

PLANNING APPLICATION REVIEW

DEPARTMENT OF PUBLIC WORKS

Inter-office Memorandum - First Transmittal

DATE: 3/16/2021

DUE: 3/12/2021

TO: Sabrina Cardoza

TYPE OF DOCUMENT

DESIGN REVIEW

FROM: Tyler Bylow

COASTAL PERMIT

APPROVED: _____

LAND DIVISION

RE: Brian Johnson Trust Coastal Permit

VARIANCE

Project ID P3049

USE PERMIT

APN: 195-162-49

ADU PERMIT

ADDRESS: 21 Calle Del Onda

ENVIRONMENTAL REV.

Stinson Beach, CA

OTHER: _____

**Department of Public Works Land Use Division
has reviewed this application for content and:**

**Comments Included (Inc.) or
Attached (Att.) from other DPW
Divisions:**

Find it **COMPLETE**

Traffic

Find it **INCOMPLETE**, please submit items listed below

Flood Control

Find it **NEEDS SUBSTANTIAL MODIFICATIONS TO CONFORM**

Other: _____

Merit Comments

Prior to Issuance of a Building Permit:

Driveways:

1. Per Marin County Code § 24.04.20, a minimum driveway length of twenty feet should be provided from the front of the garage or parking structure to the back of sidewalk or to the edge of pavement where no sidewalks exists. Demonstrate compliance.
2. Per Marin County Code § 24.04.260(a), the minimum improved width of a driveway serving a single dwelling unit is twelve feet. Demonstrate compliance.

Parking:

3. Per Marin County Code § 24.04.380(a), head-in parking spaces shall be a minimum eight and one-half feet by eighteen feet. Parallel spaces shall be a minimum eight feet by twenty feet. For constrained locations such as garages serving single-family dwellings, spaces shall be a minimum nine feet by twenty feet. Demonstrate compliance.
4. **Grading & Drainage Plans:** Provide the following information on the drainage and grading plan:
 - a. The plan shall tabulate the existing and proposed areas of impervious surface for the property and demonstrate that there will be no net increase in runoff from the developed site compared to pre-existing development.
5. **Geotechnical Review and Acceptance:** The plans must be reviewed and approved by the soils engineer. Certification shall be either by his/her stamp and original signature on the plans or by a stamped and signed letter. Certification shall reference plans reviewed, specifying site, structural, and drainage plans with date of drawings, and verify that plans address any recommendations previously offered.
6. **Site Retaining Walls:**
 - a. You will need to apply for a separate Building Permit for each site/driveway retaining wall greater than 4ft in height, or for any wall that is subject to a surcharge such as a sloped

PC ATTACHMENT 2

backfill or vehicular load. The total height shall be measured from the bottom of the footing to the top of the wall. If any walls are structurally tied to the dwelling, indicate this on the plans, as these walls will not require a separate permit.

- b. For each retaining wall, provide a cross sectional reference on the site plan which corresponds to a structural detail provided in the plan set.
- c. Submit design calculations for the retaining walls which are greater than 4ft in height, measured as described above in item a, or which are subject to a surcharge behind wall. Calculations shall be prepared, signed and stamped by the design engineer.
- d. Add a note on the plans indicating that the Design Engineer shall inspect and certify in writing to DPW that each retaining wall was constructed per approved plan and field direction. Certification letters shall reference building permit number or numbers for specific work being certified, the address and the Assessor's Parcel Number (APN) for the project, and shall be signed and stamped by the certifying professional.

Best Management Practices:

7. Per Marin County Code § 24.04.625(a)(c)(g)(k), provide a plan indicating construction-phase best management practices (BMPs) include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely re-vegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include: designated washout areas or facilities, control of trash and recycled materials, covering of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. You may refer to the Marin County Stormwater Pollution Prevention Program's website, <https://www.marincounty.org/~media/files/departments/pw/mcstoppp/development/erosionsediment-control-measures-for-small-construction-projects-2015.pdf?la=en>

Flood Zone Requirements:

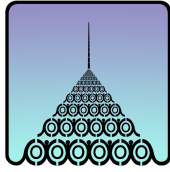
8. Per 2016 California Residential Code § R322.2.1(2), in areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than **the depth number specified in feet on the FIRM plus 1 foot**, or not less than 3 feet if a depth number is not specified. Clearly indicate on the plans and elevation views the proposed lowest floor, existing outside adjacent grade and the base flood elevation level including the datum used.
9. Per 2016 California Residential Code § R322.2.2 and Marin County Code §23.09.034(c)(4), enclosed areas, including crawl spaces, that are below the base flood elevation shall be provided with flood openings that meeting the following criteria:
 - a. The total net area of openings shall be not less than 1 square inch for each square foot of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.
 - b. Openings shall be not less than 3 inches in any direction in the plane of the wall.
 - c. The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
10. Per 2016 California Residential Code § R322.2.2.1, the walls of enclosed areas shall have openings installed such that:
 - a. There shall be not less than two openings on different sides of each enclosed area; if a building has more than one enclosed area below the base flood elevation, each area shall have openings.
 - b. The bottom of each opening shall be not more than 1 foot above the higher of the final interior grade or floor and finished exterior grade immediately under each opening.

- c. Openings shall be permitted to be installed in doors and windows; doors and windows without installed openings do not meet the requirements of this section.
- 11. Per 2016 California Residential Code § R322.1.6, electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be located at or above the elevation required in Section R322.2 or R322.3. Exception allowed provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the base flood elevation in accordance with ASCE 24. Provide notes and specifications to this effect on the plans.
- 12. Per 2016 California Residential Code § R322.1.8, building materials and installation methods used for flooring and interior and exterior walls and wall coverings below the base flood elevation required in Section R322.2 or R322.3 shall be flood damage-resistant materials that conform to the provision of FEMA TB-2. Provide notes and specifications to this effect on the plans.
- 13. Per 2016 California Residential Code § R408.7(2), the finished ground level of the under-floor space shall be equal to or higher than the outside finished ground level on at least one side. Exception: Under-floor spaces that meet the requirements of FEMA/FIA TB 11-1.
- 14. The following requirements shall also be noted on the plans, and fulfilled:
 - a. Per California Residential Code § R109.1.3, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322.
 - b. Per California Residential Code § R109.1.6.1 and § R322.1.10, prior to final inspection, a registered design professional shall prepare and seal an elevation certificate of the elevations specified in Section R322.2 or R322.3.
 - c. Upon completion of construction, provide certification by a registered civil engineer or architect that the conditions of Section R322.1.6, R322.1.8, R322.2.2, and R322.2.2.1 have been satisfied.

Coastal High Hazard Area

- 15. Per 2016 California Residential Code § R322.3.2(1), buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot.
- 16. Per Marin County Code § 23.09.039, within coastal high hazard areas, the following standards shall apply:
 - a. All new construction shall be located on the landward side of the reach of mean high tide.
 - b. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation.
 - c. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation.
 - d. Fill shall not be used for structural support of buildings.
 - e. Manmade alteration of sand dunes which would increase potential flood damage is prohibited.
 - f. The floodplain administrator shall obtain and maintain the following records:
 - i. Certification by a registered engineer or architect that a proposed structure complies with this chapter;
 - ii. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

-END-



Civicknit

P.O. Box 81
Forest Knolls, CA 94933
steve@civicknit.com
415.307.1370

February 12, 2020

Michelle Levenson, Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael CA 94903

RE: Coastal Permit S-F Residence, 21 Calle del Onda, Stinson Beach (APN195-162-49)

Ms. Levenson,

We are submitting this packet of information and an accompanying check for \$7,806.40 for a Coastal Permit application for a single-family residence on a previously developed site. Below, we have provided a project background, Project Description and key planning considerations.

Given the permitting complexity of this project's location in the Coastal Zone, and the potential for Coastal Commission staff characterizing the entire site as ESHA, it will be important to understand the law and the CDA process associated with analysis of a potential Taking.

We look forward to working with you to ensure that we have an acceptable application.

Sincerely,

Steve Kinsey

Attachments:

Design Drawings
Septic System Design
Grading & Drainage Drawings
Topographic Map
Mitigated Negative Declaration for Wastewater System
Noble Consulting 2016 Coastal Hazard Analysis
Civicknit 2020 Coastal Hazard Analysis Update
Preliminary Geotechnical Feasibility Study

Project Description

This application proposes to construct a new 1563SF single-family residence (1151SF footprint), a 288SF free-standing one car garage, and 942SF of deck, patio, walkway and driveway coverage of the site, resulting in an FAR of .11 where .30 is permitted.

As designed, it complies with all County and LCP building height, yard setback, and FAR standards. It also meets the Marin County Code Chapter 23.09- Floodplain Management and FEMA Flood Hazard design standards.

Murray Engineers has prepared a Geotechnical Analysis to inform the buildings' foundation systems, based on a Coastal Engineering Analysis done by Noble Consultants, Inc. in 2016 and updated in 2020.

L.A. Stevens produced a topographical survey of the property in 2015 and updated their document in 2020.

Project Background

The applicant's family has continuously owned the 21 Calle del Onda, Stinson Beach property since the 1930s. A two-bedroom residence existed on the property for over forty years, but it was destroyed in a 1983 house fire.

The property is a vacant infill lot in the Calles neighborhood, zoned C-R-2. It is in a developed neighborhood of similarly sized residences, nearly 100 percent of which have been identified by Marin County's C-SMART study as increasingly vulnerable to storm-related flooding. It is entirely within FEMA designated flood zones VE and AO. It lies laterally more than 100 feet east of the jurisdictional high tide line and therefore is outside of the U.S. Army Corps of Engineers (ACOE) jurisdiction. No jurisdictional wetlands or stream corridor conditions exist on the property.

In 2016, a potential buyer, Craig Nunes, applied to Marin County for Design Review and a Coastal Development Permit for a 2154SF home (P1162). The project was reviewed by Ms. Tammy Taylor. The application was subsequently withdrawn after the Stinson Beach County Water District (SBCWD) Board of Directors denied a Variance for the property's proposed septic system. Mr. Nunes terminated his purchase option, and the owners are now the project sponsors.

Prior to resubmitting Design Review and Coastal Development Permit applications, the owners revised the project, as follows:

- reducing the septic system capacity to SBCWD's smallest approvable system, eliminating two of three Variance requests
- reducing the number of proposed bedrooms
- pulling the building envelope 35' further back from the shoreline
- relating the building and walkways more closely to the natural terrain

A Variance application for the more modest project was submitted in 2019.

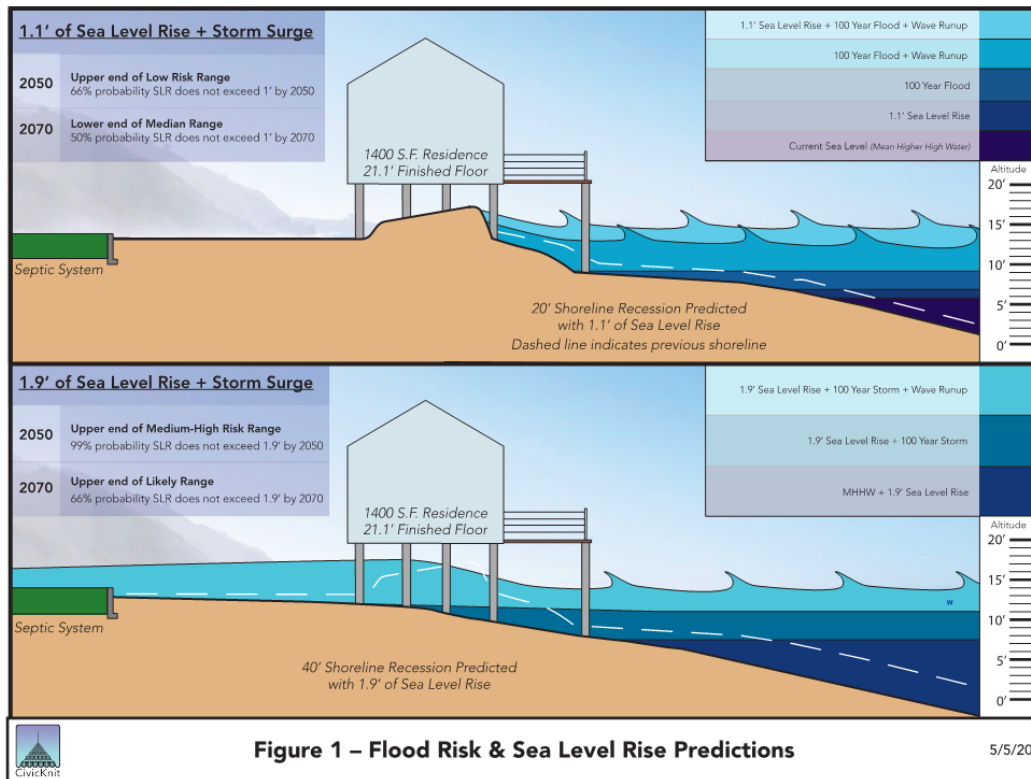
SBCWD administered the Variance and a CEQA analysis prepared by WRA Associates. In July, 2020, the SBCWD Board approved both a Mitigated Negative Declaration (MND) and a wastewater system

21 Calle del Onda Square Footage		
	Total SF	Habitable SF (plus Laundry Room)
Entry	36 SF	0 SF
First Floor		
Stair / BR / Bath / Hall	432 SF	400 SF
Kitchen/Dining	300 SF	276 SF
Living	286 SF	254 SF
Mech. / Laundry	48 SF	47 SF
2nd Floor		
BR / Landing	369 SF	328 SF
Bath	92 SF	84 SF
Residence Total	1,563 SF	1,389 SF
Garage	288 SF	

designed by AYS Engineering Group for a residence with a maximum of 1400 SF of habitable space, as defined in Title IV of their Code. (See table to the left)

Storm and Sea Level Rise hazards were considered by WRA and the SBCWD Board. A 2016 Noble Consultants, Inc. Coastal Engineering Analysis defined the nature and extent of wave erosion hazard on the site and recommended a septic system wave barrier to mitigate the risk.

The report was updated in 2020 to reflect more recent State guidance. There is a very high likelihood (99.5%) that the wastewater system will not be impacted during a severe storm in 2050, and a 50/50 chance that a 100 year storm will not overtop the septic system in 2070.



Key Planning Issues

Coastal Hazard Risk

The entire site is in a neighborhood that is increasingly vulnerable to storm-related flooding. Depending on the rate of Sea Level Rise, areas under portions of the building could be inundated during major storm events within its 50 year projected lifetime. Based on the natural site topography, storm surge will primarily flow down Calle del Onda.

Takings

The parcel is disturbed from previous development and isolated from dune habitats by surrounding development. The biological, ecological and physical features and functions of natural sand dune systems including sand movement and native dune vegetation are not present. The MND for the Wastewater Variance does not characterize the site as beach dune, however Coastal Commission correspondence associated with the 2016 CDP application challenged that determination. Coastal Act section 30240(a) allows development within ESHA only if it avoids significant disruption of habitat values and is a use dependent on the resources of the ESHA. Residential development does not qualify as a resource dependent use in ESHA.

If the Commission's ESHA assertion is upheld, a Takings Analysis would be required before approving a project. The United States and California Constitutions both prohibit state agencies from taking private property for public use without payment of just compensation. (U.S. Const., 5th Amend., 14th Amend.; Cal. Const., Art. 1, § 19.) Coastal Act section 30010 implements these prohibitions.

Denial of a modestly-sized home on a vacant lot in this case would likely constitute a categorical taking of the Applicant's property (*Lucas v. South Carolina Coastal Council* 1992). A taking claim can also arise if the Commission allows some economically beneficial use of a site, but such use is so restrictive that it "goes too far" in restricting an owner's use of its property, interfering with distinct investment-backed expectations. (*Pennsylvania Coal Co. v. Mahon* (1922) 260 U.S. 393, 415.) (*McAllister v. California Coastal Comm.* (2009) 169 Cal.App.4th 912, 928-29.) (Id. at 935-36.)

In 2016, Marin County undertook such an analysis for a nearby project on Calle del Pradero. (*Hjorth Residence Appeal Number A-2-MAR-15-0074*). The County acknowledged that a strict application of Section 22.56.130I to prohibit all development of the subject property could result in a regulatory takings, which could be avoided by approval of a project modified in such a way as to limit any such inconsistencies.

Protection Devices

Many Calle properties facing the ocean have protective devices. Based on the recommendation of Noble Consultants, SBCWD required a concrete wastewater system wave barrier around the facility. Coastal Commission guidance discourages the use of protection devices. This application proposes a recorded deed restriction preventing all future addition of protection devices and obligates the owner to remove them if a property can no longer be occupied.

Water Quality

Coastal Act Section 30231 stipulates that the biological productivity of coastal waters shall be maintained. The property's higher elevation relative to the Calles neighborhood, berm topography, and sandy soils reduce the risk of water quality impacts, and the intermittent sand filter circulation

provides the highest level of treatment currently approved. The application also offers to record a deed restriction committing the property owner to participate in any future community-scale wastewater system.

Coastal Act Section 30253(2) requires new development to neither create nor contribute to erosion. The project as designed does not increase floodwaters, will not change their flow and will not affect neighboring properties. The site's predominantly sandy soils are highly absorptive. Additionally, gutters connected to rainwater collection barrels, linear dissipators, staked wattles surrounding the construction areas, and pervious paving on driveway and patio areas minimize on site erosion and runoff as well as facilitate maximum groundwater recharge.

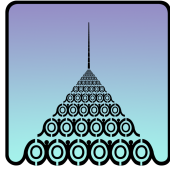
The wastewater system is sufficiently setback from natural watercourses (over 225' to the Pacific Ocean (MHHW), and over 350' to Easkoot Creek) but cannot meet minimum setbacks to the unique storm event runup conditions.

Coastal Views

The Coastal Act protects views to the beach from public locations. Immediate neighbors have enjoyed unobstructed views from their private property since the original residence burned down. The application has sited the building to retain a wide angle of visibility for coastal visitors approaching from Calle del Onda. In addition, by setting the building back from the Coastal Commission's defined stringline and by designing the building's bulk to be six feet narrower than the maximum allowed, the plan preserves primary public coastal views and minimizes loss from private properties.

Public Access

The Coastal Act and the LCP each promote providing public access easements on dry sand portions of private property to accomplish horizontal and vertical public access easements. Vertical access is currently provided at the beach terminus of Calle del Onda. The applicant proposes to offer a dedicated 40 foot wide public access easement across the most seaward portion of their property.



Civicknit

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June 4, 2021

Sabrina Cardoza, Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903

RE: 21 Calle del Onda, Stinson Beach CDP Completeness response (Project IDP3049)

Ms. Cardoza,

We are submitting three sets of revised drawings, one digital copy on a thumb drive and this written response to your March 18, 2021 letter requesting additional information to complete our Coastal Development Permit application.

Additional completeness items we have provided include the following:

- A May 13, 2021 Easkoot Creek Hazards Analysis prepared by R.M. Noble & Associates that determined the site will not be impacted by 100-year flooding conditions, including sea level rise modeling done by O'Connor Environmental Inc. for the Marin County Flood District's Stinson Beach Watershed Program Flood Study and Alternative Assessment.
- A new Sheet 12 in our application drawing set that provides a Constraint Map as requested.
- Story poles were erected on the site.
- Modification of Sheet 10 details indicate replacement of low concrete landscape retaining walls and foundations with wood fencing set in sand.
- Modification of Sheet 3 indicates reduction of the concrete septic system protection wall alignment to the minimum perimeter required by Stinson Beach County Water District (SBCWD) for the wastewater permit. In addition, more specific Flood Zone requirements have been added to the sheet.
- Modification of Sheet 8 illustrates that the accessory garage structure will not be constructed on a deep pier foundation.

In addition, the specific coastal hazard analyses requested in the Coastal Commission's March 16, 2021 letter are all provided in the Noble Consultants, Inc. June 22, 2020 update of its Coastal Engineering Analysis that incorporates the 2018 Ocean Protection Council Sea Level Rise Guidance report scenarios, accompanied by a May 6, 2020 Civicknit letter to SBCWD.

Consistent with LCP Unit 1 Shoreline Protection and Hazards Areas Policy 9, this application includes the following key reports to utilize when evaluating this application:

- **Attachment C:** The 2016 Noble Consultants, Inc. Coastal Engineering Analysis
- **Attachment B:** A Noble Consultants, Inc. June 22, 2020 update of its Coastal Engineering Analysis that incorporates the 2018 Ocean Protection Council Sea Level Rise Guidance report scenarios, accompanying a May 6, 2020 Civicknit letter to SBCWD
- The SBCWD adopted June 2020 Initial Study/Mitigated Negative Declaration prepared in support of the project's wastewater permit. The report evaluates site aesthetics, biological resources, cultural resources, land use, noise, public services and utilities.

- The January 14, 2021 Limited Preliminary Geotechnical Feasibility Study prepared by Murray Engineers, Inc.
- **Attachment A:** The May 14, 2021 R.M. Noble & Associates letter analyzing flooding hazards from Easkoot Creek.

Based on Preliminary Merit Comments from the County and the Coastal Commission, we offer the following:

TAKINGS ANALYSIS

Since the Coastal Commission may designate the entire site as beach and dune ESHA and it is entirely within two mapped 2018 FIRM coastal flood zones, a Takings Analysis is required to evaluate this permit application. Permit reviews must be balanced under the U.S. and California Constitutions and Coastal Act Section 30010 to prohibit a planning decision from denying or granting a permit in a manner which takes or damages private property without the payment of just compensation.

In 2016, Marin County undertook a Takings Analysis for the Hjorth Residence on Calle del Pradero. The County acknowledged that a strict application of the LCP development policies could result in a regulatory taking and avoided that by performing a Takings Analysis before approving the project. On February 11, 2016, the Ca. Coastal Commission considered an appeal of the Hjorth residence approval. The staff recommended No Substantial Issue and the Commission approved the staff recommendation.

Given that a residence previously existed on this infill property and the owners have continuously paid annual property taxes assessed at a value that assumes development potential, the owners have a reasonable expectation for their modest development to be approved.

The project as proposed does not impact natural coastal resources, coastal views, or public access. It is modest in size, compatible with community character, maintains all required yard and height setbacks and sets considerably further back from the waterfront than neighboring properties.

It retains the natural sand contours, proposes no landscaping in sandy areas and voluntarily offers a 40' wide horizontal public access easement. In addition, the applicant agrees to assume all risks and waive all permitting agencies' liability, and further agrees to record a deed restriction that permits no future shoreline protection and requires removal of the structure at such time as a legally authorized public agency issues an order to do so.

In support of approving the design as proposed, we are offering the following information.

DUNE AND SANDY BEACH PROTECTION

The proposed building design protects the property's sandy beach setting as submitted.

- No grading or landscaping of sandy areas to the east and south of the building is proposed. The shoreline portion of the structure is cantilevered to visibly retain all sandy beach terrain. Over half of the property remains sandy beach with no development proposed. All sandy areas adjacent to existing Calle del Onda vertical public access are retained.
- The owners voluntarily offer to mitigate limited sandy area impacts by recording a 40' wide lateral public easement on dry sand, plus maintaining a minimum 50' open space buffer between the easement and the building.

- The SBCWD adopted Wastewater System Initial Study/Mitigated Negative Declaration (IS/MND) states that the project would not impact habitat for any rare or valuable plant or animal species and the high degree of current human activity on the beach limits future biological value. Low-density residential development on the same sandy soils exists on three sides of the project.
- The building footprint provides greater sandy beach protection than neighboring properties by being located 39' behind the imaginary "string line" across their shoreline face.
- The design is comparably sized with other homes in the surrounding area, resulting in a FAR of only .11 where .30 is permitted. It utilizes a two-story solution to minimize the footprint.
- When compared with the 2016 application for this site, the design reduces the building size by 28% and increases the shoreline setback by an additional 35'.

SEA LEVEL RISE AND EASKOOT CREEK FLOODING HAZARDS

In Stinson Beach, by 2050 nearly 100% of parcels west of Shoreline Highway are vulnerable to flooding due to severe storms and sea level rise.

The project design incorporates recommendations from the substantial analysis of potential hazards, including the following studies:

- The 2016 Noble Consultants, Inc. Coastal Engineering Analysis
- A Noble Consultants, Inc. 2020 update of its Coastal Engineering Analysis that incorporates the 2018 Ocean Protection Council Sea Level Rise Guidance report scenarios, accompanying a May 6, 2020 CivicKnit letter to SBCWD
- A January 14, 2021 Limited Preliminary Geotechnical Feasibility Study prepared by Murray Engineers, Inc.
- A May 14, 2021 R.M. Noble & Associates letter analyzing flooding hazards from Easkoot Creek. (Attachment A)

The building is set back 273' from the Mean High High Water (MHHW) line. Noble Associates Coastal Engineering Analysis confirmed that the structures will not increase floodwaters, change their flow or affect neighboring properties.

Based on OPC Guidance and the 2020 Noble Analysis, the lowest structural member will be set at 19.1' NAVD88 to comply with FEMA and County regulations. These engineering analyses also determined that there is a very high likelihood (99.5%) that the wastewater system will not be impacted during a severe storm in 2050, and a 50/50 chance that a 100-year storm would not overtop the septic system in 2070.

The May 13, 2021 Noble & Associates letter (Attachment A) analyzing Easkoot Creek flooding hazards determined that the site will not be subjected to flooding from that source even as sea level rises over the next 50 years. The 2018 C-SMART Study states, "Due to topography, homes near Easkoot Creek sit approximately 5-10 feet lower than those directly on the beach."

SHORELINE PROTECTION

The 2021 Murray Engineers Geotechnical Feasibility Report presents conceptual level foundation recommendations that will be refined based on field testing, additional soil engineering evaluation and structural design consultation once a conceptual plan has been approved. The study concluded that the proposed new residence will likely need to be supported on rammed piers or similar ground

improvement technology, in order to reduce the potential for liquefaction-induced ground failure impacting the structure.

The project's approved wastewater system is set behind a natural land berm and located over 345' from the Pacific Ocean (MHHW), and over 350' from Easkoot Creek. Regardless, the SBWCD imposed a permit condition requiring a concrete perimeter system protection barrier to further reduce risk of damage during historic storm events. The bottom of the barrier wall will be set at elevation of 9' NAVD88, which is expected to protect the system through 2070. Other than the septic system containment barrier, no permanent armoring is proposed. Based on Coastal Commission comments, the garden fencing and retaining structures have been revised to be constructed solely with shallow wood posts set in sand and eliminated from the beach side driveway approach.

Consistent with LCP Unit 1 Shoreline Protection and Hazards Areas Policy 5, no seawall is proposed for the residence. The owners have agreed to assume the full risks associated with development of their property and to record a deed restriction that permits no future shoreline protection and requires removal of the structure at such time as a legally authorized public agency issues an order to do so.

SEISMIC RISK

As stated in the SBCWD adopted Initial study/Mitigated Negative Declaration, the Association of Bay Area Government's Bay Area Hazards resilience mapping tool indicates that the project site is not located within an Alquist-Priolo fault zone. The nearest such fault zone is approximately 1.3 miles west of the project site. Given that there are no Alquist-Priolo fault zones within the project site, the project site is not considered at risk of surface rupture.

MARIN COUNTY DEPARTMENT OF PUBLIC WORKS (DPW)

DPW found the application complete for conceptual review while providing comments relate to be provided in conjunction with a building permit application. However, we offer this additional information:

1. The project design meets all required driveway and parking size standards.
2. The project drainage plan is designed to prevent a net increase in storm runoff from the site based on use of permeable paving, subsurface storm water dissipaters and the high percolation rate of the sandy soil.
3. Based on the 2018 Coastal Commission Sea Level Rise Guidance report, the 2020 Noble Coastal Engineering Analysis update established that a 19.1 NAVD 88 elevation will comply with FIRM and Ca. Residential Code Sec. R322.2.1(2) requirements.

Sincerely,

A handwritten signature in blue ink that reads "Steve Kinsey". The signature is written in a cursive, flowing style.

Steve Kinsey

ATTACHMENT A

R.M. Noble & Associates

Ronald M. Noble, P.E., President

2420 Mountain Ranch Road
Petaluma, CA 94954
Phone: (415)-246-4595

May 13, 2021

Steve Kinsey
CivicKnit
P.O. Box 81
Forest Knolls, CA 94933

Re: Hazards from Easkoot Creek
21 Calle del Onda, Stinson Beach, CA
Assessor's Parcel No. 195-162-49

Dear Steve:

This letter is an addendum to our Coastal Engineering Analysis dated July 12, 2016 for the subject property, and our updated analysis on April 10, 2020 that reviewed our findings from July 12, 2016 and included wave runup, overtopping and overland wave propagation to determine wave conditions at the project site for the septic system based on the 100-year storm event in the year 2070, including consideration of the effects of SLR.

The purpose of this addendum letter is to consider any potential flooding and inundation impacts from Easkoot Creek, which is on the inland side (northeast side) of the subject property. In analyzing this potential hazard the following studies and information were reviewed:

- Noble's Coastal Engineering Analysis Report dated July 12, 2016
- Noble's updated analysis dated April 10, 2020
- L.A. Stevens & Associates Topographic Map dated 7/24/2015 and updated 8/31/2020
- FEMA Flood Zones in Calles Neighborhood
- CivicKnit's Recent FEMA and California Coastal Commission Guidance Information dated May 6 2020
- Coastal Commission Comment letter of Shoreline Protection and Hazard Areas on all lots in the Calles neighborhood of Stinson Beach dated March 31, 2016
- O'Connor Environmental, Inc.'s Stinson Beach Watershed Program Flood Study and Alternative Assessment dated May 2014

All coastal flooding associated with extreme tides, wave action, erosion, wave runup, wave overtopping, overland wave propagation and inundation, including the potential increase in groundwater have previously been analyzed and approved for the subject property. Therefore,

Addendum Letter
Re: 21 Calle del Onda
Steve Kinsey, CivicKnit
May 13, 2021
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the comprehensive report prepared by O'Connor Environmental on the impacts from Easkoot Creek were reviewed as it related to flooding hazards to the subject property.

The O'Connor report performed detailed numerical modeling studies for several flooding scenarios of the lower portion of Easkoot Creek, which included the Calle del Onda properties. The flooding scenarios included the severe December 2005 flood and the projected 100-year flood, including impacts during high tides and SLR. In all the flood maps presented in this report the flooding never reached the subject property. The lowest site grade elevation of the property on its inland side is above +12 feet NAVD88. The reported modeled flood elevation along Calle del Onda during the 2005 flood was 8.6 feet NAVD88, while the modeled 100-year flood was approximately +10 feet NAVD88 at Calle del Onda. Therefore, the site's design flood condition is associated with the previously addressed coastal flooding not from Easkoou Creek.

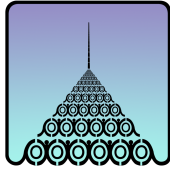
Sincerely,

R.M. Noble & Associates

A handwritten signature in blue ink, appearing to read 'R.M. Noble', is written over a faint, larger version of the same signature.

Ronald M. Noble, P.E., D.CE, D.PE, D.WRE, Dist.M.ASCE
President

ATTACHMENT B



Civicknit

P.O. Box 81
Forest Knolls, CA 94933
steve@civicknit.com
415.307.1370

May 6, 2020
Ed Schmidt
General Manager
Stinson Beach County Water District
3875 Shoreline Highway / P.O. Box 245
Stinson Beach, CA 94970

RE: Recent FEMA and California Coastal Commission Guidance information

Mr. Schmidt,

At your request, based on comments that the Stinson Beach County Water District (SBCWD) received during the Public Comment period on the Draft Mitigated Negative Declaration prepared by WRA Associates for the 21 Calle del Onda Individual Wastewater System Variance application, I am providing you with this information.

The Water District's request was in response to letters received during the Public Comment period; specifically the January 27, 2020 letter from the U.S. Department of Homeland Security, Floodplain Management and Insurance Branch (FEMA), and the February 13, 2020 letter submitted by the Gulf of the Farallones National Marine Sanctuary (GFNMS).

Per your recommendation, Noble Consultants was re-hired to review their July 12, 2016 Coastal Engineering Analysis for 21 Calle del Onda, Stinson Beach, to obtain their professional judgment of the risks associated with installation of an on-site wastewater system in light of the 2017 revisions to federal Flood Insurance Rate Program (FIRM) maps and the updated 2018 California Coastal Commission (CCC) Sea Level Rise (SLR) Guidance. In addition to performing revised calculations that inform this correspondence, Mr. Ron Noble will be present at the meeting of your Board of Directors to respond to your Board's questions.

In response to the FEMA letter, Noble Consultants has confirmed that the proposed wastewater system will not increase the base flood levels in the surrounding area because of its relatively minor elevated volume relative to the entire Stinson Beach

shoreline where flooding would be occurring. Regarding the revised FIRM maps, Noble Consultants 2016 report used the 2015 Preliminary FIRM Map Extreme Still Water Level (SWL) elevation of +9.1 feet NAVD88, and a current 100 year Base Flood Elevation (BFE) of +15.6 feet, NAVD88. These elevations are identical with the values FEMA ultimately adopted for its 2017 FIRM map of Stinson Beach, resulting in no change to their previous flooding calculations.

Changing Guidance on Coastal Conditions	
SLR Range in 2066 (2016 estimate)	0.6' - 2.5'
SLR in 2050 (66% likelihood)	0.6'-1.1'
SLR in 2050 (5% likelihood)	1.4'
SLR in 2050 (0.5% likelihood)	1.9'
SLR in 2050 (Extreme scenario)	2.7'
SLR in 2070 (66% likelihood)	0.8' - 1.9'
SLR in 2070 (5% likelihood)	1.9' - 2.4'
SLR in 2070 (0.5% likelihood)	3.5'
SLR in 2070 (Extreme scenario)	5.2'
Shoreline Recession w/ 1.1' SLR	20'
Shoreline Recession w/ 1.9' SLR	40'
Shoreline Recession w/ 3.5' SLR	80'

In responding to the GFNMS letter, the effect of the 2018 CCC Sea Level Rise (SLR) Guidance on Noble Consultant’s 2016 Coastal Engineering Analysis, the chart to the left demonstrates the differences in potential SLR between the Coastal Commission’s 2015 and 2018 Guidance reports. In 2015, the report provided only a potential range of SLR. In 2018, the report also presented a probability of the calculated SLR range occurring in the future.

The Coastal Commission’s 2018 report increases the 2070 risks of sea level rise by 6 to 12 inches over its 2015 report. Assuming a 50 year life expectancy, the most conservative 100 year base flood elevation projection would increase from 18.1 feet, NAVD88 to 19.1 feet, NAVD88. This increased potential flood elevation will require the residence’s lowest structural members to be no less than 19.1 feet NAVD88 to meet FEMA and Marin County development standards set forth in *Section 23.09.039 - Coastal high hazard areas*, excluding the stairwell leading into the habitable space. As a result the bottom of the home’s framing will be 2-6 feet above the existing grade.

The Coastal Commission’s most recent sea level rise projections increase the risk that the Calle del Onda wastewater system would be subjected to storm wave runoff earlier than previously projected. However, because of the real world uncertainty regarding the actual rate of sea level rise, a precise period before wave action could reach the system cannot be predicted.

Based on the Coastal Commission’s 2018 Guidance and Noble Consultants updated calculations, Figure 1 illustrates several potential scenarios that reflect different levels

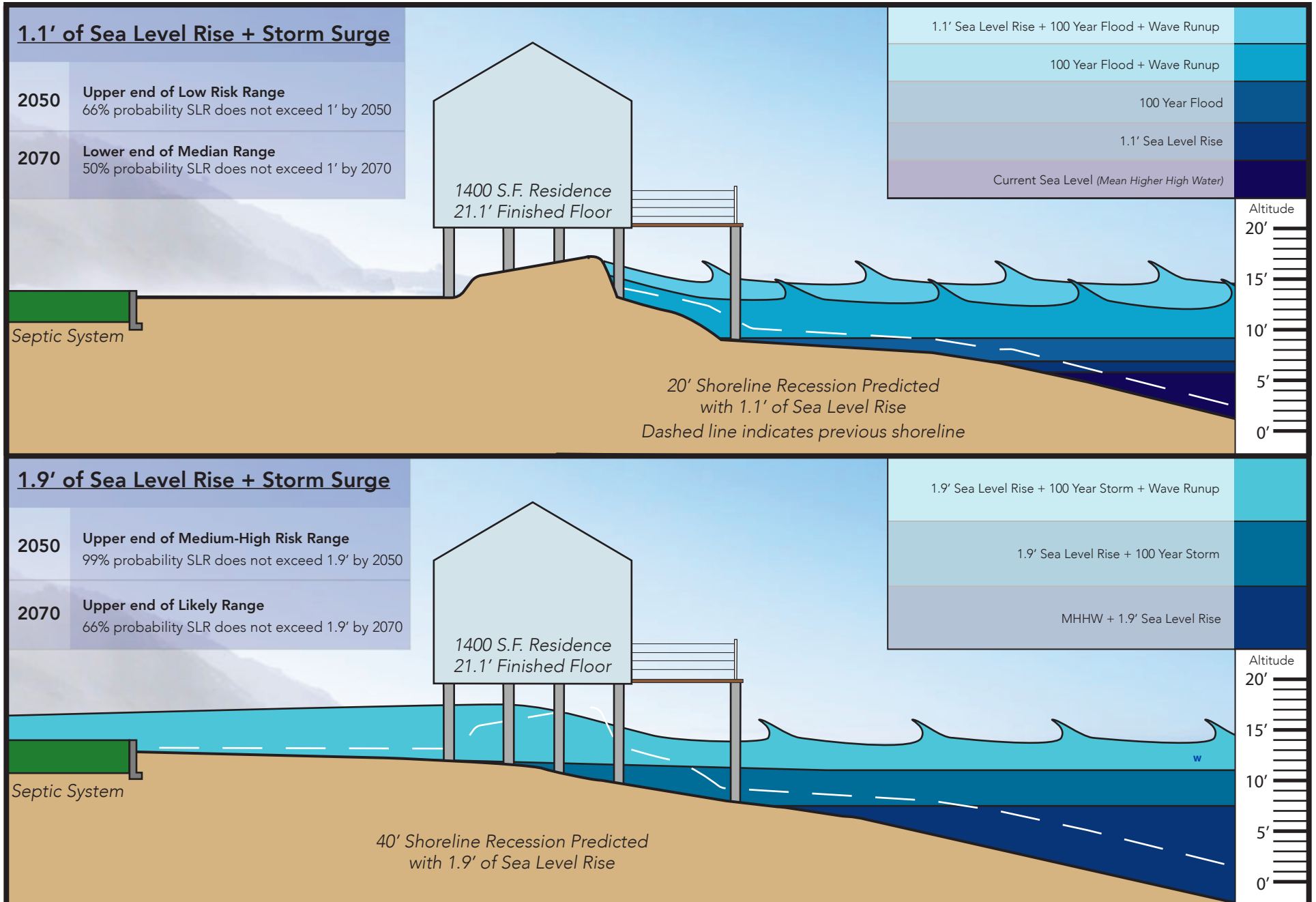


Figure 1 – Flood Risk & Sea Level Rise Predictions

of sea level rise and different durations. There is a very high likelihood (99.5%) that 21 Calle del Onda's septic system would not be impacted during a severe storm in 2050, and a 50-50 chance that 100 year storm waves would not overtop the system in 2070.

Figure 1 also illustrates what Noble Consultants predict could occur by 2050 if the unlikely (less than a 1% chance) rate of sea level rise proposed by the Coastal Commission occurs. A 100 year storm could produce wave runup that would overtop the wastewater system by as much as 4.5 feet. In addition, the scouring action could cause the shoreline to recede nearly to the edge of the system. However, the Coastal Commission's projections predict that even in 2070, there is a 66% likelihood that such a level would not be reached .

In the event that sea level rise increases at the higher rates before the useful life of the residence, the Calle del Onda property owner would face several options:

- 1- Participate in a community-wide wastewater system constructed outside of the flood hazard zone or protected by an alternative neighborhood solution.
- 2- Seek CCC permission to construct an east-west wave barrier that rises 4.5 feet above ground level and extends 4 feet below grade across their property.
- 3- Dismantle the development and retreat from the property.

Based on the County of Marin's 2017 C-SMART Sea Level Rise Vulnerability assessment, these options are identical to the choices that over 400 other Stinson Beach property owners will also face as the sea level rises to that height. (Figure 2).

Earlier in 2020, when considering whether to allow a recently repaired septic system to serve an entirely new residence at 11 Alameda Patio, the SBCWD did not require a sea level rise analysis. Staff considered the existing sand dune across the property's beach frontage to be adequate to protect the system. However, if a coastal engineering analysis similar to the one required for Calle del Onda had been done, it would have demonstrated that by 2070, storm action, combined with the receding shoreline could also impact that system. (See Figure 2).

In 2015, SBCWD approved a Wastewater System Variance for 48 Calle del Embarcadero. That system is currently vulnerable to inundation from Easkoot Creek, and would face the same or greater impacts from ocean flooding by the year 2070 or sooner. Given that recently approved Wastewater Variances face similar risks from sea level rise over time, equitable consideration and fundamental fairness warrant approval of a Variance for the Calle del Onda property.

Stinson Beach

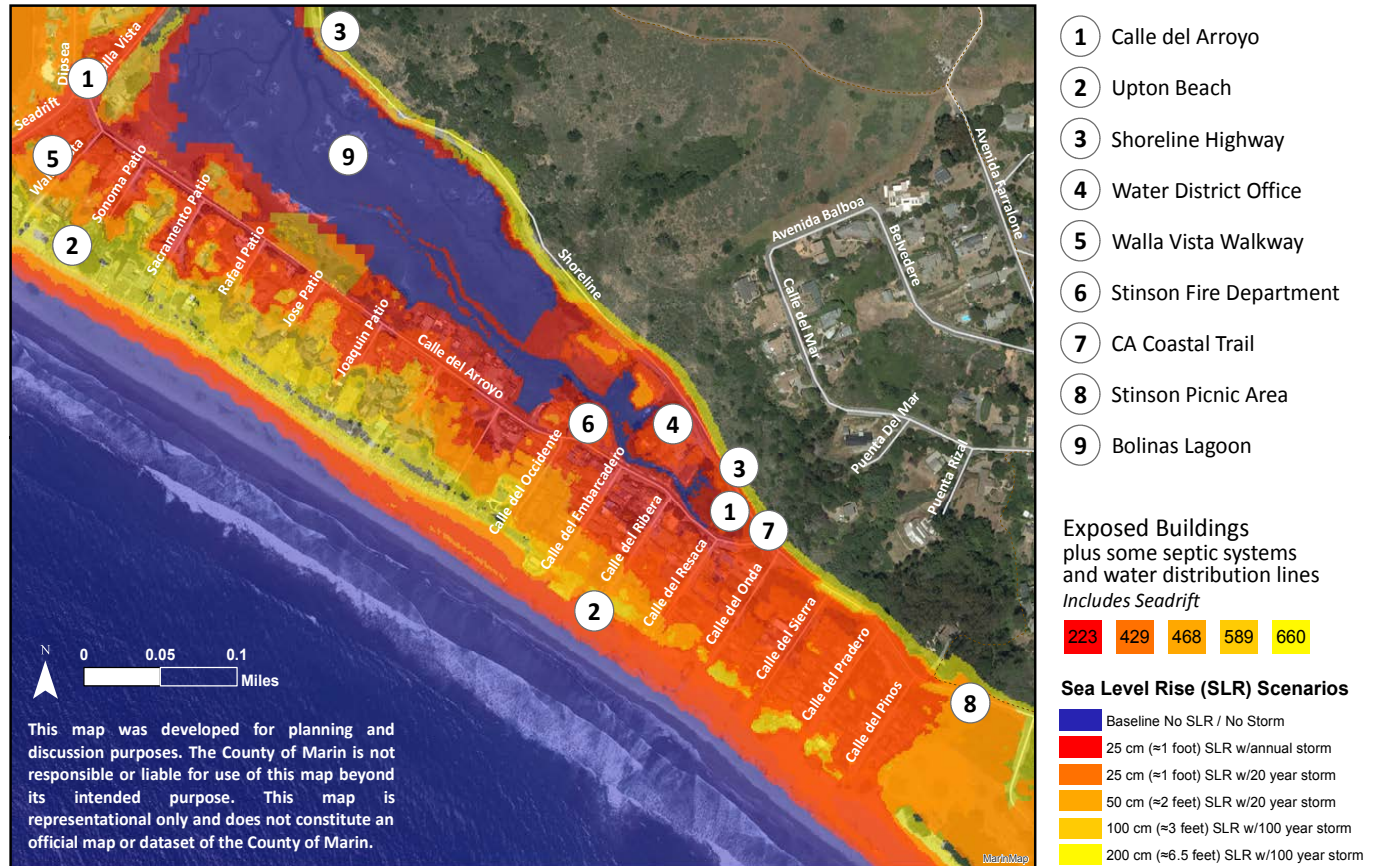


Figure 16. Stinson Beach Exposure Map. Does not include geomorphic change.

Figure 2- Marin’s C-SMART (Collaboration Sea-level Marin Adaptation Response Team) Report

Regarding GFNMS concerns regarding water quality, the proposed system is superior to many of the older gravity systems still in service. In addition, the property’s elevation places it above Easkoot Creek’s historic floodplain. Marin County Environmental Health Services monitors water quality at Stinson beach from April through October annually. With over 500 existing, active on-site wastewater systems, Stinson Beach’s central area is routinely found to have excellent ocean water quality. In recent years, Heal the Bay has awarded the area an A+ grade for the water quality. In extreme storm events, it will be possible for many systems to function sub-optimally, however the Calle del Onda system would not contribute appreciably to the overall water quality reduction at those times, and certainly doesn’t warrant being singled out. Finally, the GFNMS statement about a 12 foot tall concrete retaining wall

around the wastewater system perimeter is incorrect, based on an error in the draft WRA Mitigate Negative Declaration that will be corrected by the author.

In summary, neither the 2017 FIRM Maps or the California Coastal Commission 2018 Sea Level Rise Guidance significantly change the 2016 Noble Report findings. In addition, the owners have agreed to limit the size of their residence to the Water District's minimum design capacity. They are prepared to record a deed restriction that commits them and all future property owners to participate in a community wastewater system if one is approved by the community. In addition, once a Wastewater Variance is granted, their single-family residence application to the County of Marin and the Coastal Commission will include a proposed Condition binding any owner to apply for a Coastal Development Permit to remove the structure at such time as the State or County order removal based on an increased level of coastal hazard.

We ask that you proceed immediately to schedule a hearing on this Variance.

Sincerely,

A handwritten signature in blue ink that reads "Steve Kinsey". The signature is written in a cursive, flowing style.

Steve Kinsey



July 12, 2016

Mr. Craig Nunes
554 View Street
Mountain View, CA 94041

Re: **Coastal Engineering Analysis
For 21 Calle Del Onda, Stinson Beach, CA
Assessor's Parcel No. 195-162-49**

Dear Mr. Nunes:

This letter report presents the results of our coastal engineering analysis for your proposed residence located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). Our scope of services included data collection & processing, engineering analyses (to include erosion analysis, flood hazard & wave uprush analysis, and mapping of the results), and preparation of a report that documents our analyses and mapping of results. The purpose of this analysis is to respond to the California Coastal Commission letter dated March 31, 2016 regarding "Shoreline Protection and Hazard Areas".

SITE CONDITION

The proposed residence is a new 2,154 square-foot single-family residence with an attached 330 square-foot one-car garage, in addition to new site improvements, including a septic system, driveway and boardwalk, located at 21 Calle Del Onda in Stinson Beach (APN: 195-162-49) as shown in Figure 1. This lot was previously developed with a house, that was destroyed by a fire. A topographic survey was conducted for this project site by L.A. Stevens & Associates, Inc. on July 17, 2015. The topographic survey, overlain with the site plan for the proposed development, is shown in Figure 2. The typical beach profile, which was derived from this July 17, 2015 survey, is shown in Figure 3.

SEA LEVEL RISE

Based on the National Research Council's (NRC) 2012 report¹ on sea level rise (SLR) for the coasts of California, Oregon and Washington, the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT) developed a SLR guidance² to advise California in planning efforts. Using the range of SLR presented in the NRC (2012) report, CO-CAT selected SLR values based on agency and context-specific considerations of risk tolerance and adaptive capacity. These SLR projections were unanimously adopted for use by the California Coastal Commission on August 12, 2015³. The SLR predictions for the project site are listed in Table 1.

Table 1. Sea Level Rise Projections

Time Period	By 2030	By 2050	By 2100
Sea Level Rise From 2000	2-12 inches (4-30 cm)	5-24 inches (12-61 cm)	17-66 inches (42-167 cm)

The focus of this study is to ascertain a sea level rise projection of approximately 50 years and determine the impact of SLR on the proposed residence. Using third degree polynomial curves to fit the range of the SLR projections as listed in Table 1, the SLR estimated for various periods is summarized in Table 2. The SLR estimated in the next 50 years (from 2016 to 2066) is 7.5-30.2 inches (0.6-2.5 feet).

Table 2. Sea Level Rise Estimates for Various Periods

Time Period	SLR
2000 - 2016	0.7-5.5 inches
2000 - 2066	8.2-35.7 inches
2000 - 2091	14.5-57.3 inches
In 50 years (2016-2066)	7.5-30.2 inches (0.6-2.5 feet)
In 75 years (2016 – 2091)	13.8-51.8 inches (1.2-4.3 feet)

¹ National Research Council (NRC), 2012. Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future (2012). http://www.nap.edu/catalog.php?record_id=13389.

² CO-CAT, 2013. State of California Sea-Level Rise Guidance Document, March 2013 update.

³ California Coastal Commission, 2015. California Coastal Commission, Sea Level Rise Policy Guidance, unanimously adopted on August 12, 2015.

SHORELINE EROSION IN RESPONSE TO SEA LEVEL RISE

The shoreline recession in response to SLR was estimated using the Bruun Rule (1962)⁴. This theory has been widely applied by the engineering and scientific communities to provide a first approximation of the potential shoreline retreat caused by rising sea levels. Assuming all sand removed from the upper portion of the beach profile is deposited offshore as sea level rises, the Bruun Rule (1962) provides a relationship to estimate shoreline retreat as a function of sea level rise and beach profile characteristics. The Bruun Rule equation is:

$$R = S \frac{W_b}{(h_c + B)}$$

where R is the shoreline recession distance, S is the sea level rise, W_b is the horizontal dimension of the active zone of the beach profile, h_c is the depth of closure, and B is berm height above the sea level. Using this formula, the shoreline recession distances in response to various SLRs are summarized in Table 3. The shoreline erosion distance in the next 50 years will range between 20 feet to 80 feet, depending on the future SLR. The corresponding eroded beach profiles, compared to the existing (surveyed) profile, are illustrated in Figure 3.

Table 3. Shoreline Recession Distances in Response to Sea Level Rise

Time Period	Sea level rise (feet)	Shoreline recession distance (feet)
In 50 years (2016-2066)	0.6-2.5	20-80
In 75 years (2016-2091)	1.2-4.3	40-130

CURRENT (2016) COASTAL FLOOD ELEVATION

Currently a base flood elevation (BFE) of 26 feet, NAVD88 is listed in the effective Flood Insurance Rate Map (FIRM) for the proposed residence location. This FIRM was prepared by the Federal Emergency Management Agency (FEMA), with the effective date of May 4, 2009. However, an updated coastal flooding analysis was conducted by FEMA for Marin County in 2015. The results are summarized in the preliminary Flood Insurance Study (FIS)⁵ dated July 29, 2015, with an updated preliminary FIRM.

⁴ Bruun, P. (1962), "Sea-level rise as a cause of shore erosion," Journal of Waterways and Harbors Division, Vol. 88 (1-3), 117-130.

⁵ FEMA (2015), *Flood Insurance Study, Marin County, California and Incorporated Areas*, Prepared by Federal Emergency Management Agency, Preliminary, July 29, 2015.

In this updated FIS, storm surge, swell, and locally generated wind waves were modeled on a regional scale using numerical models to deterministically predict water levels and wave conditions for the Pacific Ocean along the coastline of Marin County that is exposed to the open ocean. These data were then used as inputs in a 1-dimensional, transect-based analysis to determine the coastal flooding hazards onshore.

The SHELF model developed by the Scripps Institution of Oceanography was used for the regional surge and wave modeling. This hydrodynamic model included the effects of storm surge, wave effects, and other phenomena such as El Niño and La Niña conditions. The SHELF model produced a hindcast of hourly wave conditions for a 50-year period extending from January 1, 1960 through December 31, 2009. Hourly water levels were obtained from NOAA tide gauges and were paired with the SHELF model waves to analyze the coastal hazards at the shoreline. The frequency and magnitude of storm surge was derived statistically from the 50-year hindcast record.

Tidal elevation data for tide stations along the California coast were obtained from the NOAA's National Ocean Service (NOS). Temporal gaps in the records were filled using an approach that applied the relationships of observed tidal residuals between neighboring gauges to estimate residual components at stations with missing data. Using these correlations and an understanding of the spatial variability of regional storms, the gaps in gauge records were empirically reconstructed to provide a continuous hourly time series of still water levels for the desired period of record at each tide gauge. Once the hourly still water level hindcast was reconstructed for each tide gauge, each tide gauge was assigned the coastal reach for which it was considered to be most representative for the still water levels.

Extreme Still Water Level

Based on the statistical analysis, the extreme still water level (SWL) was computed for various return frequencies, and the results were summarized in Table 11 of the FEMA's (2015) FIS. The SWL at the project site is represented by that determined for the Point Reyes tide gauge. According to this FIS, the 1-percent annual chance (100-year) SWL is +9.1 feet, NAVD88. Based on the National Oceanic and Atmospheric Administration's (NOAA) tidal datums for Point Reyes, the Mean Higher High Water (MHHW) is: +5.74 feet, NAVD88, and the highest observed water level (02/06/1988) is: +8.52 feet, NAVD88. The FEMA's 100-year SWL is approximately 0.6 foot higher than the highest observed water level. To be conservative, the extreme SWL used in this analysis is: +9.1 feet, NAVD88.

Wave Runup Elevation

Water level and wave information from the tide gauge analysis and the SHELF model were used in FEMA's (2015) FIS as inputs to the 1-dimensional onshore flood hazard analyses. Wave setup, runup, overtopping, event-based erosion, and overland wave propagation were analyzed, where appropriate, at transects placed along the coastline.

Wave runup was calculated using one of three methods, depending upon the dynamic water level relative to the profile and the shoreline slope. As recommended in FEMA's Pacific Guidelines, the Direct Integration Method (DIM) was used to calculate runup for transects with natural, gently sloping profiles. The Technical Advisory Committee for Water Retaining Structures (TAW) method⁶ was used for shorelines with shore protection structures and steeply sloping natural shorelines where the dynamic water level (DWL) exceeded the toe of the structure or bluff. If, for these shorelines, the DWL did not reach the toe of the structure or bluff face, the DIM was used for gently sloping profiles while a modified TAW approach was implemented on steeper shorelines. The Shore Protection Manual method⁷ (USACE, 1984) was used to calculate wave runup on vertical walls.

The total runup, including wave setup and incident wave runup, was added to the SWL to determine the total water level (TWL). Annual TWL maxima were selected from the 50-year hindcast (1960-2009). The generalized extreme value statistical distribution was employed to calculate the 1-percent-annual-chance TWL at each transect, and the results are listed in Table 13 of FEMA's (2015) FIS. Based on this table, the total water level (the wave runup elevation or the flood elevation) at the project site (represented by Transect P58) is: +15.6 feet, NAVD88 for the 1% annual chance event. In other words, the 100-year flood elevation, or the Base Flood Elevation (BFE), at the project site is: +15.6 feet, NAVD88.

COASTAL FLOOD ELEVATION IN 50 YEARS (2066)

The wave runup (the vertical distance between the wave runup elevation and the SWL) is mainly a function of the incident wave condition and the beach condition, such as the roughness and the slopes of the beach profile (between the wave breaking point and the wave runup limit). As discussed under the Sea Level Rise section of this letter report, the SLR estimated for the next 50 years (from 2016 to 2066) is approximately 0.6-2.5 feet. For the same offshore wave condition, our analysis indicates that the wave runup virtually shows no difference whether this SLR is

⁶ Van der Meer, J.W. (2002), *Wave Run-up and Overtopping at Dikes*, Technical Report. Technical Advisory Committee for Water Retaining Structures (TAW), Delft, The Netherlands.

⁷ U. S. Army Corps of Engineers (1984), *Shore Protection Manual*, Volumes 1-3.

considered or not. The wave runup elevation is the still water level (SWL) added to the wave runup. Therefore, the SLR will impact the wave runup elevation mainly by elevating the SWL. Considering a SLR of 0.6-2.5 feet, the 1-percent annual chance (100-year) SWL in 50 years (2066) is approximately 9.7-11.6 feet, NAVD88, and the 1-percent annual chance (100-year) wave runup elevation, or the 100-year flood elevation is approximately 16.2-18.1 feet, NAVD88.

SUMMARY OF COASTAL FLOOD HAZARD

The extreme water levels at the project site are summarized in Table 4. The elevation of the lowest floor’s horizontal member is designed at +18.1 feet, NAVD88. This elevation is higher than the 100-year SWL (10.3-13.4 feet, NAVD88) in 75 years (2091), and be above the 100-year flood elevation (16.2-18.1 feet, NAVD88) in 50 years (2066).

Table 4. Water Level (Feet, NAVD88) Summary

Mean Higher High Water (MHHW)	5.74
Highest Observed Water Level (02/06/98)	8.52
100-Year SWL	
Current (2016)	9.1
In 50 years (2066), with SLR = 0.6’ - 2.5’	9.7 - 11.6
In 75 years (2091), with SLR = 1.2’ - 4.3’	10.3 - 13.4
100-Year Flood Elevation	
Current (2016)	15.6
In 50 years (2066), with SLR = 0.6’ - 2.5’	16.2 - 18.1
In 75 years (2091), with SLR = 1.2’ - 4.3’	16.8 - 19.9
Elevation of the Lowest Floor’s Horizontal Member	18.1

Figure 4 shows the representative beach profiles with the MHHW water lines. Figure 5 shows the beach profiles with the 100-year SWLs. Figure 6 shows the beach profiles with the 100-year flood elevations. Both the current (2016) condition and the condition in 50 years (2066) after considering SLR are shown in these figures. As indicated in Figure 6, part of the ground under the proposed residence will be inundated under the current condition, and part of, or the entire ground under the proposed residence will be inundated in 50 years after considering the future SLR.

Figure 7 shows the map for the current MHHW water line and the variation in range of the future MHHW line in 50 years in relation to the proposed residence. Figure 8 shows the map for the current 100-year SWL water line and the variation in range of the 100-year SWL water line in 50 years. Figure 9 shows the map for the current 100-year flood inundation boundary, and the variation in range of the future inundation boundary in 50 years. As shown in Figure 7, the proposed residence is approximately 240 feet landward of the current MHHW line, and approximately 90 to 210 feet landward from the MHHW line in 50 years. As shown in Figure 9, part of the ground underneath the proposed pile-supported residence will be inundated under the current 100-year storm event, and part of, or the entire ground under the proposed residence will be inundated in 50 years after considering the future SLR. As a reference, Figure 10 shows an enlarged view of the FEMA (2015) Preliminary Flood Insurance Rate Map (FIRM), dated July 29, 2015, for the project site. This FIRM shows a similar coastal flood inundation boundary as the current inundation boundary plotted in Figure 9.

It is noted that the design elevation of the lowest floor's horizontal member is at +18.1 feet, NAVD88. Therefore, the proposed pile-supported residence will withstand the anticipated 100-year flood elevation, or the wave runup elevation, in 50 years (2066), which will be 16.2-18.1 feet, NAVD88 after considering the low and the high SLR projections.

IMPACT OF SEA LEVEL RISE ON GROUNDWATER LEVEL

Sea level rise may elevate the groundwater level in coastal communities. However, this impact will decay as the landward distance from the shoreline increases. The estimated SLR will be 0.6-2.5 feet in the next 50 years. For the most conservative estimate, assuming the groundwater level will elevate at the same magnitude as the future sea level rise, the groundwater rise at the site of the proposed residence will not exceed 0.6-2.5 feet in the next 50 years. A wet weather testing conducted by a wastewater engineer, Troy Pearce, found no groundwater down to 6 feet. Therefore, the future groundwater level will be more than 3.5-5.4 feet under the ground in the next 50 years after considering the high and the low SLR projection.

WAVE ACTION ON SEPTIC SYSTEM

A septic system is proposed on the back side (landward) of the lot. The location of this septic system is shown in Figure 11. It is noted that this septic system is behind (landward of) the sand berm with a top elevation of approximately +17 feet, NAVD88. Under the current condition, the 100-year flood elevation (+15.6 feet, NAVD88) will not overtop this berm. Therefore, the septic system behind this berm will not experience coastal flooding hazard under the current condition. The 100-year flood elevation in 50 years (with SLR) may vary between +16.2 and +18.1 feet, NAVD 88. The sand berm will be overtopped if the flood elevation exceeds the top of the term.

Mr. Craig Nunes,
554 View Street, Mountain View, CA 94041
July 12, 2016
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Therefore, it is possible that the septic system will be inundated in 50 years by the water that overtops the berm. However, it will not be directly exposed to wave action from the ocean. In other words, the proposed septic system will not be subjected to coastal flooding under the current condition; however it may be subjected to coastal flooding in 50 years, but virtually without experiencing wave action or wave force.

* * * * *

We appreciate the opportunity to perform this coastal engineering analysis and prepare this report of our results for your proposed new residence at 21 Calle Del Onada in Stinson Beach. Please contact us if you should have any questions regarding our findings.

Sincerely,

NOBLE CONSULTANTS, INC.



Ronald M. Noble, P.E., D.CE, D.PE, D.WRE
President

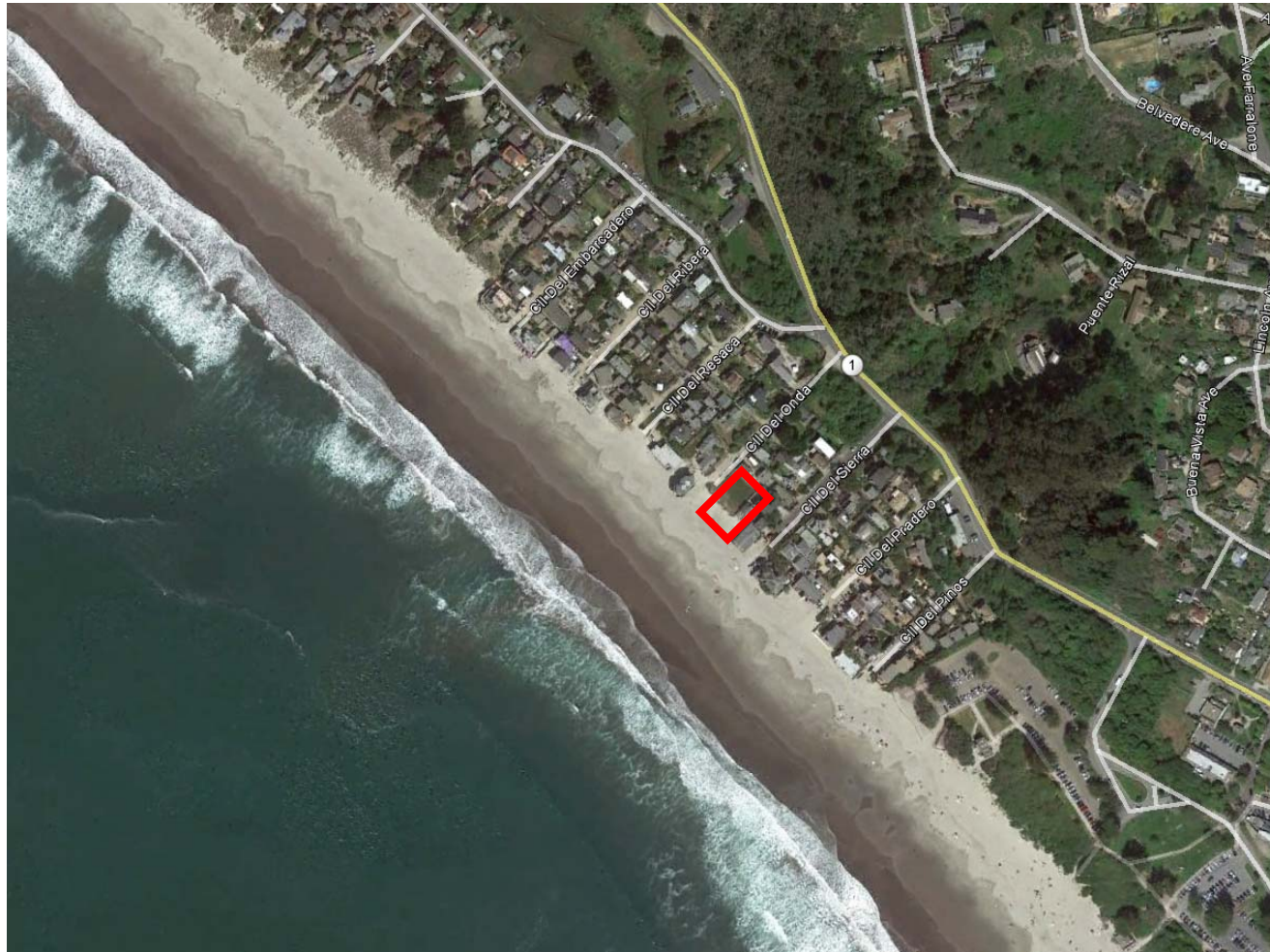


Wenkai Qin, Ph.D., P.E., D.CE
Manager, Coastal/Water Resources Analysis

RMN/ WQ

Attachments: (Figures 1 through 11)

Mr. Craig Nunes,
554 View Street
Mountain View, CA 94041
July 11, 2016
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Source: Google Earth

Figure 1. Location of Proposed Development (Red Box)

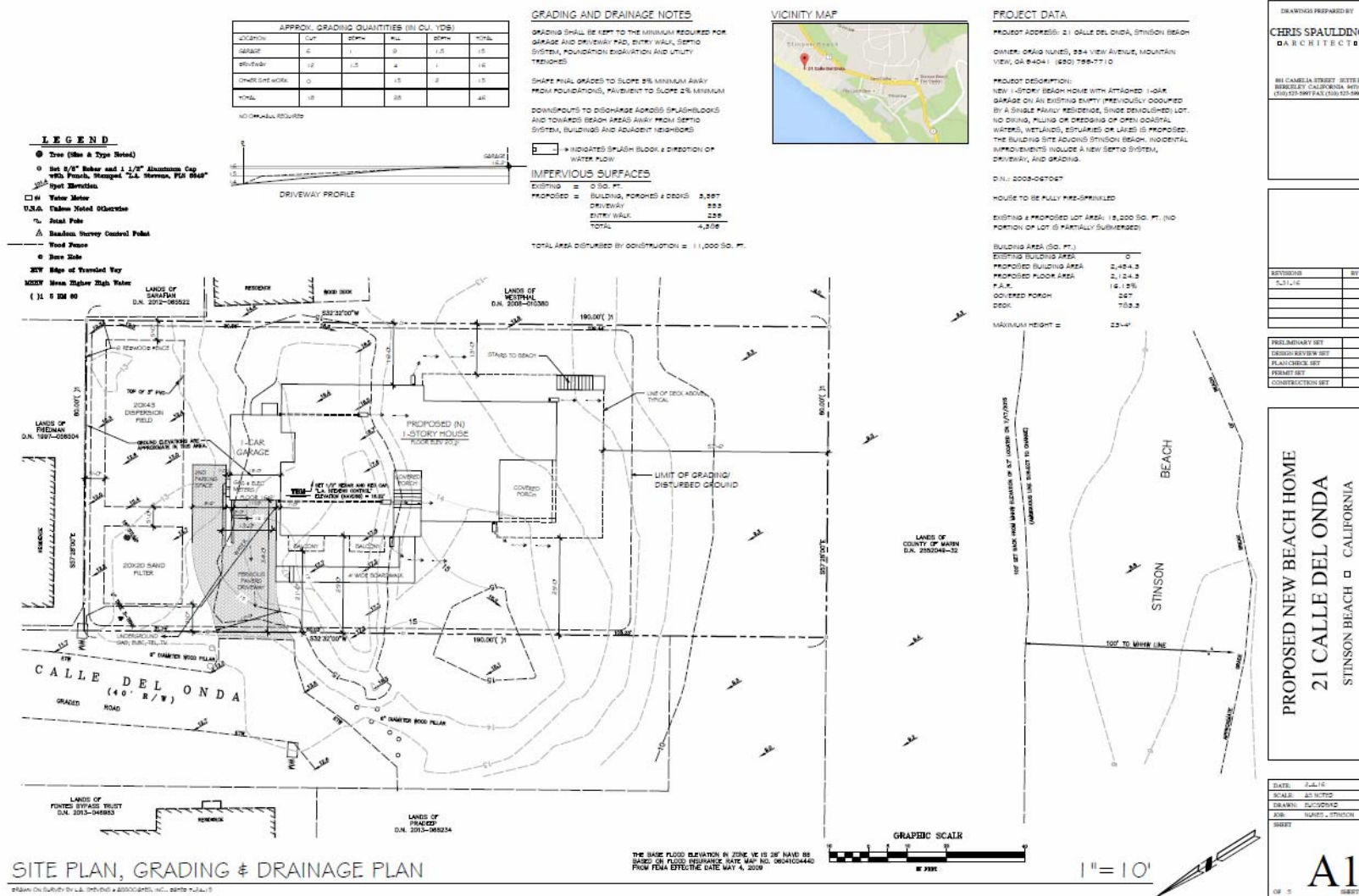


Figure 2. Topographic Survey Overlain with Site Plan for Proposed Development

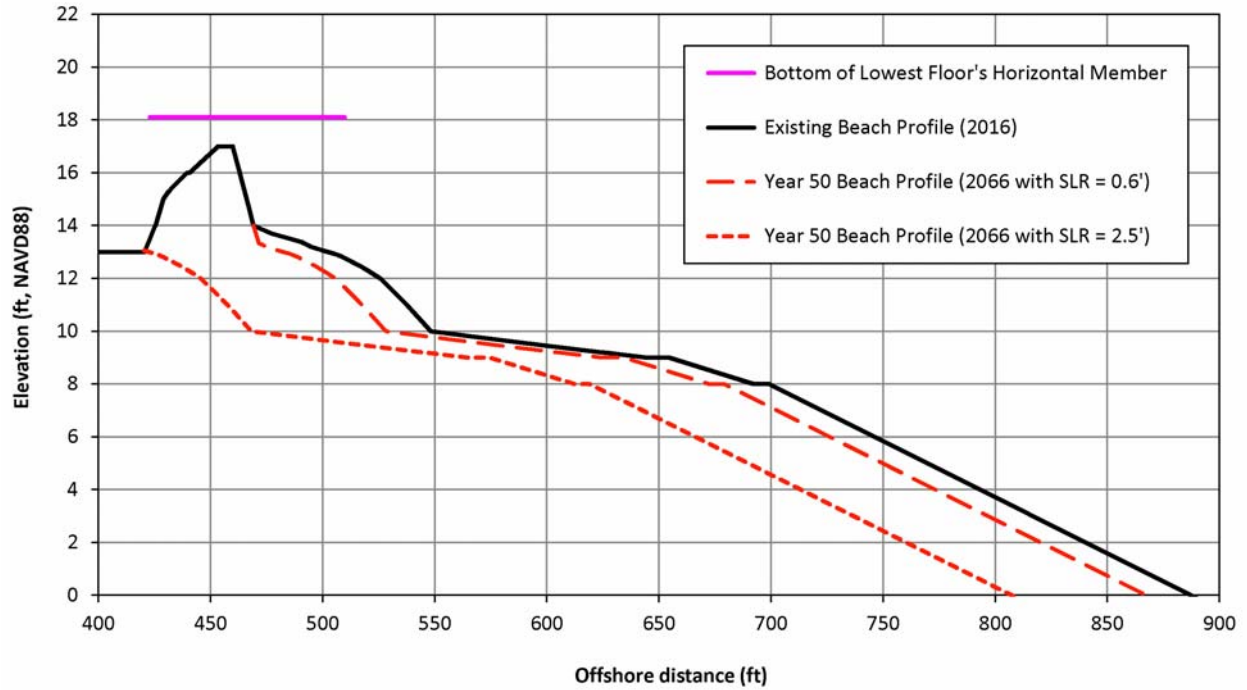


Figure 3. Eroded Beach Profile in Response to Sea Level Rise

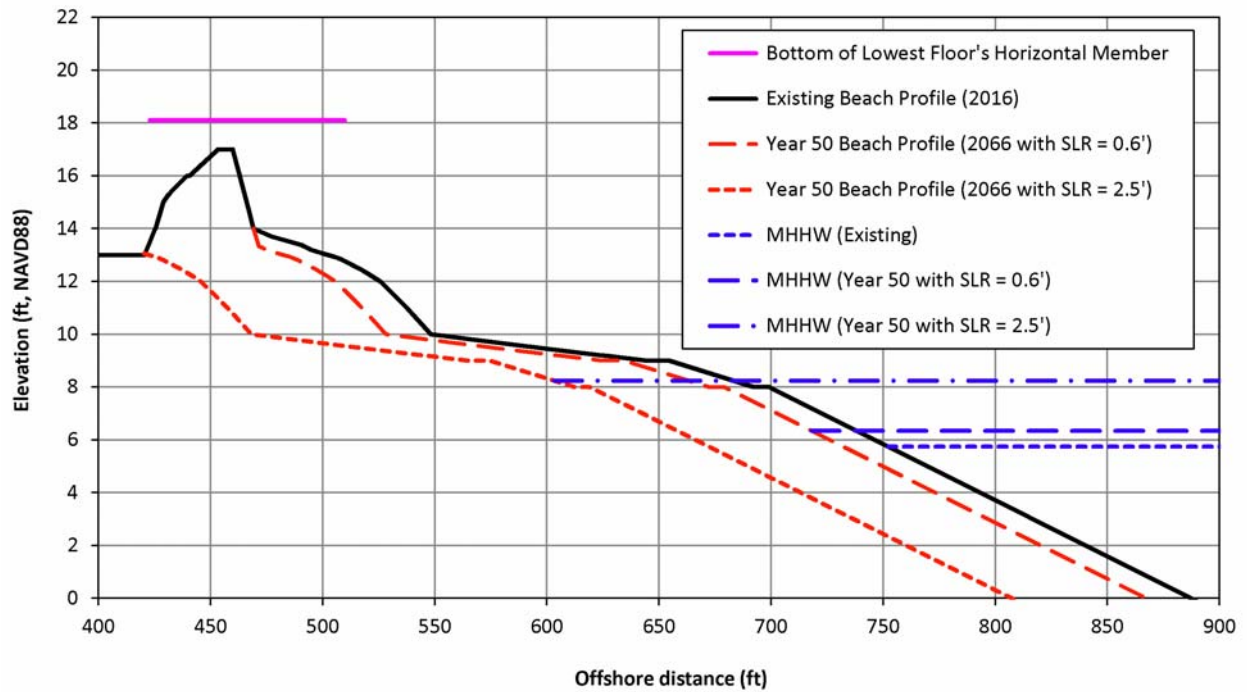


Figure 4. Mean Higher High Water (MHHW) Level

Mr. Craig Nunes,
 554 View Street, Mountain View, CA 94041
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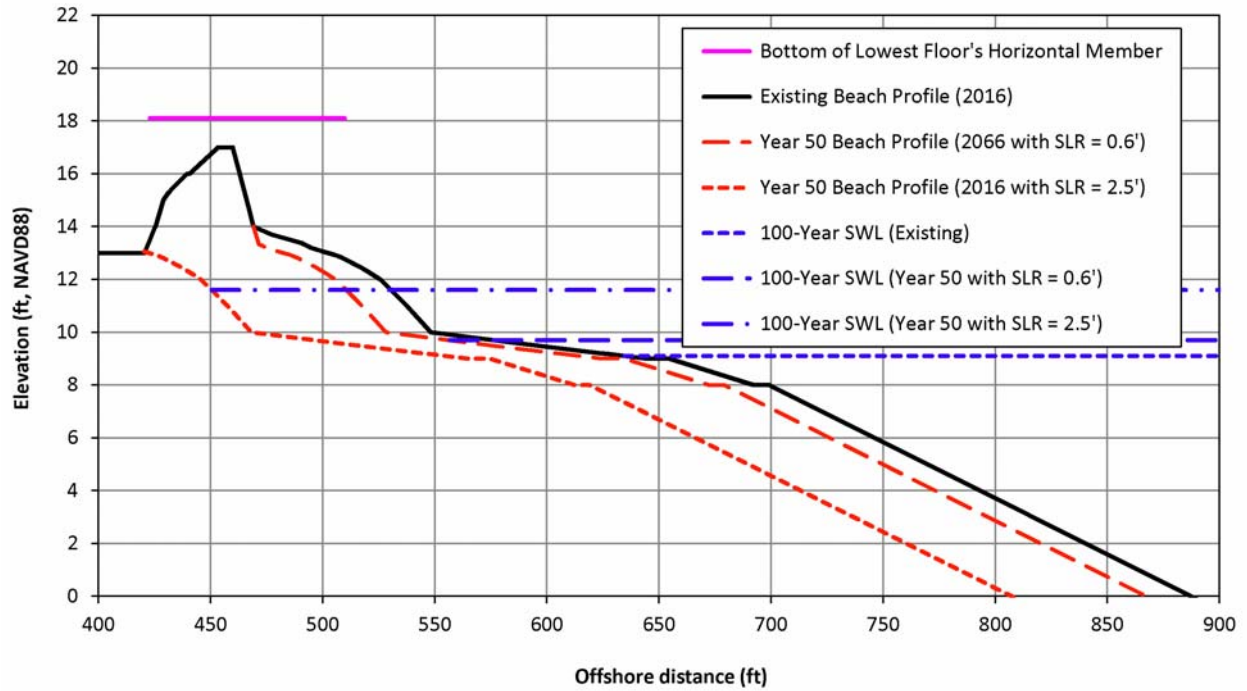


Figure 5. 100-Year Still Water Level

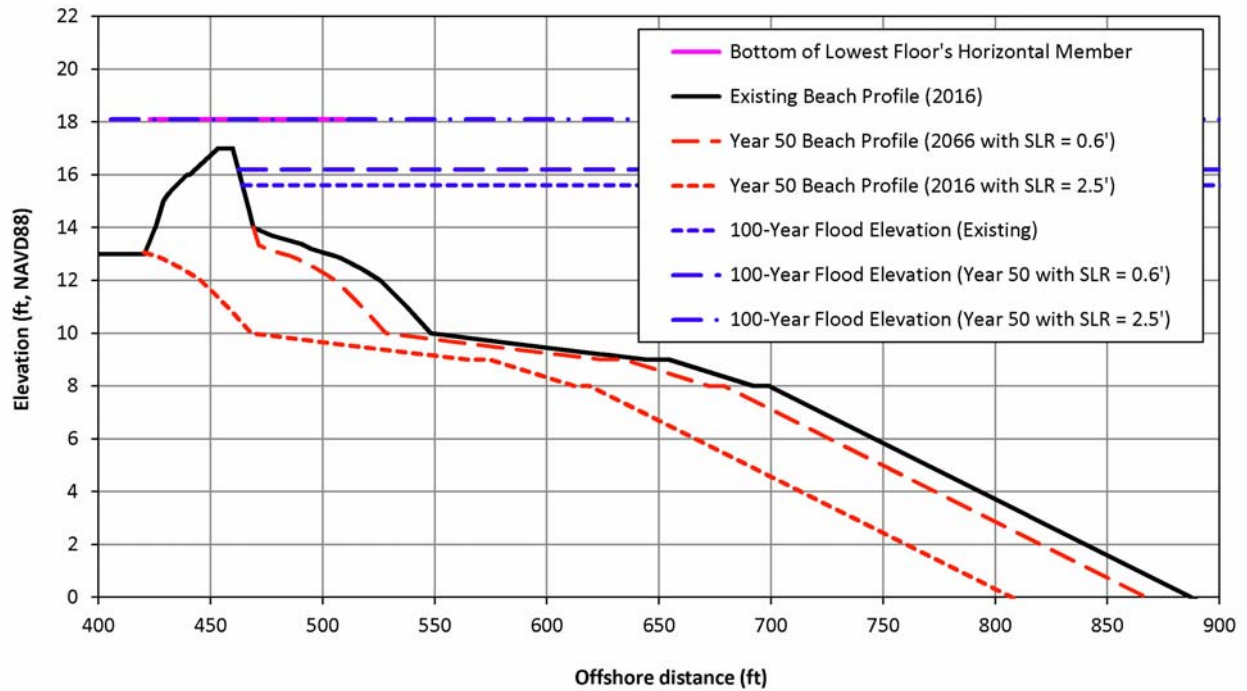


Figure 6. 100-Year Flood Elevation (Wave Runup Elevation)



Figure 7. Existing and Future Mean Higher High Water (MHHW) Lines



Figure 8. Existing and Future 100-Year Still Water Level Lines



Figure 9. Existing and Future 100-Year Flood Inundation Boundaries

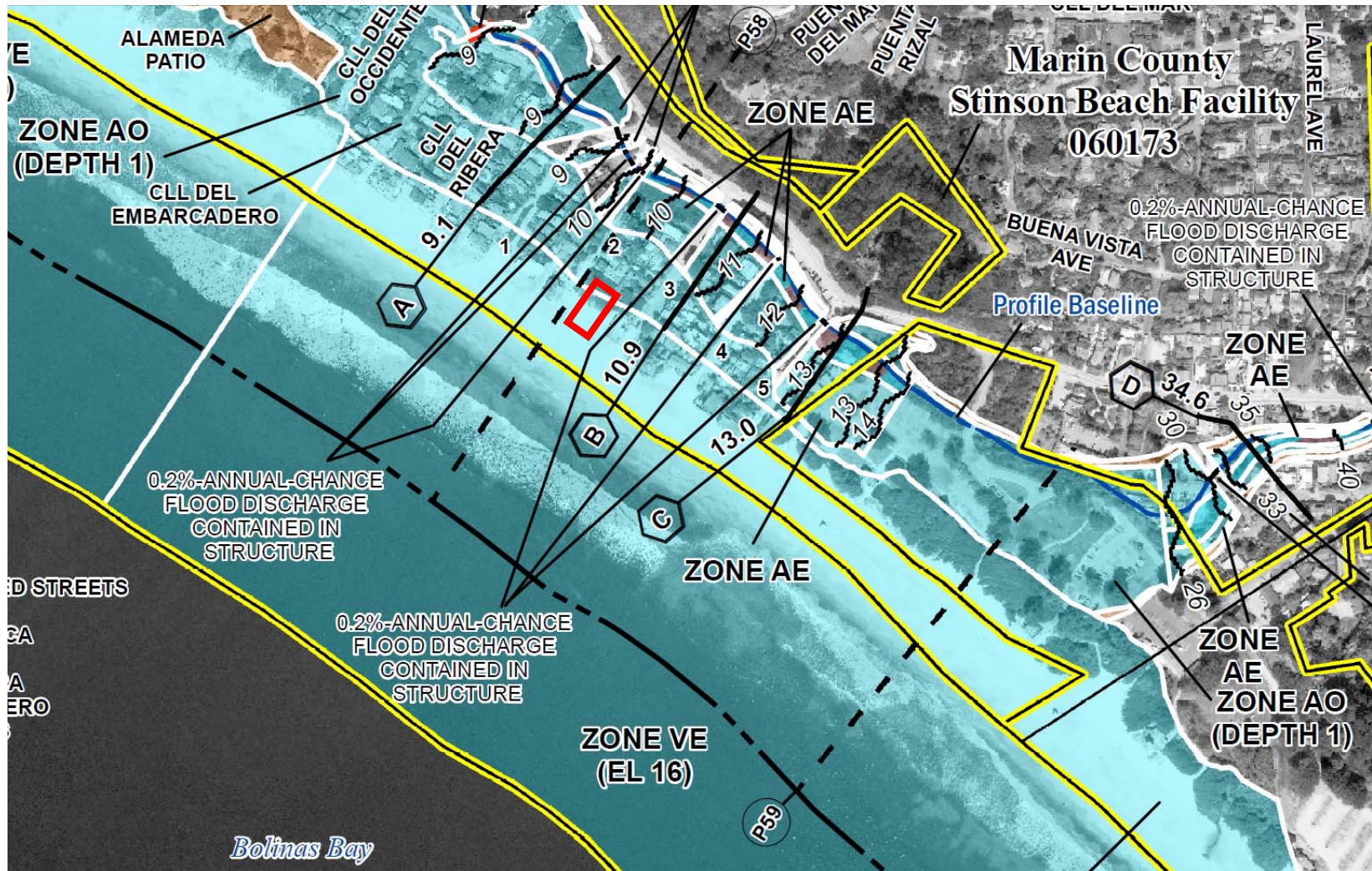


Figure 10. Enlarged View of FEMA (2015) Preliminary Flood Insurance Rate Map (July 29,2015) for Project Site (Red Box)

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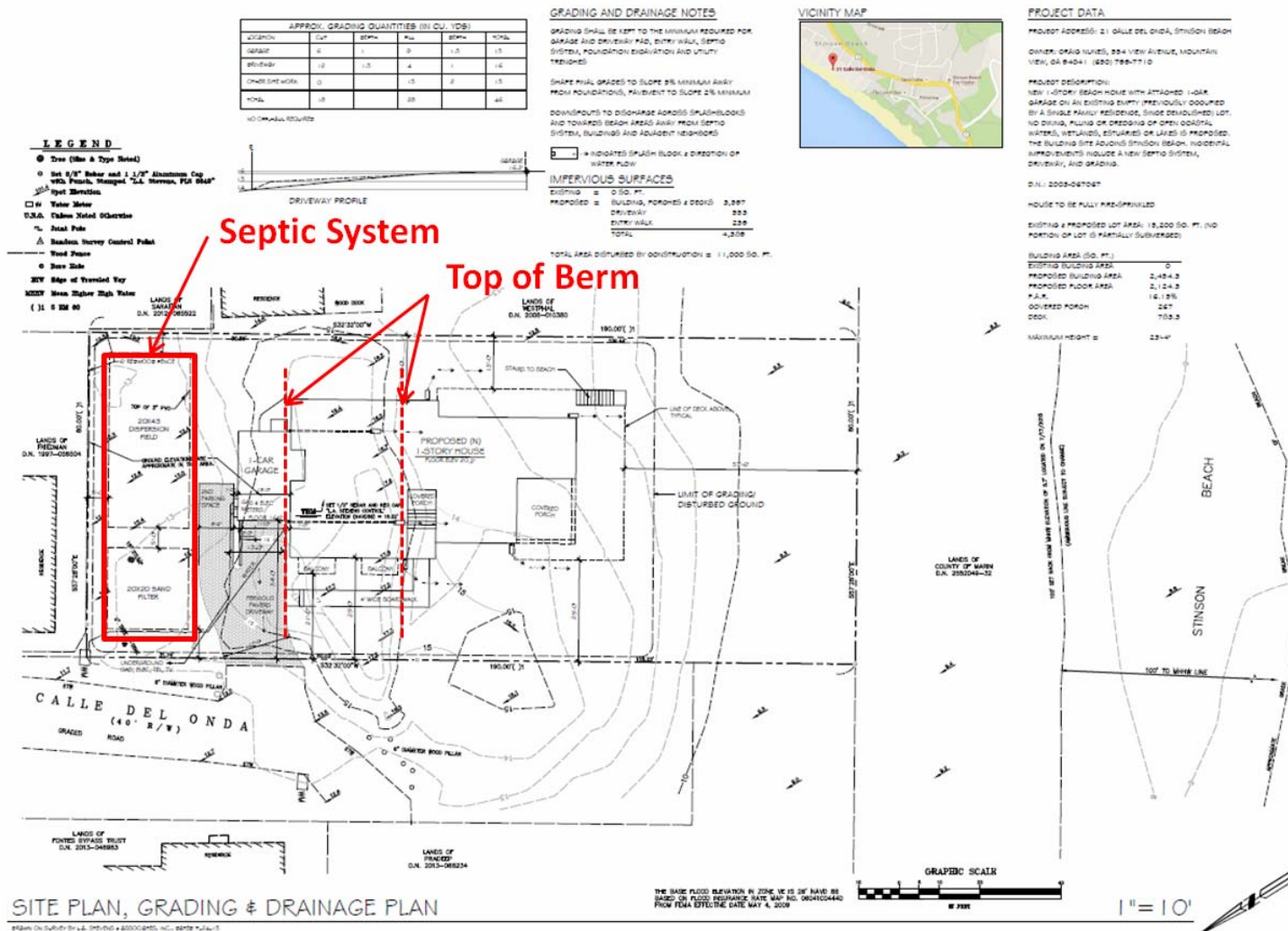
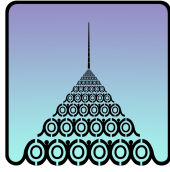


Figure 11. Location of Proposed Septic System Location with Relation to Sand Berm



October 4, 2021

Sabrina Cardoza, Senior Planner
Marin County Community Development Agency (CDA)
3501 Civic Center Drive
San Rafael CA 94903

RE: 21 Calle del Onda- Response to CDA's August 31, 2021 Comment Letter

Ms. Cardoza,

We are submitting the following in response to your letter dated August 31, 2021:

- 1- A letter prepared by WRA, Inc., the biological consultants who performed the 2019 Biological Assessment for the property and the Mitigated Negative Declaration for the Stinson Beach County Water District in 2020 (SBCWD). (Exhibit A)
- 2- A Revised Site Plan drawing that illustrates an alternative "stringline" based on the immediately adjacent structure to the east of the property, which is not the most seaward structure on Calle del Sierra. (Exhibit B)
- 3- A Preliminary Title Report prepared recently for a potential buyer, including an Easement map (Exhibit C)
- 4- Additional Relevant Property Value Information- no appraisal has been done (Exhibit D)

Sandy Beach

The aerial image below spans the shoreline area of the Calles. It demonstrates that the Johnson application proposes a location that is well behind more than half the residences along this stretch of coast and is set back as far as all of the remaining



though use of the eastern parcel to establish a stringline ignores the predominance of structures that extend far beyond that.

From the onset, the applicants have sought only fair consideration of their development proposal, consistent with their constitutional rights. They have designed a project that respects the Coastal Act and County LCP, while preserving a minimal development opportunity.

We request an opportunity in the near future to meet with you to review the Project and consider potential mutually acceptable design modifications before you finalize your staff report for the Deputy Zoning Administrator.

A handwritten signature in blue ink that reads "Steve Kinsey". The signature is written in a cursive style with a large initial "S" and a long, sweeping underline.

Steve Kinsey

Exhibit A



October 1, 2021

Ms. Sabrina Cardoza
Senior Planner
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903
scardoza@marincounty.org

Re: Supplemental Information Request Response, Brian Johnson Trust Coastal Permit, 21 Calle Del Onda, Stinson Beach, Assessor's Parcel 195-162-49, Project ID P3049

Ms. Cardoza,

This letter is a response to the Marin County Community Development Agency Planning Division letter dated August 31, 2021 requesting supplemental information from WRA clarifying the status of Environmentally Sensitive Habitat Areas (ESHA) as defined in the Marin County Local Coastal Program, Implementation Plan and pursuant to the applicable policies in the Marin County Local Coastal Program, Land Use Plan.

WRA biologists reviewed the following material in preparation of this letter:

- Draft Initial Study / Proposed Mitigated Negative Declaration, 21 Calle Del Onda Wastewater System Variance Request¹
- Biological Site Assessment for 21 Calle del Onda, Stinson Beach, California²
- Project Plans for 21 Calle del Onda, Stinson Beach, California³
- Correspondence from the Applicant to the Marin County Community Development Agency regarding this Coastal Development Permit
- Marin County Local Coastal Program (LCP), Land Use Plan⁴

¹ WRA, Inc., 2019. *Draft Initial Study / Proposed Mitigated Negative Declaration, 21 Calle Del Onda Wastewater System Variance Request.*

² WRA, Inc., 2019. *Biological Site Assessment for 21 Calle del Onda, Stinson Beach, California*

³ CivicKnit. 2021. *Reconstruction of a Residence, 21 Calle del Onda, Stinson Beach, California, dated 6/3/2021*

⁴ Marin County. 2019. *Marin County Local Coastal Program, Land Use Plan.*

Existing Conditions and Site History

The parcel contains the remains of a single family residence that burned down in the mid-1980's. The shorefront lot is bounded by residential development on three sides, including existing homes on the two adjacent shorefront parcels. The Parcel is regularly disturbed by foot traffic, including pedestrians and pets accessing the beach from Calle del Onda and through the Parcel itself.

Biological Site Assessment

The WRA October 2019 Biological Site Assessment (BSA) that was included in the Draft Initial Study, identified and mapped three communities on the parcel: developed, *Carpobrotus edulis* Semi-natural Stands (iceplant mats), and sand beach. Figure 2 from the BSA shows the extent of vegetation communities and is attached for reference. The iceplant mat community contains several dominant plants rated as highly invasive by the California Invasive Plant Council. The BSA also found the community to be upland, lacking indicators of wetlands.

The western portion of the parcel contains unvegetated and unconsolidated materials (sands) and was characterized as sandy beach habitat based on those soil composition characteristics⁵. The sandy beach on the property does not contain dune-like attributes such as dune vegetation or morphological characteristics shaped by wind and wave energy⁶. No definition of beach is provided in the Marin County LCP and we used our best professional judgement to define the beach area. The Marin County LCP names beaches as an ESHA.

On review of the materials named above, WRA concurs with the 2019 BSA assessment that the sandy beach community is present on the site and is identified by the LCP as an ESHA. It is also remains our opinion that the sand beach community is of low biological value due to the following observations:

- It is a formerly developed property dominated by non-native and invasive vegetation;
- a small parcel surrounded by residential development;
- there is regular disturbance by human activity and pets from adjacent residences, public access from the Uptown Beach County Park that abuts the subject property on the shoreline side, vehicle traffic, pedestrian traffic, and other urban activities;
- there is a lack of suitable habitat for sensitive plants or sensitive plant habitat; and
- the absence of habitat that supports special status wildlife.

Proposed Residence Discussion

Although the sand beach is identified as an ESHA by the LCP, development on the beach in a manner similar to the surrounding residences would not create a significant biological impact.

Per Land Use Policy C-BIO-2 ESHA protection, the 2019 BSA determined the extent of the sand beach ESHA (Figure 2) and documented the absence of sensitive biological resources. Buffers recommended in Land Use Policy C-Bio-3 are not appropriate to offer here because Land Use Policy C-BIO-1.2 states that

⁵ WRA, Inc., 2019. Draft Initial Study / Proposed Mitigated Negative Declaration, 21 Calle Del Onda Wastewater System Variance Request.

⁶ IBID

“the ESHA policies of C-BIO-2 (ESHA Protection) and C-BIO-3 (ESHA Buffers) apply to all categories of ESHA, except where modified by the more specific policies of the LCP.”

Policies C-BIO-8 and C-BIO-9 are more specific to a residential infill development on shorefront lots in Stinson Beach.

Land Use Policy C-BIO-8 states that “In a developed area where most lots are developed and where there are relatively few vacant lots, no part of a proposed new development (other than an allowable shoreline protective device), including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjacent structures.”

Land Use Policy C-BIO-9 states that “...new development on shorefront lots shall be set back behind the first line of terrestrial vegetation as far as is necessary to demonstrate required stability and hazards protection, avoid the need for shoreline protective devices, protect sandy beach habitat, and provide a buffer area between private and public use areas to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of sand areas.”

The proposed project demonstrates compliance with these policies through the previously submitted application materials. We note that Project easements protective of the sandy beach are proposed, including a horizontal public access easement and a 50-foot deep sandy beach buffer on the ocean side. WRA also observes from Figure 2 that the neighboring shorefront lots have structures developed on the same area of beach along the shoreline as proposed at 21 Calle del Onda.

As discussed in the 2019 BSA, the iceplant mats is a community dominated by non-wetland species. The “first line of terrestrial vegetation” in Land Use Policy C-BIO-9 can be interpreted as the delineated line between the iceplant mats and the sand beach area. The Sheet 12 Constraints Map (attached) from plans previously submitted to the County shows the line between iceplant mats and the sand beach with the proposed development footprint overlain. The residence is proposed on a small portion of sand beach, beyond the first line of terrestrial vegetation. Permit application correspondence state that the proposed design leaves 95% (8820SF) of the site’s open sandy area unaffected⁷. These impacts to sandy beach occur adjacent to the highly disturbed and previously developed portions of the parcel. As detailed in the 2019 BSA, the disturbance in this area will not affect habitat that supports special status species.

If the Planning division is considering measures that may ameliorate the impacts to sandy beach, WRA recommends the removal of iceplant and other invasive species observed on the property as a modification to the proposed development. The removal of invasive plants and replacement with native species appropriate to sandy beach habitat, outside of the development footprint, would be a possible mitigation of the proposed encroachment of the residence on a small area of degraded sandy beach.

The development proposes encroachment into the sandy beach ESHA that does not pose a significant impact to a degraded habitat. The impact to sandy beach is a small portion of the total sand beach avoided by the development. The proposed development will not result in impacts to special-status plant and

⁷ CivicKnit. 2021. Correspondence from Steve Kinsey to Sabrina Cardoza, Marin County Community Development Agency dated August 11.

wildlife species or to their habitats. The proposed residence will affect habitat degraded by the history of previous use, the persistence of invasive ice plant mats, and regular anthropogenic disturbance.

Please contact me at osowski@wra-ca.com or 415-531-2474 if you have any questions on this supplemental information.

Sincerely,

A handwritten signature in black ink that reads "Matthew J. Osowski". The signature is written in a cursive, flowing style.

Matthew Osowski
Regulatory Permitting Specialist
WRA, Inc.

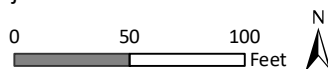
Attachments:

Figure 2, Constraints
Sheet 12 Constraints Map



Figure 2. Constraints Map

21 Calle del Onda Wastewater System Variance Request Project
 Marin County, California



GROUNDWATER

The approved wastewater design utilizes a raised bed with a retaining wall to increase separation from seasonal high groundwater and to protect the dispersal field from potential wave erosion in extreme sea level rise scenarios. The raised dispersal bed is located over three feet from seasonal high groundwater, and a cut-off switch will automatically terminate pump operation and dispersal of wastewater if there is flooding on the property. WRA'S Initial Study/MND stated that adequate groundwater separation would remain in 50 years, including considerations of SLR.

ESHA

An Initial Study by WRA determined the property to be composed of iceplant mats and sand beach, delineated by the dotted line below which roughly traces the 14' to 15' elevation contour. The initial study determined that the project site does not contain coastal dunes.

There are no sensitive plant or wildlife habitat types within the project site. There is no suitable habitat for any of these species present within the project site due to on-site hydrologic, soil, topographic, and vegetative conditions. The project site's history of disturbance and ongoing human activity contribute to the lack of suitable habitat for special-status plant and animal species.

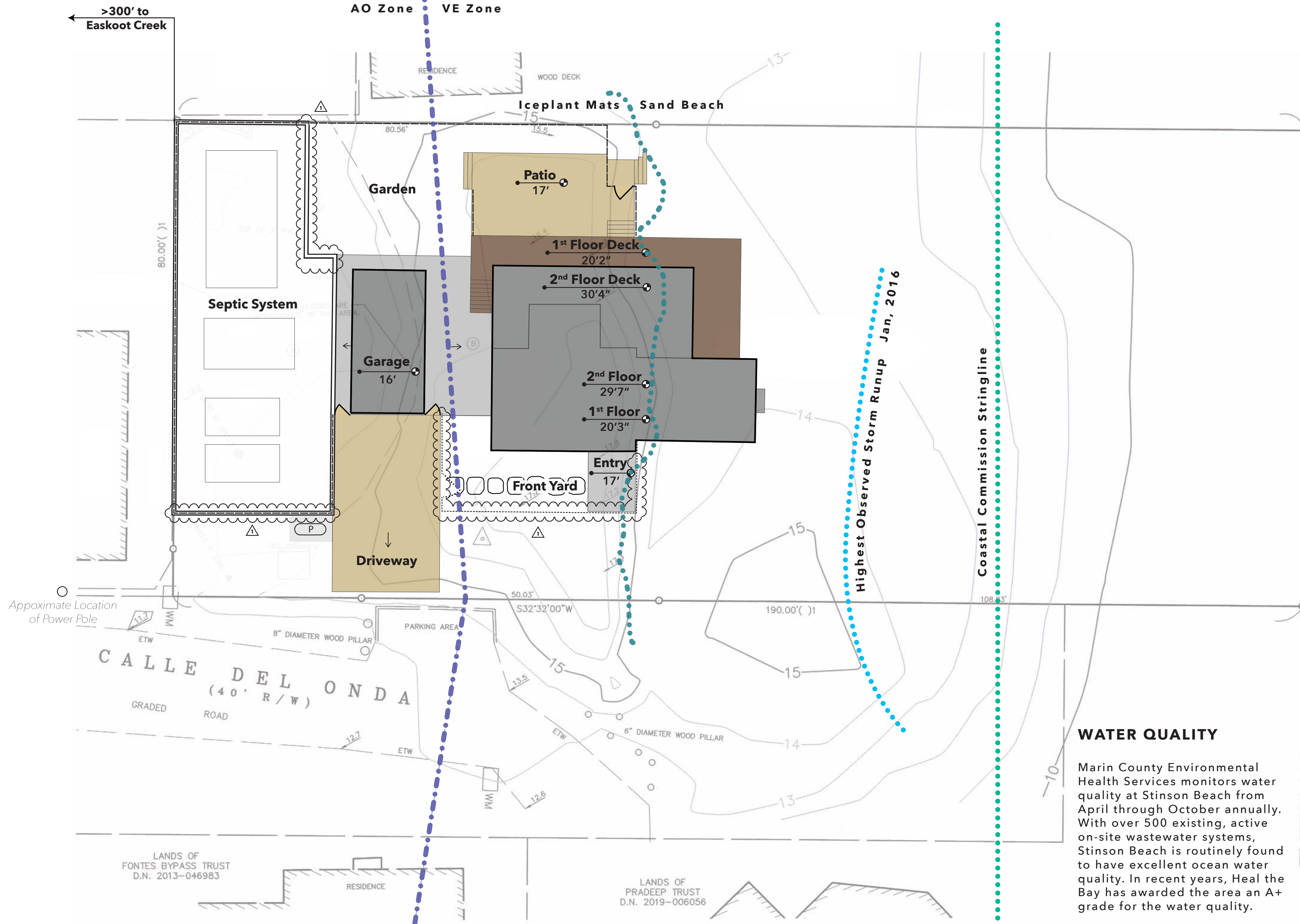
The California Coastal Commission identifies the site as dune ESHA, regardless of its disturbed condition.



Modelled Impacts of 100 Year Flood from Stinson Beach Watershed Program Flood Study, 2014

NOTE: The County of Marin's modeling shows dramatically less potential for flooding than FEMA's flood zones would suggest is possible.

NOTE: See Sheet 3 for FEMA Flood Zone map



ACOE

The project site contains well-drained sands with rapid runoff and high permeability, making wetland conditions very unlikely. Lack of on-site wetlands was verified through a site visit and review of aerial imagery. Tidal waters at Stinson Beach at an elevation of 7.8 feet North American Vertical Datum of 1988 (NAVD88) are considered subject to the jurisdiction of the U.S. Army Corps of Engineers. The project site is over 100 feet east of this elevation.

AIR QUALITY

The project would not result in any significant and unavoidable air quality impacts. According to the Air District's guidance, the project would therefore be consistent with the applicable air quality plan.

WATER QUALITY

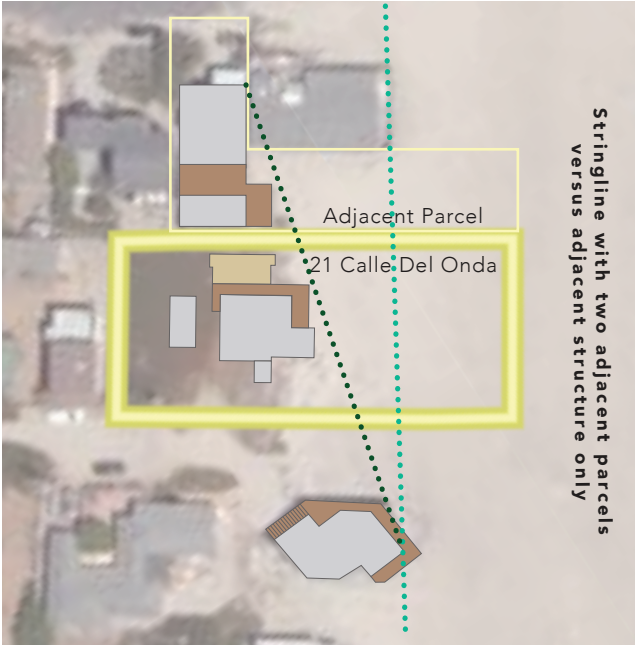
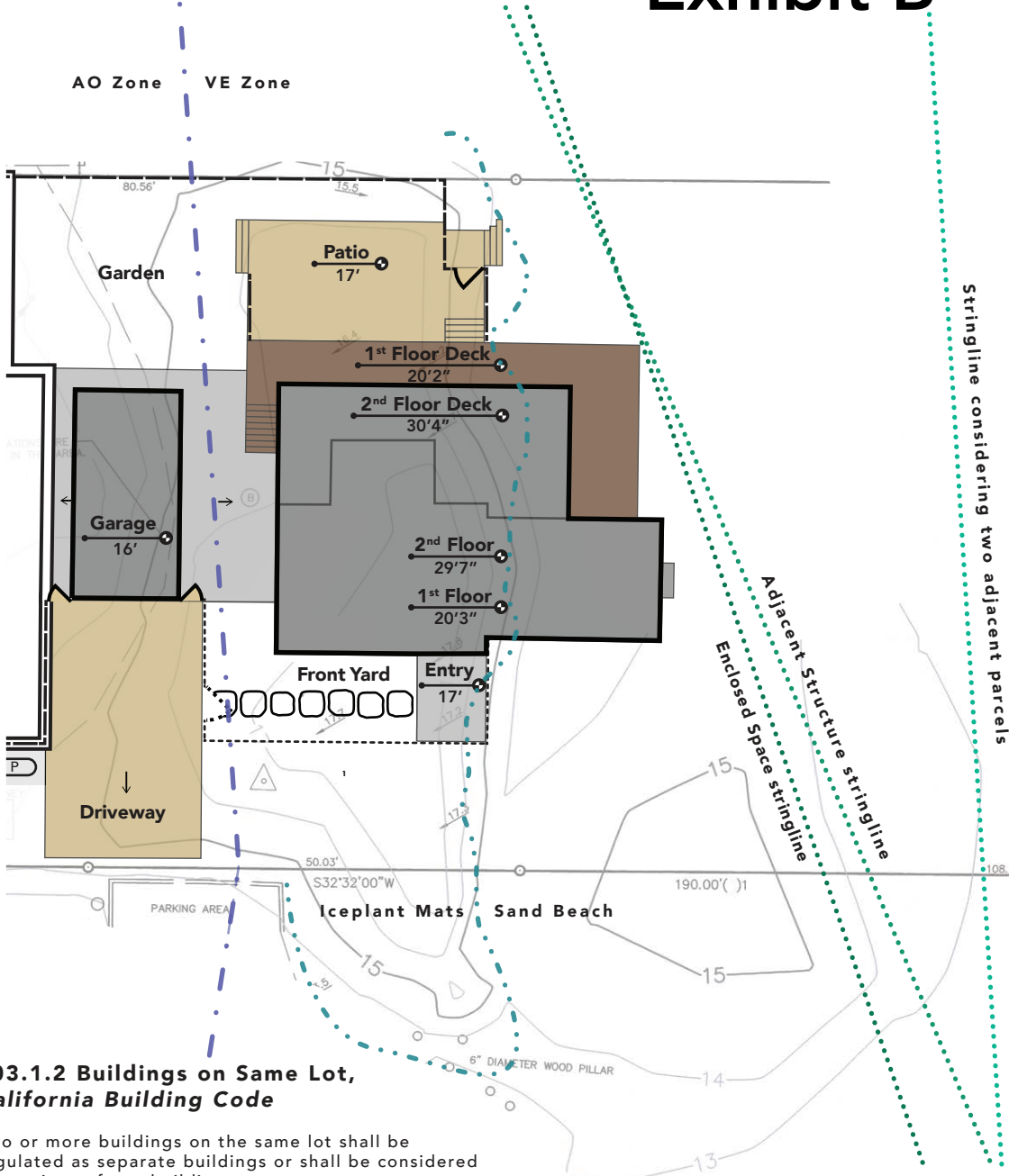
Marin County Environmental Health Services monitors water quality at Stinson Beach from April through October annually. With over 500 existing, active on-site wastewater systems, Stinson Beach is routinely found to have excellent ocean water quality. In recent years, Heal the Bay has awarded the area an A+ grade for the water quality.

ARCHAEOLOGICAL

The Initial Study determined that the site contains no known historical or archaeological resources and has a low potential to contain buried cultural deposits. A July 2019 site visit conducted by Origer and Associates found no historical resources.



Exhibit B



Development in the Calles Neighborhood

C-BIO-8 Stringline Method of Preventing Beach Encroachment, Marin LCP

In a developed area where most lots are developed and where there are relatively few vacant lots, no part of a proposed new development (other than an allowable shoreline protective device), including decks, shall be built farther onto a beachfront than a line drawn between the most seaward portions of the adjacent structures. Enclosed living space in a new unit or addition shall not extend farther seaward than a second line drawn between the most seaward portions of the enclosed living space of the adjacent structures.

C-BIO-9 Stinson Beach Dune and Beach Areas, Marin LCP

... Where no dunes are evident, any new development on shorefront lots shall be set back behind the first line of terrestrial vegetation as far as is necessary to demonstrate required stability and hazards protection, avoid the need for protective works, protect sandy beach habitat, and provide a buffer area between private and public use areas to protect both the scenic and visual character of the beach, and the public right of access to the use and enjoyment of sand areas.

503.1.2 Buildings on Same Lot, California Building Code

Two or more buildings on the same lot shall be regulated as separate buildings or shall be considered as portions of one building...



First American Title

First American Title Company

299 West Portal Avenue

San Francisco, CA 94127

California Department of Insurance License No. 151

Escrow Officer: Cathy Bryant
Phone: (415)566-4662
Fax No.: (866)407-2085
E-Mail: catbryant@firstam.com

E-Mail Loan Documents to: Lenders please contact the Escrow Officer for email address for sending loan documents.

Buyer: Suzanne Gregg and Colm Brennan
Owner: Brian Johnson and Warren Scott Combs and Rene C. Wick and Eileen Combs and Gary Hagwill and Janiele Herbert and Nicholas Bagwill and Adam Gagwill and Jason Quant and Mathew Bagwill and Jennifer Bagwill

Property: 21 Calle Del Onda
Stinson Beach, CA 94970

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. *The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.* Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

Please be advised that any provision contained in this document, or in a document that is attached, linked or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of July 15, 2021 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

To Be Determined

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

BRIAN JOHNSON;

BRIAN JOHNSON, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY;

MARK BRIAN COMBS, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY;

RENE' C. WICK, A MARRIED WOMAN, AS HER SOLE AND SEPARATE PROPERTY;

WARREN SCOTT COMBS, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY; AND

JANIELE HERBERT, AS SUCCESSOR TRUSTEE OF THE MODESTINE BAGWILL 2003 REVOCABLE TRUST, ALL AS THEIR INTERESTS MAY APPEAR OF RECORD, SUBJECT TO ITEM NOS. 7, 14 AND 15

The estate or interest in the land hereinafter described or referred to covered by this Report is:

FEE

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2021-2022, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. POSSIBLE EFFECT OF RIGHT OF WAY GRANTED TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY, RECORDED APRIL 23, 1926 IN BOOK 95 AT PAGE 286, OFFICIAL RECORDS.

The location of the easement cannot be determined from record information.

4. An easement shown or dedicated on the Map as referred to in the legal description
For: LINE OF BULKHEAD and incidental purposes.
5. An easement for SINGLE LINE OF POLES and incidental purposes in the document recorded August 27, 1937 as BOOK 345, PAGE 213 of Official Records.

The location of the easement cannot be determined from record information.
6. A document entitled "FAILING ONSITE DISPOSAL SYSTEM CITATION REPORT" recorded June 12, 1991 as INSTRUMENT NO. 1991-035618 of Official Records.
7. The effect of a deed executed by BRIAN JOHNSON, AN INDIVIDUAL to BRIAN JOHNSON TRUST, recorded November 19, 1997 as INSTRUMENT NO. 1997-066143 of Official Records.

The grantee/one of the grantees named in the deed does not appear to be an entity capable of acquiring title to real property.
8. The effect of a deed executed by MODESTINE BAGWILL to YAVETTE TROST, ALSO KNOW AS YAVETTE KIMBALL, recorded October 10, 2003 as INSTRUMENT NO. 2003-125353 of Official Records.

At the date of recording of the document, the grantor had no record interest in the land.
9. The effect of a map purporting to show the land and other property, filed MARCH 4, 2016 IN BOOK 2016, PAGE 25 of Record of Surveys.
10. Any right, title or interest of the spouse (if any) of any married person herein.
11. Water rights, claims or title to water, whether or not shown by the Public Records.
12. Rights of parties in possession.

Prior to the issuance of any policy of title insurance, the Company will require:

13. A deed from the spouse of any married person herein be recorded in the public records, or the joinder of the spouse of any married person named herein on any conveyance, encumbrance or lease to be executed by said married person.
14. With respect to the trust referred to in the vesting:
 - a. A certification pursuant to Section 18100.5 of the California Probate Code in a form satisfactory to the Company.
 - b. Copies of those excerpts from the original trust documents and amendments thereto which designate the trustee and confer upon the trustee the power to act in the pending transaction.
 - c. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.
15. With respect to BRIAN JOHNSON TRUST :
 - a. A certification pursuant to Section 18100.5 of the California Probate Code in a form satisfactory to the Company.
 - b. Copies of those excerpts from the original trust documents and amendments thereto which designate the trustee and confer upon the trustee the power to act in the pending transaction.

c. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

INFORMATIONAL NOTES

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. General and special taxes and assessments for the fiscal year 2020-2021.

First Installment:	\$2,035.58, PAID
Penalty:	\$0.00
Second Installment:	\$2,035.58, PAID
Penalty:	\$0.00
Tax Rate Area:	056-022
A. P. No.:	195-162-49

2. This report is preparatory to the issuance of an ALTA Loan Policy. We have no knowledge of any fact which would preclude the issuance of the policy with CLTA endorsement forms 100 and 116 and if applicable, 115 and 116.2 attached.

When issued, the CLTA endorsement form 116 or 116.2, if applicable will reference a(n) Single Family Residence known as 21 CALLE DEL ONDA, STINSON BEACH, CA.

3. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

4. We find no outstanding voluntary liens of record affecting subject property. Disclosure should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any possible security interest in the subject property.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Marin, State of California, described as follows:

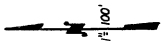
LOTS 1, 2, 5, AND 7 IN BLOCK 3 AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "SUBDIVISION OF LOT Q CHARLES ROBINSON TRACT SUBDIVISION ONE, MARIN CO., CAL", FILED APRIL 28, 1931 IN MAP BOOK 5, PAGE 60, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MARIN, STATE OF CALIFORNIA.

THE ABOVE LEGAL DESCRIPTION IS PURSUANT TO THAT NOTICE OF MERGER RECORDED SEPTEMBER 12, 2013 AS INSTRUMENT NO. 2013-59796 OF OFFICIAL RECORDS.

APN: 195-162-49

195-16

Tax Rate Area
56-013
56-022

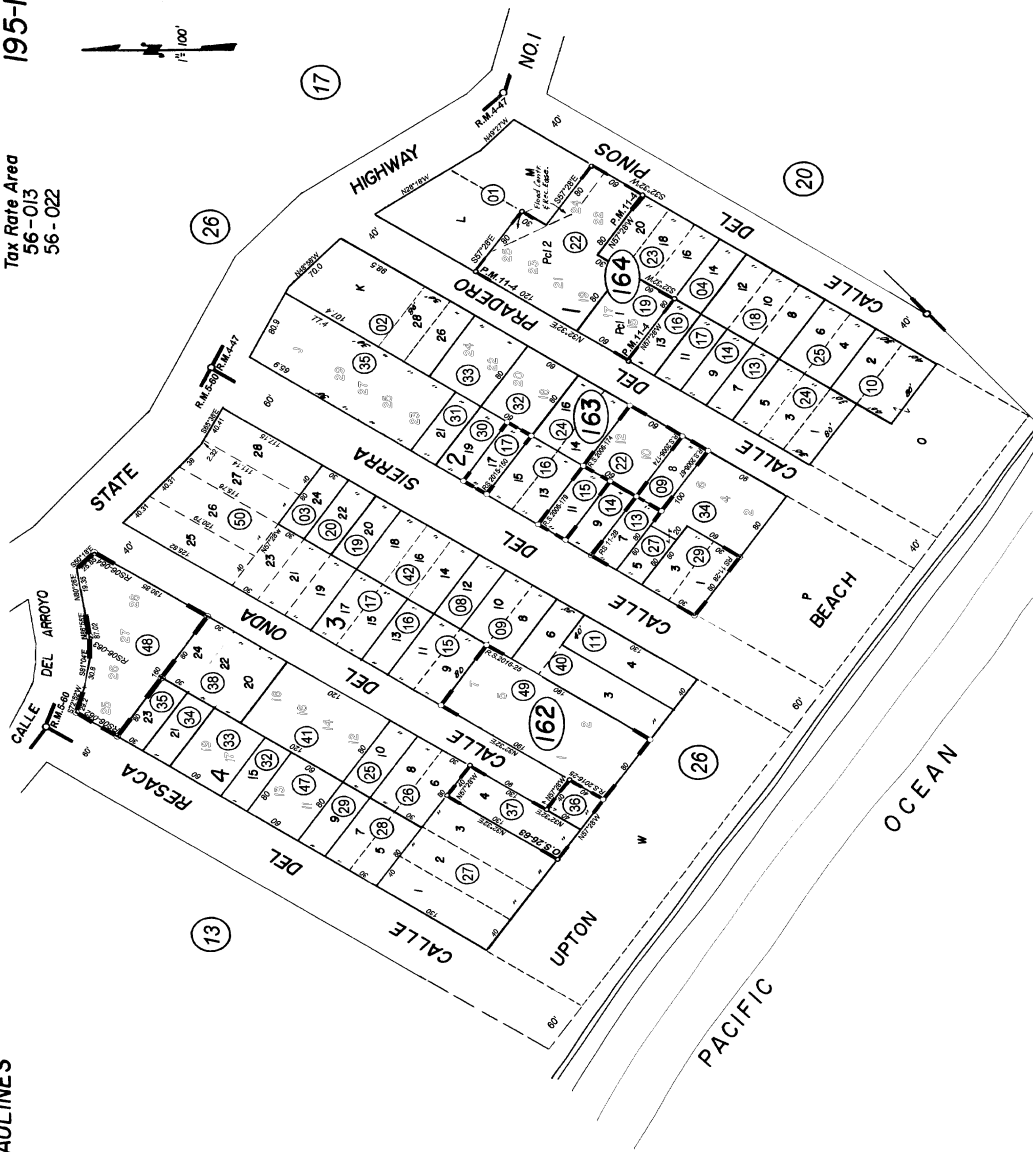


POR. RANCHO LAS BAULINES

3/8/2021 - MLP		CHANGES	
BLK. PROGRAM	NEW/REV. YR	YR	AUTH.
192	195-163-39	43, 44, 46, 48	154
193	03, 8, 04	33	06 154
192	195-163-37	NOTM	06 154
192	195-163-37	NOTM	06 154
193	19, 20, 21	195-163-35	06 205
192	43 & 44	46	07 159
192	SURVEYS		07
193	SURVEYS		07
193	195-163-32	NOTM	08
192	20, 31	47	08 162
193	SURVEYS		08
192	195-162-41	NOTM	11
193	Survey		11
193	195-163-32	NOTM	11
192	45 & 46	195-162-48	11 139
194	00, 09	25	12 204
192	53 & 54	195-162-49	14 141
193	Survey		16
192	01, 02, & 19	195-163-30	21 084

Map Update

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.



Assessor's Map Bk 195-Pg.16
County of Marin, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Subdivision of Lot Q Charles Robinson Tract Sub. No. 1, R.M. Bk. 5 - Pg. 60
Map of Charles Robinson Tract Subdivision No. 1, R.M. Bk. 4 - Pg. 47

NOTICE

Section 12413.1 of the California Insurance Code, effective January 1, 1990, requires that any title insurance company, underwritten title company, or controlled escrow company handling funds in an escrow or sub-escrow capacity, wait a specified number of days after depositing funds, before recording any documents in connection with the transaction or disbursing funds. This statute allows for funds deposited by wire transfer to be disbursed the same day as deposit. In the case of cashier's checks or certified checks, funds may be disbursed the next day after deposit. In order to avoid unnecessary delays of three to seven days, or more, please use wire transfer, cashier's checks, or certified checks whenever possible.

EXHIBIT A
LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS (BY POLICY TYPE)

CLTA STANDARD COVERAGE POLICY – 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the public records at Date of Policy.

CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)
EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;

- d. improvements on the Land;
 - e. land division; and
 - f. environmental protection.
- This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
 3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
 4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
 5. Failure to pay value for Your Title.
 6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
 7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
 8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
 9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:
For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less)	\$10,000
Covered Risk 18:	1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less)	\$25,000
Covered Risk 19:	1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less)	\$25,000
Covered Risk 21:	1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less)	\$5,000

2006 ALTA LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
 5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
 7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

[Except as provided in Schedule B - Part II, [t[or T]his policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

[PART I

[The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the Public Records at Date of Policy.

PART II

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:]

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 or 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
 5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of: [The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the Public Records at Date of Policy.
7. [Variable exceptions such as taxes, easements, CC&R's, etc. shown here.]

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the

Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.

7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.



Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2021

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties, when you interact with us and/or use and access our services and products ("Products"). For more information about our privacy practices, including our online practices, please visit <https://www.firstam.com/privacy-policy/>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect a variety of categories of information about you. To learn more about the categories of information we collect, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Collect Your Information? We collect your information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. To learn more about how we may use your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Share Your Information? We do not sell your personal information. We only share your information, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. To learn more about how we share your information, please visit <https://www.firstam.com/privacy-policy/>.

How Do We Store and Protect Your Information? The security of your information is important to us. That is why we take commercially reasonable steps to make sure your information is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your information.

How Long Do We Keep Your Information? We keep your information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your information. You can learn more about your choices by visiting <https://www.firstam.com/privacy-policy/>.

International Jurisdictions: Our Products are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from and about you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Notice of Sale. We do not sell California resident information, nor have we sold California resident information in the past 12 months. We have no actual knowledge of selling the information of minors under the age of 16.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Notice of Collection. To learn more about the categories of **personal information** we have collected about California residents over the last 12 months, please see "What Information Do We Collect About You" in <https://www.firstam.com/privacy-policy>. To learn about the sources from which we have collected that information, the business and commercial purpose for its collection, and the categories of third parties with whom we have shared that information, please see "How Do We Collect Your Information", "How Do We Use Your Information", and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.

Notice of Sale. We have not sold the **personal information** of California residents in the past 12 months.

Notice of Disclosure. To learn more about the categories of **personal information** we may have disclosed about California residents in the past 12 months, please see "How Do We Use Your Information" and "How Do We Share Your Information" in <https://www.firstam.com/privacy-policy>.



First American
Title Insurance Company

File No.: 6645450

Location: Marin County, CA

Legend



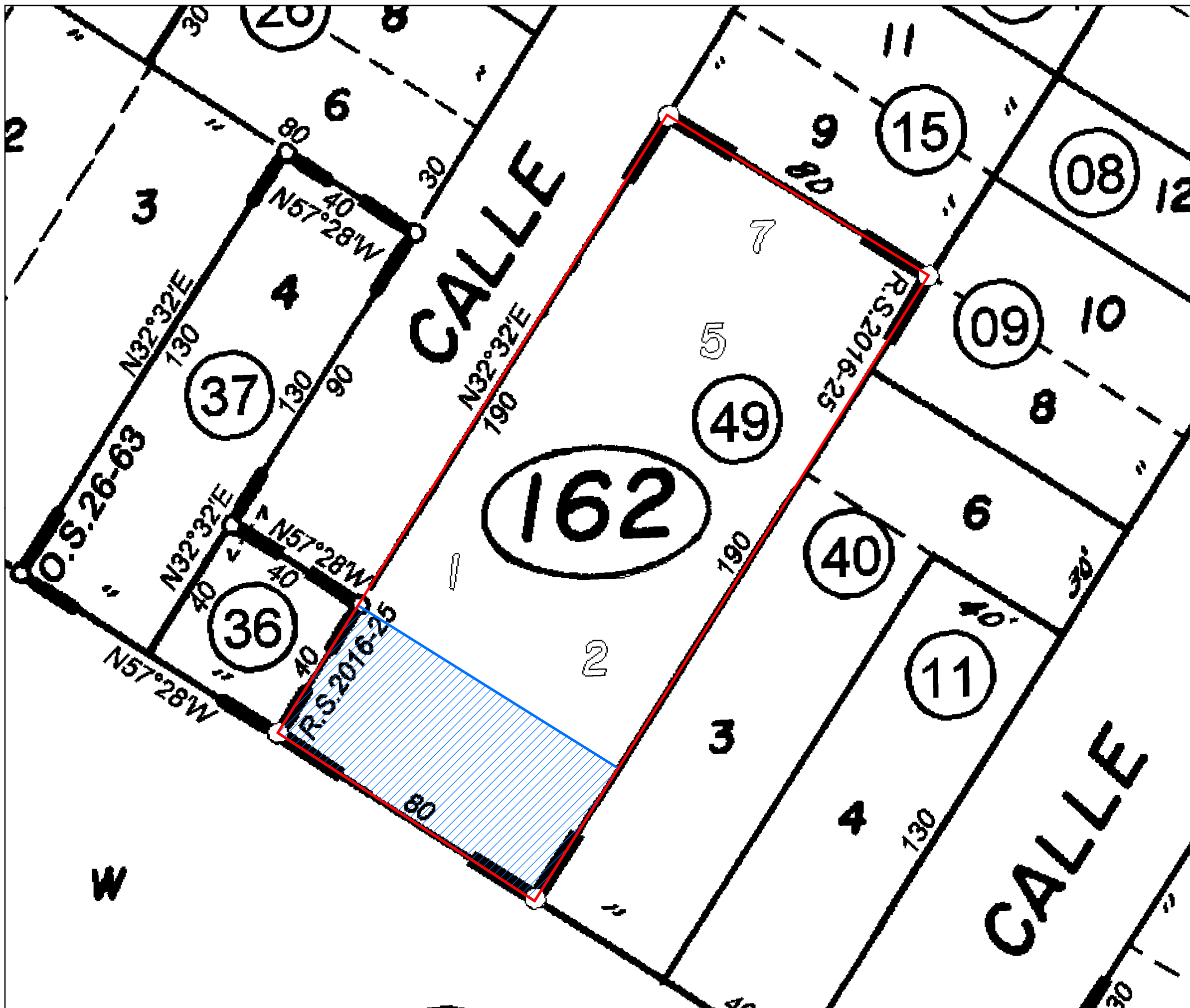
PIQ

04/23/1926 Bk95 Pg286
(Right Of Way - Not Plottable)



Subdivision Map Bk5 Pg60
(Line Of Bulkhead)

08/27/1937 Bk345 Pg213
(Single Line Of Poles - Not Plottable)



This map may or may not be an accurate description or identification of the land and is not intended nor may be it relied upon as a survey of the land depicted hereon. This map is solely intended to provide orientation as to the general location of the parcel or parcels depicted herein. First American Title Company, its subsidiaries and affiliates, expressly disclaim any and all liability for all loss or damage which may result from reliance or use of this map.

NOT TO SCALE

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

**August 5, 2021**

Sabrina Cardoza
Marin County Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Subject: P3049 Brian Johnson Trust Coastal Permit

Dear Ms. Cardoza:

Thank you for the opportunity to provide our comments on the proposed development at 21 Calle del Onda in the Stinson Beach Calles neighborhood. The proposed development includes construction of a new single-family residence and attached garage, as well as a new septic system, on a currently vacant lot. After our review of the project materials, Commission staff would like to share our concerns regarding the potential for coastal resource impacts related to the proposed development and recommendations for making the project consistent with Marin County's Local Coastal Plan (LCP), as follows:

Dune/Environmentally Sensitive Habitat Area (ESHA)

In response to our March 16, 2021 comments regarding the need to identify and protect dune habitat and/or ESHA, the Applicant responded that the "proposed building design protects the property's sandy beach setting as submitted." Regardless of the present condition of the dunes at this location, any development in dune ESHA, as well as within dune habitat and/or ESHA buffers would be inconsistent with the LCP. Too, the response did not provide clarification about the extent of ESHA onsite, make recommendations regarding buffers from ESHA, or describe any recommended mitigation measures to protect ESHA. The County should require the applicant submit a detailed biologic survey that provides the information needed to determine the extent of ESHA and appropriate buffers for avoiding such areas.

Hazards

In their recent submittal, the Applicant notes that by 2050, analyzing a 100-year storm plus sea level rise, a "100-year storm could produce wave runup that would overtop the wastewater system by as much as 4.5 feet. In addition, the scouring action could cause the shoreline to recede nearly to the edge of the system at a medium-high risk scenario." In addition, the Applicant erroneously states that the proposed development is sited "out of Eskoot's historic floodplain," but is actually within the floodplain when considering low risk scenario sea level rise projections and annual storms. Given this, it appears the septic system is not adequately set back and designed to minimize risks to surrounding property or minimize impacts to water quality over its economic life, considering both ocean flooding and creekside inundation from Eskoot Creek. We encourage the County to require the Applicant to explain how this element

of the project design would be consistent with LCP requirements regarding designing development to be safe from hazards over its economic life.

In addition, it appears from the Applicant's submittal as though Stinson Beach Community Water District (SCBWD) imposed a permit condition requiring a concrete perimeter system protection barrier to further reduce risk of damage to the septic system during historic storm events. The bottom of the barrier wall will be set at elevation of 9' NAVD88, which is expected to protect the system through 2070. However, because LCP hazards policies prohibit shoreline protective devices for new development, the County should require the Applicant to instead propose a wastewater treatment system that would be consistent with the LCP.

The Applicant has agreed to "assume the full risks associated with development of their property and to record a deed restriction that permits no future shoreline protection and requires removal of the structure at such time as a legally authorized public agency issues an order to do so," and as well notes that they would "record a deed restriction that commits them and all future property owners to participate in a community wastewater system if one is approved by the community. In addition, once a Wastewater Variance is granted, their single-family residence application to the County of Marin and the Coastal Commission will include a proposed condition binding any owner to apply for a Coastal Development Permit to remove the structure at such time as the State or County order removal based on an increased level of coastal hazard." While we agree with the Applicant regarding requirement of the first condition proposed regarding the assumption of risk and removal requirement, we recommend that, in reference to the second condition proposed, regardless of the approved wastewater treatment system, a permit for the proposed development should include a condition requiring the current or future property owners to apply for a Coastal Development Permit to remove the structure at such time as the State or County order removal related to coastal hazards. In addition, the County should require as conditions of approval *all* of the recommended hazard conditions as set out in the Commission's March 16, 2021 letter (see pages 3-5, specifically), attached.

Takings Analysis

The Applicant claims that because a house previously existed on this parcel, and because they have continually paid property taxes, "the owners have a reasonable expectation for their modest development to be approved." Additional factors should be taken into consideration to adequately assess the actual development expectations for this particular property including:

- Part of the parcel is covered by FEMA AO zone, resulting in that part of the property is subject to a development moratorium (the Eskoot FP moratorium), constraining its development potential;
- Date of purchase, purchase price, fair market value at the time of purchase;
- Any zoning changes that have occurred since time of purchase (and applicable changes explained);
- Any other development restrictions that applied at time of purchase besides the Eskoot Creek moratorium, including open space easements, restrictive covenants, etc.;
- Changes to the property boundaries or size since purchase;
- Any rents or other profits assessed from the lease or sale of portions of the property since time of purchase;

- Any title reports or litigation guarantees regarding the sale, refinance, or purchase for portions of the property that would apply, since the time of purchase;
- Costs associated with ownership of the property such as property taxes and assessments, mortgages or interest costs, and operation and/or management costs;
- Costs and income should be presented on an annualized basis; and
- Any offers or solicitations to purchase the property.

Please do not hesitate to contact me at sara.pfeifer@coastal.ca.gov or (415) 904-5255 if you have questions regarding our comments.

Sincerely,



Sara Pfeifer
North Central Coast District Coastal Planner

Cc (via email):

Julia Koppman Norton, North Central Coast District Supervisor, California Coastal Commission
Stephanie Rexing, North Central Coast District Manager, California Coastal Commission
Steve Kinsey, CivicKnit

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



March 16, 2021

County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

**RE: Comments on Interagency Referral for Brian Johnson Coastal Permit (P3049)
- formerly Johnson (P1162) in Stinson Beach, CA**

Dear Sabrina Cordoza,

Thank you for your request for comments regarding the Brian Johnson Coastal Permit (P3049) (formerly Johnson (P1162)) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 1,488-square-foot single-family residence, a 288-square-foot garage, driveway, decks, patio, septic system, and landscaping improvements, located at 21 Calle del Onda, in Stinson Beach (APN: 195-162-49). The proposed residence would reach a height of 24 feet 5 inches above grade and would meet the minimum side, front, and rear LCP setback requirements. The project referral materials indicate that the lot was previously developed with a house, which was destroyed by a fire. After an initial review of this proposal, Commission staff would like to provide the following comments regarding sufficiency of information needed to make a recommendation on this proposal and its potential impact on coastal resources.

Dune and Sandy Beach Habitat Protection

The Marin LCP states that development on shorefront lots in Stinson Beach shall preserve the natural sand dune formations in order to protect environmentally sensitive habitat and maintain the natural protection from wave run-up. In addition, where no dunes are evident, the LCP requires development on shorefront lots be set back behind the first line of terrestrial vegetation to the maximum extent feasible, in order to protect sandy beach habitat and the public right of access to the use dry sand areas, and minimize the need for shoreline protection. Thus, development on shorefront lots must be adequately setback to protect both environmentally sensitive habitat areas and public access, and minimize the need for shoreline protection.

The 2019 biological evaluation conducted for the project by the Applicant's consultant, WRA, indicates the presence of both sandy beach and dunes on the subject property. The biological evaluation further concludes that there would be no impacts to such habitat areas as a result of the proposed development due to previous development on the subject property as well as exiting use of the area by pedestrians and dog walkers. As stated above, the Marin County LCP considers dunes as environmentally sensitive habitat areas (ESHA) and as such, development is prohibited in these areas other than resource dependent uses. In addition, the LCP requires that development be

adequately setback from ESHA to prevent impacts which would significantly degrade ESHAs and shall be compatible with the continuance of the ESHAs.

It appears that a portion the proposed development would be located within ESHA and related ESHA buffers, inconsistent with the LCP. Further, the extent of dune habitat/ESHA on the property appears to extend further inland than what is depicted in the environmental assessment. As such, we are having our Coastal Commission technical staff review the 2019 WRA report and may have further comments on this matter. We will note that the Commission has, and in this case, would consider any dune habitat ESHA regardless of its condition. Any development proposed at the project site must adequately identify the extent of ESHA on the property and recommend adequate buffers and mitigation measures to protect ESHA consistent with LCP requirements.

Sea Level Rise Hazards and Shoreline Protection

The Marin LCP states that development on all lots in the Calles neighborhood of Stinson Beach must be supported by analysis of the potential hazards present on the site. Given the project's location, Commission staff recommends that a hazard assessment for the project site include analysis of the risks from coastal sea level rise and flooding from Easkoot Creek. Although a limited preliminary geotechnical investigation was conducted in January 2021 and included a short section on sea level rise impacts, a full geotechnical investigation will have to be completed before project details are finalized.

Specifically, the analysis shall consider changes to the groundwater level, inundation, flooding, wave run-up, and erosion risks to the site that may occur from both Easkoot Creek, as applicable, and ocean side of the site over the expected economic life of the development, assuming a 100-year storm event occurring during high tide and under a range of sea level rise conditions, including at a minimum the medium-high risk aversion scenario from the 2018 Ocean Protection Council State Sea-Level Rise Guidance . At a minimum, the submitted report shall provide: (1) maps/profiles of the project site that show long-term erosion, assuming an increase in erosion from sea level rise, (2) maps/profiles that show changes to the intertidal zone and the elevation and inland extent of flooding for the conditions noted above, (3) maps/profiles that identify a safe building envelope on the site or safe building elevation if no safe envelope is available, taking a range of sea level rise scenarios into account, (4) discussion of the study and assumptions used in the analysis, and (5) an analysis of the adequacy of the proposed building/foundation, design of the septic system, and potential impacts to road access to the site relative to expected sea level rise for the expected economic life of the development.

In addition, the Marin LCP prohibits shoreline protective devices, including revetments, seawalls, groins and other such construction that would alter natural shoreline

processes for new development. The proposed project appears to include large concrete retaining walls and deep piers to protect both the home and septic system, which would alter natural shoreline processes inconsistent with Marin LCP requirements. Thus, the project must be redesigned, including by increasing setbacks and removing hard armoring structures, to minimize risks to life and property in a manner that does not require shoreline protective devices over the life of the development.

Given the sea level rise hazards described above, and the additional seismic and liquefaction hazards described in the geotechnical investigation, development approval for the proposed project should be modified consistent with the requirements and specifications to address concerns outlined above and should be accompanied by the following permit conditions:

1. **Coastal Hazards.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:
 - a. **Coastal Hazards.** This site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, wave overtopping, coastal flooding, and their interaction, all of which may be exacerbated by sea level rise.
 - b. **Permit Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy, use, and access, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
 - c. **No Future Shoreline Armoring.** No shoreline armoring, including but not limited to additional or augmented piers or retaining walls, shall be constructed to protect the development approved pursuant to this CDP, including, but not limited to, residential buildings or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from coastal hazards in the future. Any rights to construct such armoring that may exist under Coastal Act Section 30235 or under any other applicable law are waived, and no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.
 - d. **Future Removal/Relocation.** The Permittee shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential building and other development authorized under this CDP, when any government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the

structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of a shoreline protective device; or in the event that coastal hazards eliminate access for emergency vehicles, residents, and/or guests to the site due to the degradation and eventual failure of Calle Del Onda as a viable roadway. Marin County shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances. Development associated with removal or relocation of the residential building or other development authorized by this CDP shall require Executive Director approval of a plan to accommodate same prior to any such activities. In the event that portions of the development fall into the ocean or the beach, or to the ground, before they are removed or relocated, the Permittee shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Executive Director approval.

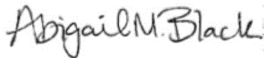
- e. Assume Risks.** The Permittee: assumes the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against Marin County its officers, agents, and employees for injury or damage from such hazards; indemnifies and holds harmless Marin County, its officers, agents, and employees with respect to the County's approval of the CDP 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; and accepts full responsibility for any adverse effects to property caused by the permitted project.
- 2. Real Estate Disclosure.** Disclosure documents related to any future marketing and/or sale of the residence, including but not limited to marketing materials, sales contracts and similar documents, shall notify potential buyers of the terms and conditions of this CDP, including explicitly the coastal hazard requirements of **Special Condition 1**. A copy of this CDP shall be provided in all real estate disclosures.
- 3. Deed Restriction.** Prior to issuance of the Coastal Permit, the Permittee shall submit to the Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the property governed by this permit a deed restriction, in a form and content acceptable to the Director: (1) indicating that, pursuant to this permit, the County of Marin 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 and site plan of the property 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 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 property.

Thank you for the opportunity to comment on the planning transmittal. Please feel free to contact me at abigail.black@coastal.ca.gov if you wish to discuss these matters further.

Sincerely,

DocuSigned by:



A7BC15CBC258476...

Abigail Black

Coastal Planner

**STINSON BEACH COUNTY WATER DISTRICT
DRAFT RESOLUTION NO. WW 2020-03**

**GRANTING A VARIANCE TO THE REQUIREMENTS OF THE STINSON BEACH
COUNTY WATER DISTRICT WASTEWATER TREATMENT REGULATIONS ORDINANCE
NO. 2014-04 TO REDUCE SETBACK REQUIREMENTS TO A WATER BODY**

**FOR PROPERTY LOCATED AT 21 CALLE DEL ONDA,
STINSON BEACH**

WHEREAS, Brian Johnson and Modestine Bagwill are the legal owners for the property located 21 Calle del Onda, Stinson Beach, California, Assessor's Parcel Number 195-162-49; and

WHEREAS, said owners submitted an application for a variance to the requirements of the Stinson Beach County Water District Code Ordinance No. 2014-04, Section 4.15.100 Site Criteria - Setback, to reduce setback requirements from a water body to septic tanks, dispersal field, and pretreatment device; and

WHEREAS, the Board of Directors has reviewed the reports of District Staff, adopted a project mitigated negative declaration and mitigation monitoring and reporting program in compliance with the California Environmental Quality Act, and held a hearing on said application on July 18, 2020, at which all evidence was presented and considered; and

WHEREAS, the following findings are hereby made regarding the aforementioned variance application:

1. Special circumstances and conditions exist on the property which make strict compliance with the regulations inappropriate:
 - The subject property is near the Pacific Ocean; and
 - Wave action from periodic storm surges and king tides result in water elevations exceeding the Mean Higher High Water within 100 feet of the subject property; and
 - The sand berm may be overtopped and subject to flooding per Marin County's C-SMART study during large storm events; and
 - The soils are cohesionless sand with fast percolation rates below 1 minute per inch; and

2. The variance is necessary for the preservation and enjoyment of a substantial property right:
 - There is insufficient area on the property to meet site criteria setbacks; and
 - The variance is necessary to allow the potential development of a single-family residence for the lowest wastewater design daily flow rate tier of 150-gallons; and
 - Potential future development will be subject to Design Review and Coast Permitting from Marin County Planning Department; and
 - Sandy soils are a natural condition which cannot be altered, but may be mitigated by installing a raised bed dispersal field with a pretreatment device to reduce organic and chemical concentrations from the septic tank effluent and to allow for the proposed building and site improvements; and
 - There is insufficient area on the property to meet site criteria setbacks; and

3. The variance will not result in a cumulative adverse detrimental effect on surface or ground waters:
 - As indicated in the Initial Study / Mitigated Negative Declaration, the project will not have any potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal; and
 - The wastewater design incorporates best management practices to maximize the significant treatment and dispersal components' proximity to the highest observed water elevation; and
 - The wastewater design contains a standard intermittent sand filter pretreatment device to filter septic tank effluent as a mitigation for the fast percolating soils; and
 - The wastewater design utilizes a raised bed with a retaining wall to increase separation from seasonal high groundwater and to protect the dispersal field from potential wave erosion; and
 - The raised dispersal bed is located over three (3) feet from seasonal high groundwater; and
 - The macropore space within the unsaturated sandy soils below the raised bed result in a highly permeable conditions, allowing for increased vertical movement of pretreated effluent

- into groundwater as compared to lateral movement towards the ocean; and
- A cut-off switch will automatically terminate pump operation and dispersal of wastewater if there is flooding on the subject property; and
- As indicated in the Noble report and updated information, for a 50-year Sea Level Rise, groundwater conditions are anticipated to be more than three feet below the ground level; and

4. The variance will not materially affect adversely the condition of adjacent watercourses or wetlands, the conditions of subsurface water under adjacent properties, the health or safety of persons residing or working in the neighborhood of the property, or the general health and safety of the public:

- To ensure the mitigation measures and project revisions identified in the initial Study / Mitigated Negative Declaration are implemented, the District shall adopt the Mitigation Monitoring and Report Program to mitigate or avoid significant environmental effects; and
- As indicated in the Biological Site Assessment, there are no jurisdictional aquatic communities (wetland or stream corridors) present within or adjacent to the subject property; and
- The project site does not contain any resource listed in, or determined to be eligible by, the State Historical Resource Commission and does not contain a resource included in a local register of historic resources or identified as significant in a historical resource survey; and
- The subject property is located approximately 100 feet inland from the ocean high water mark and approximately 350 feet from Easkoot Creek; and
- The subject property is outside the Easkoot Creek flood zone; and
- The sandy soils on the subject property make potential future watercourse or wetland conditions unlikely; and
- The design meets criteria for a standard intermittent sand filter system which incorporates pretreatment of septic tank effluent to mitigate the fast percolating soils; and
- The wastewater system will be inspected once during the first year of operation with subsequently monitoring frequency to be determined by District staff; and

WHEREAS, this variance shall become effective upon granting of a "Design Approval Permit" which will be granted for a period of three (3) years; and

WHEREAS, issuance of a wastewater system Design Approval Permit does not determine the ability to develop a lot, nor does it determine the issuance of a building permit; and

WHEREAS, the wastewater system approval shall not be construed to reduce or impede or otherwise interfere with any additional requirements that may be imposed by any law, ordinance, rule, or regulation of a legally constituted authority having jurisdiction over such matters; and

WHEREAS, issuance of a wastewater system construction permit shall require a current Marin County Building Permit; and

WHEREAS, this Resolution shall become null and void if the Marin County Building Permit is suspended; and

WHEREAS, this Resolution represents a decision on a specific variance application based upon a unique set of circumstances and conditions and, thus, this decision shall not constitute a precedent and should not be interpreted to be a basis for future decisions with regard to other specific variance applications; and

WHEREAS, this Resolution applies to the Raised Bed/Sand Filter System designed by AYS Engineering Group and subject to design modifications approved by the District Engineer and listed below; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STINSON BEACH COUNTY WATER DISTRICT, that a variance to the requirements of the Stinson Beach County Water District Regulation Ordinance No. 2014-04, to permit an exception to Section 4.15.100 is hereby granted subject to the following conditions:

- a. The owner and applicant shall indemnify, defend, and hold harmless the District, its agents, officers, and employees from any and all claims, actions, lawsuits, damages, losses, liabilities arising or resulting from any District's decision or approval pertaining to this project, including any action to attack, set aside or void such decision or approval. This obligation to indemnify, defend and hold harmless shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the District's choice in representing the District in connection with such claims, actions, or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claims, actions or lawsuits; and
- b. If the applicant does not agree to indemnify, defend, and hold harmless the District as stated

- above, this Resolution and any subsequent permits issued by the District for the property shall become null and void; and
- c. Payment by the applicant of all District's cost for compliance with CEQA within 60 calendar days following the Board hearing; and
 - d. If the applicant does not pay the District's cost for compliance with CEQA within 60 calendar days following the adoption of this Resolution, this Resolution shall become null and void.
 - e. Prior to issuance of the District's Construction Permit, provide a copy of the County Building Permit; and
 - f. Installation of an intermittent septic system with a maximum daily discharge limit of 150 gallons and an average daily discharge of 100 gallons as shown in the "Revised Raised Bed/Sand Filter System" prepared by AYS Engineering; and
 - g. Installation of a raised bed dispersal field 82-feet from a water body; and
 - h. Installation of water conservation plumbing fixtures (1.6-gallon flush toilets and low-flow showerheads); and
 - i. Screening of all sewer roof vents to prevent mosquito infestation of the septic tank; and
 - j. Following the issuance of a Discharge Permit, an annual inspection of the wastewater system shall be performed by District staff within the 1st year of operation; and
 - k. Following the 1st inspection of the wastewater system, District staff shall determine subsequent inspection frequency (with a minimum biennial inspection frequency); and

ADOPTED this 18th day of July 2020 at a duly held Board of Directors meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

.

Lawrence A. Baskin, Board of Directors President
Stinson Beach County Water District

ATTEST:

(Seal)

Ed Schmidt, Secretary to the Board/General Manager
Stinson Beach County Water District

From: zelljas@aol.com
To: [Cardoza, Sabrina](#)
Subject: 21 Calle del Onda, Stinson Beach
Date: Thursday, April 15, 2021 11:04:51 AM

Ms. Cardoza,

As 50+ year residents of 6 Calle del Onda, we must strongly object to the radical overdevelopment of the lot at 21 Calle del Onda in Stinson Beach. The proposal robs new and old residents of priceless views of the Pacific Ocean and the beach and Duxberry reef.

Also, the lot at 21 Calle del Onda has been inundated during the high tides and winter storms in the 1980s, 1990s and 2000s and is currently subject to high tides and winter storms. The cottage which sat on the lot was severely damaged in the storms of the 1980s.

The lot is sand and unstable. It has one of the last native sand dunes in Stinson Beach and the dune is currently trying to rebuild itself. The proposed building and decks would result in the destruction of the dune.

There are sensible alternatives to what is proposed and those alternatives must be explored.

Sincerely, Belinda and Jim Zell, 6 Calle del Onda, Stinson Beach

JACK SIEDMAN

Attorney At Law

P.O. Box 37

Bolinas, California 94924

Telephone: (415) 868-0997

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jsiedman@yahoo.com

RECEIVED

July 29, 2021

AUG 7 2 2021

COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

Marin CDA
Planning Division
3501 Civic Center Drive, Ste. 308
San Rafael, CA 94903-4157

Re: 21 Calle del Onda, Stinson Beach
Coastal Permit Application P3049

To Whom It May Concern:

I have been retained by Robert Friedman, who owns the property at 17 Calle del Onda, to submit the following objections to the above-referenced permit application. As the next-door neighbor to the subject property Mr. Friedman clearly qualifies as an "interested person" with regard to the proposed project. The issues of concern, and the bases of his objections, are:

1. Flooding. The area has a history of flooding in time of strong winter storms, which have been increasing in severity as a consequence of climate change. Since it is within the AO Flood Zone construction is prohibited by the LCP, Policy IV-30, and by County Code, Sec. 22.56130I(1)(2). The plans show the septic system, the garage and driveway, and portions of the concrete slab all within the prohibited area of construction.

In addition, the project is also in a designated Floodplain, and Special Flood Hazard Zone. Therefore, minimum Base Flood Elevations are required by County Code Sec. 23.09. The project's plans fail to comply with these elevations. In light of projected levels of sea level rise it is inconceivable this project can withstand the combined effects of periodic flooding from severe storms and from sea level rise.

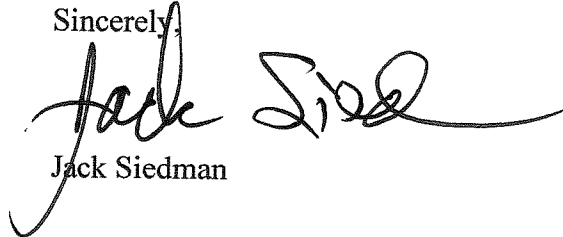
2. Geotechnical Risks. The project borders the San Andreas Fault and the risk of liquefaction from earthquakes is considered "moderate to high" according to Murray Engineers, hired by the project's applicants. Consequently, the engineers recommend concrete retaining walls and rammed piers to protect the proposed residence and site from damage due to liquefaction and erosion. However, those remedial measures are prohibited by the LCP and the Coastal Act as shoreline protective devices.

Marin CDA - Planning Division
July 29, 2021
Page Two

3. Environmental Damage. Although even a cursory observation of the project site reveals that a portion is comprised of sandy beach and sand dunes, the applicant ignores their existence, undoubtedly because such areas are protected as an Environmentally Sensitive Habitat Area (ESHA) under the LCP. My client is informed that the Coastal Commission has previously concluded that the project is within an ESHA. Therefore, the project is also in violation of that portion of the LCP as well.

Conclusion. Mr. Friedman, as well as myself, are long term residents of the area. We have personally witnessed the destructive effects of storm and flood damage to coastal structures, and specifically to the site which is the subject of this application. With weather conditions only expected to become more severe, and with sea level rise a scientific certainty, it would appear most foolhardy to allow anyone to build a house on the beach at this location. The application should be denied. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Siedman", written in a cursive style. The signature is positioned above the printed name "Jack Siedman".

Jack Siedman

JS/ms
cc: Robert Friedman

From: [Patricia Conway](#)
To: [Cardoza, Sabrina](#)
Cc: [Elizabeth Brekhus](#); [Jamie Gallagher](#)
Subject: 21 Calle del Onda, Stinson Beach, Brian Johnson Application
Date: Thursday, July 8, 2021 1:37:12 PM

Dear Ms. Cardoza,

I have reviewed the supplemental documents submitted by the applicant with respect to the Coastal Permit for 21 Calle del Onda, Stinson Beach, CA. The supplemental documents do not comport with what was requested by the Planning Division in your letter of March 18, 2021 and the application remains incomplete. Below are some specific items which render the application still Incomplete.

(1)The Constraints Map (p. 12 of the plans submitted on June 8, 2021) fails to adequately identify the extent of ESHA on the property or identify adequate buffers and mitigation measures to protect the ESHA consistent with the LCP even though specifically requested by the Planning Division. The applicant claims no ESHA even though specifically found by the Coastal Commission as well as applicant's own technical report in 2019 conducted by WRA which specifically found that the property consists roughly of ".2 acre of sand beach/dune, and 0.16 acre of iceplant mats....The Marin Local Program designates beaches as an environmental sensitive habitat area (ESHA).” More importantly, the Coastal Commission has specifically reviewed and commented on the WRA study and concluded that the proposed development is located within ESHA. Applicant’s application cannot be deemed complete as it completely ignores the ESHA on the property.

(2)Your letter of March 18, 2021, also asked the applicant to address the issues raised in the Coastal Commission's letter of March 16, 2021 which in addition to ESHA include an analysis of potential hazards including Sea Level Rise and Shoreline Protection. Even though applicant's own Initial Geotechnical Feasibility Study by Murray Engineers Inc. dated January 14, 2021 identifies significant hazards: (a) Strong to Very Violent Ground Shaking During an Earthquake (b) Liquefaction- Induced Settlement and Lateral Spreading (c) Tsunamis and Seiches (d) Waves, Flooding, Beach Erosion, & Sea Level Rise, the applicant's supplemental technical reports do not address the Geotechnical findings or the fact that Murray Engineering recommended a full Geotechnical Feasibility Study be conducted. The Murray Engineers Inc. initial study has not been peer reviewed and in any event, recommends that a full geotechnical investigation be conducted before the County considers the permit application.

(3)The applicant has failed to provide an adequate hazard assessment for the project site including analysis of risks from coastal sea level rise and flooding from Easkoot Creek. As discussed above, even the applicant’s own study by Murray Engineering Inc. acknowledges the high risk of these events and that a full geotechnical investigation is needed to analyze changes to the groundwater level, inundation, flooding, wave run-up, and erosion risks from both the Easkoot Creek side and the ocean side. The updated May 13, 2021 letter from R.M. Noble & Associates merely relies on the 2014 O’Connor study for the conclusion there is no potential flooding from the Eastkoot Creek side of the property with no reference to the Murray initial geotechnical study. The Coastal Commission has already commented that the flood maps / profiles provided by the applicant were not adequate and a full geotechnical investigation was required. The application references the 2018 Sea Level rise analysis and acknowledged the increase risk of storm wave runup, but then concludes there is no flood risk until 2050 without sufficient evidence to support this conclusion. The

risk to Stinson Beach is so significant that the County is in the process of evaluating sea rise levels and creating a defense plan specific to Stinson Beach. A more recent 2019 study from the U.S. Geological Survey finds that the predicted damage from sea level rise in *triples* once tides, storms and erosion are taken into account. For Stinson Beach, lots like this one, which are along the seashore and along the Eastkoot river, the floor risk is further multiplied. The applicant and his technical experts do not address the 2019 U.S. Geological Survey. Applicant's technical reports should at a minimum be peer reviewed but due to the various discrepancies with agency findings, additional studies should be required before the application is deemed complete.

If you have received any additional documents from the applicant since June 8, 2021 that do not appear on-line we would appreciate copies of those.

Thank you,

--

Patricia K. Conway, Esq.

Brekhus Law
Partners 1000
Drakes Landing
Road Greenbrae,
CA 94904
phone: (415) 461-1001
facsimile: (415) 461-7356

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