

CALIFORNIA COASTAL COMMISSION

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Date Filed: August 22, 2002 49th Day: October 10, 2002 180th Day: February 18, 2003

Staff: CLK-SF

Staff Report: August 22, 2002 Hearing Date September 11, 2002

STAFF REPORT: REGULAR CALENDAR

Application No.:

2-02-015

Project Applicant:

David Ferreira

Location:

25375 Steelhead Boulevard, Duncans Mills, Sonoma County

(Exhibit 1)

Project Description:

Construct 2,912-square-foot, 30-foot-high activities center

building

Substantive File

Documents:

Soil Investigation, Duncans Mills Activity Center Building,

Giblin Associates, June 10, 1999.

Summary of Staff Recommendation

Staff recommends approval of a coastal development permit for the proposed activities center building with conditions requiring the applicant to assume the risks associated with seismic and flooding hazards, implement construction period erosion control measures and post-construction polluted runoff control measures, and prohibiting any change in use of the activities center without an amendment to the coastal development permit.

1.0 STAFF RECOMMENDATION

1.1 Motion

I move that the Commission approve Coastal Development Permit No. 2-02-015 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.

1.2 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. <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.

3.0 SPECIAL CONDITIONS

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

- 1. Conformance of Design and Construction Plans to Geotechnical Report
 - A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Soil Investigation Report prepared by Giblin Associates and dated June 10, 1999. 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.

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- 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.
- 2. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (1) that the site may be subject to seismic and flooding hazards; (2) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (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 amounts paid in settlement arising from any injury or damage due to such hazards.

3. Erosion Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, an Erosion Control Plan specifying appropriate Best Management Practices (BMPs) 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 BMPs specified below.

1. Erosion and Sediment Source Control

- a. Clear only areas essential for construction.
- b. 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.
- c. If any cleaning or grading activities are conducted during the rainy season (October 15 through April 30), all BMPs listed in the approved Erosion Control Plan shall be in place prior to October 15 and maintained through April 30.
- d. If sprinkling is used for dust control, application monitoring is required to prevent runoff.
- e. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.

- f. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- g. Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.

2. Chemical Control

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

3. Sediment-Capturing Devices

- a. 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.
- B. The applicant shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan approved by the Executive Director.
- C. The applicant shall undertake development in accordance with the 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 Storm Water Pollution Prevention Plan.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant 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 storm water 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 the Russian River.
 - 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 Storm Water 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 splashguards.

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- 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.
- 5. Future Development Restriction. This permit is only for the development described in Coastal Development Permit 2-02-015. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC Section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 2-02-015 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.
- 6. Recordation. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT
 PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

4.0 Findings and Declarations

4.1 Project Description

The project site is located at 25375 Steelhead Boulevard on the north bank of the Russian River in Duncans Mills, Sonoma County (Exhibit 1). The site is an existing private camping club on approximately 38 acres. Public access to and along the shoreline of the Russian River is provided through the camping club site on existing trails.

The applicant proposes to construct a 2,912-square-foot, 30-foot-high, wood-framed activities center building for the use of club members (Exhibit 2). The building would include a lounge, recreation room, reading room/library, a deck and terrace. The applicant specifies that the proposed activities center would not be used for weddings, festivals or other events that would generate the need for additional wastewater disposal capacity or parking on site, or result in increased traffic.

4.2 Hazards

The project site is within the County F2 Floodplain Zone because it is located within the 100-year floodplain of the Russian River as indicated on the most recent FEMA maps and accompanying report. In addition, the site may be subject to liquefaction and/or densification during an earthquake. As such, the site is subject to high flood and geologic hazards.

The elevation of the ground floor of the proposed building would be 29.5 feet NGVD, which is 1.9 feet above the base flood elevation in conformance with the requirements of Chapter 7B of the Sonoma County Code for development within the F2 District. Pursuant to Special Condition 1, the applicant is required to carry out the project in accordance with the recommendations contained in the site-specific geotechnical report. The Commission therefore finds that as conditioned, the proposed project would minimize the risks to life and property from flood and geologic hazards consistent with the requirements of Coastal Act Section 30253. However, development within the Russian River floodplain and on a site that is subject to liquefaction and/or densification during an earthquake is inherently hazardous and the conditions of the project site severely constrain the mitigation of such inherent hazards. Therefore, a potential risk of hazard to life and property remains.

Because the applicant proposes to undertake development in an inherently hazardous location, the Commission imposes **Special Condition 2**, requiring the applicant to assume the risks of any losses associated with the proposed seawall repairs due to hazards, 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 any hazards associated with the proposed project. The Commission finds that **Special Condition 1** is required because the applicant has voluntarily chosen to implement the project despite the risk of hazards. Therefore, as conditioned, the Commission finds that the proposed project would be undertaken in a manner that minimizes risks to life and property in an area of high flood and geologic hazards and is consistent with Section 30253 of the Coastal Act.

4.3 Water Quality

The project site is located within 200 feet of the Russian River, which provides habitat for several protected species including spawning and rearing habitat for chinook salmon, coho salmon, and steelhead. Runoff from the project site both during and following construction could carry sediments and other pollutants into the river in conflict with the water quality and sensitive habitat protection requirements of Coastal Act Sections 30231 and 30240(b). Special Conditions 3 and 4 therefore require the applicant to submit for the review and approval of the executive director and to implement a construction period erosion control plan and a post-construction polluted runoff control plan. Implementation of the polluted runoff prevention and control measures required by these plans would be sufficient to prevent significant adverse impacts from the proposed development to the quality and biological productivity of the waters of the Russian River. Therefore, the Commission finds that, as conditioned, the proposed development is consistent with Coastal Act Sections 30231 and 30240(b).

4.4 Permitted Use

The applicant specifies that the proposed activities center would serve club members only and would not be used for events such as weddings or festivals. Such uses could result in additional

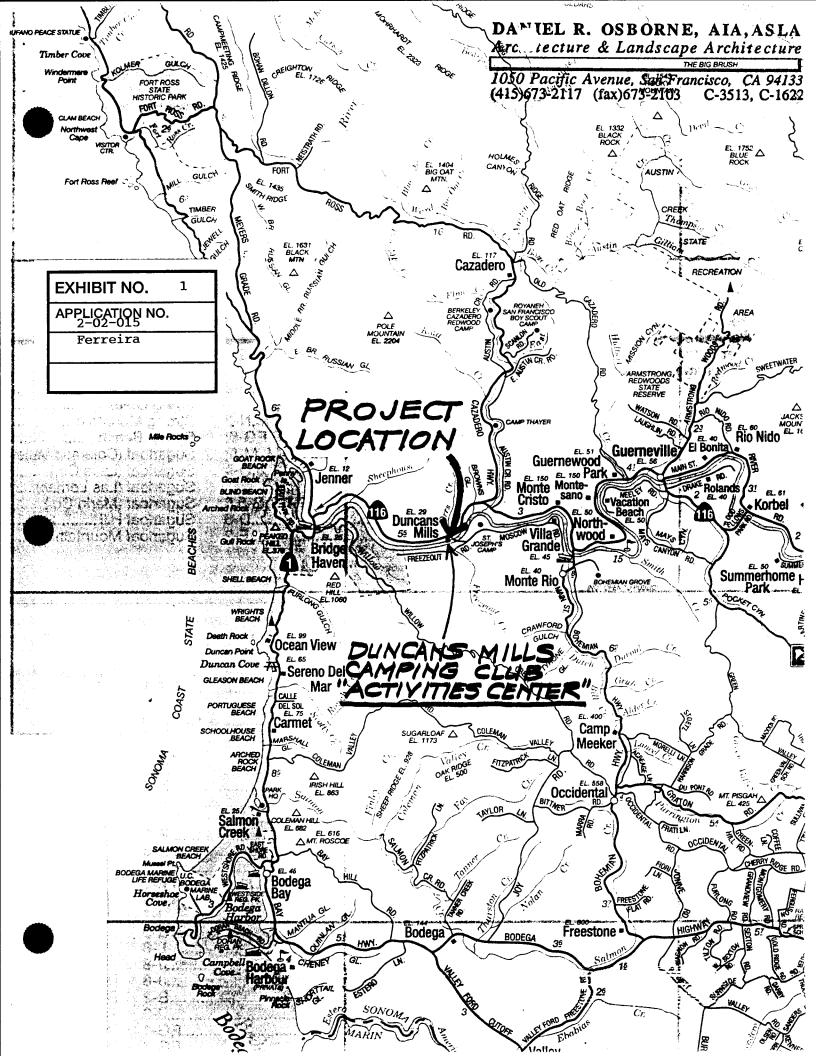
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impacts to coastal resources and coastal access, such as increased load on the club's septic system with potential water quality impacts, or overloading of parking facilities and increased traffic on major coastal access routes in conflict with the public access policies of the Coastal Act. Therefore, **Special Condition 5** specifies that any future development, including a change in the density or intensity of use of the site, shall require Commission review and approval.

4.5 CEQA

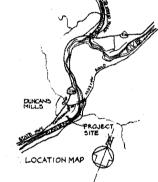
Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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 effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act policies 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. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, and can be found consistent with Coastal Act requirements to conform to CEQA.





Duncans Mills Camping Club Activity Center



CERTIFICATE OF COMPLIANCE

CERTIFICATE OF COMPLIANCE 7 64 '90

Duncans Mills Camping Club
Activity Center
Drawing Index

Architectural

Cover Location Map, General & Code Notes 1. Site Plan

2. Main Floor Plan Mezzanine Floor Plan

4. Sections Elevations, details

6. Elevations, details Interior Elevations

Interior Elevations Details - exterior

10. Details - interior

Structural

S1 General Notes and Typical Details

S2 Framing Plans

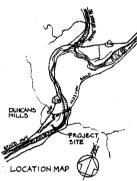
S3 Framing & Foundation Plans S4 Praming & Foundation Details 1

S5 Framing & Foundation Details 2

EXHIBIT NO.

APPLICATION NO. 2-02-015

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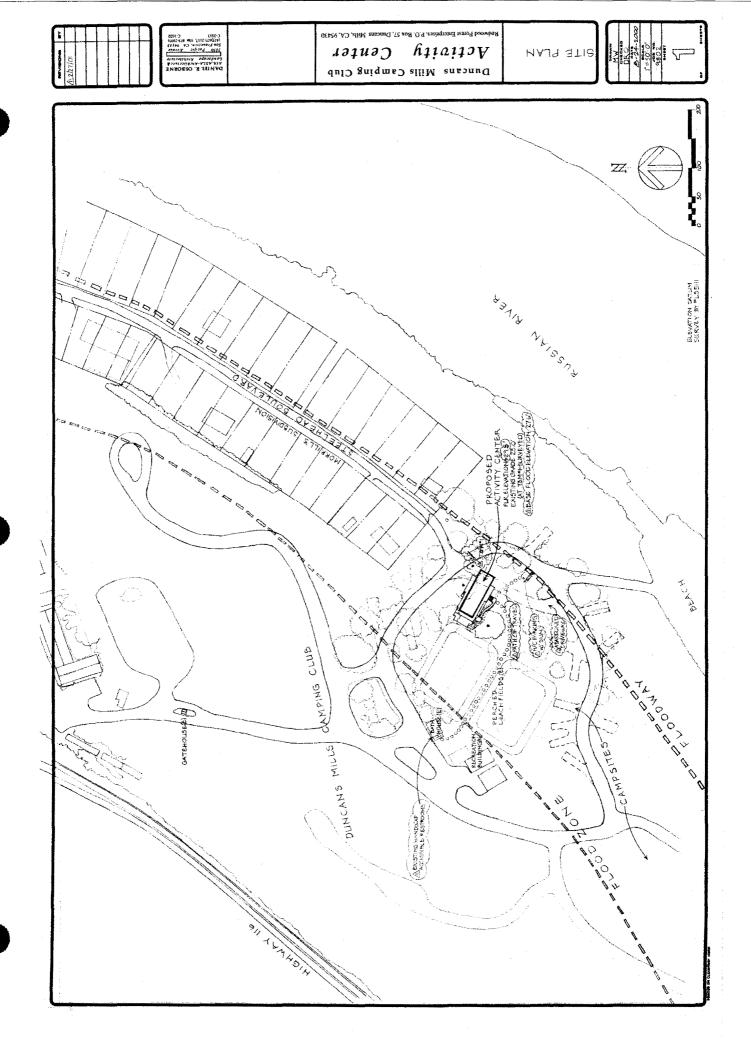
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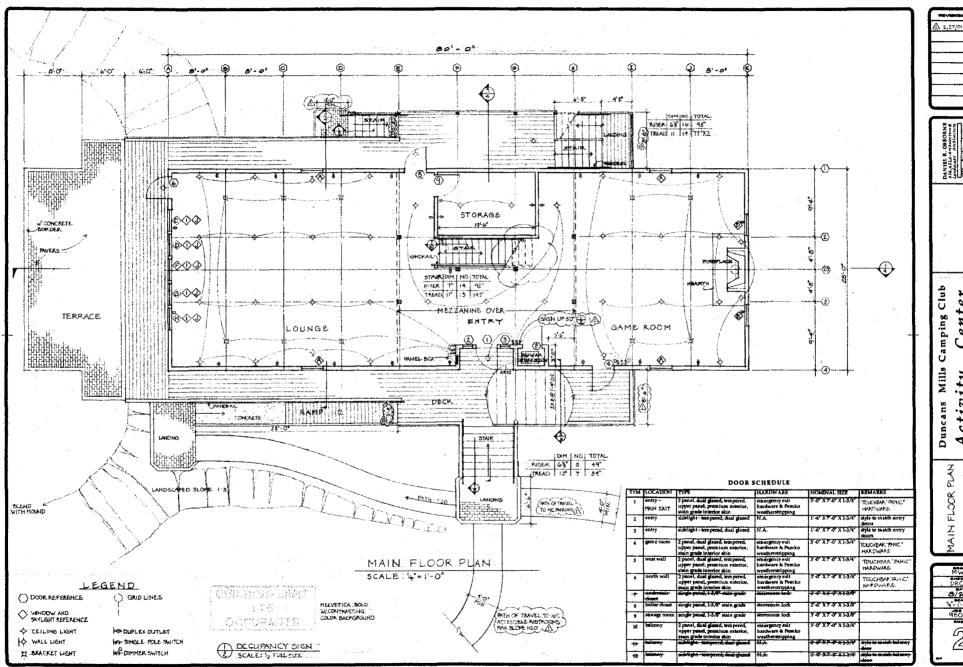
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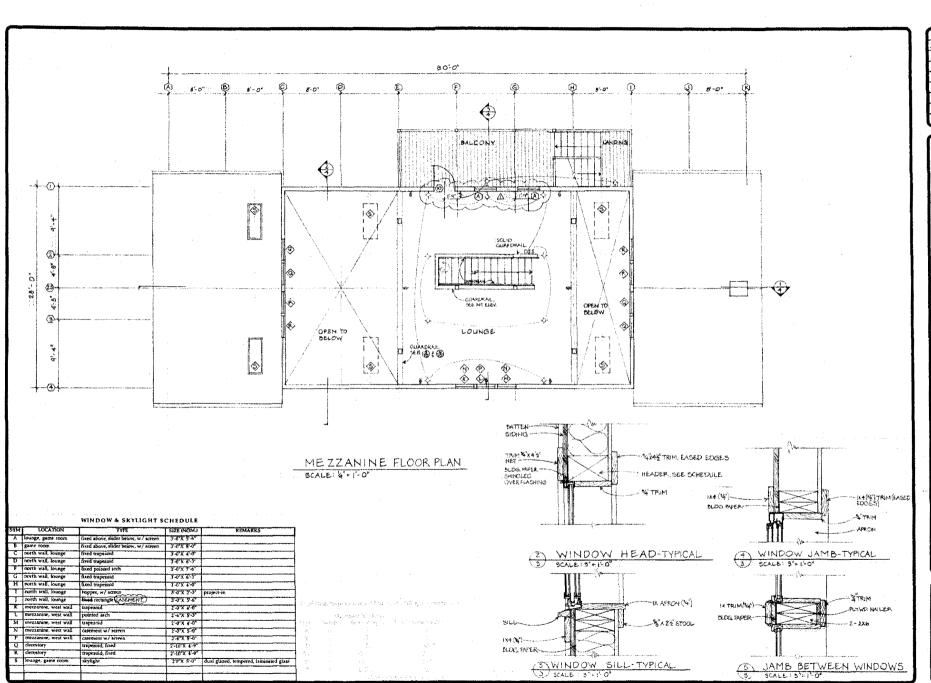


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Duncans ct_1 PLAN SCHEDULE

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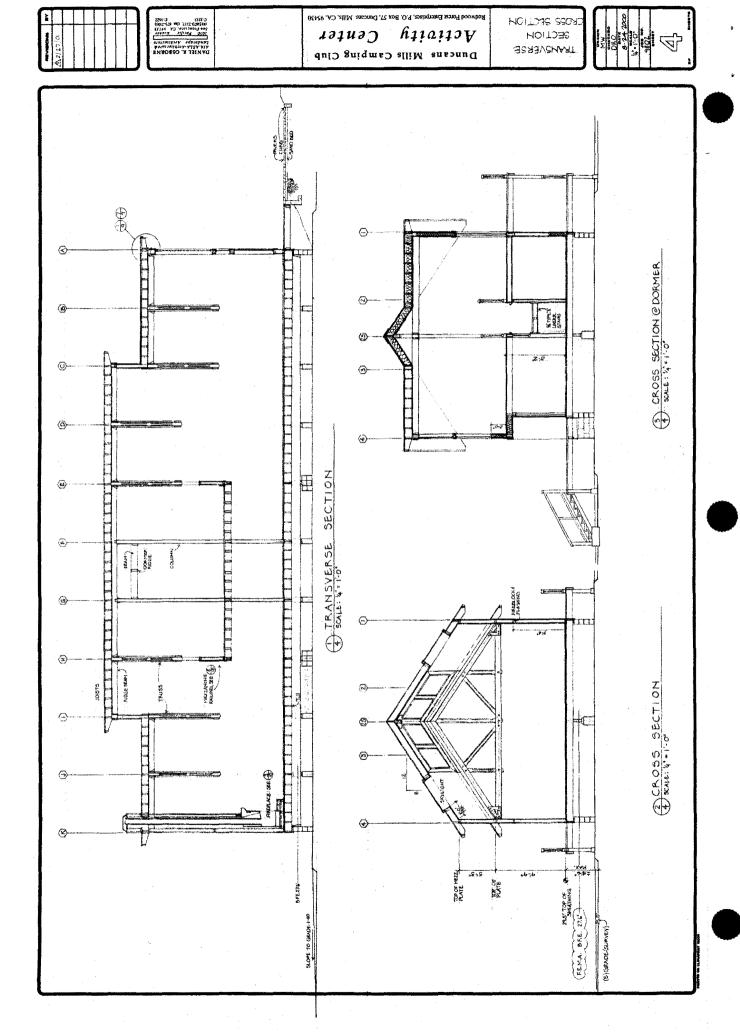
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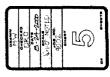


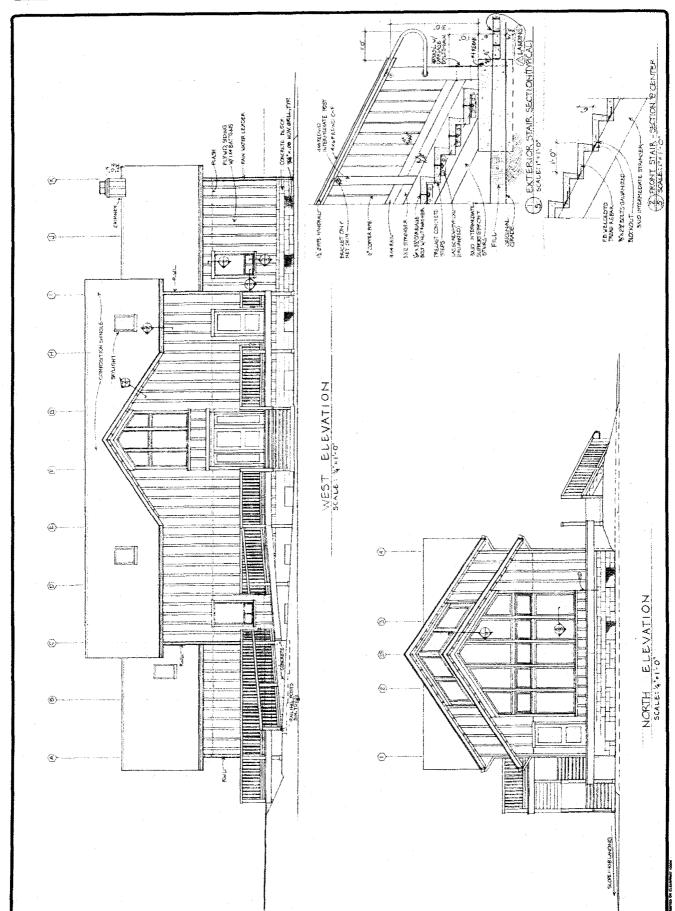
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Duncana Mills Camping Club

SOUTH ELEVATION WEST ELEVATION STIATA DETAILS

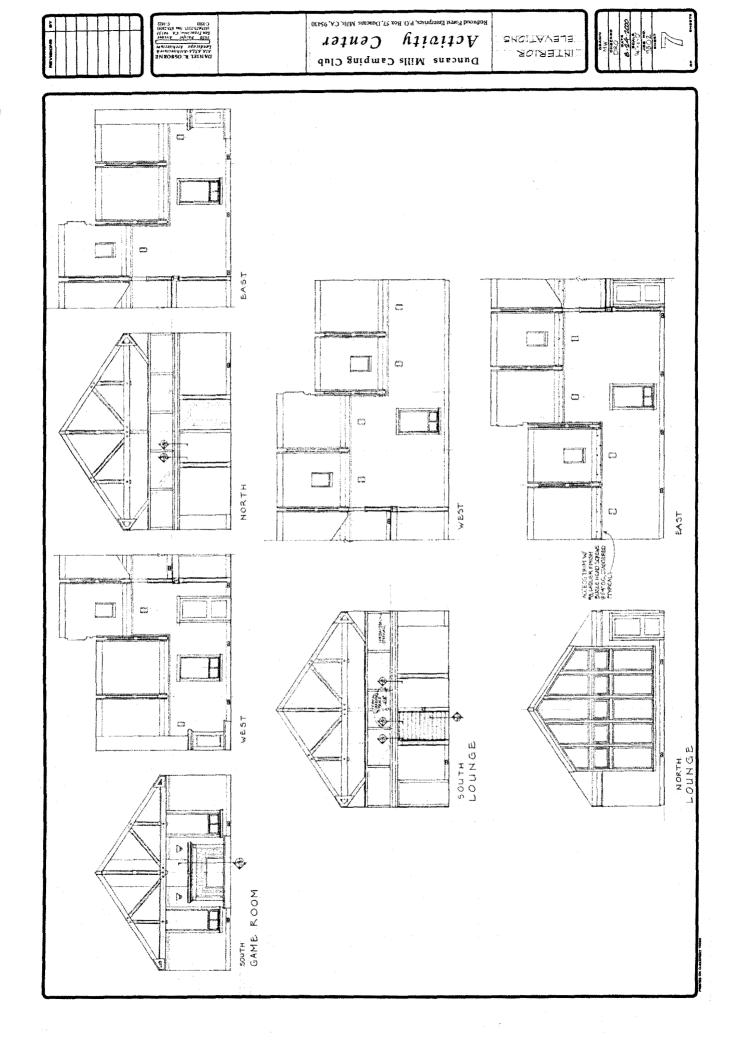


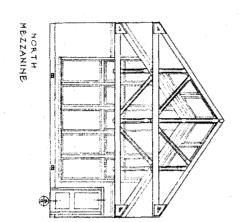


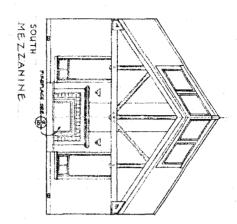
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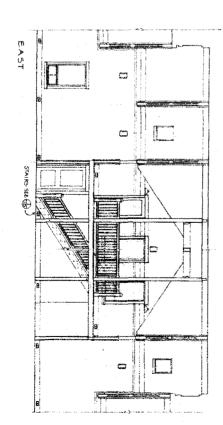
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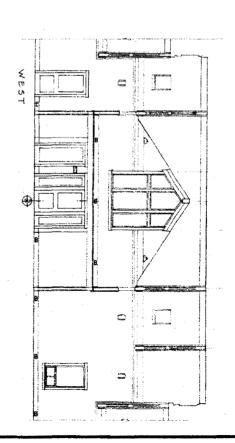
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INTERIOR ELEVATIONS Duncans Mills Camping Club
Activity Center



