION NO. 2-010-016
Inverness Yacht Club
Site Detail

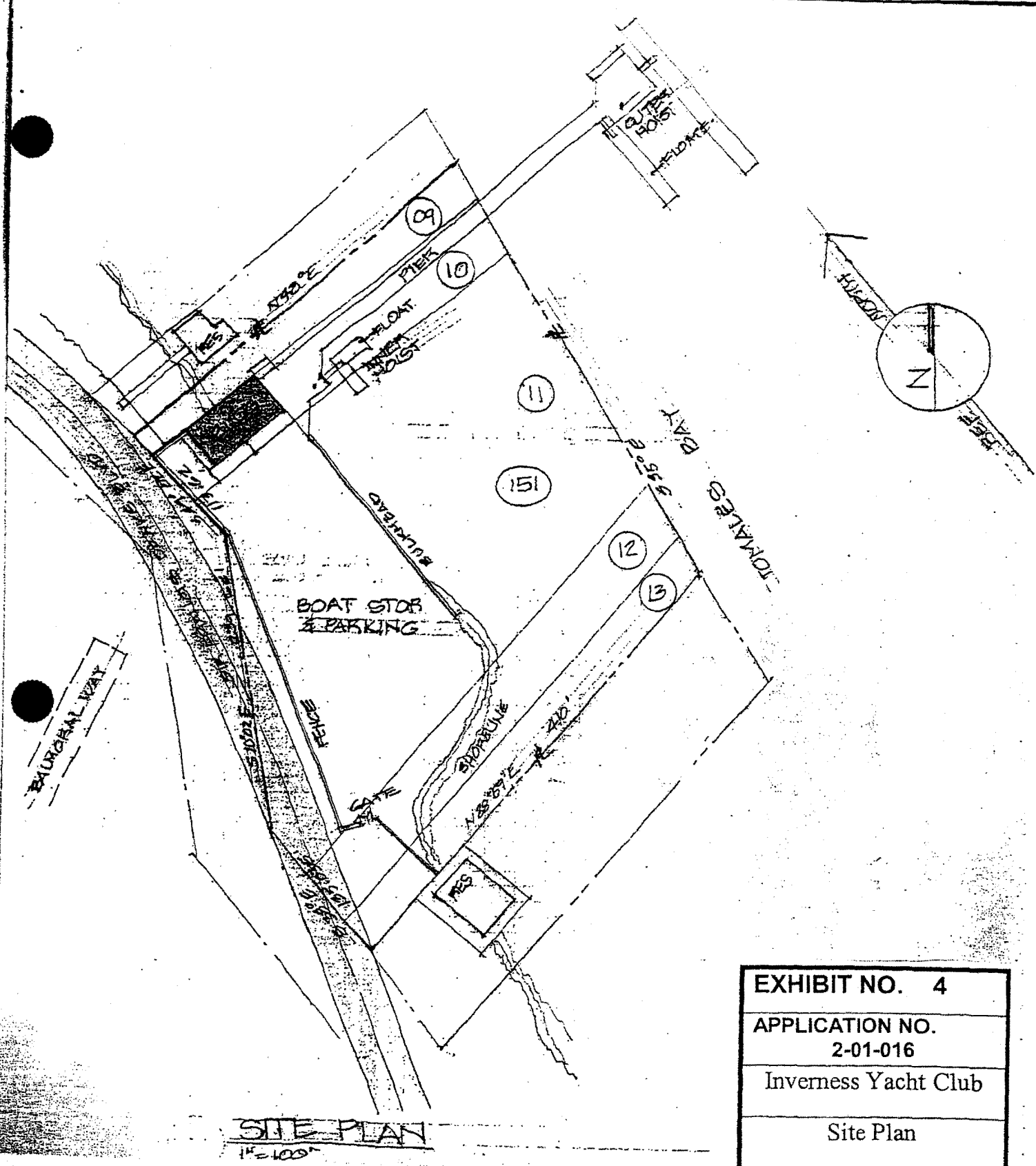
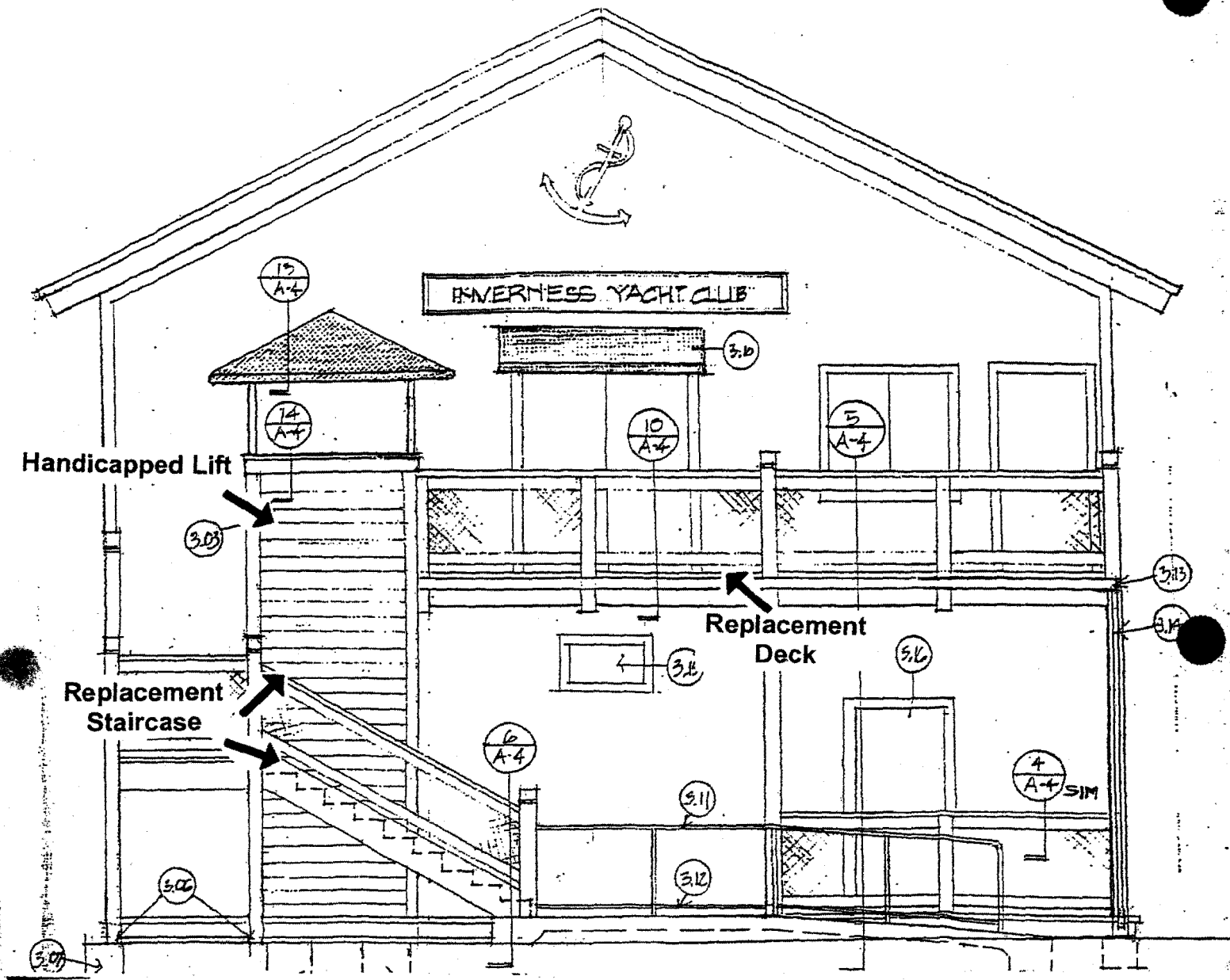


EXHIBIT NO. 4
APPLICATION NO. 2-01-016
Inverness Yacht Club
Site Plan



<b>EXHIBIT NO. 5</b>
<b>APPLICATION NO.</b> 2-01-016
Inverness Yacht Club
West Entrance Section

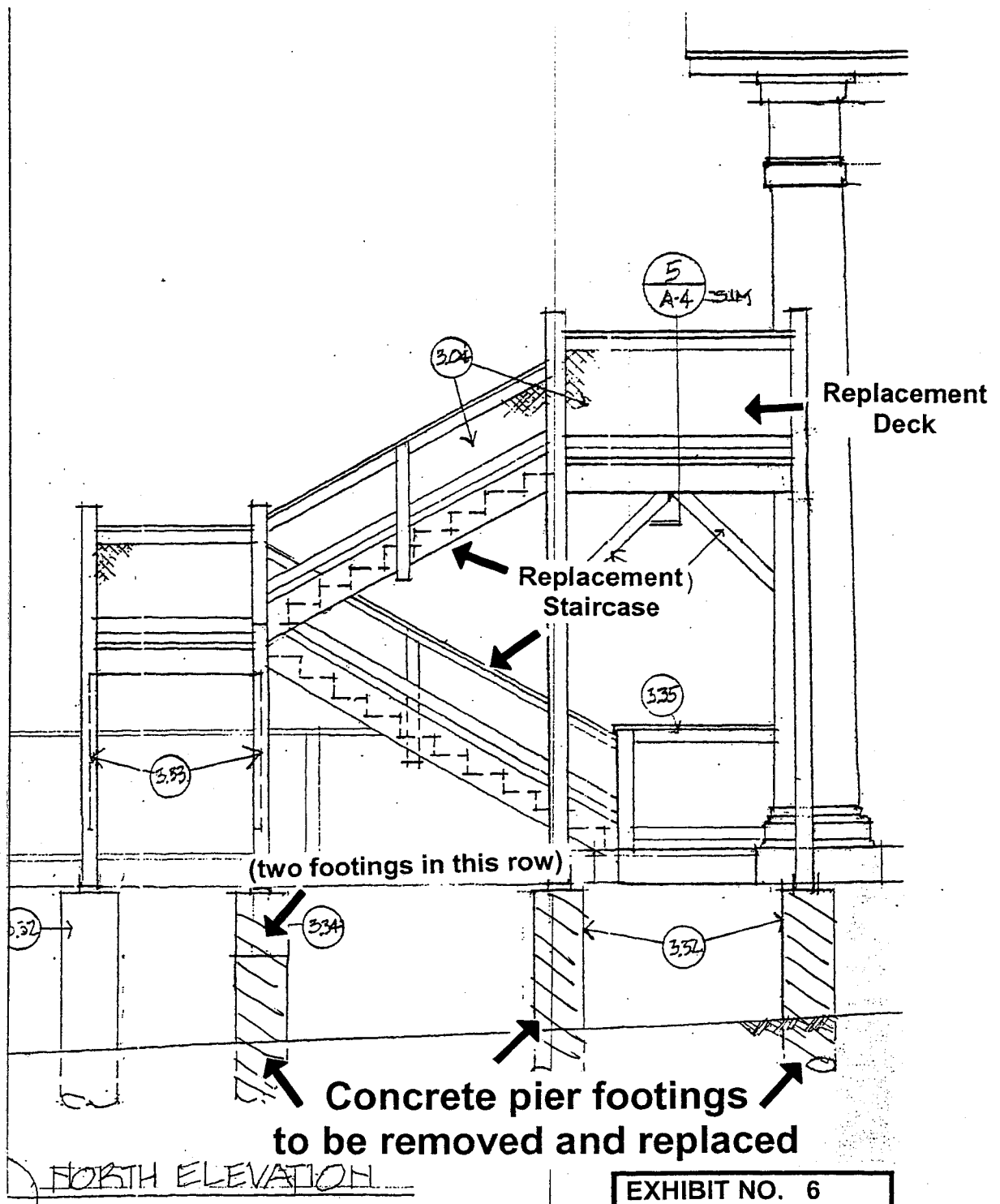


EXHIBIT NO. 6
APPLICATION NO. 2-01-016
Inverness Yacht Club
East Deck/Staircase Section



**YACHT CLUB**

**East deck and staircase to be replaced**

<b>EXHIBIT NO. 7</b>
<b>APPLICATION NO.</b> 2-01-016
<b>Inverness Yacht Club</b>
<b>Photo of East deck/staircase/footings</b>

**Pier footings to be removed and replaced**

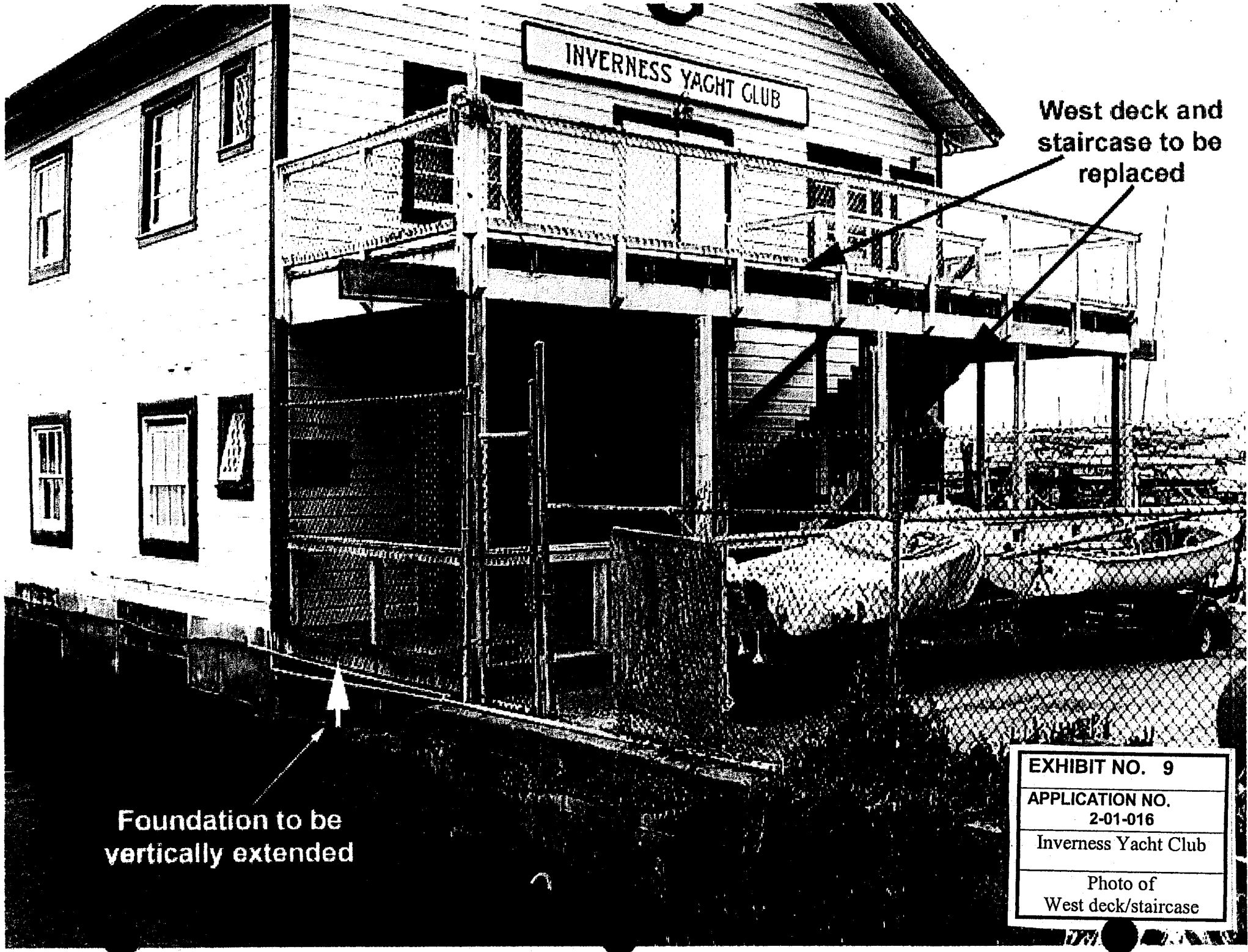
**Rotting wood support posts**



**Areas where concrete pier  
footings will be vertically extended**

**NOTE: No excavation  
will occur in this area**

<b>EXHIBIT NO. 8</b>
<b>APPLICATION NO. 2-01-016</b>
<b>Inverness Yacht Club</b>
<b>Photo of North side foundation</b>



INVERNESS YACHT CLUB

West deck and staircase to be replaced

Foundation to be vertically extended

EXHIBIT NO. 9
APPLICATION NO. 2-01-016
Inverness Yacht Club
Photo of West deck/staircase