

# **21 Calle Del Onda – The last shoreline lot in Stinson Beach**

**BRIAN JOHNSON TRUST COASTAL PERMIT**

A PRESENTATION TO THE MARIN COUNTY BOARD OF SUPERVISORS

OCTOBER 24, 2023







# Takings Analysis is due to faulty ESHA designation

*"The sandy beach area that would be affected by the Project does not fit the general definition of ESHA in the LCP and California Coastal Act"*

- CEQA Response to Comments

*"...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."*

- Coastal Act Definition



**BEFORE HOMES IN THE CALLES, PATIOS, AND SEADRIFT WERE BUILT  
THE ENTIRE 11,000 FOOT STRETCH WAS A SAND DUNE**

# Project incorporates Sea Level Rise Guidance



## CALIFORNIA COASTAL COMMISSION SEA LEVEL RISE POLICY GUIDANCE

*Interpretive Guidelines for Addressing  
Sea Level Rise in Local Coastal Programs  
and Coastal Development Permits*



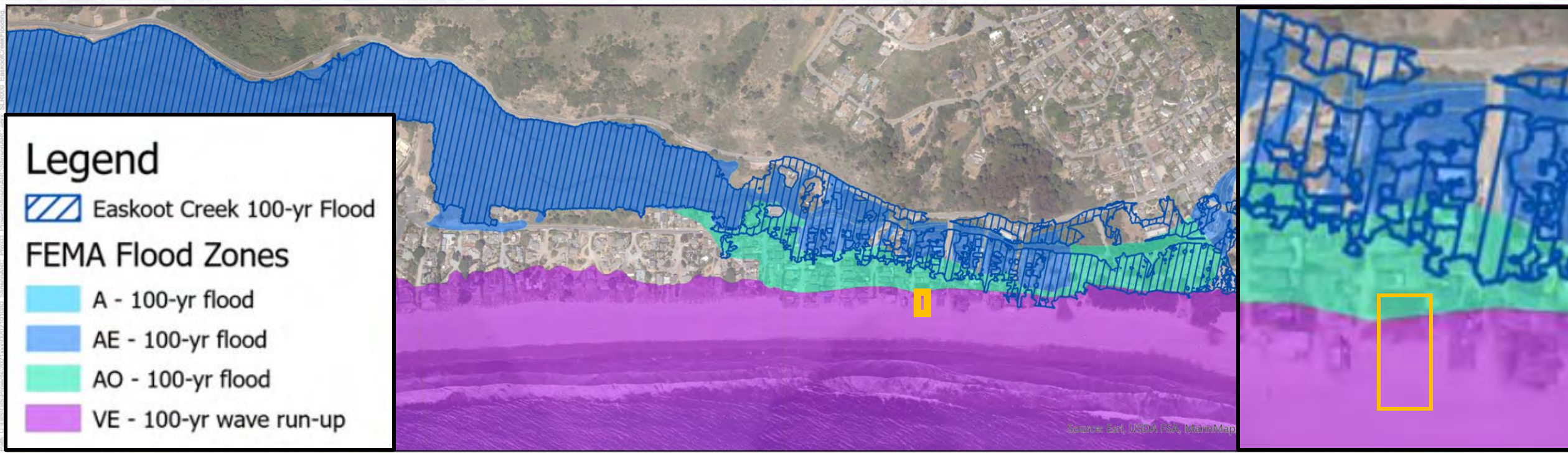
Original Guidance unanimously adopted – August 12, 2015  
Science Update unanimously adopted – November 7, 2018

- HABITABLE AREA SET ABOVE PROJECTED STORM FLOODING
- RIGHT TO FUTURE SHORELINE PROTECTIONS WAIVED
- DEVELOPMENT WILL BE REMOVED IF BUILDINGS OR ACCESS IS COMPROMISED
- OWNER INDEMNIFIES PUBLIC AGENCIES / ACCEPTS FULL RISK
- DEED RESTRICTION WILL BIND ALL FUTURE OWNERS
- REAL ESTATE NOTIFICATION REQUIRED AT TIME OF SALE



# Easkoot Creek flooding is unlikely at 21 Calle del Onda

- COUNTY ARC STUDY CONCURS WITH COASTAL ENGINEER'S PREVIOUS REPORT
- SEPTIC SYSTEM OUTSIDE MODELED 100 YR FLOOD RANGE
- FEMA MAP NOT AS ACCURATE; PROCESS FOR REVISION AVAILABLE





# No increased risk from January 2023 storms

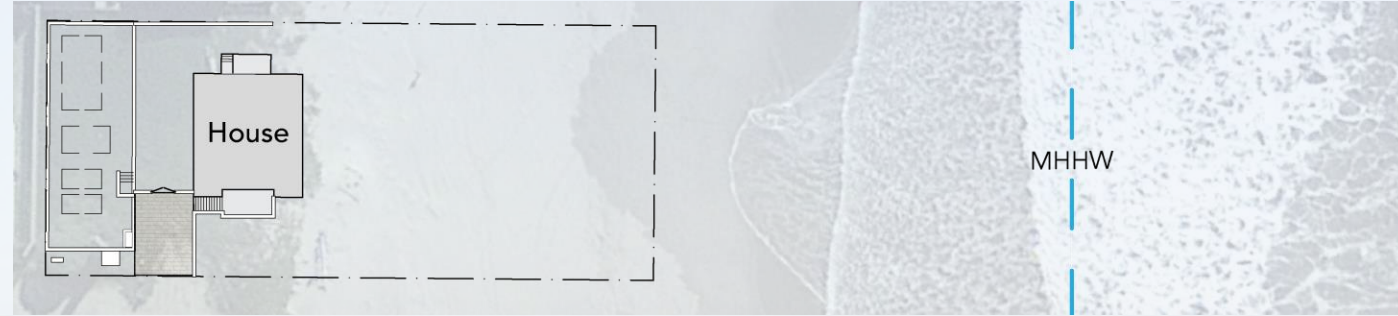
QUOTES FROM SUPPLEMENTAL ENVIRONMENTAL REVIEW, 2023

- *"THERE WAS NO EVIDENCE THAT THE SITE HAD EXPERIENCED FLOODING..."*
- *"BY APRIL, 2023 MUCH OF THE SAND THAT HAD BEEN ERODED FROM THE BEACH FACE DURING THE JANUARY 5, 2023, STORM EVENT HAD MOVED BACK ONSHORE AND A BEACH BERM WAS BEGINNING TO REFORM."*



# This is the Least Damaging Feasible Alternative

- ENVIRONMENTAL REVIEW FOUND PROJECT, AS MITIGATED, WOULD NOT RESULT IN ANY SIGNIFICANT IMPACTS ON THE ENVIRONMENT
- NO BUILDING ON SANDY BEACH
- INCLUDES DUNE RESTORATION
- SMALLEST SEPTIC SYSTEM ALLOWED



- NO EASKOOT CREEK FLOODING RISK
- ONLY 45% OF CALLES LOT COVERAGE AVERAGE

**AVOIDING ALL SANDY DUNE AREA IS NOT ECONOMICALLY FEASIBLE**



# Owners development expectations are reasonable

- NO PUBLIC AGENCY HAS EVER ADVISED THAT THE PROPERTY IS NOT BUILDABLE.
- COUNTY ASSESSOR INCREASED LAND VALUE TO OVER \$1 MILLION IN 2021
- LOT SIZE IS THREE TIMES NEIGHBORHOOD AVERAGE
- HOUSE SIZE IS BELOW NEIGHBORHOOD AVERAGE
- COUNTY APPROVED 4 CALLE DEL EMBARCADERO AN 1100SF HOUSE + 300SF GARAGE BASED ON TAKINGS ANALYSIS / CCC DENIED APPEAL



*Recently Permitted Projects*

**LAND USE POLICIES AND REGULATIONS CANNOT BE APPLIED TO  
ENGENDER AN UNJUST TAKING OF PRIVATE PROPERTY**



An aerial photograph of a coastal residential neighborhood. The houses are built on a slight rise above a wide, sandy beach. A specific plot of land on the beach is outlined with a yellow dashed border. The ocean waves are visible in the foreground, breaking onto the shore. The text "OWNERS REQUEST BOARD TO UPHOLD PLANNING COMMISSION APPROVAL" is overlaid in large, bold, blue capital letters across the middle of the image.

**OWNERS REQUEST BOARD TO UPHOLD  
PLANNING COMMISSION APPROVAL**