CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

APPLICATION FILE NO.: 2-02-007

RECORD PACKET COPY

APPLICANTS:

PROJECT DESCRIPTION:

Joachim & Nancy Bechtle

Construction of a 1,899-square-foot, 16-foot-high singlefamily residence, an 84-square-foot storage unit, a gravel driveway and parking area, a wooden deck, a sand filter septic system, fencing, and landscaping on a 7,500-squarefoot lot.

PROJECT LOCATION:293 Seadrift Road, Stinson Beach, Marin County
APN 195-320-24

LOCAL APPROVALS: Marin County Design/Architectural Review

SUBSTANTIVE FILE DOCUMENTS:

A Geotechnical Investigation for the Proposed Residence on the Bechtle Property, 293 Seadrift Road, Stinson Beach, California. PGSoils, Inc. March 4, 2002.

1.0 EXECUTIVE SUMMARY

The applicants propose to construct a 1,899-square-foot single-family residence, an 84-squarefoot storage unit, a 456-square-foot gravel driveway/parking area, a 767-square-foot paved parking area, a 1,091-square-foot wooden deck overlooking Seadrift Lagoon, a sand filter septic system, fencing, and landscaping on a 7,500-square-foot lot. Commission staff recommends approval of the permit with conditions to mitigate impacts related to geologic hazards and polluted runoff.

STAFF NOTE

The proposed project is located in the Seadrift Lagoon Subdivision of Stinson Beach in Marin County (Exhibit 1, Regional Map & Exhibit 2, Vicinity 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.

2.0 STAFF RECOMMENDATION

The staff recommends conditional approval of Coastal Development Permit Application No. 2-02-007.

Motion: I move that the Commission approve Coastal Development Permit Application No. 2-02-007, subject to the conditions specified below.

Staff Recommendation of Approval

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

Resolution

The Coastal Commission hereby **grants** permit No. 2-02-007, subject to the conditions below, for the proposed development on the grounds that (1) the development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and (2) there are no feasible alternatives or feasible mitigation measures other than those specified in this permit that would substantially lessen any significant adverse impact that the activity may have on the environment.

2.1 Standard Conditions

- 1. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

2.2 Special Conditions

- 1. Assumption of Risk, Waiver of Liability and Indemnity.
 - A. By acceptance of this permit, the applicant acknowledges and agrees:

- 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 applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Construction Period Erosion Control.

- A. *Prior to the issuance of the coastal development permit*, the applicant shall submit, for the review and approval of the Executive Director, an erosion control plan to prevent the transport of sediment from the project site into Seadrift Lagoon. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff, and retain sediment on-site during construction. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and ensure the application of nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to Seadrift Lagoon. The Erosion Control Plan shall include, at a minimum, the Best Management Practices 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. <u>Chemical Control</u>
 - 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 permittee shall be fully responsible for advising construction personnel of the requirements of the approved Erosion Control Plan.
- C. The permittee shall undertake development in accordance with the approved Erosion Control Plan. No proposed changes to the approved Erosion Control Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- 3. Post-Construction Stormwater Pollution Prevention Plan.
 - A. *Prior to issuance of the coastal development permit*, the applicant shall submit, for the 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 storm water leaving the developed site after completion of construction. The runoff control plan shall demonstrate that runoff from the project shall be prevented from entering Seadrift Lagoon. The Post-Construction Polluted Runoff Prevention Plan shall, include at minimum, the BMPs specified below:

- a. Collect and discharge runoff from all roofs, decks, and other impervious surfaces and slopes on the site to avoid ponding or erosion either on or off the site.
- b. Eliminate downspouts located within 30 feet of Seadrift Lagoon.
- c. Splashguards shall be installed at the base of all downspouts.
- d. Native or non-invasive drought-tolerant adapted vegetation shall be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.
- e. The final site plan shall show the finished grades and the locations of the drainage improvements, including downspouts and splashguards
- **B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- 4. Conformance of Design and Construction Plans to Geotechnical Report Geologic Hazard
 - A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the section titled Recommendations of the Engineering Geologic Report prepared by PGSoils, Inc. and dated March 4, 2002. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
 - **B**. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

3.1 Project Location

The project site is located at 293 Seadrift Road on the filled portion of the sand spit between Seadrift Road and Seadrift Lagoon in Stinson Beach, Marin County. Seadrift Lagoon is an artificially created interior lagoon located between Dipsea and Seadrift Roads. The Seadrift area is a privately maintained, gated community. The parcel is approximately 125 feet long and 60 feet wide, totaling 7,500 square feet (Exhibit 3, Assessor Parcel Map). As with all of the properties located adjacent to Seadrift Lagoon, an existing wooden bulkhead borders the lagoon side of the project site. The bulkhead is approximately three feet high and consists of wooden posts and lagging (Exhibit 4, Site Photograph).

Existing wooden steps and a deck lie at the far end of the parcel that abuts Seadrift Lagoon. An existing wooden ramp and dock extend from the deck out over the lagoon. The remaining area of the project site is covered with ice plant, shrubs or exposed soil. The site is underlain by relatively uniformly graded, slightly silty fine to medium sand with a minor amount of gravel and shells. The property is bordered on the south by Seadrift Road, the north by Seadrift Lagoon, the east by a vacant lot and the west by an existing residence.

3.2 Project Description

The applicants propose to construct a 1,899-square-foot, 16-foot-high single-family residence, an 84-square-foot attached storage unit, a 456-square-foot gravel driveway/parking area, a 767 square-foot paved parking area, a 1,091-square-foot wooden deck overlooking Seadrift Lagoon, a sand filter septic system, fencing, and landscaping on a 7,500-square-foot lot (Exhibit 5, Site Plans & Elevations). The proposed house and decking would cover a total of 3,230 square feet of the lot. The proposed septic system consists of a 1,500-gallon concrete septic tank, 810-gallon pump chamber, leach lines, a sand filter, and leach fields.

3.3 Coastal Act Issues

3.3.1 Hazards

Section 30253 states in relevant part:

New development shall:

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

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

PGSoils, Inc. completed a geotechnical investigation, dated March 4, 2002, which was submitted as part of the project file documents.¹ The report notes that the project is located approximately a half of a mile east of the active San Andreas Fault Zone. In this area the underlying materials are loose to medium dense sands that are saturated below a depth of about six feet. The potential for

¹ A Geotechnical Investigation for the Proposed Residence on the Bechtle Property, 293 Seadrift Road, Stinson Beach, California. PGSoils, Inc. March 4, 2002.

liquefaction of these soils below the level of the round water is considered to be moderate to high. The report states "strong violent ground shaking must be expected at the site from significant seismic activity emanating from this fault zone during the life of the proposed structure."

The report concludes that because the area is relatively close to the epicenter of the 1906 earthquake, it is probable that another strong earthquake could occur in the area during the life of the proposed structure. A similar large earthquake in the site area could cause significant damage to the house and its contents. To mitigate the geotechnical risk to the project, the report specifies design measures for soil preparation, foundation design, and construction inspection. The report concludes that although it will probably not be practical to construct a foundation and framing system at this site that could withstand the shaking during such a major seismic event such as the 1906 earthquake, "it will be feasible to design a structure with a modest foundation system that will provide adequate support during most small to moderate earthquakes."²

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 Commission imposes **Special Condition 4**, which requires that the final design and construction plans, including foundations, grading and drainage plans conform to the geotechnical consultant's recommendations. However, because the applicants propose development on a geologically hazardous site, the Commission imposes **Special Condition 1**, which requires the landowner to assume the risks of any losses associated with the proposed development due to seismic, geologic, and geotechnical hazards of the property, waive any claim of liability on the part of the Commission for such losses, and indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards.

The Commission finds that **Special Condition 1** is required because the 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.

3.3.2 Erosion and Polluted Runoff

Coastal Act Section 30231 states:

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

The project site is nearly level and underlain by relatively uniformly graded slightly silty fine to medium sand with a minor amount of gravel and shells. The soil is in a loose to medium dense condition within the depth range explored under the geotechnical investigation; the upper soils are the loosest. Seadrift Lagoon borders the project site to the southwest. However, the existing bulkhead prevents runoff from the site from directly entering the lagoon. Rather, surface runoff in the project area tends to percolate into the sandy soil.

The project involves a minimal amount of grading. Approximately seven cubic yards will be excavated for the septic system. All excavated material will be used on site for the leach field and/or removed and disposed at the appropriate facility.

The project will result in temporary site disturbance during construction and will create new impervious surfaces, including roofs, decks, and a gravel driveway, totaling 3,757 square feet. Rainwater from the roofs will be directed via rain gutters to downspouts. Runoff from the proposed decks will reach the ground through the spaces between the decking. To ensure that new impervious surfaces created by the development do not increase surface erosion and sedimentation, Special Condition 2 requires splashguards to be installed at the bottom of all downspouts to prevent erosion at the downspout outlets. Special Condition 2 also requires that all downspouts located within 30 feet of the lagoon be eliminated to protect the lagoon from runoff. In addition, Special Condition 2 requires the applicants to employ best management practices to prevent runoff of sediments from the site during project construction. Special Condition 3 requires that the applicants submit, for the review and approval of the Executive Director, a Post-Construction Pollution Prevention Plan showing final drainage and runoff control measures. Special Condition 3 further requires that the plan be prepared by a licensed engineer, incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of storm water leaving the developed site after completion of construction and that the runoff control plan demonstrate that runoff from the project will not enter Seadrift Lagoon.

Thus, the project as conditioned will not result in significant impacts to coastal water quality either during or post construction. As conditioned, the Commission finds that the proposed development will protect the biological productivity and the quality of Seadrift Lagoon, in conformance with Coastal Act Section 30231.

3.4 California Environmental Quality Act (CEQA)

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

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measures have been imposed to prevent introduction of runoff and sediment into Seadrift Lagoon. 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. Vicinity map
- 3. Assessors Parcel Map
- 4. Site Photograph
- 5. Site plans and elevations















