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APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-2-MAR-19-0210

Applicant: Tom Basset

Appellant: Commissioners Dr. Caryl Hart and Sara Aminzadeh

Local Government: Marin County

Local Decision: Coastal development permit number P2459 approved with conditions by the Marin County Deputy Zoning Administrator on October 24, 2019.

Location: 190 Ocean Parkway in the unincorporated community of Bolinas, Marin County (APN 192-231-03).

Project Description: Construction of a 100-foot-long concrete retaining wall, drilled pier and tie back armoring system, fronting a single-family bluff top residence.

Staff Recommendation: Substantial Issue

Important Hearing Procedural Note: The Commission will not take testimony on this “substantial issue” recommendation unless at least three Commissioners request it. The Commission may ask questions of the Applicant, any aggrieved person, the Attorney General or

the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally (and at the discretion of the Chair), limited to three minutes total per side. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government, shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo portion of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

On October 24, 2019, Marin County approved a coastal permit to construct a 100-foot-long concrete grade beam retaining wall, drilled pier and tieback armoring system on the seaward side of a residence at 190 Ocean Parkway, inland of a County public road (Ocean Parkway) that separates the residence from the coastal blufftop edge, in the unincorporated Bolinas area of Marin County.

The Appellants contend that the County-approved project raises LCP conformance issues related to shoreline armoring, public access, and related shoreline and beach area coastal resource protections. Specifically, the Appellants contend the approved development is inconsistent with the policies of the Marin County certified LCP because the subject residence does not appear to be in immediate danger from erosion and thus shoreline protection is not allowed; that even if the residence were in danger, the County-approved project is not the least environmentally damaging, feasible alternative for protection; and that the County-approved project lacks adequate mitigation for the impacts of such shoreline protection over time, all raising questions of LCP consistency as this project relates to coastal resource protection of public access, public views, and related shoreline and beach area coastal resources.

The Marin County LCP shoreline protection and hazard policies allow shoreline armoring in very limited circumstances where the structures proposed for protection are existing (constructed prior to adoption of the LCP) and are in danger from erosion; where the armoring is designed to eliminate or mitigate impacts to shoreline sand supply; when no other non-structural, feasible alternative exists; where the erosion issue is site-specific and not attributable to a general erosion trend; and in cases where the shoreline protection will not result in a reduction of public access or enjoyment and use of the shoreline.

The Commission has previously interpreted “in danger” to mean that an existing structure would be unsafe to use or otherwise occupy within the next two or three storm season cycles (generally, the next few years) if nothing were to be done (i.e., in the “no project” alternative) in order to distinguish between danger that represents an ordinary and acceptable risk involved in maintaining any development along the actively eroding California coastline, and immediate danger that requires shoreline armoring per Coastal Act Section 30235 and the Marin LCP hazard policies. The approved project would protect a residence that was constructed prior to adoption of the LCP, however, the existing residence is not presently in danger from erosion because, based on the erosion rate provided in the Applicant’s submittal, the residence would be

safe from hazards for at least another 30-35 years, and there is no evidence of an imminent hazard to the residence from landsliding. Further, the erosion issue is not site specific, including as highlighted in the LCP, because slope instability, notably coastal sliding, is nearly continuous along the bluffs in this area of Bolinas and affects virtually the entire shoreline of the Bolinas Planning Area. In addition, nonstructural alternatives analyzed in the Applicant's submittal to the County presented feasible drainage improvement projects which could address erosion and minimize impacts to coastal resources. Lastly, the County's approval did not analyze any impacts to public access or sand supply, nor did the approval incorporate any required measures or conditions to mitigate the impacts thereto, including to visual resource impacts from the shoreline protection device as further erosion and slides occur, inconsistent with LCP resource protection policies. Thus, the County's approval did not adequately determine that the structure proposed for protection is in danger from erosion, failed to find that the approved project is the least environmentally damaging feasible alternative, and did not identify and mitigate all resultant coastal resource impacts caused by the approved armoring system, inconsistent with Marin LCP hazard and resource protection policies.

Allowing protective devices for any development without narrowing the circumstances to those allowable as prescribed by the Coastal Act and Marin County LCP, contributes to impacts to public resources, most notably to public access and natural shoreline processes. As the Coastal Commission and local governments up and down the coast prepare responses and strategies to minimize the impacts of sea level rise, it will be increasingly necessary to assure adverse impacts to public resources, such as sandy beaches, are avoided and eliminated where possible by allowing shoreline protection devices only in compliance with the very narrow circumstances the Marin LCP lays out. The County's approval of this project directly conflicts with the LCP and would set a precedent that could be relied upon to address the general erosion trend along the Bolinas Mesa bluff, resulting in significant cumulative impacts to public access, sand supply dynamics, and visual resources in the Bolinas area. Thus, the Appellants' contentions raise a substantial issue with respect to conformance with the certified LCP, and Staff recommends that the Commission take jurisdiction over the CDP for this project.

Accordingly, prior to bringing this matter back to the Commission for de novo CDP review, the Applicant will need to provide the information necessary to evaluate the project for consistency with the LCP. Further information and analysis needed includes: (1) a detailed geologic report characterizing the project site, including mapping of the existing landslide feature and a slope stability analysis evaluating the factor of safety at the proposed residence; and (2) a detailed alternatives analysis evaluating the effectiveness, feasibility and potential coastal resource impacts of (a) non-structural stabilization approaches, including site drainage improvements; (b) other structural stabilization options; and (c) full or partial relocation of the existing structure out of harm's way.

The single motion necessary to implement staff's substantial issue recommendation is found on page 5 below.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location Map

Exhibit 2 – Project Site Photos

Exhibit 3 – County-Approved Project Plans

Exhibit 4 – Marin County Final Local Action Notice

Exhibit 5 – Appeal of County CDP Action

I. MOTION AND RESOLUTION

A. Substantial Issue Determination

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the CDP application for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in a de novo hearing on the CDP application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of no substantial issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-MAR-19-0210 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-2-MAR-19-0210 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Marin County Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT DESCRIPTION AND LOCATION

The County-approved project is located on a 9,100-square-foot parcel at 190 Ocean Parkway, on the seaward edge of the Bolinas Mesa community, at the corner of Evergreen Road and Ocean Parkway, in unincorporated Marin County. The parcel is zoned coastal residential agriculture (C-RA-B2) and is currently developed with a 2,148 square-foot single family residence, constructed in 1955. The property is located on top of a 183-foot high coastal bluff that slopes approximately 350-feet south to the base of the bluff. Vehicular access to the property was previously directly via Ocean Parkway, which lies between the property and the blufftop edge. However, Ocean Parkway experienced damage due to a slide in 2017 and has not been rebuilt or further maintained by the County. As a result, the site is now accessed from the east via Evergreen Road. Uses surrounding the subject parcel include a vacant parcel to the west; Ocean Parkway, and a vegetated bluff face sloping down to the beach to the south; Evergreen Road and a parcel with small accessory structures to the east; and residential development to the north. See **Exhibit 1** for a project location map and **Exhibit 2** for photographs of the site.

The County's approval authorized construction of a 100-foot long, 1.5-foot wide and 3-foot deep concrete beam retaining wall, drilled pier, and tie back armoring system; including eighteen concrete piers installed to a depth of up to 30-feet and thirty-six, 59-foot long tiebacks. The

County-approved armoring would be aligned approximately two feet landward from the southern property line, with the top of the buried retaining wall flush with the existing ground surface. The location of the proposed armoring would be approximately 25 feet seaward of the residence, and set back 20 feet landward from the nearest bluff edge. See **Exhibit 3** for the County-approved project plans.

B. MARIN COUNTY COASTAL PERMIT APPROVAL

On October 24, 2019, the Marin County Deputy Zoning Administrator approved CDP P2456 authorizing the above-described shoreline armoring at the subject site. The County's Final Local Action Notice (see **Exhibit 4**) was received in the Coastal Commission's North Central Coast District Office on Wednesday, November 7, 2019. The Coastal Commission's ten-working day appeal period for this action began on Friday, November 8, 2019 and concluded at 5pm on Friday, November 22, 2019. One valid appeal from Commissioners Dr. Caryl Hart and Sara Aminzadeh was received on November 20, 2019, during the appeal period (see **Exhibit 5**).

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located within 300 feet of the top of a coastal bluff and because it is between the sea and the first public road paralleling the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission finds a substantial issue and conducts a de novo CDP hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP.

If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea, and thus this additional finding would be required if the Commission were to approve a project following a de novo review.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the County-approved project raises LCP conformance issues related to shoreline armoring, public access, and related shoreline and beach area coastal resource protections. Specifically, the Appellants contend the approved development is inconsistent with the policies of the Marin County certified LCP because the subject residence does not appear to be in immediate danger from erosion and thus shoreline protection is not allowed; that even if the residence were in danger, the County-approved project is not the least environmentally damaging feasible alternative for protection; and that the County-approved project lacks adequate mitigation for the impacts of such shoreline protection over time, all raising questions of LCP consistency as this project relates to coastal resource protection of public access, public views, and related shoreline and beach area coastal resources. See **Exhibit 5** for the appeal documents and contentions.

E. SUBSTANTIAL ISSUE DETERMINATION

Substantial Issue Background

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed further below, the Commission determines that the County's approval of the project presents a substantial issue.

Substantial Issue Analysis

As discussed above, the Appellants contend that the County-approved project allows shoreline armoring for a residence without sufficiently demonstrating that the residence is in danger or that the approved project is the least environmentally damaging alternative, inconsistent with Marin LCP shoreline protection and hazard policies. In addition, the Appellants contend that the approved project does not adequately mitigate for resultant impacts to coastal resources, including public access, public views, and beach resources, inconsistent with LCP resource protection policies. Specifically, Marin County Local Coastal Program (LCP) Land Use Plan Unit I Shoreline Protection and Hazard Area Policy 5 incorporates Coastal Act Section 30235 and only allows shoreline armoring in very limited circumstances where the structures proposed for protection are existing (constructed prior to adoption of the LCP), in danger from erosion, and where the armoring is designed to eliminate or mitigate impacts to shoreline sand supply, as follows:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted when

required to serve coastal-dependent uses or to protect existing structures (constructed before adoption of the LCP), or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In addition, Marin County LCP Implementation Program Section 22.56.1301 includes additional development standards that must be met in order to permit shoreline protection including that that there are no other non-structural, feasible alternatives; that the subject erosion issue is site-specific and not attributable to a general erosion trend; and that the shoreline protection will not result in a reduction of public access or enjoyment and use of the shoreline as follows:

...K. Shoreline Protection.

- 2. Standards and requirements for shoreline protective works. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted only when:*
 - a. Required to serve coastal-dependent uses or to protect existing structures (constructed before adoption of the LCP).*
 - b. No other nonstructural alternative is practical or preferable.*
 - c. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.*
 - e. There will be no reduction in public access, use and enjoyment of the natural shoreline environment, and construction of a structure will preserve or provide access to related public recreational lands or facilities...*

The approved project includes construction of a buried retaining wall, drilled pier and tie-back armoring system to protect a residence constructed in 1955, predating adoption of the 1981 LCP by 26 years (and also predating the effective date of the Coastal Act and 1972's Proposition 20). Currently available information suggests that the residence has not been modified to such an extent as to be considered redeveloped in the time since 1981, and thus is still considered an existing structure for purposes of Coastal Act Section 30235 and the Marin LCP. Thus, the residence qualifies as an "existing" structure per the LCP that is entitled to shoreline protection, as long as the proposed development is consistent with all other requirements listed in the LCP.

The Coastal Act and LCP allow shoreline armoring to be installed to protect existing structures that are in danger from erosion, but neither defines the phrase "in danger." There is a certain amount of risk involved in maintaining any development along the actively eroding California coastline, and the risk increases where a site is subject to violent storms, wave attack, flooding, earthquakes, and other hazards. These risks can be exacerbated by such factors as sea level rise and localized geography that can focus storm energy at particular stretches of coastline. In a sense, all development along the immediate California coastline is in a certain amount of "danger." It is a matter of the degree of threat that distinguishes between danger that represents an ordinary and acceptable risk, and danger that requires shoreline armoring as allowed by Section 30235 and the LCP. Lacking Coastal Act definition, the Commission has in the past evaluated the immediacy of any threat in order to make a determination as to whether an existing structure is "in danger" for the purposes of Section 30235 considerations. While each case is

evaluated based upon its own particular set of facts, the Commission has previously interpreted “in danger” to mean that an existing structure would be unsafe to use or otherwise occupy within the next two or three storm season cycles (generally, the next few years) if nothing were to be done (i.e., in the “no project” alternative).

The LCP Shoreline Protection and Hazard Area Chapter highlights the known hazards within the project area, including major slope stability issues, notably those related to coastal sliding-which is nearly continuous along the Bolinas Mesa bluffs and affects virtually the entire shoreline of the Bolinas Planning Area, although at varying degrees. A 2016 geotechnical report¹ provided by the Applicant’s consultants, Geoengineering, provided an area-wide erosion rate estimate of 1-2 feet per year, but noted that the bluffs at the project site are less steep than typical for the Bolinas coast, which tends to reflect a relatively low rate of marine erosion at the toe of the bluff, and a greater influence of upper bluff, non-marine erosional processes. A second geotechnical evaluation² conducted by Miller Pacific Engineering Group in 2019 further evaluated site conditions after a 2017 slide event resulted in damage to and seaward shifting of a portion of Ocean Parkway and movement of the edge of the slide area to within 44-feet from the nearest point of the residence. Based on historic aerial photographs, Miller Pacific estimated a bluff erosion rate of 1.3 feet per year over the past 45 years.

In determining the level of danger to the residence, the County relied on the 2019 geotechnical assessment that estimated 53 feet of bluff retreat over the next 40 years, and concluded that the structure would be in danger within its 100-year life expectancy. However, even if the residence were analyzed for a 100-year design life that commenced with its construction in 1955, the house is currently 64 years old and would still be safe from such estimated erosion impacts for at least another 30 years. Coastal Commission’s Staff Geologist, Dr. Joseph Street, has evaluated the available geotechnical and engineering reports and concluded that there is no evidence that the residence is in immediate danger from erosion. In reaching this conclusion, Dr. Street considered both reported long-term bluff retreat rates and available information on episodic bluff erosion and instability at the site, and in the general Bolinas area.

Namely, coastal bluff erosion and retreat along the Bolinas shoreline is an episodic process, marked by sudden slope failures followed by relatively long periods of stasis. Bluff retreat at the project site is driven by both marine erosion at the toe of the bluff and upper bluff landslides associated with heavy winter rainfall and elevated groundwater. Due to the episodic nature of bluff retreat, the average annual retreat rate is, at most, an incomplete indicator of the degree of danger to the existing house. More relevant measures of the existing threat from erosion would include (i) the magnitudes of previous bluff retreat events in the area; (ii) physical evidence of instability in close proximity to the house; and/or (iii) a slope stability analysis indicating the existing factor of safety against slope failure at the location of the house.

¹ Geoengineering, Inc. *Geotechnical Evaluation & Review Coastal Bluff Recession onto Ocean Parkway Southeasterly Bluff at Bolinas Mesa at 190 Ocean Parkway Bolinas, California*, 2016.

² Miller Pacific Engineering Report. *Updated Geotechnical Report and Response to Comments Bassett Coastal Development Permit 190 Ocean Parkway*, 2019.

Geoengineering (2016) noted that bluff recession in the Bolinas area “rarely exceeds 15 feet during a benchmark rainy season, even after long periods without movement,” and reported that the house was set back 65 feet from the bluff edge. Miller Pacific (2019) reported that a landslide in 2017 resulted in “loss of approximately 20 feet of bluff,” moving the bluff edge to within 44 feet of the nearest portion of the residence. Prior to this event, aerial photographs suggest a more steady pattern of retreat marked by more moderate episodes of erosion. Post-2017 aerial images of the site (available from Google Earth) indicate that the 2017 event can be best described as an incipient landslide, with the head scarp (top of the landslide) progressing into Ocean Parkway, but without any significant “loss” of material from the bluff face. An older, 2011 “street view” image of Ocean Parkway shows clear tension cracks in the concrete roadway, indicating that the 2017 event was likely initiated much earlier.

In the absence of a detailed geologic investigation of the site and of the landslide itself, and without a slope stability analysis encompassing the location of the residence, it is difficult to draw firm conclusions about the degree of danger from erosion. However, past history at the site (and with similar upper bluff instability in the near vicinity) suggests that the current landslide may erode rather slowly, with bluff material being progressively removed from above the current slip surface over many years. In the event that the landslide were to progress inland, on a new failure surface, the magnitude of past events suggests that the head scarp is unlikely to progress more than 15-20 feet during a single event. In summary, the available evidence does not suggest that the existing home is likely to be threatened within the next 2-3 storm seasons, or that remedial measures could not be undertaken at a later date in the event that further hazards emerge. Thus, applying the Commission’s typical standard, the at-issue residence does not qualify as being in danger from the erosion and is not eligible for shoreline protection, and the County-approved project is inconsistent with LCP hazard policy requirements.

In addition, even if the residence were in danger, the County approval has not provided adequate evidence to determine that the proposed project is the least environmentally damaging, feasible alternative. The LCP allows shoreline protective devices when no other nonstructural alternative is practical or preferable. Nonstructural alternatives analyzed in the Applicant’s original 2016 geotechnical submittal to the County presented three drainage improvement project alternatives to address erosion and site stability, including a drainage trench along the southern property line, horizontal drains drilled into the bluff face, and trenching to collect and divert surface runoff. The 2016 report found all of these alternatives feasible, including the concurrent implementation of all alternatives together. The more recent geotechnical report did not analyze these or any other alternatives to address drainage issues. Moreover, no analysis has been provided of other, structural alternatives, such as the use of shear pins or caisson foundations that could provide stability to the residence with less impact on natural bluff retreat and sand supply, and less alteration of the natural landform. Thus, it is not clear whether the chosen alternative is the least environmentally damaging feasible alternative inconsistent with LCP standards for shoreline protection.

Further, the LCP allows for shoreline protection if demonstrated that the erosion problem is site-specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem. The Applicant’s more recent geotechnical report notes a more site-specific erosion problem resulting from the slide in

2017. However, the report also notes the likelihood of adjacent areas retreating over time. Thus, it appears that there is a general erosion trend and there is nothing to suggest that the project would address the regional problem, inconsistent with LCP shoreline protection requirements.

Finally, the LCP requires that shoreline protection projects be designed to eliminate or mitigate adverse impacts on local shoreline sand supply; and that such devices result in no reduction in public access, use or enjoyment of shoreline environments, and will preserve or provide access to related public recreational facilities. In approving shoreline armoring, the Commission has recognized the importance of calculating impacts to coastal resources resulting from such projects including: the loss of material that would have otherwise been supplied to the beach if the bluff were to naturally erode; related impacts to public access; and the degradation to public views of the shoreline as compared to a natural bluff face. The County's approval did not analyze any impacts to public access or sand supply, nor did the approval incorporate any required measures or conditions to mitigate the impacts thereto, including to visual resource impacts from the shoreline protection device as further erosion and slides occur, inconsistent with LCP resource protection policies.

Thus, the County's approval did not adequately determine that the structure proposed for protection is in danger from erosion, failed to find that the approved project is the least environmentally damaging, feasible alternative, and did not identify and mitigate all resultant coastal resource impacts caused by the approved armoring system, inconsistent with Marin LCP hazard and resource protection policies. Therefore, the County's approval raises a substantial issue of LCP conformance.

Conclusion: Substantial Issue

In addition to the above analysis, these five factors, considered together, support a conclusion that this project raises a substantial issue of LCP conformance. First, the degree of legal and factual support for the County's decision is limited in critical areas. While the residence does qualify as an existing structure constructed prior to Coastal Commission certification of the LCP, there is not enough evidence in the record to conclude that the residence is in danger or that the County-approved armoring is the least environmentally damaging, feasible project alternative.

Second, with respect to extent and scope, while the armoring would only front a single property, it has the potential to affect erosion dynamics up and down the coast in the region. Further, the decision would have implications for how these policies are applied across the entire Bolinas Mesa, which the LCP specifically calls out as a highly erosive stretch of coast that contains a significant amount of blufftop development.

Third, it appears that the project will adversely impact coastal resources. LCP policies on sand supply and visual resources require that shoreline protection projects are designed to eliminate or mitigate impacts to, or alterations in, sediment supply and transport that would potentially result in environmental, visual, and/or public access resource impacts. In addition, the proposed project would potentially destabilize the natural bluff, eventually alter its ability to supply sediment to the beach below, and visually degrade the natural bluff formation resulting in adverse impacts to the important coastal resources currently present.

Fourth, the locally approved project presents an adverse precedent for future interpretations of the County's LCP. The County's approval of this project sets a precedent that directly conflicts with the LCP, both in allowing shoreline protective devices for structures that are not in danger from erosion, not requiring that shoreline protection projects be limited to the least environmentally damaging design feasible, and not requiring shoreline protection projects eliminate or mitigate for adverse impacts to coastal resources. Should this County-approved project go forward, it could be a dangerous precedent that could be relied upon to address the general erosion trend along the Bolinas Mesa bluff, and create a serious threat to all the public access, recreational, sand supply dynamic, and visual resources present in the Bolinas area.

Finally, the project raises issues of regional or statewide significance as it leads to significant coastal resource impact issues. As described in the third prong above, allowing protective devices for any development, and not narrowing the circumstances to those allowable as prescribed by the LCP, contributes to impacts to public resources, most notably to public access and natural shoreline processes. As the Coastal Commission and local governments up and down the coast prepare responses and strategies to minimize the impacts of sea level rise, it will be increasingly necessary to assure adverse impacts to public resources such as sandy beaches are avoided and eliminated where possible by only allowing shoreline protection devices in very narrow circumstances, similar to those described in the Coastal Act and the certified Marin LCP. In addition, it is imperative that all allowed shoreline protection projects analyze the impact they have on sand supply, and thus on public access and recreation opportunities, and to ensure that such impacts are properly mitigated. In this case, the County approved a shoreline protection device that is not consistent with the prescriptions laid out in the LCP for such devices. In addition, neither the Applicant nor the County, in its project approval, identified any adequate mitigation measures to offset the project's impact to shoreline processes. It is local approvals such as these that raise issues of statewide significance given the potential to adversely impact public resources.

For the reasons stated above, the Commission finds that Appeal Number A-2-MAR-19-0210 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Information Needed for De Novo Review

Prior to bringing this matter back to the Coastal Commission for de novo CDP review, the Applicant will need to provide the information necessary to evaluate the project for consistency with the LCP and the public access and recreation policies of the Coastal Act. Absent further information regarding the degree of danger to the existing residence and a more fully developed alternatives analysis, the Commission will not be in a position to evaluate the proposed project against these requirements, and does not intend to schedule a hearing until the County and/or the Applicant has developed and provided further information to bridge the analytic gaps that are currently present and associated with the proposed project. Such information includes the following: (1) a detailed geologic report characterizing the project site, including mapping of the existing landslide feature and a slope stability analysis evaluating the factor of safety at the proposed residence; and (2) a detailed alternatives analysis evaluating the effectiveness, feasibility and potential coastal resource impacts of (a) non-structural stabilization approaches, including site drainage improvements; (b) other

structural stabilization options; and (c) full or partial relocation of the existing structure out of harm's way.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Marin County Local Coastal Program
- Marin County CDP File P2456