

## **ATTACHMENT 11**

### **Public Correspondence received on the project to date listed in chronological order.**

- A. Email from Belinda and Jim Zell, dated April 15, 2021
- B. Letter from Jack Siedman, dated July 29, 2021
- C. Email from Patricia Conway, dated July 8, 2021
- D. Letter from Elizabeth Brekhus, dated November 5, 2021
- E. Email from Michael Lemont, dated November 16, 2021
- F. Email from Belinda and Jim Zell, dated November 18, 2021
- G. Email from Bridger Mitchell, dated November 19, 2021
- H. Email from Stephanie Rexing on behalf of the California Coastal Commission, dated November 22, 2021
- I. Letter from the Department of Fish and Wildlife dated February 3, 2023
- J. Email from Michael Lemont, dated February 4, 2023
- K. Email from Narda Gaskell on behalf of Brekhus Law Partners, dated February 8, 2023
- L. Emails from Steven Trifone, dated February 5, 2023
- M. Email from Patricia Conway, dated July 21, 2023
- N. Email from Jim Zell, dated July 26, 2023
- O. Email from Jack Siedman, dated July 27, 2023
- P. Email from Jamie Gallagher on behalf of Brekhus Law Partners to the Planning Commission, dated July 27, 2023
- Q. Email from Kent Nelson on behalf of the Stinson Beach County Water District, dated July 21, 2023
- R. Email from Len Rifkind, dated July 27, 2023
- S. Memorandum, Response to Comments receive prior to the July 31, 2023 Planning Commission Hearing from Sicular Environmental Consultation & Natural Lands Management, dated July 30, 2023
- T. Email from Jamie Gallagher on behalf of Brekhus Law Partners, dated August 9, 2023
- U. Emails from Jamie Sutton, dated August 9, 2023
- V. Email from Christina Rhoades on behalf of Brekhus Law Partners, dated October 17, 2023

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

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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

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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.

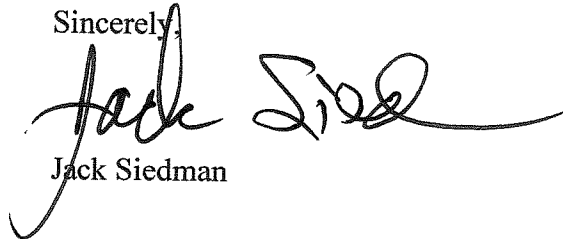
2. Geotechnical Risks. The project borders the San Andreas Fault and the risk of liquefaction from earthquakes is considered "moderate to high" according to Murray Engineers, hired by the project's applicants. Consequently, the engineers recommend concrete retaining walls and rammed piers to protect 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". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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.

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ReplyReply allForward

November 5, 2021

Marin County Community Development Agency  
Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903-4157

**Re: 21 Calle del Onda, Stinson Beach, Brian Johnson Trust Coastal Permit  
Application (P3049 formerly P1162)**

Dear Planners:

I represent Marisa Atamian-Sarafian and Dr. Stephen Sarafian, who own property located at 24 Calle del Sierra, Stinson Beach, CA, directly adjacent to the rear of the subject property located at 21 Calle del Onda, Stinson Beach, CA. While the current application for a coastal permit was submitted on February 16, 2021, the applicant had previously submitted an application which was not approved. The application, while referring to "Reconstruction" of a home is in fact for New Construction of a development that is nearly 9 times as large as the original cabin on this lot. While the applicant has made some minor changes to the prior application, the serious issues raised by the Planning Department as well as the Coastal Commission have not been adequately remedied and the application should be denied as discussed in further detail below. We also note that the project requires CEQA review and the County cannot approve the project absent said review.

***Objections to Pending Application for Coastal Permit***

**A. AO Flood Zone Moratorium**

The property is in an AO Zone which remains in a construction moratorium per the July 28, 2015 Notice of Land Use Regulations from the County of Marin Community Development Agency Planning Division. The most recent FEMA flood map for the area that a large portion of the property is in the AO zone (06041C044E effective 8/15/2017). Applicant concedes that the property is in an AO flood zone (as well as a VE flood zone). Any portion of the construction, including a septic system, which would occur in the AO Zone is strictly prohibited by the Local Coastal Program Unit 1, Policy IV-30 as well as County Code Section 22.56130I(L)(2). Applicant's revised plans show the entire septic system, garage, and driveway as well as a portion of a concrete slab all within the AO Flood Zone. In addition, the LCP has prohibited development in the Easkoot Creek

floodplain since 1980, and current amendments do not eliminate that prohibition. See Attachment 14.

#### **B. FEMA VE Floodplain Base Flood Elevation**

The re-submitted plans continue to show a minimum Base Flood Elevation (BFE) of 18'2" (p.6) which is incorrect and does not comply with Marin County Code Title 23.09 requirements. Moreover, applicant asserts that the lowest structural member will be placed at 19'1" which is in violation of FEMA and County guidelines as this is the current Base Flood Elevation for a property located within the Special Flood Hazard Zone VE as mapped by FEMA on their current Flood Insurance Rate Map (as of 8/15/2017). The lowest floor must be elevated at least one foot above the Base Flood Elevation per California Residential Code § R322.2.1(1) or the design flood elevation, whichever is higher. Applicant does not address the design flood elevation. Per 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. Moreover, current Marin County policy is to require the lowest floor to be three feet above the base flood elevation.

#### **C. California Coastal Act**

The new plans continue to violate California Coastal Act Section 30253 for new development: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard and (b) Assure stability and structure integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter nature landforms along bluffs and cliffs. (See Attachments 1-5, and 14.)

Not only is the property located in a FEMA flood zone, but there is also documented history of prior flooding at this location. Moreover, the initial Geotechnical feasibility study by Murray Engineers Inc. on January 14, 2021, submitted by the applicant, raises the following significant geotechnical constraints which would remain at a level of moderate to high risk even with mitigation measures taken during construction:

1. Strong to Very Violent Ground Shaking During an Earthquake – ***moderate to high risk***; despite this finding by applicant's own retained expert, Kinsey's cover letter dismisses the risk altogether.
2. Liquefaction-Induced Settlement and Lateral Spreading – ***moderate to high risk***; Kinsey's cover letter acknowledges this risk and the Murray Engineers



recommendation for rammed piers which are in violation of the LCP and the Coastal Act.

3. Tsunamis and Seiches – ***high inherent risk***; applicant does not address this risk despite his expert’s study.
4. Waves, Flooding, Beach Erosion, & Sea Level Rise – ***long term potential for waves and flooding to impact the proposed residence and for erosion of the site to occur***. Murray Engineers defers to others on this issue, however these issues are discussed separately below as the R.M. Noble & Associates May 13, 2021 letter fails to address the geotechnical findings or issues.

#### **D. Sea Level Rise Hazards**

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.

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 concluding 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 recently evaluated sea rise levels, severe risk of flooding and erosion. The purpose of the study was to create a nature-based defense plan specific to Stinson Beach. A more recent 2019 study from the U.S. Geological Survey, relied upon by the County, finds that the predicted damage from sea level rise in California *triples* once tides, storms and erosion are taken into account. [[Marin Sea Level Rise - County of Marin \(marincounty.org\)](https://www.marincounty.org/sea-level-rise)]

For Stinson Beach lots like 21 Calle del Onda, which are along the seashore *and* along the Eastkoot river, the flood risk is further multiplied. The applicant and his technical experts do not address the 2019 U.S. Geological Survey. Stinson Beach has

also been identified by the California Coastal Commission as particularly at risk of sea level rise and coastal flooding. (See Attachment 6.) Applicant's technical reports should at a minimum be peer reviewed but due to the various discrepancies with agency findings, additional studies may be required.

#### **E. Dune and Sandy Habitat Protection**

The current plans are in violation of the newly activated Marin Local Coastal Program (LCP) as well as the Marin County LCP Land Use Plan (LUP) and Implementation Plan (IP) as it shows construction on sandy beach / dunes which are considered Environmentally Sensitive Habitat Areas (ESHA), and development is strictly prohibited in these areas. The Constraints Map (p. 12 of the plans submitted on June 8, 2021) submitted by the applicant 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 department. The applicant had merely dismissed the issue out of hand by stating that based on the biological study commissioned in 2019 conducted by WRA with respect to the septic system, the site does not contain "dunes" and that there is no sensitive habitat due to ongoing human activity. These sweeping conclusions are not entirely consistent with the WRA study 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)." The plan also reflects over 4,000 square feet of grading of sandy beach / dune area plus over 6,400 of grading in iceplant areas without specifying if the iceplants are in beach or dune areas.

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 permit cannot be approved as the application continues to ignore ESHA and fails to provide the requested Constraints Map to adequately identify the extent of ESHA on the property and recommend adequate buffers and mitigation measures to protect ESHA consistent with LCP requirements as required by the County and the California Coastal Commission.

Plaintiff's Environmental Impact Draft Initial Study (updated in December 2019) only takes into account the septic system and not the entire proposed residence. The County needs to perform CEQA review for this project and has not adequately addressed the ESHA. Moreover, that study also only anticipated a residence which was less than 1,400 square feet, however, the current plans indicate a residence of 1,563 square foot with the total coverage of the project (garage, decks, stairs, concrete slabs, paving, etc.) at over 3,300 square feet. Again, the WRA study was an initial study only related to the septic system, has not been peer reviewed, and is at direct odds with the LCP and



California Coastal Commission's definition of ESHA. Further technical analysis of this issue is required and this preliminary septic system study cannot be relied upon for the entire project. C-BIO-2(4) provides as follows:

Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures including precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.

This requirement has not been met with respect to the entire proposed development and a further study of the impact on ESHA is necessary before the application can be considered. While in Applicant's most recent 10/2/2021 response, there is finally acknowledged that the sandy beach on the property is ESHA, applicant continues to deny the existence of dunes, even though referenced in the prior study, and while simultaneously admitting they do not know the definition of "dune". An obvious omission as C-BIO-7 prohibits development in coastal dunes. In any event, applicant also concedes that the proposed development will eliminate a portion of the sandy beach. Moreover, C-BIO-9 prohibits development that would adversely impact the natural sand dune formation and certain sandy beach habitats.

#### **F. Shoreline Protection**

The Marin LCP, in addition to the California Coastal Act, prohibits shoreline protection devices for new development. The revised plans continue to include large concrete retaining walls and concedes that the Murray Engineering initial geotechnical study finds that the home will likely require rammed piers to reduce the potential for liquefaction-induced ground failure to protect the home and septic system. Both the concrete walls and the deep piers are in violation of the LCP and the Coastal Act, and accordingly the permit application cannot be approved.

#### **G. Impact on Neighboring Properties**

The prior home on this property was less than 450 square feet (see Attachment 13). The current application is brand new construction of over 3,300 square feet of proposed development, and the Noble report still refers to the home as approximately 2,400 square feet. The plans not only do not comport with the traditional smaller cottage

cabin type homes that are in the area and specifically previously on this lot, this larger scale development puts the neighboring properties at significant risk of damage. The prior cabin was partially destroyed by flood in the 1982 storms before being completely lost to fire in 1983. The vacant lot typically floods during heavy rains which is understandably why it is in a designated flood zone. The first concern is failure of the septic system as the variance and permit is within the flood zone and requires that the entire development be under 1,400 square feet while this development exceeds 3,300 square feet which creates a significant risk of failure of the septic tank which would create a hazardous condition to the health and safety of the residents and the Eastkoot Creek itself in violation of CEQA. Moreover, the CEQA initial study was done only with respect to the septic system in the Eastkoot Flood Plain and does not take into account the shoreline hazards. In addition to the potential septic failure, the combination of the Eastkoot Creek flood plain with the Coastal Flooding dangers creates danger that flooding would wash the development into and destroy existing homes and compromise the safety of residents and members of the general public. (See Attachments 11 and 12 regarding historical flooding events.) At a minimum a full Environmental Impact Report should be required.

#### **H. Denying the Permit Does Not Result in a Constitutional Takings**

Applicant raises for the first time that a Takings Analysis is required to evaluate the permit application. In reference to a prior permit of the Hjorth Residence granted in 2016, Mr. Kinsey's cover letter on behalf of the applicant incorrectly asserts that "a strict application of the LCP development policies could result in a regulatory taking".

First, there is an issue of standing as the permit application is being advanced and funded by a potential buyer, Craig Nunes, and not the actual owner. (See Attachments 9 and 10.) Attached for your reference are minutes from two hearings before the Stinson Beach Water District in 2016 reflecting that Craig Nunes, who does not own the property, is the actual applicant. (See Attachments 7 and 8). The owners (the Johnsons) have held the property since their 450 small square foot cabin was damaged by flooding in 1982 and completely destroyed by fire in 1983. The lot was listed on MLS as "vacant land". Obviously both the owners and the potential buyer are well aware of the development restrictions and the proposed permit application is not reasonable. Moreover, there has been no showing of any substantial investment commensurate with reasonable investment-backed expectations for the site. *McAllister v. California Coastal Commission* (2008) 169 Cal.App. 4<sup>th</sup> 912, 940.

Second, there has been no physical invasion of the property by the government, nor has the applicant established that the denial of the permit "would deny them *all* economically beneficial or productive use of their land. *Linstrom v. California Coastal Commission* (2019) 40 Cal.App.5<sup>th</sup> 73, 106. Restricting the owner to only resource dependent use of the lot would not be inconsistent with the use during the last almost

forty years and the potential buyer who is actually trying to develop the lot has no standing to assert a takings challenge. The actual owner has not illustrated that he could not sell the property for the same price without development, such as to Open Space District, or other agencies, or private non-profit organizations which would maintain the property as resource dependent.

Finally, the Marin County Planning Commission as well as the California Coastal Commission, specifically found, when considering the Hjorth project proposal, that the granting of the Hjorth permit and the takings analysis was specific to that lot and does not create precedent or allow for redevelopment of previously developed lots in the floodplain. Applicant's reference to the Hjorth project should therefore be disregarded.

The Hjorth application should not be considered as it is not precedent, but nonetheless the Hjorth project is significantly different than the subject application. First, Hjorth purchased the property without knowing it could not be developed. The Board of Supervisors found that no amount of due diligence could have informed the property owner. They also found that the Hjorth's paid fair market value and their investment-backed expectations, based upon the information known at the time of purchase, were that the property could be developed.

In contrast with the current applicant, the current owners have held the property since the 1930s. The LCP has prohibited development in the Easkoot Creek floodplain since 1980. The home on the subject property was destroyed by fire around 1983 and there has been no development on that lot since that time reflecting that the owners were aware of the prohibition on development in the floodplain. Prior to the original submission by applicant in 2016 of the originally proposed development, the owners received the July 28, 2015, Notice that development was strictly prohibited in the AO floodplain, which further confirms that the owners have been fully aware that re-development of their lot was prohibited.

Perhaps the most significant difference between the current application and the Hjorth project is that the Hjorth property constituted infill residential development that would not adversely impact coastal resources. The Hjorth property was inland, not adjacent to the shoreline, and there are no natural dunes on the property. In stark contrast, the development of 21 Calle Onda would impact coastal resources, interfere with dune and sandy beach habitat protection, and impact flood hazards as discussed in detail above.

### ***Conclusion***

The applicant is attempting to circumvent FEMA, CEQA, the California Coastal Act, and the LCP, by proposing development which is inconsistent and could cause damage to the shoreline and neighboring homes without having conducted a full Environmental Impact Report or a full Geotechnical Investigation. As reflected in the attached e-mail and comment letters

from the Coastal Commission, the current application continues to fail to adequately address the various issues and conditions raised by the Coastal Commission. The Coastal Commission has provided substantial evidence regarding the presence of ESHA, sea level rise hazards and failure of adequate shoreline protection. The applicant's continued failure to adequately address these issues and conditions provides yet another ground to deny the permit application. *Martin v. California Coastal Commission* (2021) WL3021356. The denial of the permit would not be considered a taking as (1) the potential buyer applicant has no standing to assert a takings challenge and (2) there are potentially other resource dependent uses which could occur on the property within these guidelines. For the foregoing reasons the application should be denied.

Very truly yours,



Elizabeth A. Brekhus

Attachments:

1. July 1, 2021 e-mail from Sara Pfeiffer of California Coastal Commission to Sabrina Cardoza;
2. California Coastal Commission letter dated March 16, 2021;
3. California Coastal Commission letter dated June 30, 2016;
4. California Coastal Commission letter dated March 31, 2016;
5. February 2, 2021 e-mail from Jeanine Manna of California Coastal Commission to Sabrina Cardoza to Michelle Levinson;
6. June 26, 2021, Coastal Risks Stinson Beach Publication;
7. September 17, 2016 Stinson Beach Water District Minutes reflecting Applicant is Craig Nunes;
8. August 20, 2016 Stinson Beach Water District Minutes reflecting Applicant is Craig Nunes;
9. April 8, 2016 Project Status letter to Craig Nunes from Tammy Taylor of Planning Division;
10. 2016 Building Plans reflecting Craig Nunes as Owner of 21 Calle del Onda;
11. Stinson Beach Historical Society Storm of 1978 Description;
12. Stinson Beach Historical Society Storm of 1983 Description;
13. Blueprint of original 400 sq. ft. cabin at 21 Calle del Onda;
14. California Coastal Commission letter dated August 5, 2021.

Cc (via e-mail):

Clients

Jack Siedman

Sabrina Cardoza

**ATTACHMENT 1**

**ATTACHMENT 1**

Subject: P3049 (21 Calle del Onda, Stinson Beach)

**Pfeifer, Sara@Coastal** <Sara.Pfeifer@coastal.ca.gov>  
to Cardoza, Sabrina, Rexing, Stephanie@Coastal, Steve Kinsey

Thu, Jul 1, 3:56 PM

You are viewing an attached message. Compass Mail can't verify the authenticity of attached messages.

Good afternoon Sabrina,

Thank you for providing us with the opportunity to submit comments on the proposed project for a new single-family residence at 21 Calle del Onda in Stinson Beach. The comments provided in our March 16, 2021 letter continue to reflect our concerns about the project's consistency with the Marin County LCP (see attached). Additionally, the 2021 comment letter suggests measures to ensure the project's consistency with the LCP that remain relevant to the Applicant's recently resubmittal materials (i.e., those dated June, 2021). Similarly, the overarching themes described in our March and June 2016 comment letters (attached), including as related to access, habitat protections, and coastal hazards, remain relevant with respect to project elements that do not adequately address these concerns.

Please feel free to contact me with any questions you may have regarding our feedback.

Thank you,

Sara Pfeifer | Coastal Planner  
CALIFORNIA COASTAL COMMISSION  
North Central Coast District Office  
(415) 904-5255 | [sara.pfeifer@coastal.ca.gov](mailto:sara.pfeifer@coastal.ca.gov)

3 Attachments



https://mail.google.com/mail/u/0/?ui=2&ik=fc11a14b26&attid=0.1.0.2&permmsgid=msg-f.1...

**ATTACHMENT 2**

**ATTACHMENT 2**

**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 area 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](mailto:abigail.black@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

DocuSigned by:  
  
A7BC15CBC258476...  
Abigail Black  
Coastal Planner

**ATTACHMENT 3**

**ATTACHMENT 3**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



June 30, 2016

Marin County Community Development Agency  
Attn: Tammy Taylor  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Transmittal for Johnson Coastal Permit (P1162) in Stinson Beach, CA**

Dear Ms. Taylor,

Thank you for your request for comments regarding the Johnson Coastal Permit (P1162) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 2,454 square-foot single-family residence with attached one-car garage, in addition to new site improvements, including a septic system, driveway, boardwalk, and rope fence, located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). The proposed residence would be 23 feet 4 inches above grade and would meet the minimum setback requirements. The project referral materials indicate that the lot was previously developed with a house, which was destroyed by a fire, and has been vacant since the mid-1980's. After reviewing the second planning transmittal, 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.

**Coastal Access**

The Marin LCP (IP Section 22.56.130(E)) requires that all coastal permits shall be evaluated to determine the project's relationship to the maintenance and provision of public access and use of coastal beaches, waters and tidelands. For the proposed project, which is located between the sea and the first public road, the Marin LCP requires that the coastal permit include provisions to assure public access to coastal beaches and tidelands, including the offer of dedication of public access easements along the dry sand beach area adjacent to public tidelands for a minimum of twenty years. Impacts to public access should be evaluated, and appropriate provisions to protect public access should be provided, taking into account potential sea level rise over life of the development.

**Dune protection**

The Marin LCP (IP Section 22.56.130(H)) requires that development of shorefront lots within the Stinson Beach area assures preservation of existing sand dune formations in order to protect environmentally sensitive dune habitat, vegetation, and to maintain natural protection from wave runoff. For the proposed project, which is located on a shorefront parcel, the Marin LCP requires that the coastal permit include findings, which demonstrate that the project's design and location eliminates the need for future shoreline protective devices, protects sandy beach habitat, provides a buffer area between public and private use areas, protects scenic and recreational character of the beach and maintains the public rights of access to, and use of, beach dry sand areas. Marin IP

Subject: P3049 (21 Calle del Onda, Stinson Beach)

**Pfeifer, Sara@Coastal** <Sara.Pfeifer@coastal.ca.gov>  
to Cárdena, Sabrina, Roxing, Stephanie@Coastal, Steve Kinsey

Tue Jun 1 3:58 PM

**You are viewing an attached message. Compass Mail can't verify the authenticity of attached messages.**

Good afternoon Sabrina,

Thank you for providing us with the opportunity to submit comments on the proposed project for a new single-family residence at 21 Calle del Onda in Stinson Beach. The comments provided in our March 16, 2021 letter continue to reflect our concerns about the project's consistency with the Marin County LCP (see attached). Additionally, the 2021 comment letter suggests measures to ensure the project's consistency with the LCP that remain relevant to the Applicant's recently resubmittal materials (i.e., those dated June, 2021). Similarly, the overarching themes described in our March and June 2016 comment letters (attached), including as related to access, habitat protections, and coastal hazards, remain relevant with respect to project elements that do not adequately address these concerns.

Please feel free to contact me with any questions you may have regarding our feedback.

Thank you,

Sara Pfeifer | Coastal Planner  
CALIFORNIA COASTAL COMMISSION  
North Central Coast District Office  
(415) 904-5255 | [sara.pfeifer@coastal.ca.gov](mailto:sara.pfeifer@coastal.ca.gov)

**3 Attachments**



<https://mail.google.com/mail/u/0/?ui=2&ik=fc11a14b36&attid=01.026permmsgid=msg-f1...>

**ATTACHMENT 4**

**ATTACHMENT 4**



**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



March 31, 2016

Marin County Community Development Agency  
Attn: Tammy Taylor  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Transmittal for Johnson Coastal Permit (P1162) in Stinson Beach, CA**

Dear Ms. Taylor,

Thank you for your request for comments regarding the Johnson Coastal Permit (P1162) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 2,454 square-foot single-family residence with attached one-car garage, in addition to new site improvements, including a septic system, driveway, boardwalk, and rope fence, located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). The proposed residence would be 23 feet 4 inches above grade and would meet the minimum side, front, and rear 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.

**Public Access and Dune and Sandy Beach Protection**

The Marin LCP includes policies protecting public access to and along the shoreline, which state that the County will require provisions for coastal access in all development proposals located between the sea and the first public road. The Marin LCP also 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. 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. As such, this permit application must include a biological evaluation of the property in order to assess the extent of sensitive dune habitat and species on or adjacent to the site (and appropriate buffers) and, in the event that no dune habitat exists, the first line of terrestrial vegetation. The project plans show that storm surge has extended underneath the proposed deck. Therefore, approval of a rope fence could prohibit lateral public access along the shoreline. The provision and protection of coastal access and protection of sandy beaches and dune habitat in this case could include 1) setting the development back from the beach and/or any sensitive dune habitat to the maximum extent feasible and consistent with any recommended sensitive habitat buffers (including by reducing the site of the proposed house if necessary); and/or 2) a lateral easement on the Applicant's property along the dry sand adjacent to tidelands that could be accepted by the Marin County Open Space District, which owns and maintains the adjacent beach; and/or 3) a prohibition on

the proposed rope fencing that could prevent lateral public access along the beach at high tide. As required by the Marin LCP, development approval for the proposed project must be accompanied by findings, including mitigation measures and conditions of approval, establishing that the project's design and location would protect sandy beach habitat, provide a buffer area between public and private use areas, protect the scenic and recreational character of the beach and maintain the public rights of access to and use of dry sand beach areas.

### **Shoreline Protection and Hazard Areas**

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. In light of the coastal hazards that have been identified through Marin County's C-SMART process and the forthcoming LCP update, the hazard assessment for the project site should include analysis of risk from coastal sea level rise. The steps recommended in the Coastal Commission's Adopted Sea Level Rise Policy Guidance (2015) may be used as a reference. These steps include: 1) define the expected life of the project, in order to determine the appropriate sea level rise range or projection; 2) determine how physical impacts from sea level rise may constrain the project site, particularly increased groundwater, erosion, flooding, wave run-up and inundation; 3) determine how the project may impact coastal resources over time, considering the influence of sea level rise, particularly on water quality, public access and coastal habitat; 4) identify project alternatives (e.g., building a smaller structure in an unconstrained portion of the site, elevating the structure, or providing options that would allow for incremental or total removal of the structure if and when it is impacted in the future) that avoid resource impacts and minimize risks to the project; 5) finalize project design.

Step 2 should include an engineering analysis, prepared by a licensed civil engineer with experience in coastal processes, for the proposed development site. 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 the high projection from the National Research Council's 2012 Report, *Sea Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future*. 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.

Development approval for the proposed project could be accompanied by the following permit conditions:

1. 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.

2. Disclosure of Permit Conditions. All documents related to any future marketing and sale of the subject property, including but not limited to marketing materials, sales contracts, deeds, and similar documents, shall notify buyers of the terms and conditions of this coastal development permit.

3. Coastal Hazards Risk. By acceptance of this Coastal Permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns:

(a) Assume Risks. To assume the risks to the Permittee and the property that is the subject of this Coastal Permit of injury and damage from coastal hazards;

(b) Waive Liability. To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards;

(c) Indemnification. To indemnify and hold harmless the County of Marin, its officers, agents, and employees with respect to the County's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and

(d) Permittee Responsible. That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

4. No Future Shoreline Protective Device. No additional protective structures, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls, shall be constructed to protect the development approved pursuant to CP #\_\_ , including, but not limited to development associated with this CP, in the event that the approved development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this CP, the Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, and agrees that no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.

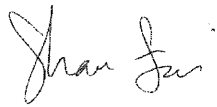
5. Future Removal of Development. The Permittee shall remove and/or relocate, in part or in whole, the development authorized by this CP, including, but not limited to development authorized under this CP, when any government agency orders removal of the development in the future or when the development becomes threatened by coastal hazards,

Johnson Coastal Permit (P1162)

whichever happens sooner, or if the State Lands Commission requires that the structures be removed in the event that they encroach on to State tidelands. Development associated with removal of the residence or other authorized development shall require an amendment to this CP. In the event that portions of the development fall to the water or ground before they are removed, the Permittee shall remove all recoverable debris associated with the development from the ocean, intertidal areas, and wetlands and lawfully dispose of the material in an approved disposal site. Such removal shall require an amendment to this CP.

Thank you for the opportunity to comment on the planning transmittal. Please feel free to contact me at (415) 904-5266 or by email at [shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shannon Fiala".

Shannon Fiala  
Coastal Planner

**ATTACHMENT 5**

**ATTACHMENT 5**

Subject

RE: Retention of Coastal Permitting Jurisdiction-21 Calle del Onda, Stinson Beach

**From:** Manna, Jeannine@Coastal [mailto:Jeannine.Manna@coastal.ca.gov]

**Sent:** Tuesday, February 02, 2021 2:41 PM

**To:** Levenson, Michelle <MLEvenson@marincounty.org>

**Cc:** Lai, Thomas <TLai@marincounty.org>; Black, Abigail@Coastal <abigail.black@coastal.ca.gov>; Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>

**Subject:** RE: Retention of Coastal Permitting Jurisdiction-21 Calle del Onda, Stinson Beach

Hi Michelle,

Thanks for reaching out! Sounds like the property is within both the Commission and the County's CDP permitting jurisdiction. The applicant can reach out to our mapping department for a formal boundary determination if they want to know exactly where the line falls. Depending on where development is proposed on the property, they may need a CDP from both us and the County. If both agencies, then we could do a consolidated CDP if everyone agreed to such a process.

However, I will note that back in 2016 when a project was previously proposed on this property, Commission staff raised a number of concerns including related to setbacks needed to protect sensitive dune and sandy beach habitat and public access. We also previously noted that coastal hazard risk for the property should be evaluated and that any development in this location would need to be sited and designed safe from hazards without the need for future shoreline protection (accounting for sea level rise) over the anticipated life of the project.

Please keep our staff apprised as this project moves forward through the County process.

Thank you,

Jeannine

**From:** Levenson, Michelle <MLEvenson@marincounty.org>

**Sent:** Monday, February 1, 2021 2:53 PM

**To:** Manna, Jeannine@Coastal <Jeannine.Manna@coastal.ca.gov>

**Subject:** Retention of Coastal Permitting Jurisdiction-21 Calle del Onda, Stinson Beach

Dear Ms. Manna-

Tom Lai requested that I reach out to you regarding an application that will be submitted to the County of Marin shortly. The application is for Coastal Permit and Design Review approval to construct a new, single family residence and detached garage on a vacant site at 21 Calle del Onda, Stinson Beach (current APN 195-162-49, prior APN 195-162-13, and -14). The site, located between the ocean and Highway One, has an interesting history. Back in 1981, the owner applied to the County to subdivide the property. At that time the CCC staff provided correspondence to Marin County (historical records attached) that the agency was retaining Coastal Permit authority over the site. The applicant, CivicKnit, has requested guidance on applying for the necessary authorizations and I was hoping to provide them with feedback on the Coastal Permit pathway. Thanks in advance for your guidance.

Sincerely,

Michelle Levenson

**ATTACHMENT 6**

**ATTACHMENT 6**



# COASTAL RISKS FOR STINSON BEACH, CA

Selected water level: 3 feet. May occur from sea level rise, coastal flooding, or both.

## What's at risk on land below 3 feet?<sup>1,2</sup>

- Miles of road: 1 miles
- Local roads: 1 miles
- Population: 33
- Homes: 53

## 3 feet in historical context<sup>3,4</sup>

- Highest observed area flood: 2.8 feet in 1983
- Statistical 1-in-100 year flood height: 2.9 feet

## Unnatural Coastal Floods<sup>5</sup>

Since 1950, a tide station at San Francisco has recorded 474 days exceeding local National Weather Service flood thresholds. Without climate-driven sea level rise, the count would be 145. The station is 17 miles from Stinson Beach.

## Rising seas = more floods<sup>6</sup>

- Stinson Beach, CA has already experienced about 8 inches of sea level rise over the last 112 years of records. Climate change is projected to drive much more rise this century.
- This raises the starting point for storm surges and high tides, making coastal floods more severe and more frequent.

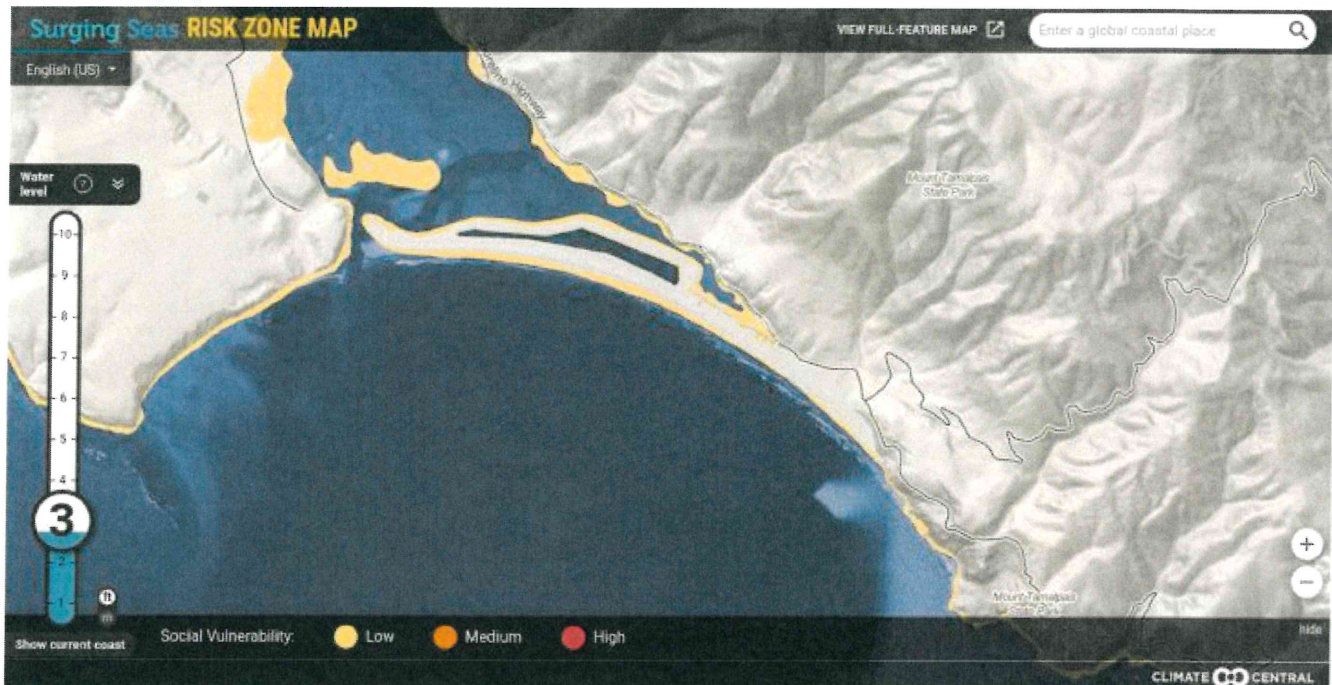
## When could a 3-foot flood happen?<sup>3,4,6</sup>

- Likelihood by 2030: 31% – 68%
- Likelihood by 2050: 80% – 100%
- Likelihood by 2100: 100% – 100%

The ranges shown derive from the intermediate low vs. intermediate high global sea-level scenarios from a 2017 NOAA technical report for use in the U.S. National Climate Assessment, which point to projected local rises of 1.7 vs. 5.9 feet by 2100. The more heat-trapping pollution emitted, the higher that sea-level rise is likely to be.

Find more places, water levels and downloads at [riskfinder.org](http://riskfinder.org)

## Land and population below 3 feet in Stinson Beach, CA



Social vulnerability (e.g. from low income) compounds coastal risk. Land below 3 feet is colored according to the legend. Surging Seas uses high-accuracy lidar elevation data supplied by NOAA. Map reflects a uniform sea level and/or flood height. Individual storm surge, tidal or rainfall events cause more complex and uneven water surfaces.

Email [sealevel@climatecentral.org](mailto:sealevel@climatecentral.org) to ask about tailored analysis

1 Floods and sea level rise are relative to local high tide lines circa 1992 (mean higher high water across 1983-2001).

2 Values exclude sub-3-ft areas potentially protected by levees, natural ridges, and other features.

3 Climate Central estimates risk by combining local sea level rise projections with flood height risk statistics based on historic data.

4 Flood risk projections and history are based on records from the NOAA water level station at San Francisco - San Francisco Bay, 17 miles from Stinson Beach, from 1901 to 2013.

5 Strauss, B. H., Kopp, R. E., Sweet, W. V. and Bittermann, K., 2016. Unnatural Coastal Floods. Climate Central Research Report.

6 Sea level projections are localized, and local flood risks projected, based on methods from Tebaldi et al. 2012 (Environmental Research Letters).



# SEA LEVEL RISE AND COASTAL FLOODING FAQs

## What causes sea level to rise?

- **A warming ocean:** Thermometer and satellite measurements show that the ocean has been warming for more than a century. Water expands as it warms, and the only way the ocean can go is up and out.
- **Shrinking ice:** Warmer air and water temperatures are causing global glaciers and ice sheets on Greenland and Antarctica to melt or to break off into the ocean. Adding water or ice from land to the ocean raises sea level, and is by far the biggest future threat.
- **Sinking land:** In some places, coastal land is sinking, due to a variety of slow, long-term processes not linked to current climate change, or due to pump extraction of water or fossil fuels from underground formations.

## What causes climate change?

- The main activity causing climate change is the burning of fossil fuels, which emits heat-trapping pollution.
- Leading scientific bodies agree: *Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research concludes that the greenhouse gases emitted by human activities are the primary driver.*<sup>7</sup>

## Can sea level rise be slowed?

- Major cuts in heat-trapping pollution through measures such as a swift global transition to a clean energy economy, climate-friendly agriculture, and protecting forests would reduce future sea level rise.

## Does sea level rise affect flooding?

- Sea level rise raises the starting point for waves, tides, and storm surge, making coastal floods more severe and more frequent.
- A February 2016 Climate Central analysis found that about two-thirds of U.S. coastal flood days since 1950 would not have met the National Weather Service's local definition of flooding without the few inches so far of human-caused, climate-driven global sea level rise.

## What does the future hold?

- Some future sea level rise is inevitable due to pollution already in the atmosphere, forcing some adaptation.
- Rapid cuts in emissions of heat-trapping pollution would increase the chances of limiting global sea level rise to near 2 feet this century, but continuing unchecked pollution could lead to a rise of more than 6 feet.<sup>8</sup>
- A 2-foot rise would mean widespread, dramatic increases in flooding, and submergence of the very lowest coastal places. A 6-foot rise would pose severe and in cases existential threats to major coastal cities worldwide.
- Many places will be able to reduce sea level rise impacts by establishing defenses, accommodating floods, or relocating some development, at uncertain cost.
- Pollution this century will lock in sea level rise for hundreds of years to come – likely far more than 6 feet on the current path. The final amount will depend on how rapidly the world community can reduce and then stop heat-trapping pollution.

## REDUCING YOUR RISK

### Preparing yourself and your community

- Actions to curb heat-trapping pollution will reduce sea level rise, but some rise is unavoidable.
- Learn more about the actions you can take yourself at [sealevel.climatecentral.org/flood-preparation](http://sealevel.climatecentral.org/flood-preparation)
- Make sure leaders in your community know your area's risks by sharing this fact sheet and [riskfinder.org](http://riskfinder.org)
- Surging Seas can help your community participate in FEMA's Community Rating System. Contact us to learn more.
- Climate Central offers tailored mapping, projections and analysis to meet the specific needs of cities, counties, states and businesses, using scenarios and data you can choose: contact [sealevel@climatecentral.org](mailto:sealevel@climatecentral.org) to learn more.

### Resources available for California

- Sea Grant California: <https://caseagrants.ucsd.edu/>
- California Coastal Commission: Sea Level Rise: <http://www.coastal.ca.gov/climate/slr/>
- State of California: Coastal Conservancy Climate Change Projects: <http://scc.ca.gov/climate-change/>
- For a longer list see: [sealevel.climatecentral.org/responses/plans](http://sealevel.climatecentral.org/responses/plans)



### In the News

Our sea level research has been covered in USA Today, Time, the major networks, CNN, PBS, NPR, AP, Bloomberg, the Washington Post, the New York Times, and hundreds more outlets.

### Climate Central

Climate Central is an independent nonprofit, nonadvocacy organization that researches climate impacts. Our web tools are based on peer-reviewed science and are included as resources on national portals such as NOAA's Digital Coast and the U.S. Climate Resilience Toolkit.

## Get more analysis at [riskfinder.org](http://riskfinder.org)

## Surging Seas

Sea Level Rise Tools & Analysis by

CLIMATE CENTRAL

<sup>7</sup> Statement on climate change from 31 scientific associations (2016), <http://www.aas.org/sites/default/files/06282016.pdf> (Accessed July 7, 2016). Learn more at <http://climate.nasa.gov/scientific-consensus/>

<sup>8</sup> Based on local sea level projections from Kopp et al. 2014 (Earth's Future) and more recent Antarctic research in DeConto and Pollard 2016 (Nature). For full citations and methods visit: [riskfinder.org](http://riskfinder.org)

**ATTACHMENT 7**

**ATTACHMENT 7**



# BOARD MEETING MINUTES

## REGULAR MEETING

Saturday, September 17, 2016

### A. CALL TO ORDER/ROLL CALL

President Cross called the Regular meeting of the Board of Directors of the Stinson Beach County Water District to order on Saturday, September 17, 2016, at 9:30 AM in the Stinson Beach County Water District office, located at 3785 Shoreline Highway, Stinson Beach, CA 94970.

#### Directors present:

Sandra Cross, President  
Morey Nelsen, Vice President  
Lawrence Baskin, Director  
Barbara Boucke, Director  
Jim Zell, Director

#### Treasurer present:

Judy Stemen

#### General Manager present:

Ed Schmidt

#### Staff present:

Rich Souza - District Engineer  
Helma Schwendig - Office Supervisor

### B. PUBLIC EXPRESSION

None.

### C. SETTING OF AGENDA

The agenda was unanimously adopted as set.

### D. PUBLIC HEARING

#### 1. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 21 Calle del Onda, Brian Johnson Bagwill, Owners, APN 195-162-49.

At the request of the applicant, Craig Nunes, this matter was continued from the Saturday, August 20, 2016, Board meeting to enable four Board members (President Cross, Vice President Nelsen and Directors Baskin and Boucke) to vote on the merits of the project. Director Zell cannot vote as he resides within 500 feet of the property.

President Cross reiterated that the Stinson Beach County Water District has a limited scope of review over this project. The District is concerned only with the proposed septic system, and applying to this application the rules and regulations of Title IV, the District's Onsite Wastewater Management Code. The District does not have authority to create public easements, view easements, or beach access. Ms. Cross requested that the members of the public that are present confine their remarks to septic system and water quality issues. Other issues are to be addressed to the County of Marin and the Coastal Commission. Director Zell then recused himself.

President Cross thanked all the members of the public who submitted documentation, arguments and information about the proposed controversial wastewater treatment system. The Board had reviewed a bound Coastal Flood History submitted to the District on September 9, 2016 by community member Scott Tye. The History contained copies of photos, exhibits, letters from neighbors opposing the project, portions of the Draft Marin Coast Sea Level Rise Vulnerability Assessment, Flood Hazard Mapping items from the Stinson Beach County Water District files. Many of the photos came from the files of the Stinson Beach Historical Society.

Rich Souza, the District's Engineer, summarized the project, which had also been previously discussed at the April 20 and July 6, 2016 Wastewater Committee meetings. The application is for a standard intermittent sand filter system for a proposed residence of less than 2,800 square feet. The variance to Title IV Sec. 4.15.100 - Setbacks to Water Courses and Water Bodies is comprised of the following three individual parts: the setback to the dispersal field to be reduced from 100 to 50 feet, the setback to the sand filter to be reduced from 50 to 36 feet, and the setback to the septic and sump tank to be reduced from 50 to 20 feet.

The property formerly consisted of multiple parcels which have been merged into a 15,200 square foot lot. An existing residence burned down in the 1980's. The sand berm in front of the property, the only berm along the entire beach.

The design is considered new construction and includes a 1,500 gallon septic tank and 1,500 gallon sump tank. It is a raised bed system and meets 36 inches from groundwater. A concrete 12 inch high retaining wall is proposed below grade and around the septic system components. The purpose of the retaining wall is to withstand erosion from wave run-up during significant storm events.

A Coastal Engineering Analysis report was prepared by Noble Consultants. President Cross noted that Figure 6 of the Noble report shows that the berm is subject to erosion. She is concerned that the variance setbacks would increase even more over time with sea level rise and storm events.

The Board's questions regarding the proposed septic system's plans and layout were answered by the system's designer, Troy Pearce, of AYS Engineering Group. The District recently found out from County staff that the building application has been withdrawn, but County staff thought they (the County) should ultimately be the lead agency on this project for CEQA purposes.

Several neighboring property owners voiced their opposition to the project, citing health and safety issues.

Director Baskin made a motion to grant a variance to the requirements of the Stinson Beach County Water District Wastewater Treatment Regulations Ordinance 04 to Reduce Setback Requirements to a Water Body for Property Located at 21 Calle del Onda and to adopt the findings made in the March 14, 2016 letter of approval to the applicant, asking District staff to enhance the findings by including a few more facts from the Noble report. Vice President Nelsen seconded the motion.

Director Boucke could not find that the variances were reasonable or appropriate due to health and safety issues. Ms. Boucke felt she could not support the applicant's findings of fact No. 4 which states: "The Variance will not materially adversely affect the conditions of adjacent watercourses or wetlands, the conditions of sub-surface water under adjacent properties, the health or safety of persons residing or working in the neighborhood of the property, and/or the general health and safety of the community."

public."

President Cross stated that there is more at stake here than the approval of the setbacks. The risks involved do not only affect the applicant. It is also the risk neighbors if the septic system fails. The precautionary principle to risk management states that if an action or policy has a suspected risk of causing harm to the environment, in the absence of scientific consensus (that the action or policy is not harmful), the burden of proof that it is not harmful falls on those that may or may not be a risk. Ms. Cross felt the requested variances are huge in relation to the normal setbacks and that credence should be given to the Dis regulations.

President Cross called the question: All of those Board members in favor of the motion to approve the request for variance? It was a difficult decision for the Board. Director Baskin and Vice President Nelsen voted "Aye". All opposed: Director Boucke and President Cross voted "No". The motion failed as it requires three "ye pass.

**2. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 217 Seadrift Road, James Migdal APN 195-331-37.**

This residential wastewater design application is for a new alternative wastewater system on a 60' x 125' vacant parcel located along the Seadrift Lagoon. The designed for a single family residential home with up to 1,900 square feet of habitable space, and will have a maximum daily flow rate of 300 gallons and an average flow rate of 200 gallons. Based on the proposed use of the raised bed dispersal fields, there is over 36 inches of vertical separation from seasonal high ground

The variance request to [Title IV under Section 4.15.100 Site Criteria - Setbacks](#), consists of reducing the setback from the property line to the dispersal field from 1 foot, reducing the setback from Seadrift Lagoon to the dispersal field from 100 feet to 94 feet, and under [Section 4.19.010, Use of Alternative Wastewater System Designs](#) to utilize a recirculating textile Advantex filter.

The design consists of a new 1,500 gallon traffic rated septic tank, an 810 gallon traffic rated sump tank, Advantex AX20, and dual raised bed dispersal fields.

The project had been heard at the August 25, 2016 Wastewater Committee meeting, a copy of the application documents and plans had been sent to the Regional Quality Control Board, and neighbor notifications were sent on August 30, 2016.

The Board requested that the relocation of the water main line to meet a 10 foot minimum setback to the proposed wastewater system be added to the draft permit condition prior to the issuance of a wastewater construction permit.

Vice President Nelsen moved to adopt Resolution No. WW 2016-10 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 Property Line and Seadrift Lagoon and to Utilize an Alternative Wastewater System for property located at 217 Seadrift Road, Stinson Beach. Director Boucke seconded the motion. The motion was passed by President Cross, Vice President Nelsen and Directors Boucke and Baskin each voting "AYE." Director Zell voted "NO."

**3. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 252 Seadrift Road, Maria and John Owners, APN 195-340-46.**

This project includes the demolition of the existing 1,873 square foot residence and its replacement with a new single family residence consisting of less than 2,000 square feet on a 23,100 square foot lot located on the ocean side. The maximum and average daily flow rate of the new system will be 450 and 300 gallons, respectively on the proposed raised bed leach field, there is over 36 inches of vertical separation from seasonable high groundwater to the bottom of the leach field.

A variance is required under [Title IV Section 4.19.010 - Use of Alternative Wastewater Systems Designs](#) for use of a recirculating textile (Advantex) filter.

The design consists of a new 1,500 gallon traffic rated septic tank, an 810 gallon traffic rated sump tank, Advantex AX20, and dual raised bed dispersal fields.

The project had been heard at the August 25, 2016 Wastewater Committee meeting, a copy of the application documents and plans had been sent to the Regional Quality Control Board, and neighbor notifications were sent on August 30, 2016.

Director Baskin moved to adopt Resolution No. WW 2016-09 Granting a Variance to the Requirements of the Stinson Beach County Water District Wastewater Treatment Regulations Ordinance No. 2014-04 to Utilize a New Alternative Type Wastewater System for property located at 252 Seadrift Road, Stinson Beach. Director Boucke seconded the motion. The motion was passed unanimously by President Cross, Vice President Nelsen and Directors Baskin, Boucke, and Zell.

**4. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 254 Seadrift Road, Kenneth Franke Owners, APN 195-340-45.**

This variance request under Section 4.19.010 is for a new alternative wastewater system utilizing a recirculating textile filter, with a maximum and average daily flow rate of 450 and 300 gallons, respectively. The system is designed for a new single family residential home with up to 2,800 square feet of habitable space on a 60' x 125' vacant lot, with the ocean along the southerly property line.

Based on the proposed 36 inch leach line depth, there is over 36 inches of vertical separation from seasonal high groundwater to the bottom of the leach field.

The wastewater design consists of a new 1,500 gallon traffic rated septic tank, a 1,200 gallon traffic rated sump tank, Advantex AX20, diversion valve, and dual raised bed dispersal fields.

The application had been discussed at the August 25, 2016 Wastewater Committee meeting. A copy of the application documents and plans were sent to the Regional Water Quality Control Board and neighbor notifications were sent on August 30, 2016.

Director Boucke moved to adopt Resolution No. WW 2016-11 Granting a Variance to the Requirements of the Stinson Beach County Water District Wastewater Treatment Regulations Ordinance No. 2014-04 to Utilize a New Alternative Type Wastewater System for property located at 254 Seadrift Road, Stinson Beach. Vice President Nelsen seconded the motion. The motion was passed unanimously by President Cross, Vice President Nelsen and Directors Boucke and Zell. Director Baskin had excused and was not present for the vote.

**5. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 265 Belvedere Avenue, Alicia and Kenneth Myers, Owners, APN 195-142-25.**

This variance application requests the approval to use an existing wastewater system for increasing the habitable space of the existing living area of 2,215 square feet, comprised of two detached building structures. The lot is approximately 7,500 square feet. One of these detached units is elevated over a leach line, the other unit is located below the leach line.

A setback variance is required to the new shallow building pier foundations. A variance is also required to use the existing 1,200 gallon septic tank, as the mini capacity has been increased to 1,500 gallons since the existing system was installed in 1997. Based on the existing maximum and average daily flow rates of 450 and 300 gallons, respectively, the existing septic tank is sufficiently sized to treat wastewater effluent.

The application had been heard at the August 25, 2016 Wastewater Committee meeting, a copy of the application documents and plans were sent to the Regional Quality Control Board, and neighbor notifications were sent on August 30, 2016.

Director Zell moved to adopt Resolution No. WW 2016-08 Granting a Variance to the Requirements of the Stinson Beach County Water District Wastewater Treatment Regulations Ordinance No. 2014-04 to Reduce Setback and Septic Tank Capacity Requirements for Property Located at 265 Belvedere Avenue, Stinson Beach. Director Cross seconded the motion. The motion was passed unanimously by President Cross, Vice President Nelsen and Directors Boucke and Zell. Director Baskin was not present for the vote.

**E. APPROVAL OF MINUTES**

The motion to approve the minutes of August 20, 2016 was passed unanimously by President Cross and Directors Boucke and Zell. Vice President Nelsen was not present for the August 20, 2016 meeting.

**F. APPROVAL OF DISBURSEMENTS**

The motion to approve the disbursements of August 8 and August 25, 2016 was passed unanimously by President Cross, Vice President Nelsen and Directors Boucke



**G. MANAGER'S REPORT**

The General Manager discussed his monthly report. The field work needed for the District's financial audit as of June 30, 2016 by Cropper Accountancy will t November 9.

Zero Waste Marin has approved the District's \$5,000 grant application for recycling. Half of the grant will be used for aluminum water bottles to replace plastic water the remainder will be for small kitchen compost buckets to reduce food scraps taken to the landfill. The General Manager will arrange for a public meeting Community Center or Chapel where a compost expert will speak on the merits of composting.

Matt Leffert, Director of Development of "One Tam", will make a short presentation at the October 15 Board meeting.

Steve Ortega, GGNRA, will bring the Board up to date at a future Special Board meeting regarding the operation of the Park's new septic system, if there is capacity leased by the District in response to sea level rise, or if any GGNRA properties could be utilized by the District for septic system treatment if there is no capacity in system.

After additional review, new Section 4.07.071 concerning chemical toilets in the Village Green Parks will be added to the District's Title IV Onsite Wastewater Manage

**H. COMMITTEE REPORTS**

None.

**I. CORRESPONDENCE**

None.

**J. ADJOURNMENT**

The meeting was adjourned at 11:40 a.m. The next regular meeting will be on Saturday, October 15, 2016, at 9:30 a.m.

[Return to Index of Board Meeting Minutes](#)

**Stinson Beach County Water District • 3785 Shoreline Highway • P. O. Box 245 • Stinson Beach, CA 94970**  
**Phone: (415) 868-1333 • Fax: (415) 868-9417 • E-mail: [sbcwd@stinson-beach-cwd.dst.ca.us](mailto:sbcwd@stinson-beach-cwd.dst.ca.us)**

**ATTACHMENT 8**

**ATTACHMENT 8**

## BOARD MEETING MINUTES

### REGULAR MEETING

Saturday, August 20, 2016

#### A. CALL TO ORDER/ROLL CALL

President Cross called the Regular meeting of the Board of Directors of the Stinson Beach County Water District to order on Saturday, August 20, 2016, at 9:30 Stinson Beach County Water District office, located at 3785 Shoreline Highway, Stinson Beach, CA 94970.

##### Directors present:

Sandra Cross, President  
Lawrence Baskin, Director  
Barbara Boucke, Director  
Jim Zell, Director

Morey Nelsen, Vice President

##### Directors absent:

##### General Manager present:

Ed Schmidt

##### Staff present:

Rich Souza - District Engineer  
Helma Schwendig - Office Supervisor

#### B. PUBLIC EXPRESSION

Director Baskin requested that our field crew post notices on homeowner's front door a day or two before pending water shut off for new water meter installation.

#### C. SETTING OF AGENDA

The agenda was unanimously adopted as set.

#### D. PUBLIC HEARING

##### 1. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 21 Calle del Onda, Brian Johnson Bagwill, Owners, APN 195-162-49.

This project has been discussed at Wastewater Committee meetings on April 20 and July 6, 2016, where concerns regarding potential erosion and flooding from up during high tide and storm events were discussed.

President Cross noted that Vice President Nelsen is out of the country, and Director Zell must abstain from voting as he resides within 500 feet from the project only three Board members to vote on the merits of the project. Ms. Cross offered the applicant Craig Nunes the opportunity to continue his variance request to Saturday, September 17, 2016, Board meeting, so that the matter can be heard before four Board members (President Cross, Vice President Nelsen and Director and Boucke).

Mr. Nunes gave a short history of the property, his contingency to purchase the property based upon his ability to obtain the required permits, and his findings pertaining to his Variance request. Mr. Nunes then requested a continuance of the hearing to September 17, 2016.

The Board noted it is not part of the District's purview to comment on issues raised by the Coastal Commission and Planning Department. The District's jurisdiction is limited to septic system safety issues. The District has no authority regarding dune habitat, public easements or view sheds.

The Board requested that the General Manager contact Blair Allen of the Regional Water Quality Control Board regarding Mr. Allen's comments, if any, on the variance requests under [Title IV Sec. 4.15.100 Site Criteria - Setbacks](#).

A member of the public, Scott Tye, distributed to the Board copies of a letter dated August 24, 2015 from Stinson Beach Village Association President Mike Mat regarding the August 25, 2015 Public Hearing to consider policy revisions to the LCP and a copy of a Memorandum dated February 17, 1983 from George Tcho District Engineer, to Board of Directors re Action Plan for Mitigation of High Groundwater Effects on Onsite Wastewater Management Systems.

#### E. GENERAL BUSINESS

##### 1. Review the District's Financial Reports as of June 30, 2016.

The General Manager complimented Robyn on the preparation of the District's financial reports as of June 30, 2016. The Board requested that Robyn also prepare summarizing the major budget changes occurring from month to month. The District's anticipated \$505,000 grant reimbursement must be included as part of revenue. However, the District's pension liability must also be taken into account and will be reflected in the District's upcoming June 30, 2016 financial audit.

The Board requested that the General Manager prepare a capital cash flow spreadsheet to determine if sufficient funds are available to undertake a feasibility study. Some funds are needed, however, for the District's tanks rehabilitation.

#### F. APPROVAL OF MINUTES

Director Baskin moved to approve the minutes of July 16, 2016. Director Boucke seconded the motion. The motion was passed unanimously by President Cross, Baskin and Boucke. Director Zell was absent at the July 16, 2016 meeting.

#### G. APPROVAL OF DISBURSEMENTS

Director Baskin moved to approve the disbursements of July 19 and August 8, 2016. President Cross seconded the motion. The motion was passed unanimously by Cross and Directors Baskin, Boucke and Zell.

#### **H. MANAGER'S REPORT**

The General Manager discussed his monthly report. Pacific Underground Services has been hired to replace the water meters on the Calles and Patios.

The General Manager and President Cross had a luncheon meeting with two Board members of the Muir Beach CSD.

The Board approved the \$15 hourly rate increase to \$165 per hour as requested by CSW/Stuber-Stroeh Engineering Group for Richard Souza, the District's Engineer

By consensus, the Board decided to schedule Wastewater Committee meetings (after the August 25, 2016 meeting) to be held on the second Thursday of each r  
schedule a workshop meeting to revisit Title IV and make redline changes.

The Board requested that the General Manager invite Monica Stafford of ONE TAM to make her presentation at the October 15, 2016 Board meeting. The Board al  
that the General Manager contact the GGNRA to determine if the Park's old septic system has been disconnected and if their new system has been connected yet.

#### **I. COMMITTEE REPORTS**

None.

#### **J. CORRESPONDENCE**

None.

#### **K. ADJOURNMENT**

The meeting was adjourned at 10:36 a.m. The next regular meeting will be on Saturday, September 17, 2016, at 9:30 a.m.

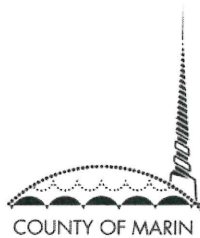
[Return to Index of Board Meeting Minutes](#)

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**ATTACHMENT 9**

**ATTACHMENT 9**



## PROJECT STATUS

April 8, 2016

Craig Nunes  
554 View Street  
Mountain View, CA 94041

**RE:** Johnson Coastal Permit  
21 Calle Del Onda, Stinson Beach  
Assessor's Parcel 195-162-49  
Project ID P1162

Dear Craig,

The Planning Division and reviewing agencies have examined your application and have determined that it is incomplete because additional information is required.

### **Incompleteness Items**

Please carefully review the list of required items below and, unless specified otherwise, submit 5 copies of full sized plans, one copy of plans reduced to 11" by 17", and two copies of any required documents within the next 30 days.

Marin County Community Development Agency, Planning Division (Tammy Taylor, (415) 473-7873)

1. In conformance with submittal checklist item 12, please provide a Constraints Map that shows the distances from project site to any hazardous areas and flood zones. A constraints map shall be as close as possible to the same scale as the site plan.
2. In conformance with submittal checklist item 13, please provide a plan north reference on the site and floor plans.
3. In conformance with submittal checklist item 19, please provide a landscape or revegetation plan, which details existing versus proposed vegetation graphically distinguishable by connecting proposed plants and trees, on center, with a solid line leading to the label.
4. In conformance with submittal checklist item 34A, please provide a revised Geotechnical Report that recommends any special precautions required for erosion control, and the prevention of sedimentation or damage to the off-site property.
5. Please revise the plans to reflect the current base flood elevation (BFE) at 26 feet using the North American Vertical Datum (NAVD) of 1988, and in accordance with Marin County Code Title 23.09 for Flood Plain Management.

6. Please provide a graphical representation of the seaward edge of the existing neighboring properties east and west of the project site, including elevations.
7. Please provide a revised site plan with the edge of the terrestrial vegetation defined (based on the data included in the WRA Biological Assessment that was provided), and if no terrestrial vegetation presently exists on the site, please ask WRA to estimate where the edge of the terrestrial vegetation would occur if the predominant ice plant (*Carpobrotus edulis*) was not present.

Marin County Department of Public Works, Land Development Division (Richard Simonitch, (415) 473-4398)

### **Merit Comments**

1. Plans propose inadequate onsite parking and are not approvable as presented. For a single family dwelling four on-site parking spaces are required to be plotted on the site plan which conform to the dimensional requirements of Marin County Code MCC) 24.04.380(a), specifically, exterior head in parking spaces shall be a minimum of 8.5 feet by 18 feet, and interior spaces shall be a minimum of 9 feet by 20 feet (parallel spaces shall be a minimum of 8 feet by 20 feet). Each parking space shall have adequate turnaround area to allow the attainment of the desired direction by a standard car in no more than one movement (MCC 24.04.277). Note that each of the two primary resident parking spaces shall be independently accessible and the two guest parking spaces shall be independently accessible, though the guest spaces may be in tandem with those for the primary residents.
2. Plans show an incorrect base flood elevation, fail to comply with Marin County Code Title 23.09 for Flood Plain Management and as such are not approvable as presented. The property is located within the Special Flood Hazard Area Zone VE, as mapped by FEMA on their current Flood Insurance Rate Map (FIRM) panel number 06041C, which became effective on March 14, 2014. Zone VE is an area subject to flooding by the 1% annual chance flood, where FEMA has determined the base flood elevation (BFE) to be at 26 feet using the North American Vertical Datum (NAVD) of 1988.

Per MCC 23.09.034, new construction or a substantial improvement of a structure shall have the lowest floor elevated above the base flood elevation (BFE), and upon completion of the structure, the elevation of the lowest floor shall be certified by a registered civil engineer or licensed land surveyor. Since the structure is located in a coastal high hazard area the horizontal members of the structure may also influence the finish floor elevation. If the lowest floor's horizontal members are perpendicular to the wave action they shall be elevated above the BFE. If all of the horizontal members are parallel to the wave action only the finish floor elevation is required to be above the BFE.

Per MCC 23.09.039 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. Structures in such flood hazard zones shall not be constructed on fill.

Per MCC 23.09.034(b), (1) all new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; (2) all new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and (3) all new construction and substantial improvements shall be



constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Provide notes and specifications to this effect on the plan. Refer to FEMA's National Flood Insurance Program's Technical Bulletin 2 for information on acceptable flood proof materials.

### **Submittal**

Please submit all of the requested information together to the Planning Division at one time. The review of your application may be delayed if you submit information directly to the agency that requested the information. The time period required by State law for us to review the additional information will not commence until all of the required items are submitted to our office. If you require additional time to collect the information listed above, please send me a written request for an extension for a specific period of time. It is important to ask for an extension if you need one because your application will automatically expire unless an extension of time is requested and granted.

### **Appeal Rights**

Pursuant to Marin County Code section 22.114.020 and Government Code section 65943, an applicant may appeal a determination that an application is incomplete. If you disagree with this decision regarding the incompleteness of your application, you may appeal it to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted to the Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 P.M., April 22, 2016.

### **Preliminary Merit Comments**

The proposed project is subject to the policies contained in the Marin Countywide Plan, the Stinson Beach Community Plan, the regulations contained in the Marin County Code, the Marin County Local Coastal Plan Title 22I, and the Single-family Residential Design Guidelines.

There are three potentially serious problems with the project proposal. One is the California Coastal Commission's position on development within a Shoreline Protection and Hazard Area (see attached letter), along with the other concerns that were raised in their letter; in particular referencing that the shorefront lots shall be set back behind the first line of terrestrial vegetation to the maximum extent feasible, per the Marin County Local Coastal Program Unit 1. Second, the Stinson Beach Water District will require a variance approval for the location of the septic system under a separate permit process. Lastly, the project as proposed is substantially inconsistent with the Base Flood Elevation (BFE) may change with FEMA's proposed revisions to the flood zones, and the revised FEMA maps may substantially impact the project design and development review process. Currently, your application shows the Base Flood Elevation at 18 feet, however per the letter from Department of Public Works, the Base Flood Elevation should be shown as 26 feet. Please consider these issues carefully before deciding whether to continue with the planning process. If you opt withdraw your application, we will refund any remaining portions of your fees.

These preliminary comments are not meant to be exhaustive, additional comments may be forthcoming after the revised plans have been reviewed, and the suggestions are advisory in nature.

### **Questions and Contacts**

Please do not hesitate to call me at (415) 473-7873 or contact me via email at [ttaylor@marincounty.org](mailto:ttaylor@marincounty.org) as questions arise regarding your application or the development review process. I will return voicemail messages before the end of the next business day.

Please do not visit our office expecting to meet with me without an appointment. If you wish to discuss your application in person, please contact me to schedule a time when we can meet. I will try to schedule an appointment within five business days. If you have questions about comments from another agency, please contact the staff from that agency directly. Thank you.

Sincerely,

Tammy Taylor  
Assistant Planner

Attachments:

1. Email from Rich Souza, SBWD dated March 21, 2016
2. Email from Marisa Atamian dated March 22, 2016
3. Email from Carrie Varoquiers dated March 23, 2016
4. Email from Michael Lemont dated March 24, 2016
5. Inter-Office Memorandum from Department of Public Works dated March 25, 2016
6. Letter from CA Coastal Commission dated March 31, 2016
7. Letter from Rich Souza, SBWD dated March 28, 2016

cc: Brian Johnson  
P.O. Box 1139  
Homewood, CA 96141

**ATTACHMENT 10**

**ATTACHMENT 10**

APPROX. GRADING QUANTITIES (IN CU. YDS)					
LOCATION	CUT	DEPTH	FILL	DEPTH	TOTAL
GARAGE	0	1	2	1.5	15
DRIVEWAY	12	1.5	4	1	16
OUTLET PIGGY	0		15	2	13
T.D.A.	16		25		46

NO SPECIALS REQUIRED

**GRADING AND DRAINAGE NOTES**

GRADING SHALL BE LEFT TO THE MINIMUM REQUIRED FOR GARAGE AND DRIVEWAY PAD, ENTRY WALK, SEPTIC SYSTEM, FOUNDATION EXCAVATION AND UTILITY TRENCHES

SHAVE FINAL GRADES TO SLOPE 5% MINIMUM AWAY FROM FOUNDATIONS, PAVEMENT TO SLOPE 2% MINIMUM TOWARDS BEACH AREAS AWAY FROM SEPTIC SYSTEM, BUILDINGS AND ADJACENT NEIGHBORS

CONSPICUOUS TO DISCHARGE ACROSS SPLASHLocks AND TOWARDS BEACH AREAS AWAY FROM SEPTIC SYSTEM, BUILDINGS AND ADJACENT NEIGHBORS

INDICATES SPLASH BLOCK & DIRECTION OF WATER FLOW

**IMPERVIOUS SURFACES**

EXISTING 0 SQ. FT.

PROPOSED 4 BUILDING, PORCHES & DECKS 3,597

DRIVEWAY 353

ENTRY WALK 239

TOTAL 4,189

TOTAL AREA DISTURBED BY CONSTRUCTION = 11,000 SQ. FT.

**VICINITY MAP**



**PROJECT DATA**

PROJECT ADDRESS: 21 CALLE DEL ONDA, STINSON BEACH, CALIFORNIA 94964  
OWNER: CRAIG HUNTER, 554 VIEW AVENUE, MOUNTAIN VIEW, CA 94041 (510) 739-7710

PROJECT DESCRIPTION:  
NEW 1-STORY BEACH HOME WITH ATTACHED 1-CAR GARAGE ON AN EXISTING EMPTY (PREVIOUSLY OCCUPIED BY A SINGLE FAMILY RESIDENCE, SINCE DEMOLISHED) LOT. NO DRUG, FILING OR DROPPING OF OPEN COASTAL NOTES, VETLANDS, ESTUARIES OR LAKE IS PROPOSED. THE BUILDING SITE ADJACENT STINSON BEACH. INCIDENTAL IMPROVEMENTS INCLUDE A NEW SEPTIC SYSTEM, DRIVEWAY, AND GRADING.

D.N.: 2003-067007

HOUSE TO BE FULLY FIRE-SPRINKLED

EXISTING + PROPOSED LOT AREA: 15,209 SQ. FT. (NO PORTION OF LOT IS PARTIALLY SUBMERGED)

EXISTING BUILDING AREA 0

PROPOSED BUILDING AREA 2,454.3

PROPOSED FLOOR AREA 21,124.3

F.A.R. 16.15%

COVERED PORCH 267

DECK 768.3

MAXIMUM HEIGHT = 23'-4"

EXISTING BUILDING AREA 0

PROPOSED BUILDING AREA 2,454.3

PROPOSED FLOOR AREA 21,124.3

F.A.R. 16.15%

COVERED PORCH 267

DECK 768.3

MAXIMUM HEIGHT = 23'-4"

EXISTING BUILDING AREA 0

PROPOSED BUILDING AREA 2,454.3

PROPOSED FLOOR AREA 21,124.3

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PROPOSED FLOOR AREA 21,124.3

F.A.R. 16.15%

COVERED PORCH 267

DECK 768.3

MAXIMUM HEIGHT = 23'-4"

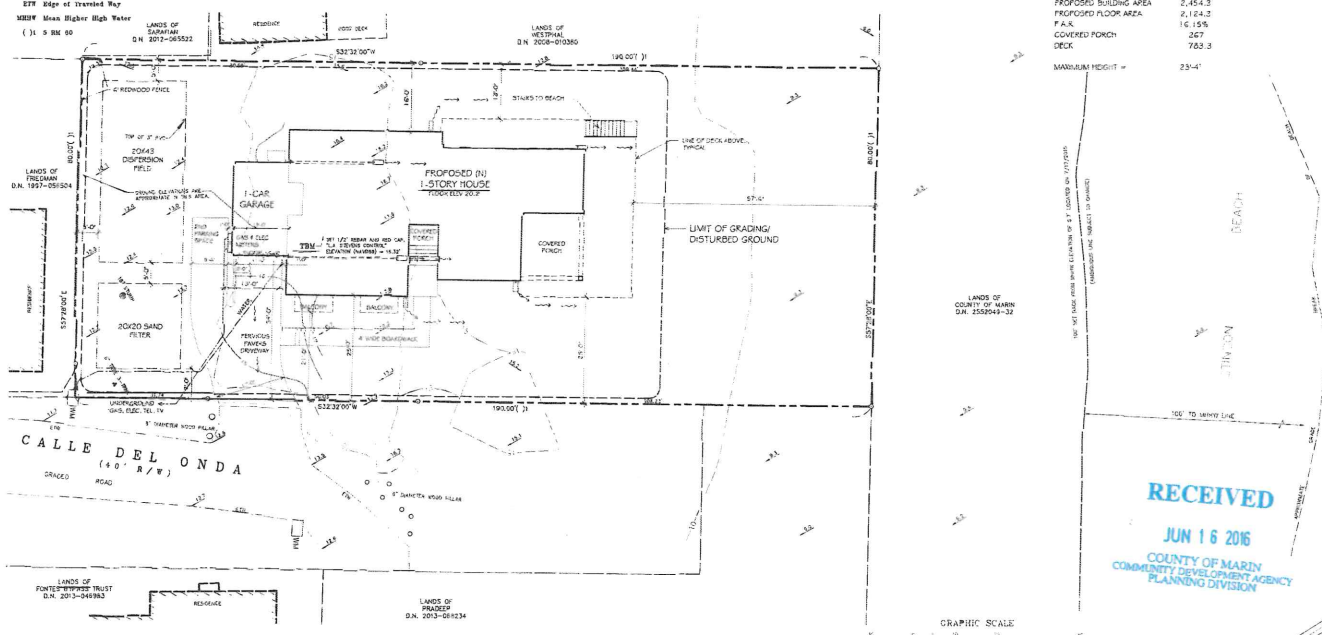
**LEGEND**

- Tree (Size & Type Noted)
- Set 5/8" Rebar and 1 1/2" Aluminum Cap with 1/2" Flange, Spaced 1.5' On-Center, Top 6044'
- Spot Elevation
- Water Meter
- U.S.G. Unless Noted Otherwise
- Lot Pole
- Random Survey Control Point
- Wood Fence
- Bare Hole

ETW Edge of Traveled Way

MHW Mean Higher High Water

(1) 3' 0" R/W



*- File Copy -*

DRAWINGS PREPARED BY  
**CHRIS SPAULDING**  
ARCHITECTS

80 CAMELIA STREET, SUITE E  
HEALY, CALIFORNIA 94946  
(415) 521-0997 FAX (415) 521-0999

REVISIONS	BY

PRELIMINARY SET
DESIGN REVIEW SET
PLANNING REVIEW SET
PERMIT SET
CONSTRUCTION SET

**PROPOSED NEW BEACH HOME**  
**21 CALLE DEL ONDA**  
STINSON BEACH, CALIFORNIA

**RECEIVED**  
**JUN 16 2016**  
COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

DATE: 2-4-10
SCALE: AS NOTED
DRAWN: JUC/SJG/SG
JOB: HUNTER, STINSON
SHEET

**A1**  
SHEET

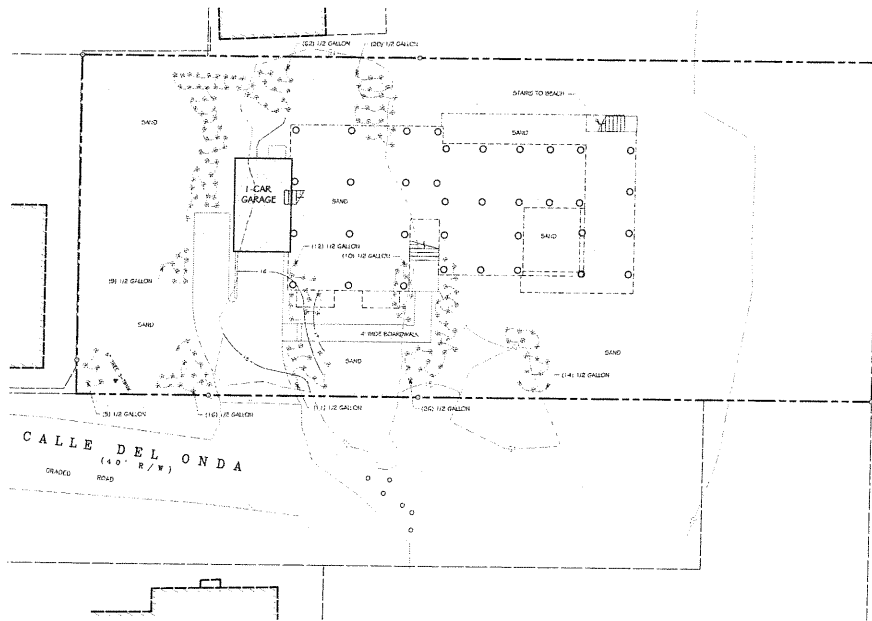
**SITE PLAN, GRADING & DRAINAGE PLAN**

DATE: 07/24/10 BY: JUC/SJG/SG

THE BANK FLOOD ELEVATION IN ZONE VC IS 26' 11/8" AND IS 8' ABOVE FLOOD NEARBY PAVEMENT. NO BEACHCROSSING IS PERMITTED. THE DATE OF THE FLOOD MAP IS 2009.



1" = 10'



**LANDSCAPE PLAN**

DRAWN BY SURVEY BY L.A. STEVEN & ASSOCIATES, INC., DATED 7-24-19

1" = 10'



**LANDSCAPE NOTES**  
 ALL PLANTING TO BE CREEPY PROSTRATE/DUNE GRASS (CALIFORNIA NATIVE)  
 REMOVE ALL ICE PLANT

DRAWINGS PREPARED BY  
**CHRIS SPAULDING**  
 ARCHITECT

801 CAMELIA STREET, SUITE F  
 BEAVERLY, CALIFORNIA 90404  
 (310) 375-9967 FAX (310) 375-2998

REVISIONS	BY

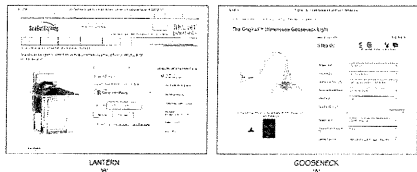
PRELIMINARY SET	
DESIGN REVIEW SET	
PLAN CHECK SET	
PERMIT SET	
CONSTRUCTION SET	

**PROPOSED NEW BEACH HOME**  
**21 CALLE DEL ONDA**  
 STINSON BEACH, CALIFORNIA

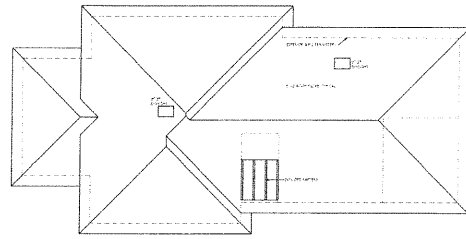
DATE:	2-4-19
SCALE:	AS LISTED
DRAWN:	LUCAS/MS
JOB:	10929 - STINSON
SHEET:	

**A1.1**  
 OF 5 SHEETS



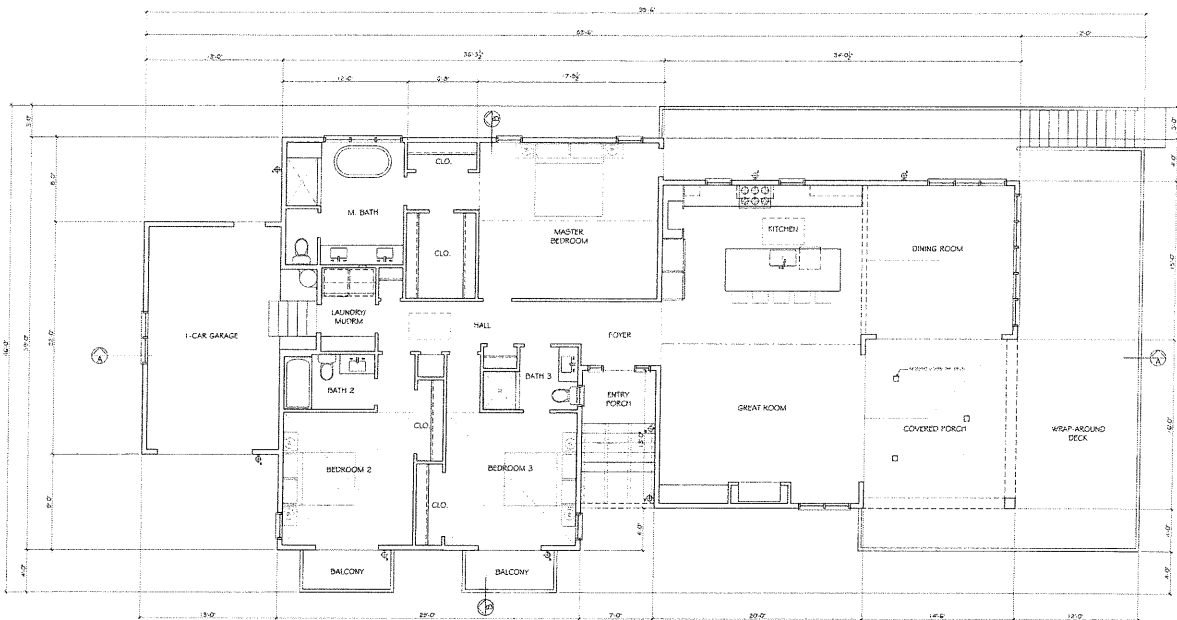


LIGHTING CUT SHEETS



ROOF PLAN

1/8" = 1'-0"



FLOOR PLAN

1/4" = 1'-0"



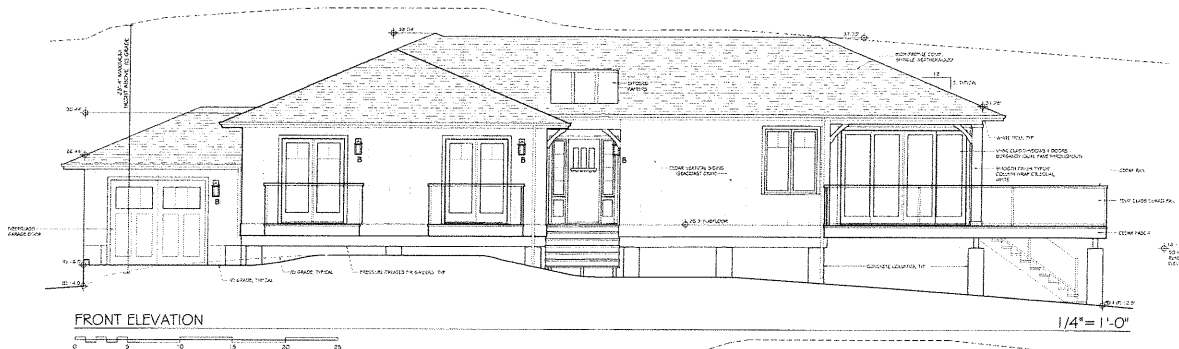
DRAWING PREPARED BY  
**CHRIS SPAULDING**  
 ARCHITECT  
 581 CAROLINA STREET, SUITE 4  
 BERKELEY, CALIFORNIA 94704  
 (916) 835-1999

REVISION	BY

PRELIMINARY SET
DESIGN REVIEW SET
PLAN CHECK SET
PERMIT SET
CONSTRUCTION SET

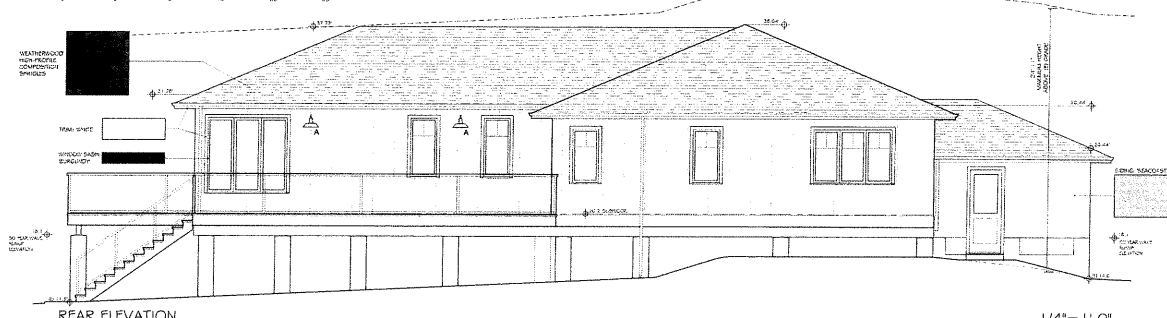
**PROPOSED NEW BEACH HOME**  
**21 CALLE DEL ONDA**  
 STINSON BEACH, CALIFORNIA

DATE:	2-4-16
SCALE:	AS NOTED
DRAWN:	FLC/CPM/AD
JOB:	WAVEY, STINSON
SHEET:	
<b>A2</b>	
OF 3	SHEETS



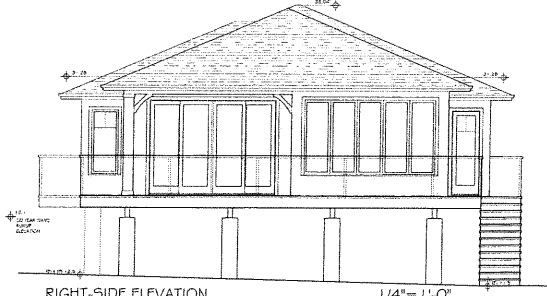
FRONT ELEVATION

1/4" = 1'-0"



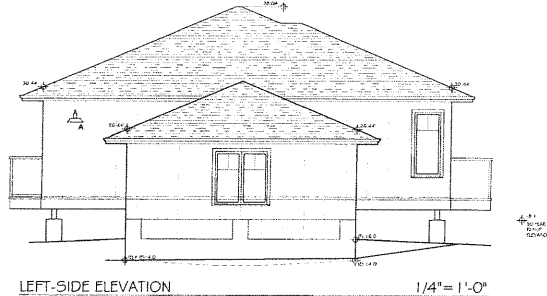
REAR ELEVATION

1/4" = 1'-0"



RIGHT-SIDE ELEVATION

1/4" = 1'-0"



LEFT-SIDE ELEVATION

1/4" = 1'-0"

DRAWINGS PREPARED BY  
**CHRIS SPAULDING**  
 ARCHITECT

80 CANELLA STREET SUITE B  
 BERKELEY CALIFORNIA 94704  
 (510) 521-9993 FAX (510) 527-0996

REVISIONS	BY

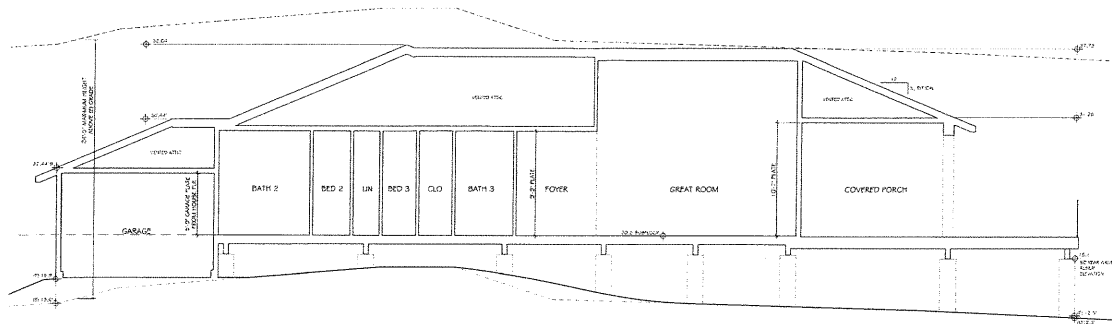
PRELIMINARY SET	
DESIGN REVIEW SET	
PERMIT SET	
CONSTRUCTION SET	

PROPOSED NEW BEACH HOME  
 21 CALLE DEL ONDA  
 STINSON BEACH CA CALIFORNIA

DATE	2-21-12
SCALE	AS NOTED
DRAWN	ELIZABETH
CHECKED	CHRIS
SHEET	

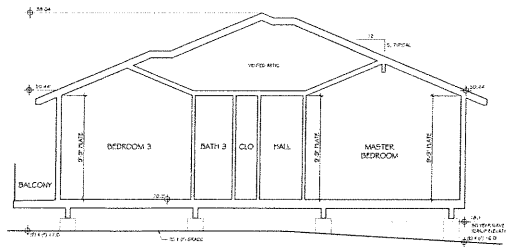
**A3**

OF 5 SHEETS



SECTION A-A

1/4" = 1'-0"



SECTION B-B

1/4" = 1'-0"

DRAWINGS PREPARED BY  
**CHRIS SPAULDING**  
 ARCHITECT

80 CARLEA STREET SUITE B  
 BEALEY, CALIFORNIA 94920  
 (530) 231-7947 FAX (530) 232-9999

REVISIONS	BY

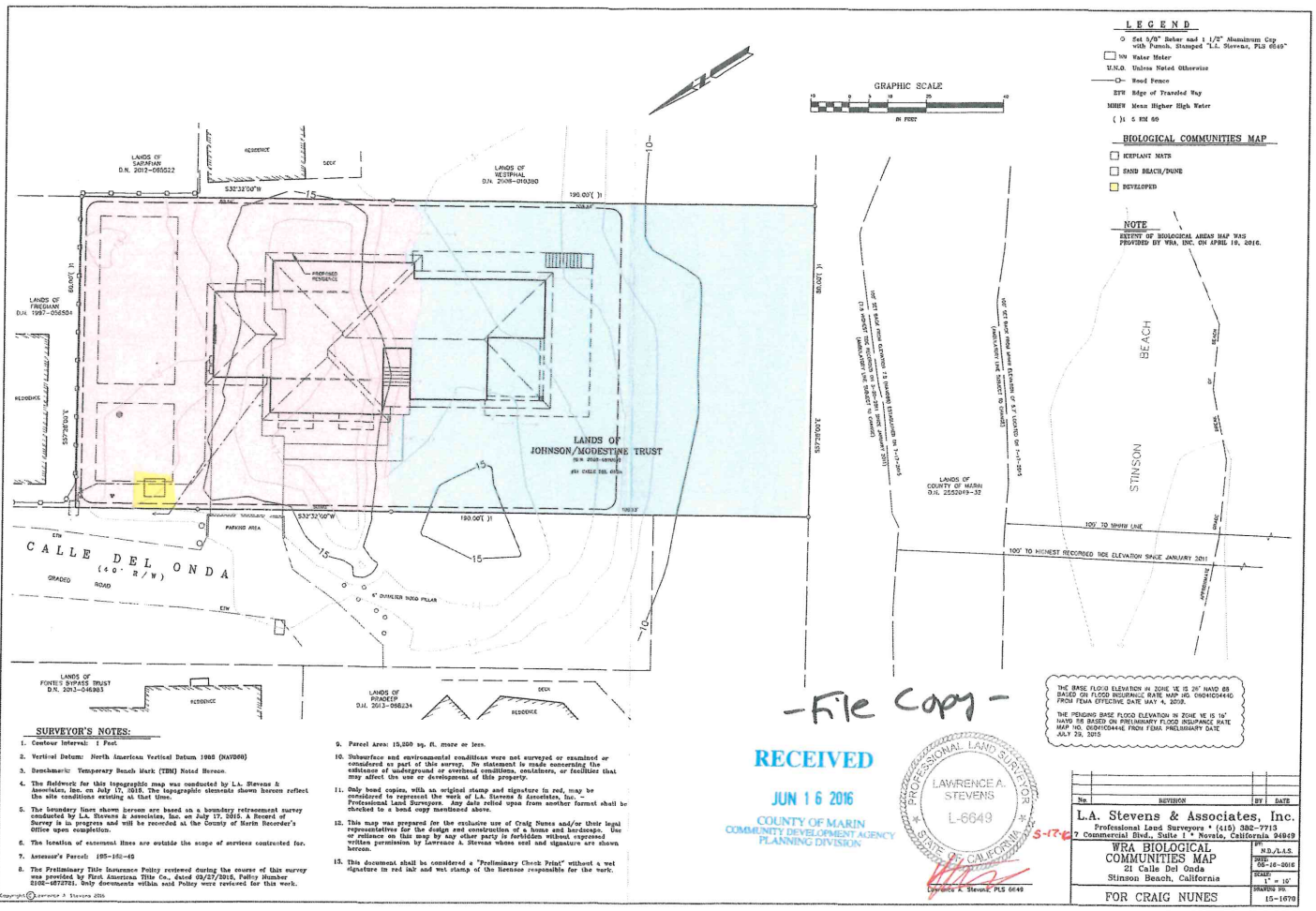
PRELIMINARY SET  
 DESIGN DEVELOPMENT SET  
 PERMIT SET  
 CONSTRUCTION SET

PROPOSED NEW BEACH HOME  
 21 CALLE DEL ONDA  
 STINSON BEACH, CALIFORNIA

DATE: 2-20-16  
 SCALE: AS SHOWN  
 DRAWN: C/SP/SPD  
 JOB: HANCOCK STINSON  
 SHEET

**A4**

OF 5 SHEETS



**LEGEND**

- Set 5/8" Beaker and 1/2" Aluminum Cap with Patch, Stamped "L.S. Stevens, PLS 0648"
- Wet Water
- U.N.D. Unless Noted Otherwise
- Bond Fence
- RTW Edge of Traveled Way
- MEHW Mean Higher High Water
- 1" = 6 PM 60

**BIOLOGICAL COMMUNITIES MAP**

- RIPIARIAN MATS
- SAND BEACH/DUNE
- DEVELOPED

**NOTE**

BENTHIC BIOLOGICAL AREA MAP WAS PROVIDED BY WRA, INC. ON APRIL 18, 2016.

THE BENTHIC FLOOR BENTHIC AREA MAP IS 30" HAZED OR BASED ON FLOOD INSURANCE RATE MAP NO. 0104000400 FROM FEMA EFFECTIVE DATE MAY 4, 2015. THE FLOODING BASE FLOOD ELEVATION IN THIS MAP IS 14' HAZED OR BASED ON PRELIMINARY FLOOD INSURANCE RATE MAP NO. 0104000400 FROM FEMA PRELIMINARY DATE JULY 29, 2015.

-File Copy-

RECEIVED

JUN 16 2016

COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION



No.	REVISION	BY	DATE
1			
L.A. Stevens & Associates, Inc. Professional Land Surveyors • (415) 382-7715 2 Commercial Blvd., Suite 1 • Novato, California 94949			
WRA BIOLOGICAL COMMUNITIES MAP			
21 Calle del Onda Stinson Beach, California			
FOR CRAIG NUNES			

**SURVEYOR'S NOTES:**

1. Contour Interval: 1 Foot.
2. Vertical Datum: North American Vertical Datum 1985 (NAVD85)
3. Benchmark: Temporary Bench Mark (TBM) Noted Hereon.
4. The Benchmark for this topographic map was conducted by L.S. Stevens & Associates, Inc. on July 17, 2015. The topographic elevations shown herein reflect the site conditions existing at that time.
5. The boundary lines shown herein are based on a boundary retracement survey conducted by L.S. Stevens & Associates, Inc. on July 17, 2015. A Record of Survey is in progress and will be recorded at the County of Marin Recorder's Office upon completion.
6. The location of extension lines are outside the scope of services contracted for.
7. Assessor's Parcel: 185-182-45
8. The Preliminary Title Insurance Policy reviewed during the course of this survey was provided by Title American Title Co., dated 09/27/2015, Policy Number: 2102-1872781. Only documents within said Policy were reviewed for this work.
9. Parcel Area: 15,250 sq. ft. more or less.
10. Subsurface and environmental conditions were not surveyed or examined or considered as part of this survey. No statement is made concerning the existence of underground or overhead conditions, easements, or facilities that may affect the use or development of this property.
11. Only bond copies, with an original stamp and signature to red, may be considered to represent the work of L.S. Stevens & Associates, Inc., Professional Land Surveyors. Any data related upon from another format shall be checked to a bond copy mentioned above.
12. This map was prepared for the exclusive use of Craig Nunes and/or their legal representatives for the design and construction of a house and landscape. Any reliance on this map by any other party is forbidden without expressed written permission by Lawrence A. Stevens whose seal and signature are shown herein.
13. This document shall be considered a "Preliminary Check Print" without a wet signature in red ink and wet stamp of the licensee responsible for the work.

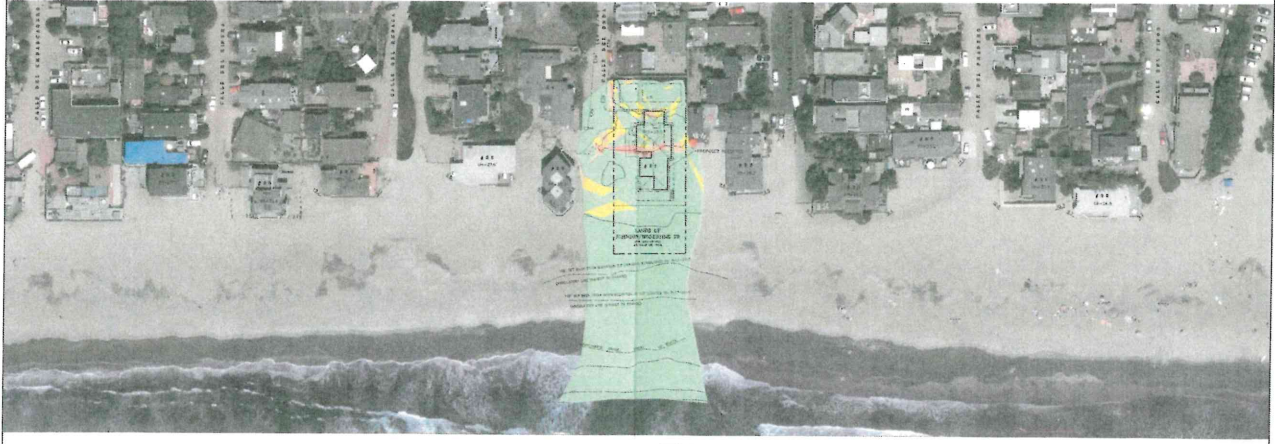


**SLOPE ANALYSIS LEGEND**

- 0% to 5%
- 5% to 10%
- 10% to 15%
- 15% and Greater

**LEGEND**

- 10000' 1000' 500' 250' 125' 62.5' 31.25' 15.625'
- 10000' 1000' 500' 250' 125' 62.5' 31.25' 15.625'
- 10000' 1000' 500' 250' 125' 62.5' 31.25' 15.625'
- 10000' 1000' 500' 250' 125' 62.5' 31.25' 15.625'
- 10000' 1000' 500' 250' 125' 62.5' 31.25' 15.625'
- 10000' 1000' 500' 250' 125' 62.5' 31.25' 15.625'
- 10000' 1000' 500' 250' 125' 62.5' 31.25' 15.625'
- 10000' 1000' 500' 250' 125' 62.5' 31.25' 15.625'



**SURVEYOR'S NOTES**

1. The information on this map was obtained from a survey conducted by L.A. Stevens & Associates, Inc. on May 19, 2016.
2. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq., and the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.
3. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.
4. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.
5. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.
6. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.
7. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.
8. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.
9. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.
10. The survey was conducted in accordance with the California State Board of Surveying and Mapping Act, Chapter 12, Section 26000, et seq.

THIS MAP WAS PREPARED BY L.A. STEVENS & ASSOCIATES, INC. ON MAY 19, 2016. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE CALIFORNIA STATE BOARD OF SURVEYING AND MAPPING ACT, CHAPTER 12, SECTION 26000, ET SEQ.

**RECEIVED**

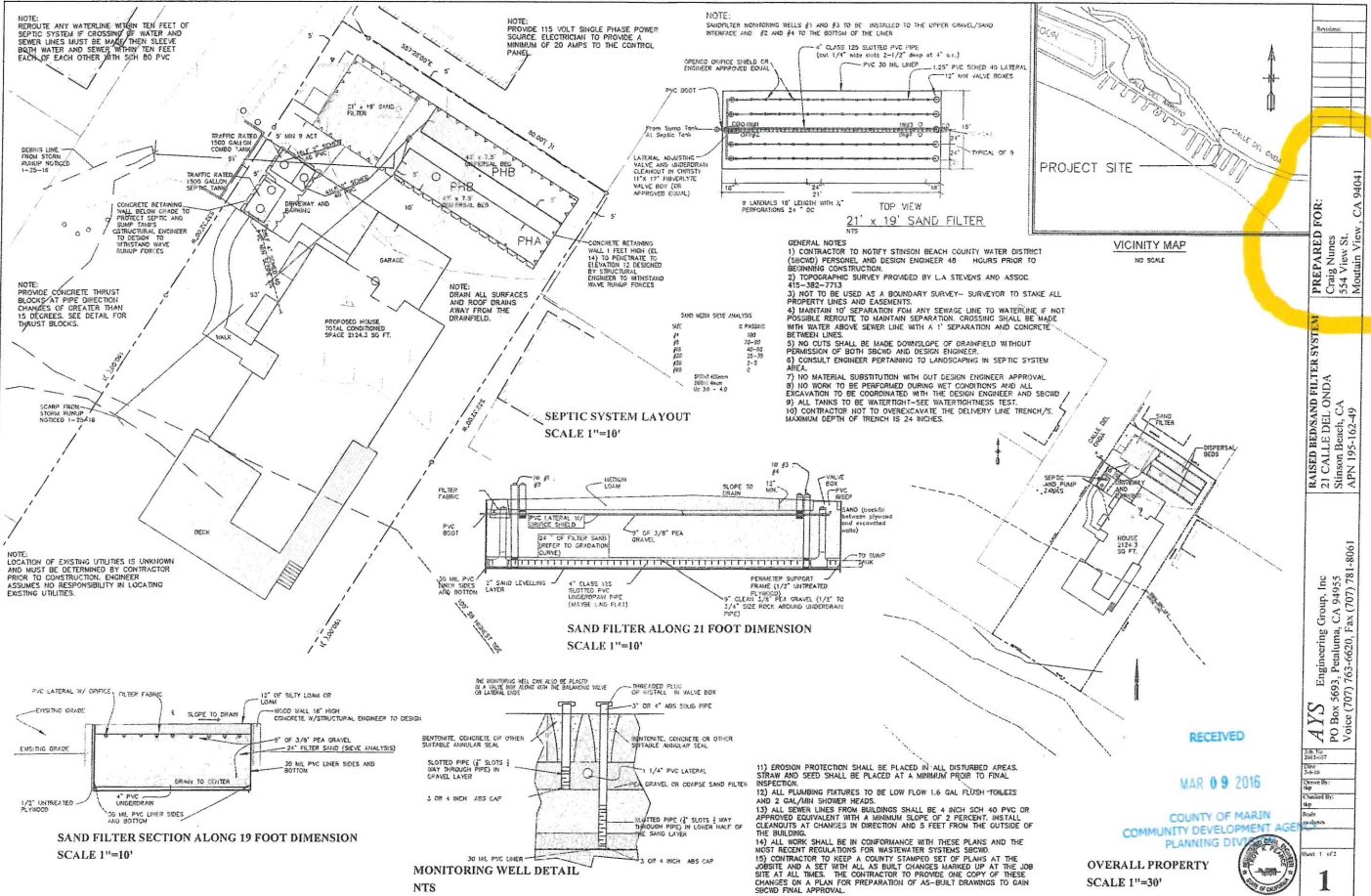
JUN 16 2016

COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

-file copy-



**L.A. Stevens & Associates, Inc.**  
Professional Land Surveyors - 1100 21ST ST  
SANTA ANITA, CALIFORNIA 94960  
**CONSTRAINTS MAP**  
DATE: 05/19/16  
BY: L.A.S. (L.A. STEVENS)  
FOR CRAG HINES



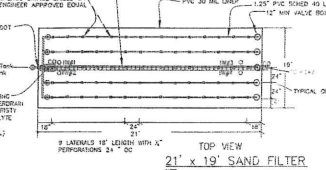
NOTE: REMOVE ANY WATERLINE WITH TEN FEET OF SEPTIC SYSTEM IF CROSSING OF WATER AND SEWER LINES MUST BE MADE FROM SLEEVE BELOW WATER AND SEWER WITHIN TEN FEET EACH OF EACH OTHER WITH 50# PVC

NOTE: PROVIDE 115 VOLT SINGLE PHASE POWER SOURCE ELECTRICIAN TO PROVIDE A MINIMUM OF 20 AMPS TO THE CONTROL PANEL

NOTE: SANDPILER ADJUSTMENT WELLS #1 AND #2 TO BE INSTALLED TO THE UPPER GROUND/SAND INTERFACE AND #3 AND #4 TO THE BOTTOM OF THE LINES

NOTE: PROVIDE CONCRETE THRUST BLOCKS AT PIPE DIRECTION CHANGES OF GREATER THAN 15 DEGREES. SEE DETAIL FOR THRUST BLOCKS.

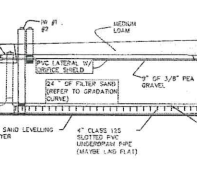
NOTE: DRAIN ALL SURFACES AND ROOF DRAINS AWAY FROM THE DRAINFIELD.



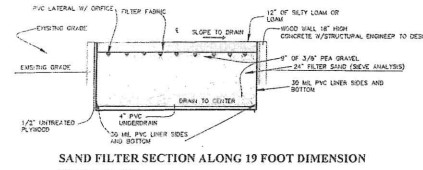
GENERAL NOTES:  
 1) CONTRACTOR TO NOTIFY STINSON BEACH COUNTY WATER DISTRICT (SBCWD) PERSONNEL AND DESIGN ENGINEER 48 HOURS PRIOR TO BEGINNING CONSTRUCTION.  
 2) TOPOGRAPHIC SURVEY PROVIDED BY L.A. STEVENS AND ASSOC. 454-282-7713.  
 3) NOT TO BE USED AS A BOUNDARY SURVEY - SURVEYOR TO STAKE ALL PROPERTY LINES AND EASEMENTS.  
 4) MAINTAIN 1' SEPARATION FOR ANY SEWAGE LINE TO WATERLINE, IF NOT POSSIBLE, SEWER TO MAINTAIN SEPARATION. CROSSING SHALL BE MADE WITH WATER ABOVE SEWER LINE WITH A 1' SEPARATION AND CONCRETE BETWEEN LINES.  
 5) NO CUTS SHALL BE MADE DOWNDROPE OF DRAINFIELD WITHOUT PERMISSION OF BOTH SBCWD AND DESIGN ENGINEER.  
 6) CONSULT ENGINEER PERTAINING TO LANDSCAPING IN SEPTIC SYSTEM AREA.  
 7) NO MATERIAL SUBSTITUTION WITH OUT DESIGN ENGINEER APPROVAL.  
 8) NO WORK TO BE PERFORMED DURING WET CONDITIONS AND ALL EXCAVATION TO BE COORDINATED WITH THE DESIGN ENGINEER AND SBCWD.  
 9) ALL TRENCHES TO BE WATER-TIGHT-SEE WATER TIGHTNESS TEST.  
 10) CONTRACTOR NOT TO OVEREXCAVATE THE DELIVERY LINE TRENCH/S. MAXIMUM DEPTH OF TRENCH IS 24 INCHES.

NOTE: LOCATION OF EXISTING UTILITIES IS UNKNOWN AND MUST BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION. ENGINEER ASSUMES NO RESPONSIBILITY IN LOCATING EXISTING UTILITIES.

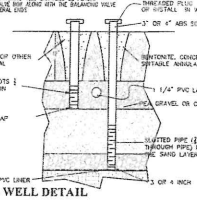
SEPTIC SYSTEM LAYOUT SCALE 1"=10'



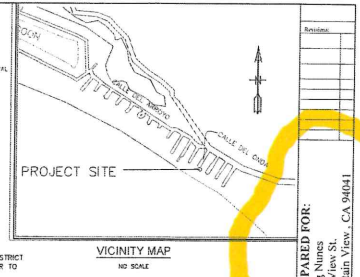
SAND FILTER ALONG 21 FOOT DIMENSION SCALE 1"=10'



SAND FILTER SECTION ALONG 19 FOOT DIMENSION SCALE 1"=10'



MONITORING WELL DETAIL NTS



VICINITY MAP NO SCALE

PREPARED FOR:  
 Craig Nimes  
 354 View St.  
 Redwood Valley, CA 94041

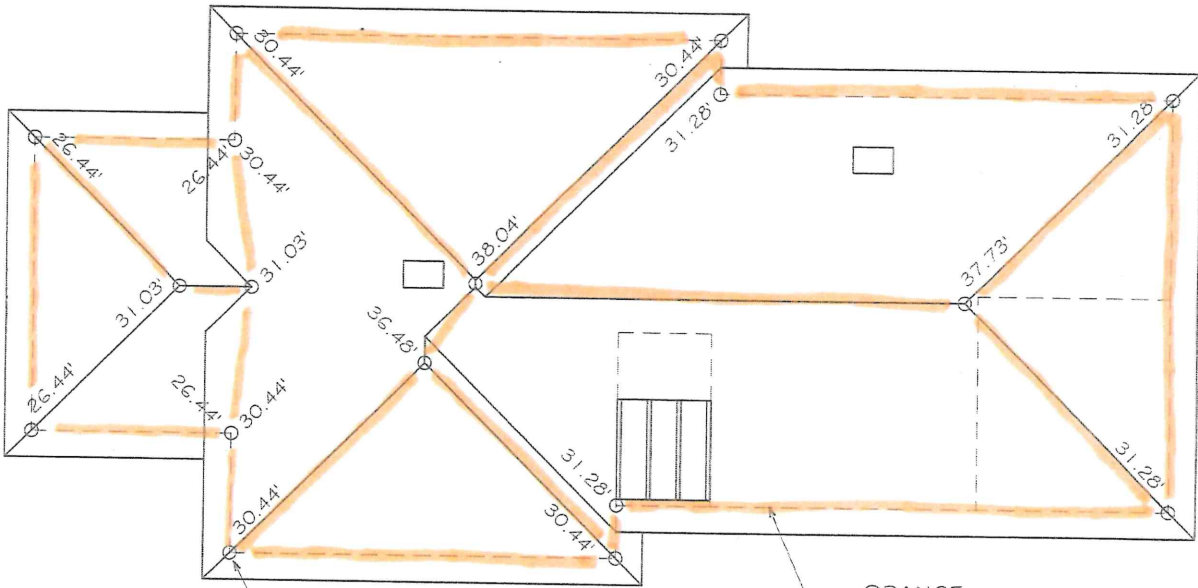
RECEIVED  
 MAR 09 2016  
 COUNTY OF MARIN  
 COMMUNITY DEVELOPMENT AND  
 PLANNING DIVISION

OVERALL PROPERTY SCALE 1"=30'

1







STORY POLE,  
TYPICAL WITH  
ELEVATION AT TOP  
OF POLE

ORANGE  
CONSTRUCTION  
FENCING, TYPICAL

RECEIVED

MAR 09 2016

COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

FROM THE OFFICE OF  
CHRIS SPAULDING  
ARCHITECT  
801 CAMELIA STREET, SUITE E  
BERKELEY CA 94710

STORY POLE PLAN  
21 CALLE DEL ONDA  
STINSON BEACH □ CALIFORNIA



**ATTACHMENT 11**

**ATTACHMENT 11**

Accession#: 1998-123  
Title: Storm of 1978  
Date: 1982-1983  
Catalog Date: 08/04/2006  
Category: 10: Unclassifiable Artifacts  
Classification: Disasters  
Storms  
Disasters  
Floods  
Collection: SBHS Photo Collection  
Copyright: SBHS  
Description: Storm of January 1978. Several houses are visible as the ocean swirls around them. They are identified from far to near as: Kelly house on Calle del Ribera (destroyed); Syd Boyle house on Calle del Resaca; and at the end of Calle del Onda, the Kugelgen house, which was washed out of sea; and  
Event: Storm/flood  
Film Size: 35 mm  
Medium: Photographic Paper  
Negative #: 75-2  
Object ID: 1998-123  
Object Name: Print, copy  
Orig/copy: Photocopy  
Place: Stinson Beach  
Print Size: 3 1/2" x 5"  
Slide #: 474  
Source: Parsons, Erma & Denis  
Subjects: Disasters (Storms)  
Disasters(Floods)  
Neighborhoods  
calles  
Year Range from: 1982  
Year Range to: 1983

**ATTACHMENT 12**

**ATTACHMENT 12**

# s and Flood :

[Next Record](#)[Jump to End](#)[Table of Contents](#)[Exhibit Home Page](#)[Museum Home Page](#)

Accession#:	1993-305
Title:	Besieged Houses
Date:	1983
Catalog Date:	11/25/2002
Category:	8: Communication Artifact
Classification:	Buildings Disasters Floods Storms
Collection:	SBHS
Copyright:	SBHS
Description:	A black and white photograph of Von Kugelgan house (Lee and Nancy Von Kugelgan) , center, and Boyle house, white square house on right standing in stormy surf with debris in front taken during the storm of 1983 by Barrie Stebbings, local photographer who worked for the Coastal Post. Both houses were demolished.
Event:	Flood
Film Size:	35 mm
Frame #:	25
Medium:	Photographic Paper
Negative #:	3
Object ID:	1993-305-01
Object Name:	Print, Photographic
Orig/copy:	Original
Photographer:	Stebbing, Barrie
Place:	Beach (On Bolinas Bay)/Neighborhoods/Calles/Stinson Beach/Calle del Onda
Print Size:	4" x 6"
Slide #:	25
Source:	Stebbing, Barrie
Studio:	Bolinas
Subjects:	Disasters (Storms) Disasters(Floods) Neighborhoods/Calles
Year Range from:	1983

**ATTACHMENT 13**

**ATTACHMENT 13**

339

CALLE CALLES

Station  
cabln  
roofed  
Smith

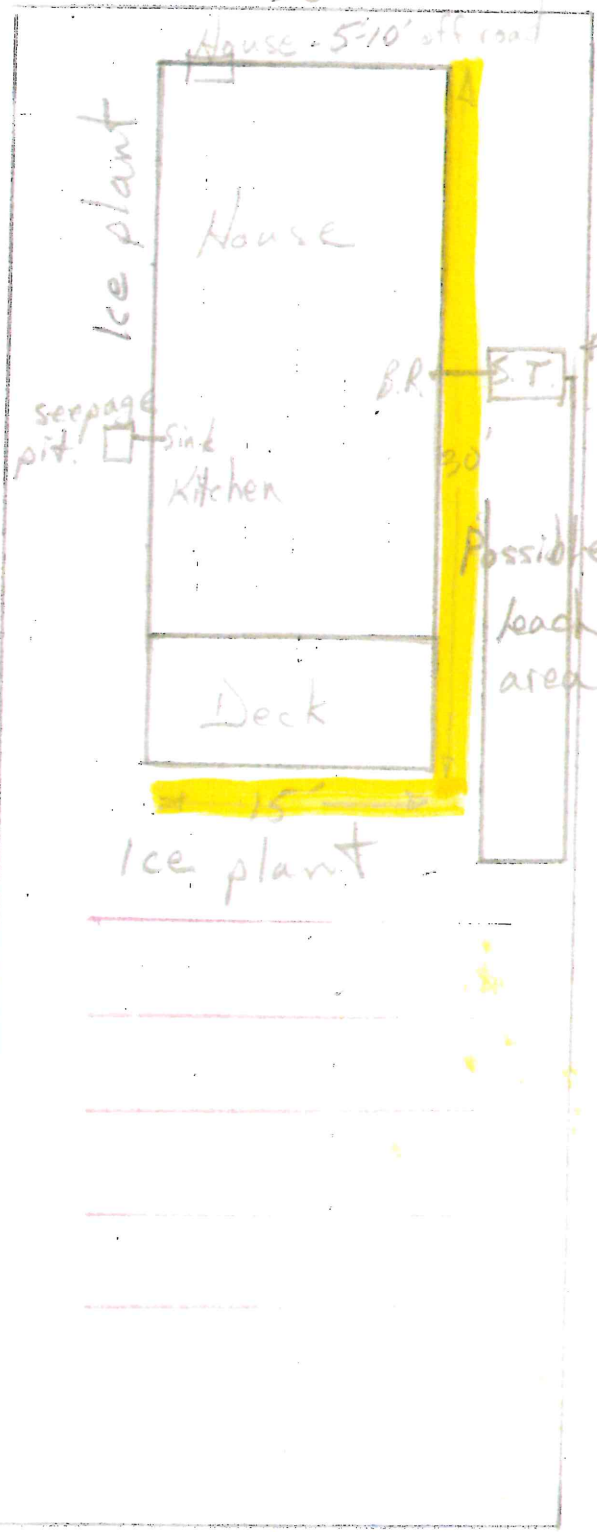


the wagon  
out

OWNER: Modestine Baywell	ASSESSOR'S LOT NUMBER: 142 14-220
RESIDENT: Crara Baywell	LOT AREA: 2480 sq. ft. / .06
NUMBER & STREET: 21 Calle Onda	FRONTAGE: 30' / SLOPE 7%
INTERVIEWER: EG	DATE: 11/15/78

Calle del Onda 30'

B-122-1 15

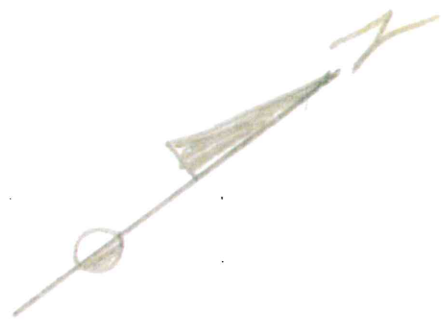


approximate location of tank

owner doesn't know size or location of lines

Possible leach area

80'



could not tell where property line is

SCALE: 1/4" = 5'

**ATTACHMENT 14**

**ATTACHMENT 14**

**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](mailto: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

**JACK SIEDMAN**

Attorney At Law

P.O. Box 37

Bolinas, California 94924

Telephone: (415) 868-0997

Facsimile: (415) 868-0997

E-Mail:

jsiedman@yahoo.com

November 9, 2021

RECEIVED

NOV 12 2021

Marin County CDA  
Planning Division  
3501 Civic Center Dr., Ste. 308  
San Rafael, CA 94903

COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

Re: AP # 192-111-31

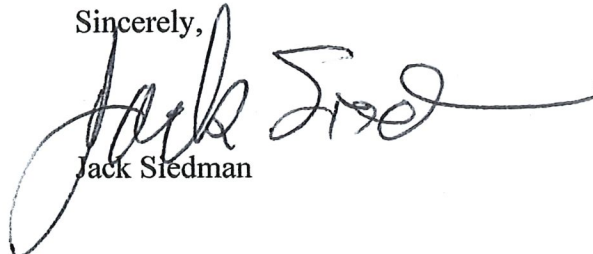
Dear Planners:

On July 29, 2021 I wrote you on behalf of Robert Friedman regarding the above-referenced project, and a copy of that letter is enclosed. I am now informed that a Zoom hearing is scheduled for November 22.

In addition to the issues, I addressed in my July 29, 2021 letter, I also direct your attention to the requirements for a CEQA review which has yet to be completed. References by the applicant to a review by the Stinson Beach Water District is insufficient as that District's review of the project is expressly limited to issues of waste water, and does not otherwise address the issues required by CEQA.

Therefore, for all these reasons I again urge you on behalf of my client to deny the application. Thank you.

Sincerely,



Jack Siedman

JS/ms

cc: client

Elizabeth Brekhus

# JACK SIEDMAN

Attorney At Law

P.O. Box 37

Bolinas, California 94924

Telephone: (415) 868-0997

Facsimile: (415) 868-0997

E-Mail:

jsiedman@yahoo.com

July 29, 2021

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.

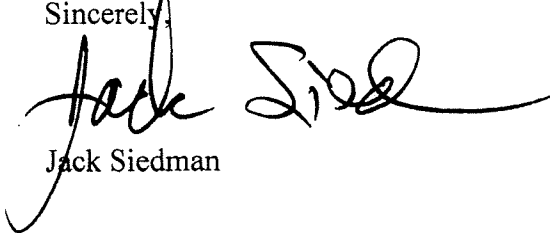
2. Geotechnical Risks. The project borders the San Andreas Fault and the risk of liquefaction from earthquakes is considered "moderate to high" according to Murray Engineers, hired by the project's applicants. Consequently, the engineers recommend concrete retaining walls and rammed piers to protect 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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jack Siedman

JS/ms

cc: Robert Friedman

November 14, 2021

Subject: Comment Letter

Regarding: Proposed New Beachfront Home for 21 Calle Del Onda, Stinson Beach, CA. 94970

Attention: Sabrina Cardoza, Planner in Charge; Marin County Planning Commission

Attachments: CA. Coastal Commission documents commenting on project

21 Calle Del Onda has been a vacant lot since the 1980's. Adjacent property owners confirm that the lot floods and has flooded for many years. It was for sale in 2015, on the MLS. Its current status: Buyer, Craig Nunes has a Contingent Purchase Agreement with Owner, referred to as the Brian Johnson Trust. This has been in effect since 06/29/15. These arrangements were stated by Craig Nunes at a Stinson Beach Water District board meeting, August 20, 2016, and confirmed in the Stinson Beach Water District Meeting Minutes.

This proposed project violates the AO FLOOD ZONE MORATORIUM, WHICH THE COUNTY HAS IN PLACE. PAST COASTAL COMMISSION MEMOS CONFIRM THAT THIS MORATORIUM IS IN EFFECT. The genesis of the moratorium came from the CA. Coastal Commission. ALL PROPERTY OWNERS IN THIS ZONE RECEIVED A MEMO explaining that new construction in this zone is prohibited. The date of this memo from Marin County was 7.28.2015, signed by Tom Lai.

**Furthermore, the lot floods. Marin County has developed many Sea Level Rise Studies recently, concluding The Calles are susceptible to Sea Level Rise within the next ten years. Development on 21 Calle del Onda would pose further danger to PUBLIC USE, as pedestrians would be prevented from accessing Stinson Beach when the lot floods. The septic system plans indicate its location in the AO FLOOD ZONE. If the septic system fails, associated seepage becomes a health hazard to PUBLIC USE; pedestrians using this street to access Stinson Beach. In addition, septic system failure would seep into adjacent property owners' parcels causing damage.**

IN THE LAST SIX YEARS, THERE HAS BEEN A CONCERTED EFFORT BY CITIZENS AND STINSON BEACH PROPERTY OWNERS, EXPRESSING OPPOSITION TO THE DEVELOPMENT OF THIS LOT FOR THESE REASONS. THERE ARE SIX COASTAL COMMISSION COMMENT LETTERS THAT HAVE ADDRESSED THE PROPOSED PROJECT IN THE PAST SIX YEARS. THEY ARE ATTACHED. BECAUSE OF THIS, THERE ARE NOW PERMANENT DEED RESTRICTIONS ATTACHED TO THE LOT, IMPLEMENTED BY THE CA. COASTAL COMMISSION.

If the Brian Johnson Trust would like to sell the vacant lot, another option is approaching Marin County Parks and Open Space. They have a budget for procurement for parcels such as these. This would allow the Brian Johnson Trust to sell the property WHILE FURTHER PREVENTING FUTURE dangers to PUBLIC USE, pedestrians, and property owners adjacent to the lot.

**From 2015-2021, 136 PARCELS in Stinson Beach have been listed on the MLS and sold. Craig Nunes has had AMPLE opportunity, and continues, to consider purchasing other residential parcels, BUT INSISTS ON BUILDING A RESIDENTIAL PROPERTY ON 21 CALLE DEL ONDA, A LOT THAT ALREADY FLOODS, WITH PLANS THAT VIOLATE CURRENT CODES AND REGULATIONS, AND SEA LEVEL RISE STUDIES THAT CONCLUDE THE CALLES WILL BE NEGATIVELY AFFECTED BY SEA LEVEL RISE IN OUR LIFE TIME.**

**Why would one FURTHER spend resources on environmental consultants, septic, and architectural plans with these conditions? Since rules and regulations apply to ALL citizens and residents of Stinson Beach, it is confusing.**

**ARE RULES AND REGULATIONS FOR EXISTING PROPERTY OWNERS IN MARIN COUNTY STEADFAST BUT NOT SO TO FUTURE PROPERTY OWNERS WITH RESOURCES TO BUILD?**

Respectfully,

*Marisa Atamian-Sarafian and Dr. Stephen Sarafian*

Marisa Atamian-Sarafian and Dr. Stephen Sarafian

24 Calle del Sierra



**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



March 31, 2016

Marin County Community Development Agency  
Attn: Tammy Taylor  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Transmittal for Johnson Coastal Permit (P1162) in Stinson Beach, CA**

Dear Ms. Taylor,

Thank you for your request for comments regarding the Johnson Coastal Permit (P1162) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 2,454 square-foot single-family residence with attached one-car garage, in addition to new site improvements, including a septic system, driveway, boardwalk, and rope fence, located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). The proposed residence would be 23 feet 4 inches above grade and would meet the minimum side, front, and rear 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.

**Public Access and Dune and Sandy Beach Protection**

The Marin LCP includes policies protecting public access to and along the shoreline, which state that the County will require provisions for coastal access in all development proposals located between the sea and the first public road. The Marin LCP also 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. 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. As such, this permit application must include a biological evaluation of the property in order to assess the extent of sensitive dune habitat and species on or adjacent to the site (and appropriate buffers) and, in the event that no dune habitat exists, the first line of terrestrial vegetation. The project plans show that storm surge has extended underneath the proposed deck. Therefore, approval of a rope fence could prohibit lateral public access along the shoreline. The provision and protection of coastal access and protection of sandy beaches and dune habitat in this case could include 1) setting the development back from the beach and/or any sensitive dune habitat to the maximum extent feasible and consistent with any recommended sensitive habitat buffers (including by reducing the site of the proposed house if necessary); and/or 2) a lateral easement on the Applicant's property along the dry sand adjacent to tidelands that could be accepted by the Marin County Open Space District, which owns and maintains the adjacent beach; and/or 3) a prohibition on

the proposed rope fencing that could prevent lateral public access along the beach at high tide. As required by the Marin LCP, development approval for the proposed project must be accompanied by findings, including mitigation measures and conditions of approval, establishing that the project's design and location would protect sandy beach habitat, provide a buffer area between public and private use areas, protect the scenic and recreational character of the beach and maintain the public rights of access to and use of dry sand beach areas.

### **Shoreline Protection and Hazard Areas**

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. In light of the coastal hazards that have been identified through Marin County's C-SMART process and the forthcoming LCP update, the hazard assessment for the project site should include analysis of risk from coastal sea level rise. The steps recommended in the Coastal Commission's Adopted Sea Level Rise Policy Guidance (2015) may be used as a reference. These steps include: 1) define the expected life of the project, in order to determine the appropriate sea level rise range or projection; 2) determine how physical impacts from sea level rise may constrain the project site, particularly increased groundwater, erosion, flooding, wave run-up and inundation; 3) determine how the project may impact coastal resources over time, considering the influence of sea level rise, particularly on water quality, public access and coastal habitat; 4) identify project alternatives (e.g., building a smaller structure in an unconstrained portion of the site, elevating the structure, or providing options that would allow for incremental or total removal of the structure if and when it is impacted in the future) that avoid resource impacts and minimize risks to the project; 5) finalize project design.

Step 2 should include an engineering analysis, prepared by a licensed civil engineer with experience in coastal processes, for the proposed development site. 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 the high projection from the National Research Council's 2012 Report, *Sea Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future*. 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.

Development approval for the proposed project could be accompanied by the following permit conditions:

1. 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.

2. Disclosure of Permit Conditions. All documents related to any future marketing and sale of the subject property, including but not limited to marketing materials, sales contracts, deeds, and similar documents, shall notify buyers of the terms and conditions of this coastal development permit.

3. Coastal Hazards Risk. By acceptance of this Coastal Permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns:

(a) Assume Risks. To assume the risks to the Permittee and the property that is the subject of this Coastal Permit of injury and damage from coastal hazards;

(b) Waive Liability. To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards;

(c) Indemnification. To indemnify and hold harmless the County of Marin, its officers, agents, and employees with respect to the County's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and

(d) Permittee Responsible. That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

4. No Future Shoreline Protective Device. No additional protective structures, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls, shall be constructed to protect the development approved pursuant to CP # \_\_ , including, but not limited to development associated with this CP, in the event that the approved development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this CP, the Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, and agrees that no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.

5. Future Removal of Development. The Permittee shall remove and/or relocate, in part or in whole, the development authorized by this CP, including, but not limited to development authorized under this CP, when any government agency orders removal of the development in the future or when the development becomes threatened by coastal hazards,

Johnson Coastal Permit (P1162)

whichever happens sooner, or if the State Lands Commission requires that the structures be removed in the event that they encroach on to State tidelands. Development associated with removal of the residence or other authorized development shall require an amendment to this CP. In the event that portions of the development fall to the water or ground before they are removed, the Permittee shall remove all recoverable debris associated with the development from the ocean, intertidal areas, and wetlands and lawfully dispose of the material in an approved disposal site. Such removal shall require an amendment to this CP.

Thank you for the opportunity to comment on the planning transmittal. Please feel free to contact me at (415) 904-5266 or by email at [shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shannon Fiala".

Shannon Fiala  
Coastal Planner

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



June 30, 2016

Marin County Community Development Agency  
Attn: Tammy Taylor  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Transmittal for Johnson Coastal Permit (P1162) in Stinson Beach, CA**

Dear Ms. Taylor,

Thank you for your request for comments regarding the Johnson Coastal Permit (P1162) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 2,454 square-foot single-family residence with attached one-car garage, in addition to new site improvements, including a septic system, driveway, boardwalk, and rope fence, located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). The proposed residence would be 23 feet 4 inches above grade and would meet the minimum setback requirements. The project referral materials indicate that the lot was previously developed with a house, which was destroyed by a fire, and has been vacant since the mid-1980's. After reviewing the second planning transmittal, 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.

**Coastal Access**

The Marin LCP (IP Section 22.56.130(E)) requires that all coastal permits shall be evaluated to determine the project's relationship to the maintenance and provision of public access and use of coastal beaches, waters and tidelands. For the proposed project, which is located between the sea and the first public road, the Marin LCP requires that the coastal permit include provisions to assure public access to coastal beaches and tidelands, including the offer of dedication of public access easements along the dry sand beach area adjacent to public tidelands for a minimum of twenty years. Impacts to public access should be evaluated, and appropriate provisions to protect public access should be provided, taking into account potential sea level rise over life of the development.

**Dune protection**

The Marin LCP (IP Section 22.56.130(H)) requires that development of shorefront lots within the Stinson Beach area assures preservation of existing sand dune formations in order to protect environmentally sensitive dune habitat, vegetation, and to maintain natural protection from wave runup. For the proposed project, which is located on a shorefront parcel, the Marin LCP requires that the coastal permit include findings, which demonstrate that the project's design and location eliminates the need for future shoreline protective devices, protects sandy beach habitat, provides a buffer area between public and private use areas, protects scenic and recreational character of the beach and maintains the public rights of access to, and use of, beach dry sand areas. Marin IP

Section 22.56.130(H)(5) states that no development shall be permitted in sensitive coastal dune habitat. Although the submitted biological site assessment concludes that the subject parcel is dominated by 'iceplant mats,' degraded habitat is nevertheless habitat and the presence of invasive, non-native species does not exclude the subject parcel from qualifying as dunes or environmentally sensitive habitat area (ESHA). Furthermore, the geomorphology of the subject parcel should be considered in addition to the vegetation communities. All or a portion of the subject parcel should be characterized as a dune EHSA. The biological report should be revised to appropriately delineate the extent of dune ESHA and adequate buffers on the property, and recommend appropriate mitigation measures to ensure protection of ESHA. The proposed project should be revised so that all development is located outside of dune ESHA and any required buffers. To the extent that the subject parcel is comprised entirely of dune ESHA and sandy beach area, no development could be approved consistent with the LCP unless all the required findings of a takings evaluation can be made.

### **Shoreline protection**

While the submitted Coastal Engineering Analysis describes the nature and extent of coastal flooding hazards along the beach area and an explanation of how the physical impacts of flooding may constrain the project site, the analysis should be revised to describe the ability of the proposed development to withstand the anticipated wave run up. The coastal permit should include conditions requiring the applicant to record a document 1) acknowledging that the site is subject to coastal hazards which may include coastal erosion, shoreline retreat, flooding, and other geologic hazards; 2) acknowledging that future shoreline protective devices to protect authorized structures are prohibited; 3) acknowledging that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise; 4) acknowledging that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; and 5) assuming all risks and waiving any claim of damage or liability against the County for personal or property damage resulting from such coastal hazards. The recorded document should also disclose potential vulnerability of the development site to flooding, inundation, and wave run up. The conditions should also require the removal and/or relocation, in part or in whole, of the authorized development when any government agency orders removal of the development in the future or when the development becomes threatened by coastal hazards, whichever happens sooner.

Thank you for the opportunity to comment on the planning transmittal. Please feel free to contact me at (415) 904-5266 or by email at [shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,



Shannon Fiala  
Coastal Planner

**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.

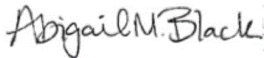
- e. Assume Risks.** The Permittee: assumes the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against Marin County its officers, agents, 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](mailto:abigail.black@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

DocuSigned by:



A7BC15CBC258476...

Abigail Black

Coastal Planner

Subject: P3049 (21 Calle del Onda, Stinson Beach)



**Pfeifer, Sara@Coastal** <Sara.Pfeifer@coastal.ca.gov>  
to Cardoza, Sabrina, Rexing, Stephanie@Coastal, Steve Kinsey

Thu, Jul 1, 3:56 PM

You are viewing an attached message. Compass Mail can't verify the authenticity of attached messages.

Good afternoon Sabrina,

Thank you for providing us with the opportunity to submit comments on the proposed project for a new single-family residence at 21 Calle del Onda in Stinson Beach. The comments provided in our March 16, 2021 letter continue to reflect our concerns about the project's consistency with the Marin County LCP (see attached). Additionally, the 2021 comment letter suggests measures to ensure the project's consistency with the LCP that remain relevant to the Applicant's recently resubmittal materials (i.e., those dated June, 2021). Similarly, the overarching themes described in our March and June 2016 comment letters (attached), including as related to access, habitat protections, and coastal hazards, remain relevant with respect to project elements that do not adequately address these concerns.

Please feel free to contact me with any questions you may have regarding our feedback.

Thank you,

Sara Pfeifer | Coastal Planner  
CALIFORNIA COASTAL COMMISSION  
North Central Coast District Office  
(415) 904-5255 | [sara.pfeifer@coastal.ca.gov](mailto:sara.pfeifer@coastal.ca.gov)

3 Attachments



<p>Johnson Residen...</p>	<p>Johnson Residen...</p>	<p>Comment Letter f...</p>
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tps://mail.google.com/mail/u/0?ui=2&ik=fc11a14b36&attid=0.1.0.2&permmsgid=msg-f.1...

Subject: P3049 (21 Calle del Onda, Stinson Beach)



**Pfeifer, Sara@Coastal** <Sara.Pfeifer@coastal.ca.gov>  
to Cardoza, Sabrina, Rexing, Stephanie@Coastal, Steve Kinsey

Thu, Jul 1, 3:56 PM

**!** You are viewing an attached message. Compass Mail can't verify the authenticity of attached messages. **?**

Good afternoon Sabrina,

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Thank you,

Sara Pfeifer | Coastal Planner  
CALIFORNIA COASTAL COMMISSION  
North Central Coast District Office  
(415) 904-5255 | [sara.pfeifer@coastal.ca.gov](mailto:sara.pfeifer@coastal.ca.gov)

**3 Attachments**



Three PDF attachments are displayed as thumbnails:

- Johnson Residen...
- Johnson Residen...
- Comment Letter f...



**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](mailto: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

**From:** [michael lemont](#)  
**To:** [Cardoza, Sabrina](#)  
**Subject:** 21 Calle del Onda, Stinson Beach  
**Date:** Tuesday, November 16, 2021 3:46:51 PM

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To the Marin planning commission:

My name is Steven Trifone and I live/own 11 Calle del Onda. I am not at all in support of the proposed building permit for 21 Onda. This property has been a vacant lot for close to 40 years. The small cabin like home which used to sit on the back of this lot was first heavily damaged in the Winter storms of 1983 by flooding from the ocean and then shortly after it was repaired it was burnt to the ground. Since then a sand dune has built up, been destroyed then built up again and as of the late 80's has continued to build up and unlike the other Calles in Stinson where no sand dune exists and where storm flooding is common this sand dune has protected our Calle from flooding.

Much has been written lately about building sand dune type barriers at Stinson Beach to protect the homes and property on the various Calles that don't have protection from storm surges. Our Calle is the only one that has an existing sand dune that protects us from storms that come in from the south end of the beach. The sand dune on 21 Onda sits on the south end of our Calle and for the past 30 plus years has been our protection from the ocean during storms. This is one reason I do not want to see a home constructed on this sand dune. It will destroy the dune.

I also can't believe that with a construction Moratorium in place for all the other properties in the Calles this permit is even being considered. I can't even put a shed on my property. How the Stinson Beach Water Board would change their no vote to a later one approving a septic system for a property site that is clearly not the required 100 ft from the high tide mark is beyond us all.

Mine and my neighbors concern is that when this property floods and flood it will then what will protect us and the public access to the beach from this flooded septic waste contamination? Our Calle is a one of the main public access routes to the beach outside the National Park parking lot. Do you want to put beach going pedestrians in harms way?

I hope you will take my concerns, my neighbors concerns and the Costal Commission's concern into serious consideration.

Thank you,  
Steven Trifone

[Sent from AT&T Yahoo Mail for iPad](#)

**From:** [michael lemont](#)  
**To:** [Cardoza, Sabrina](#)  
**Subject:** Re: 21 Onda, Stinson Beach  
**Date:** Tuesday, November 16, 2021 12:00:42 PM

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Dear Mrs Cardoza, My name is Michael Lemont. I live at and own 15 Calle del Onda, Stinson Beach. I have lived at this address for the past 39 years. I want to take this opportunity to go on record to state my objection to the new construction being planned by Mr Robert Johnson for the vacant lot at 21 Calle del Onda, Stinson Beach.

My first objection is to the way in which the Stinson Beach Water Board caved into the lawsuit brought by Mr Johnson, his attorney and his Spokesperson former West Marin Supervisor Steven Kinsey. The Water Board had previously voted to not allow construction of a Waste Water System because it would be located only 70 feet from the high tide mark and the law states it must be 100 feet. This lawsuit cost the Water Board over \$20,000 in legal fees and they realized this could go on forever so they reach an agreement to reduce the size of the home and waste water system and allowed Mr Johnson to be granted a permit. They also refused to even consider a memo sent to all residents in the Easkoot Creek Floodplain on July 28, 2015 which states that the "Local Costal Program Unit 1, Policy IV-30 prohibits development that is located within the 100 year floodplain of Easkoot Creek." Mr Lai included a map that clearly shows the back part of 21 Onda (away from the ocean) where this waste water system is to be located and the proposed garage are both clearly within this floodplain. I guess Mr Lai's memo means nothing when the threat of another lawsuit looms and having the former West Marin Supervisor as a Spokesperson.

I also saw that former Supervisor Steven Kinsey is on the Costal Commission. Isn't that a conflict of interest? It seems to me that on one hand one of the objections of the Costal Commission to this construction is because there is a Moratorium on any construction within the 100 year floodplain and being a paid advocate of Mr Johnson for ignoring the Costal Commission objections.

How the Stinson Beach Water Board could have allowed both of these rules to be ignored only shows me what the fear of a costly lawsuit will do to make them look the other way. I wonder why are rules and regulations made that a threat of a

costly lawsuit can suddenly be overlooked? The newly permitted waste water system is NOT 100 FEET from the HIGH TIDE MARK and there is a MORATORIUM on any NEW CONSTRUCTION!

My next objection to this proposed new construction is that it is being built on a sand dune that has been slowly built up since the 82-83 El Niño winter destroyed a portion of the cabin that was located in the rear of this lot. It was rebuilt only to be burnt to the ground a year later by a teen relative cooking crystal meth. Since then a large protective sand dune has slowly been built up. This dune protects all of the residences on Calle del Onda when winter storms come in from the south and scour the beach and flood the Calles. This dune will be destroyed in order to build the proposed home at 21 Onda. In addition, Marin County is looking into building sand dunes to protect property in Stinson Beach???

I might also add that the house at 28 Onda was swept away in the 82-83 storms. Plus a damaged septic system would endanger not only the health of the neighborhood, but also the the Public Access to the beach. On summer weekends literally a 100 pedestrians use Calle ONDA TO access the beach. The public parking lot often fills up by noon and people have to park on Hwy One and then use Onda to get to the beach.

I hope both the County of Marin and the Costal Commission will take a serious look at what rules are being overlooked and what damage this residence can to the the existing homes on both Calle del Onda and neighboring Calle del Sierra.

Sincerely,  
Michael Lemont  
Lemontm@att.net

Sorry for the different spacing. . I can't seem to correct it.

[Sent from AT&T Yahoo Mail for iPad](#)



**From:** [zelljas@aol.com](mailto:zelljas@aol.com)  
**To:** [Cardoza, Sabrina](#)  
**Subject:** 21 Calle Del Onda, Stinson Beach  
**Date:** Thursday, November 18, 2021 12:04:35 PM

---

As 52 year residents of 6 Calle Del Onda, we wish to comment on the proposal for 21 Calle Del Onda.

The current proposal will destroy one of the last natural sand dunes in Stinson Beach. All of this when the State of California and the County of Marin are promoting Sand dunes as the first level of defense and protection against sea level rise and climate change.

With climate change will come more frequent and severe oceans storms endangering the existing dunes.

Also, the stores poles and building plans indicate the proposed structure will be built well out onto the beach. This will severely impact public use and access to the county beach.

We believe the plan represents a rushed and poorly thought out plan for the use Of the property.

Belinda and Jim Zell  
6 Calle Del Onda  
Stinson Beach, California

Sent from my iPad

**From:** [Bridger Mitchell](#)  
**To:** [Cardoza, Sabrina](#)  
**Subject:** Johnson coasta permit P3049  
**Date:** Friday, November 19, 2021 1:22:39 PM  
**Attachments:** [Mitchell comment 11-19-21.pdf](#)

---

Hi, Sabrina,  
please find attached my comments on the application for 21 Calle del Onda, Stinson Beach.  
Thank you.  
-Bridger

**To: Sabrina Cardoza**  
**Re: Brian Johnson Trust Coastal Permit (P3049)**  
**21 Calle del Onda, Stinson Beach**  
From: Bridger Mitchell  
Date: November 19, 2021

Per the staff report, “the application was **deemed complete on July 7, 2021. ... On August 12, 2021, the certified LCP amendments were activated** including policies under the Land Use Plan (LUP) and the Implementation Plan (IP), ...

The analysis and findings in sections 6 (Coastal Permit) and 8 (Regulatory Takings) of the Draft Resolution in the staff report rely on components of the LCP Implementation Plan (specifically, 22.64 and 22.70) that were not in effect at the time the application for this permit was deemed complete by the CDA:

“ **6. WHEREAS**, the project is consistent with the mandatory findings for Coastal Permit approval (Marin County Local Coastal Program, **Implementation Plan Section 22.70.070**).”

“**The proposed project, as conditioned, is consistent with ... the applicable standards contained in ...**

- **Section 22.64.180 (Public Coastal Access)**
- **Section 22.64.050 (Biological Resources).**
- **Section 22.64.180 (Public Coastal Access0**
- **Section 22.64.080 (Water Resources)**
- **Section 22.64.100 (Community Design).**
- **Section 22.64.110 (Community Development)**
- **Section 22.64.120 (Energy).**
- **Section 22.64.130 (Housing).**
- **Section 22.64.140 (Public Facilities and Services).**
- **Section 22.64.150 (Transportation).**
- **Section 22.64.170 (Parks, Recreation, and Visitor-Serving Uses).**
- **Section 22.64.160 (Historical and Archaeological Resources). “**

“ **8. WHEREAS**, the strict application of the Marin County Local Coastal Program Unit 1, Policy IV-30 and Marin County Interim Code Section 22.56.130I.K would constitute a potential regulatory taking of the property pursuant to the supplemental findings for Coastal Permit approval. (Marin County Local Coastal Program, **Implementation Plan Section 22.70.180.C**). “

The Draft Resolution cannot make the findings necessary to approve this application for a Coastal Permit under Marin’s LCP.

**From:** [Rexing, Stephanie@Coastal](mailto:Rexing,Stephanie@Coastal)  
**To:** [Cardoza, Sabrina](mailto:Cardoza,Sabrina)  
**Cc:** [KoppmanNorton, Julia@Coastal](mailto:KoppmanNorton,Julia@Coastal)  
**Subject:** RE: 3rd Transmittal RE: P3049 Brian Johnson Trust Coastal Permit  
**Date:** Monday, November 22, 2021 10:08:28 AM

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Hi Sabrina,

Thank you for forwarding the link to the staff report, project plans, and files for the proposed single family residence, detached garage, new septic, driveway, decks, and landscaping at 21 Calle del Onda in Stinson Beach. Commission staff has commented extensively on this proposal in the past including in comment letters dated March 31, 2016; June 30, 2016; March 16, 2021; and most recently, August 5, 2021, all of which are in the County's records available on the project website for this proposal. Commission staff has expressed concerns regarding potential impacts to environmentally sensitive habitat areas, siting such development in hazardous areas generally, including specifically the LCP's prohibition on new development in the designated Easkoot Creek 100-year floodplain, and potential takings.

The County's staff report to the Planning Commission for today's (November 22, 2021) hearing regarding the CDP for this proposal recommends a partial denial and partial approval of the proposal, with conditions. County staff is recommending the garage portion of the proposal be denied, but is recommending approval of all other elements, including a septic system sited in the 100-year floodplain of Easkoot Creek/AO FEMA flood zone, which is not consistent with LCP Unit 1, Policy IV-30 and Marin County Interim Code Section 22.56.130L. The County is approving the septic despite LCP policies that would require otherwise in order to avoid a potential taking of private property. In approving the septic system, the County found that since a septic system is required to support the proposed residential development, this project element is required to be approved in order to allow for the "minimum necessary use of the property". Specifically, the County is recommending an approval of the septic system in an area where the LCP would not normally allow it, in order to "avoid a taking of the applicant's property." The County staff report concludes that the residence and septic can be approved in order to avoid a taking because "there is no other nonstructural alternative that is practical or preferable for the location of the septic", given the constraints of the site. The takings analysis provided in the County staff report concludes that the applicant obtained ownership interest in the property in 1979, prior to the Easkoot floodplain development prohibition, thus establishing the applicant's reasonable expectation that the septic could be developed onsite to support a single family residence. The County staff report further concludes that the 1,488 sf home (without the garage aspects, which are being denied), plus the other elements including the septic, "are the minimum necessary to avoid a taking" and that the project as approved by the County is the "least environmentally damaging project alternative".

While the house is reasonably sized, and similar to surrounding development, it is not clear from the County's staff report what other alternative project configurations were analyzed to draw the conclusion that the approved project is the "minimum" configuration necessary to avoid a takings. Were smaller homes or different configurations considered? If so, the County should include this analysis in their report to support their conclusions. In addition, the approved septic still relies on being raised and surrounded by retaining walls to "increase separation from seasonal high groundwater and to protect (it)...from flooding and potential wave erosion" in contradiction with

LCP policies that prohibit shoreline protective devices for new development, and in conflict with the County's conclusion that the County approved project is "consistent with all provisions of the certified LCP other than the provisions for which exception is necessary to avoid a taking". The County should require that the septic be redesigned without the retaining wall protective devices.

Finally, while the County's conditions of approval do require the applicant to waive liability, to record a deed restriction that would prohibit future shoreline armoring, and would require removal of all structures approved via this CDP at such time as a legally authorized public agency issues an order to do so, Commission staff still recommends the County require via a condition of approval that the applicant assumes the risks associated with the proposed development in such a hazardous location, and indemnifies the County against damage due to such hazards. In addition, Commission staff also still recommends the County condition the project to require that disclosure documents related to any future sale of the residence notify potential buyers of the terms and conditions of the permit, including explicitly the coastal hazards requirements, and require that a copy of the CDP be provided in all real estate disclosures.

**In short, Commission staff recommends the following:**

- **the County should include alternative configurations analysis in their report to support their takings conclusions**
- **the County should require that the septic be redesigned without the retaining wall protective devices**
- **the County should require via a condition of approval that the applicant assumes the risks associated with the proposed development in such a hazardous location, and indemnifies the County against damage due to such hazards**
- **the County should condition the project to require that disclosure documents related to any future sale of the residence notify potential buyers of the terms and conditions of the permit, including explicitly the coastal hazards requirements, and require that a copy of the CDP be provided in all real estate disclosures**

Please distribute these comments to Planning Commissioners and include them in the record for today's hearing. Let me know if you have any questions or would like to discuss. Thank you!

---

Stephanie R. Rexing  
District Manager  
North Central Coast District  
California Coastal Commission  
(415)-904-5260

---

**From:** Cardoza, Sabrina <scardoza@marincounty.org>  
**Sent:** Monday, November 15, 2021 11:43 AM  
**To:** Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>  
**Cc:** KoppmanNorton, Julia@Coastal <julia.koppmannorton@coastal.ca.gov>  
**Subject:** RE: 3rd Transmittal RE: P3049 Brian Johnson Trust Coastal Permit

Hi Stephanie,

The staff report, which includes the takings analysis, is now available of the project website at this link:

[https://www.marincounty.org/depts/cd/divisions/planning/projects/stinson-beach/brian\\_johnson\\_trust\\_p3049\\_cp\\_sb](https://www.marincounty.org/depts/cd/divisions/planning/projects/stinson-beach/brian_johnson_trust_p3049_cp_sb)

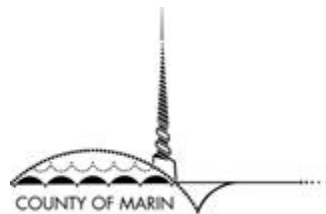
Best,

Sabrina Cardoza (she/her/hers)

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**\*\*\* Please note that I may be working remotely and am limited to email until further notice. Phone calls will be responded to in the order they are received. \*\*\***

**Senior Planner** | County of Marin  
Community Development Agency, Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
415-473-3607 T  
415-473-7880 F



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**From:** Rexing, Stephanie@Coastal <[Stephanie.Rexing@coastal.ca.gov](mailto:Stephanie.Rexing@coastal.ca.gov)>  
**Sent:** Wednesday, November 10, 2021 3:25 PM  
**To:** Cardoza, Sabrina <[scardoza@marincounty.org](mailto:scardoza@marincounty.org)>  
**Cc:** KoppmanNorton, Julia@Coastal <[julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)>  
**Subject:** RE: 3rd Transmittal RE: P3049 Brian Johnson Trust Coastal Permit

Thank you, Sabrina.

I will review the latest re: this project against our comment letters, and let you know whether or not Commission staff has remaining concerns. I did have a conversation with the agent on this project, Steve Kinsey, in October, and he mentioned that he thought the County would be doing a takings analysis in order to approve this project. Can you let me know if that's the case and when that analysis will be ready for us to review?

Thanks!

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Stephanie R. Rexing  
District Manager  
North Central Coast District  
California Coastal Commission  
(415)-904-5260

---

**From:** Cardoza, Sabrina <[scardoza@marincounty.org](mailto:scardoza@marincounty.org)>  
**Sent:** Friday, November 5, 2021 11:20 AM  
**To:** Rexing, Stephanie@Coastal <[Stephanie.Rexing@coastal.ca.gov](mailto:Stephanie.Rexing@coastal.ca.gov)>  
**Cc:** KoppmanNorton, Julia@Coastal <[julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)>  
**Subject:** RE: 3rd Transmittal RE: P3049 Brian Johnson Trust Coastal Permit

Hi Stephanie,

Yes, the project is going before the Planning Commission for a decision on November 22, 2021. The staff report should be published on the project webpage, linked below, by November 15. However, if you are able to provide any comments ahead of that, that is always appreciated. Of course, you may still submit comments following the publishing of the staff report that will be provided to the Planning Commission.

[https://www.marincounty.org/depts/cd/divisions/planning/projects/stinson-beach/brian\\_johnson\\_trust\\_p3049\\_cp\\_sb](https://www.marincounty.org/depts/cd/divisions/planning/projects/stinson-beach/brian_johnson_trust_p3049_cp_sb)

Thank you,

Sabrina Cardoza (she/her/hers)

---

**\*\*\* Please note that I may be working remotely and am limited to email until further notice. Phone calls will be responded to in the order they are received.\*\*\***

**Senior Planner |** County of Marin  
Community Development Agency, Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
415-473-3607 T  
415-473-7880 F





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**From:** Rexing, Stephanie@Coastal <[Stephanie.Rexing@coastal.ca.gov](mailto:Stephanie.Rexing@coastal.ca.gov)>  
**Sent:** Friday, November 5, 2021 11:07 AM  
**To:** Cardoza, Sabrina <[scardoza@marincounty.org](mailto:scardoza@marincounty.org)>  
**Cc:** KoppmanNorton, Julia@Coastal <[julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)>  
**Subject:** RE: 3rd Transmittal RE: P3049 Brian Johnson Trust Coastal Permit

Thanks, Sabrina!

Can you let me know of your timeline locally on this one? We need to review this stuff pretty closely given our past comments and involvement here, and being down a planner means having deadlines can help us triage. Thanks!

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**From:** Cardoza, Sabrina <[scardoza@marincounty.org](mailto:scardoza@marincounty.org)>  
**Sent:** Thursday, October 21, 2021 10:27 AM  
**To:** KoppmanNorton, Julia@Coastal <[julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)>  
**Cc:** Rexing, Stephanie@Coastal <[Stephanie.Rexing@coastal.ca.gov](mailto:Stephanie.Rexing@coastal.ca.gov)>; Pfeifer, Sara@Coastal <[Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)>  
**Subject:** 3rd Transmittal RE: P3049 Brian Johnson Trust Coastal Permit

Hi Julia,  
I understand that Sara's last day with the Coastal Commission is tomorrow. As such, I am sending you a third transmittal regarding the subject project. Please see attached.

Thank you,  
Sabrina Cardoza (she/her/hers)

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**\*\*\* Please note that I may be working remotely and am limited to email until further notice. Phone calls will be responded to in the order they are received.\*\*\***

**Senior Planner** | County of Marin  
Community Development Agency, Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
415-473-3607 T  
415-473-7880 F



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**From:** Pfeifer, Sara@Coastal <[Sara.Pfeifer@coastal.ca.gov](mailto:Sara.Pfeifer@coastal.ca.gov)>  
**Sent:** Thursday, August 5, 2021 10:38 AM  
**To:** Cardoza, Sabrina <[scardoza@marincounty.org](mailto:scardoza@marincounty.org)>  
**Cc:** Rexing, Stephanie@Coastal <[Stephanie.Rexing@coastal.ca.gov](mailto:Stephanie.Rexing@coastal.ca.gov)>; KoppmanNorton, Julia@Coastal <[julia.koppmannorton@coastal.ca.gov](mailto:julia.koppmannorton@coastal.ca.gov)>; Steve Kinsey <[steve@civicknit.com](mailto:steve@civicknit.com)>  
**Subject:** P3049 Brian Johnson Trust Coastal Permit

Good morning Sabrina,

Thank you for the opportunity to provide comments on the proposed development located at 21 Calle del Onda in Stinson Beach. Please find Commission staff's concerns described in the attached letter, as they relate to the Applicant's most recent submittal, provided to the County in June, 2021. I've also attached a copy of our March 16, 2021 letter for your reference. The issues we identified with the recent submittal relate to dune habitat and ESHA, coastal hazards, and the potential for a takings analysis. Please let me know if you have questions about our comments or would like to discuss further.

Thank you,

Sara Pfeifer | Coastal Planner

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office

(415) 904-5255 | [sara.pfeifer@coastal.ca.gov](mailto:sara.pfeifer@coastal.ca.gov)

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

**Attachments to Coastal Commission letter:  
Prior comment letters 2016-2021**

**From:** [Rexing, Stephanie@Coastal](mailto:Rexing,Stephanie@Coastal)  
**To:** [Cardoza, Sabrina](mailto:Cardoza,Sabrina)  
**Cc:** [KoppmanNorton, Julia@Coastal](mailto:KoppmanNorton,Julia@Coastal)  
**Subject:** RE: 3rd Transmittal RE: P3049 Brian Johnson Trust Coastal Permit  
**Date:** Monday, November 22, 2021 10:08:28 AM

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Hi Sabrina,

Thank you for forwarding the link to the staff report, project plans, and files for the proposed single family residence, detached garage, new septic, driveway, decks, and landscaping at 21 Calle del Onda in Stinson Beach. Commission staff has commented extensively on this proposal in the past including in comment letters dated March 31, 2016; June 30, 2016; March 16, 2021; and most recently, August 5, 2021, all of which are in the County's records available on the project website for this proposal. Commission staff has expressed concerns regarding potential impacts to environmentally sensitive habitat areas, siting such development in hazardous areas generally, including specifically the LCP's prohibition on new development in the designated Easkoot Creek 100-year floodplain, and potential takings.

The County's staff report to the Planning Commission for today's (November 22, 2021) hearing regarding the CDP for this proposal recommends a partial denial and partial approval of the proposal, with conditions. County staff is recommending the garage portion of the proposal be denied, but is recommending approval of all other elements, including a septic system sited in the 100-year floodplain of Easkoot Creek/AO FEMA flood zone, which is not consistent with LCP Unit 1, Policy IV-30 and Marin County Interim Code Section 22.56.130L. The County is approving the septic despite LCP policies that would require otherwise in order to avoid a potential taking of private property. In approving the septic system, the County found that since a septic system is required to support the proposed residential development, this project element is required to be approved in order to allow for the "minimum necessary use of the property". Specifically, the County is recommending an approval of the septic system in an area where the LCP would not normally allow it, in order to "avoid a taking of the applicant's property." The County staff report concludes that the residence and septic can be approved in order to avoid a taking because "there is no other nonstructural alternative that is practical or preferable for the location of the septic", given the constraints of the site. The takings analysis provided in the County staff report concludes that the applicant obtained ownership interest in the property in 1979, prior to the Easkoot floodplain development prohibition, thus establishing the applicant's reasonable expectation that the septic could be developed onsite to support a single family residence. The County staff report further concludes that the 1,488 sf home (without the garage aspects, which are being denied), plus the other elements including the septic, "are the minimum necessary to avoid a taking" and that the project as approved by the County is the "least environmentally damaging project alternative".

While the house is reasonably sized, and similar to surrounding development, it is not clear from the County's staff report what other alternative project configurations were analyzed to draw the conclusion that the approved project is the "minimum" configuration necessary to avoid a takings. Were smaller homes or different configurations considered? If so, the County should include this analysis in their report to support their conclusions. In addition, the approved septic still relies on being raised and surrounded by retaining walls to "increase separation from seasonal high groundwater and to protect (it)...from flooding and potential wave erosion" in contradiction with

LCP policies that prohibit shoreline protective devices for new development, and in conflict with the County's conclusion that the County approved project is "consistent with all provisions of the certified LCP other than the provisions for which exception is necessary to avoid a taking". The County should require that the septic be redesigned without the retaining wall protective devices.

Finally, while the County's conditions of approval do require the applicant to waive liability, to record a deed restriction that would prohibit future shoreline armoring, and would require removal of all structures approved via this CDP at such time as a legally authorized public agency issues an order to do so, Commission staff still recommends the County require via a condition of approval that the applicant assumes the risks associated with the proposed development in such a hazardous location, and indemnifies the County against damage due to such hazards. In addition, Commission staff also still recommends the County condition the project to require that disclosure documents related to any future sale of the residence notify potential buyers of the terms and conditions of the permit, including explicitly the coastal hazards requirements, and require that a copy of the CDP be provided in all real estate disclosures.

**In short, Commission staff recommends the following:**

- **the County should include alternative configurations analysis in their report to support their takings conclusions**
- **the County should require that the septic be redesigned without the retaining wall protective devices**
- **the County should require via a condition of approval that the applicant assumes the risks associated with the proposed development in such a hazardous location, and indemnifies the County against damage due to such hazards**
- **the County should condition the project to require that disclosure documents related to any future sale of the residence notify potential buyers of the terms and conditions of the permit, including explicitly the coastal hazards requirements, and require that a copy of the CDP be provided in all real estate disclosures**

Please distribute these comments to Planning Commissioners and include them in the record for today's hearing. Let me know if you have any questions or would like to discuss. Thank you!

---

Stephanie R. Rexing  
District Manager  
North Central Coast District  
California Coastal Commission  
(415)-904-5260

---

**From:** Cardoza, Sabrina <scardoza@marincounty.org>  
**Sent:** Monday, November 15, 2021 11:43 AM  
**To:** Rexing, Stephanie@Coastal <Stephanie.Rexing@coastal.ca.gov>  
**Cc:** KoppmanNorton, Julia@Coastal <julia.koppmannorton@coastal.ca.gov>  
**Subject:** RE: 3rd Transmittal RE: P3049 Brian Johnson Trust Coastal Permit

**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](mailto: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  
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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, tsunami, 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 area 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.

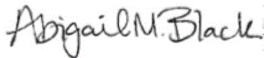
- e. Assume Risks.** The Permittee: assumes the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against Marin County its officers, agents, 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](mailto:abigail.black@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

DocuSigned by:



A7BC15CBC258476...

Abigail Black

Coastal Planner

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



March 31, 2016

Marin County Community Development Agency  
Attn: Tammy Taylor  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Transmittal for Johnson Coastal Permit (P1162) in Stinson Beach, CA**

Dear Ms. Taylor,

Thank you for your request for comments regarding the Johnson Coastal Permit (P1162) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 2,454 square-foot single-family residence with attached one-car garage, in addition to new site improvements, including a septic system, driveway, boardwalk, and rope fence, located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). The proposed residence would be 23 feet 4 inches above grade and would meet the minimum side, front, and rear 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.

**Public Access and Dune and Sandy Beach Protection**

The Marin LCP includes policies protecting public access to and along the shoreline, which state that the County will require provisions for coastal access in all development proposals located between the sea and the first public road. The Marin LCP also 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. 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. As such, this permit application must include a biological evaluation of the property in order to assess the extent of sensitive dune habitat and species on or adjacent to the site (and appropriate buffers) and, in the event that no dune habitat exists, the first line of terrestrial vegetation. The project plans show that storm surge has extended underneath the proposed deck. Therefore, approval of a rope fence could prohibit lateral public access along the shoreline. The provision and protection of coastal access and protection of sandy beaches and dune habitat in this case could include 1) setting the development back from the beach and/or any sensitive dune habitat to the maximum extent feasible and consistent with any recommended sensitive habitat buffers (including by reducing the site of the proposed house if necessary); and/or 2) a lateral easement on the Applicant's property along the dry sand adjacent to tidelands that could be accepted by the Marin County Open Space District, which owns and maintains the adjacent beach; and/or 3) a prohibition on

the proposed rope fencing that could prevent lateral public access along the beach at high tide. As required by the Marin LCP, development approval for the proposed project must be accompanied by findings, including mitigation measures and conditions of approval, establishing that the project's design and location would protect sandy beach habitat, provide a buffer area between public and private use areas, protect the scenic and recreational character of the beach and maintain the public rights of access to and use of dry sand beach areas.

### **Shoreline Protection and Hazard Areas**

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. In light of the coastal hazards that have been identified through Marin County's C-SMART process and the forthcoming LCP update, the hazard assessment for the project site should include analysis of risk from coastal sea level rise. The steps recommended in the Coastal Commission's Adopted Sea Level Rise Policy Guidance (2015) may be used as a reference. These steps include: 1) define the expected life of the project, in order to determine the appropriate sea level rise range or projection; 2) determine how physical impacts from sea level rise may constrain the project site, particularly increased groundwater, erosion, flooding, wave run-up and inundation; 3) determine how the project may impact coastal resources over time, considering the influence of sea level rise, particularly on water quality, public access and coastal habitat; 4) identify project alternatives (e.g., building a smaller structure in an unconstrained portion of the site, elevating the structure, or providing options that would allow for incremental or total removal of the structure if and when it is impacted in the future) that avoid resource impacts and minimize risks to the project; 5) finalize project design.

Step 2 should include an engineering analysis, prepared by a licensed civil engineer with experience in coastal processes, for the proposed development site. 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 the high projection from the National Research Council's 2012 Report, *Sea Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future*. 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.

Development approval for the proposed project could be accompanied by the following permit conditions:

1. 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.

2. Disclosure of Permit Conditions. All documents related to any future marketing and sale of the subject property, including but not limited to marketing materials, sales contracts, deeds, and similar documents, shall notify buyers of the terms and conditions of this coastal development permit.

3. Coastal Hazards Risk. By acceptance of this Coastal Permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns:

(a) Assume Risks. To assume the risks to the Permittee and the property that is the subject of this Coastal Permit of injury and damage from coastal hazards;

(b) Waive Liability. To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards;

(c) Indemnification. To indemnify and hold harmless the County of Marin, its officers, agents, and employees with respect to the County's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and

(d) Permittee Responsible. That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

4. No Future Shoreline Protective Device. No additional protective structures, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls, shall be constructed to protect the development approved pursuant to CP # \_\_ , including, but not limited to development associated with this CP, in the event that the approved development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this CP, the Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, and agrees that no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.

5. Future Removal of Development. The Permittee shall remove and/or relocate, in part or in whole, the development authorized by this CP, including, but not limited to development authorized under this CP, when any government agency orders removal of the development in the future or when the development becomes threatened by coastal hazards,

Johnson Coastal Permit (P1162)

whichever happens sooner, or if the State Lands Commission requires that the structures be removed in the event that they encroach on to State tidelands. Development associated with removal of the residence or other authorized development shall require an amendment to this CP. In the event that portions of the development fall to the water or ground before they are removed, the Permittee shall remove all recoverable debris associated with the development from the ocean, intertidal areas, and wetlands and lawfully dispose of the material in an approved disposal site. Such removal shall require an amendment to this CP.

Thank you for the opportunity to comment on the planning transmittal. Please feel free to contact me at (415) 904-5266 or by email at [shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shannon Fiala".

Shannon Fiala  
Coastal Planner

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



June 30, 2016

Marin County Community Development Agency  
Attn: Tammy Taylor  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Transmittal for Johnson Coastal Permit (P1162) in Stinson Beach, CA**

Dear Ms. Taylor,

Thank you for your request for comments regarding the Johnson Coastal Permit (P1162) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 2,454 square-foot single-family residence with attached one-car garage, in addition to new site improvements, including a septic system, driveway, boardwalk, and rope fence, located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). The proposed residence would be 23 feet 4 inches above grade and would meet the minimum setback requirements. The project referral materials indicate that the lot was previously developed with a house, which was destroyed by a fire, and has been vacant since the mid-1980's. After reviewing the second planning transmittal, 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.

**Coastal Access**

The Marin LCP (IP Section 22.56.130(E)) requires that all coastal permits shall be evaluated to determine the project's relationship to the maintenance and provision of public access and use of coastal beaches, waters and tidelands. For the proposed project, which is located between the sea and the first public road, the Marin LCP requires that the coastal permit include provisions to assure public access to coastal beaches and tidelands, including the offer of dedication of public access easements along the dry sand beach area adjacent to public tidelands for a minimum of twenty years. Impacts to public access should be evaluated, and appropriate provisions to protect public access should be provided, taking into account potential sea level rise over life of the development.

**Dune protection**

The Marin LCP (IP Section 22.56.130(H)) requires that development of shorefront lots within the Stinson Beach area assures preservation of existing sand dune formations in order to protect environmentally sensitive dune habitat, vegetation, and to maintain natural protection from wave runup. For the proposed project, which is located on a shorefront parcel, the Marin LCP requires that the coastal permit include findings, which demonstrate that the project's design and location eliminates the need for future shoreline protective devices, protects sandy beach habitat, provides a buffer area between public and private use areas, protects scenic and recreational character of the beach and maintains the public rights of access to, and use of, beach dry sand areas. Marin IP

Section 22.56.130(H)(5) states that no development shall be permitted in sensitive coastal dune habitat. Although the submitted biological site assessment concludes that the subject parcel is dominated by 'iceplant mats,' degraded habitat is nevertheless habitat and the presence of invasive, non-native species does not exclude the subject parcel from qualifying as dunes or environmentally sensitive habitat area (ESHA). Furthermore, the geomorphology of the subject parcel should be considered in addition to the vegetation communities. All or a portion of the subject parcel should be characterized as a dune ESHA. The biological report should be revised to appropriately delineate the extent of dune ESHA and adequate buffers on the property, and recommend appropriate mitigation measures to ensure protection of ESHA. The proposed project should be revised so that all development is located outside of dune ESHA and any required buffers. To the extent that the subject parcel is comprised entirely of dune ESHA and sandy beach area, no development could be approved consistent with the LCP unless all the required findings of a takings evaluation can be made.

### **Shoreline protection**

While the submitted Coastal Engineering Analysis describes the nature and extent of coastal flooding hazards along the beach area and an explanation of how the physical impacts of flooding may constrain the project site, the analysis should be revised to describe the ability of the proposed development to withstand the anticipated wave run up. The coastal permit should include conditions requiring the applicant to record a document 1) acknowledging that the site is subject to coastal hazards which may include coastal erosion, shoreline retreat, flooding, and other geologic hazards; 2) acknowledging that future shoreline protective devices to protect authorized structures are prohibited; 3) acknowledging that public funds may be insufficient or unavailable to remedy damage to public roadways, infrastructure, and other facilities resulting from natural events such as sea level rise; 4) acknowledging that Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; and 5) assuming all risks and waiving any claim of damage or liability against the County for personal or property damage resulting from such coastal hazards. The recorded document should also disclose potential vulnerability of the development site to flooding, inundation, and wave run up. The conditions should also require the removal and/or relocation, in part or in whole, of the authorized development when any government agency orders removal of the development in the future or when the development becomes threatened by coastal hazards, whichever happens sooner.

Thank you for the opportunity to comment on the planning transmittal. Please feel free to contact me at (415) 904-5266 or by email at [shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,



Shannon Fiala  
Coastal Planner



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



February 3, 2023

Sabrina Cardoza, Senior Planner  
County of Marin  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903  
[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Subject: Brian Johnson Trust Coastal Permit, Subsequent Mitigated Negative Declaration, SCH No. 2023010079, Community of Stinson Beach, County of Marin

Dear Ms. Cardoza:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Subsequent Mitigated Negative Declaration (SMND) from the County of Marin (County) for the Brian Johnson Trust Coastal Permit (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

CDFW is submitting comments on the SMND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

## **CDFW ROLE**

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act, the Lake and Streambed Alteration Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Brian Johnson Trust

**Objective:** Construct a one-unit residence with associated infrastructure including a septic system, permeable paving driveway, decks, and landscaping on a 15,200-square-foot (0.35-acre) lot.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Sabrina Cardoza  
County of Marin  
February 3, 2023  
Page 2

**Location:** 21 Calle Del Onda, Stinson Beach, 94970, Marin County, approximate centroid of Latitude 37.899083 °N, Longitude 122.644889 °W, Assessor's Parcel Number 195-162-49.

## **REGULATORY REQUIREMENTS**

### **Raptors and Other Nesting Birds**

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds of prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below which are also included in Attachment 1 Draft Mitigation and Monitoring Reporting Plan, CDFW concludes that an SMND is appropriate for the Project.

### **I. Environmental Setting and Related Impact Shortcoming**

***MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species?***

**COMMENT 1:** Western snowy plover, SMND pages 2-19 and 2-20, Appendix A, page A-2; Initial MND, Appendix A, page 10

**Issue:** The Initial MND concludes that nesting habitat for western snowy plover (*Charadrius nivosus nivosus*) does not occur on or adjacent to the Project site; however, despite negative effects of recreational activity, western snowy plover nest success has been reported in areas frequented by beach goers (Ruhlen 2003). The SMND includes Mitigation Measure BIO-1 (SMND, Appendix A, page A-2), which would require initial ground disturbance and vegetation removal to occur from September 1 to January 31, outside of a nesting season of February 1 to August 31. The 2007 Western Snowy Plover Recovery Plan states that "the nesting season of the western snowy plover extends from early March through late September" and that "fledging (reaching flying

Sabrina Cardoza  
County of Marin  
February 3, 2023  
Page 3

age) of late-season broods may extend into the third week of September throughout the breeding range” (United States Fish and Wildlife Service (USFWS) 2007). Therefore, the proposed Mitigation Measure BIO-1 does not include the full nesting season for western snowy plover.

**Specific impacts, why they may occur and be potentially significant:** If the Project occurs during the nesting season for western snowy plover, any plover nesting in the Project site or within 600 feet of the Project site could be disturbed directly or by visual or auditory effects caused by Project-related construction activities. Western snowy plover, Pacific coast Distinct Population Segment, is federally listed as endangered under the Endangered Species Act (ESA) and a California Species of Special Concern. If western snowy plover is nesting within 600 feet of the Project site, the above Project disturbances may result in nest abandonment or reduced health and vigor of young, take of the species pursuant to ESA, and a substantial reduction in the species’ population, which would be a mandatory finding of significant impact (CEQA Guidelines, § 15065).

**Recommended Mitigation Measure:** To reduce potential impacts to western snowy plover to less-than-significant, CDFW recommends including the below mitigation measure in the SMND.

*Mitigation Measure BIO-2 (Western Snowy Plover Avoidance):* If Project activities are scheduled during the nesting season for western snowy plover (February 1 to September 30), a biologist approved in writing by CDFW shall perform a minimum of 3 focused surveys prior to the beginning of construction, on separate days, to determine the presence of western snowy plovers both at the work area and within 600 feet of the work area. Additional surveys shall be done once per week during Project construction in the breeding season. Surveys shall be conducted following the Western Snowy Plover Breeding Window Survey Protocol – Final Draft (USFWS 2007; see Attachment J, pages J-10 through J-16). The biologist shall notify CDFW at least 7 days prior to the initiation of surveys and within 24 hours of locating any western snowy plovers. The biologist shall notify CDFW and USFWS immediately if any of the below are found:

1. Any dead or injured western snowy plovers.
2. Any western snowy plovers observed at unoccupied beaches or in areas where they haven’t been seen in recent years.
3. Any western snowy plover nests with eggs or adults with chicks.
4. Any females head-bobbing, males tail-dragging, or birds copulating or nest scraping.



Sabrina Cardoza  
County of Marin  
February 3, 2023  
Page 4

If surveys are negative for western snowy plovers, work may proceed during the nesting season. If surveys are positive for western snowy plovers, a 600-foot no-work buffer will be maintained around active plover nests and monitored by the approved biologist to ensure it is not disturbed, and the Project shall consult with CDFW and USFWS.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

## CONCLUSION

CDFW appreciates the opportunity to comment on the SMND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist, at (707) 799-4210 or [Alex.Single@wildlife.ca.gov](mailto:Alex.Single@wildlife.ca.gov); or Melanie Day, Senior Environmental Scientist (Supervisory), at [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov) or (707) 210-4415.

Sincerely,

DocuSigned by:

*Erin Chappell*

.\_B77E9A6211EF486

Erin Chappell, Regional Manager  
Regional Manager  
Bay Delta Region

Sabrina Cardoza  
County of Marin  
February 3, 2023  
Page 5

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023010079)

**REFERENCES**

Ruhlen, T. D., S. Abbott, L. E. Stenzel and G. W. Page. (2003). Evidence that human disturbance reduces Snowy Plover chick survival. *Journal of Field Ornithology* 74 (3):300-304.

USFWS. 2007. Status Recovery Plan for the Pacific Coast Population of the Western Snowy Plover (*Charadrius alexandrinus nivosus*). California/Nevada Operation Office, USFWS, Sacramento, CA.  
[https://ecos.fws.gov/docs/recovery\\_plan/070924\\_2.pdf](https://ecos.fws.gov/docs/recovery_plan/070924_2.pdf)

Sabrina Cardoza  
 County of Marin  
 February 3, 2023  
 Page 6

## ATTACHMENT 1

### Draft Mitigation and Monitoring Reporting Plan

CDFW provides the following language to be incorporated into the Mitigation and Monitoring Program for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
BIO-2	<p><i>Mitigation Measure BIO-2 (Western Snowy Plover Avoidance):</i> If Project activities are scheduled during the nesting season for western snowy plover (February 1 to September 30), a biologist approved in writing by CDFW shall perform a minimum of three focused surveys prior to the beginning of construction, on separate days, to determine the presence of western snowy plovers both at the work area and within 600 feet of the work area. Additional surveys shall be done once per week during Project construction in the breeding season. Surveys shall be conducted following the Western Snowy Plover Breeding Window Survey Protocol – Final Draft (USFWS 2007; see Attachment J, page J-10 through J-16). The biologist shall notify CDFW at least 7 days prior to the initiation of surveys and within 24 hours of locating any western snowy plovers. The biologist shall notify USFWS immediately if any of the below are found:</p> <ol style="list-style-type: none"> <li>1. Any dead or injured western snowy plovers.</li> <li>2. Any western snowy plovers observed at unoccupied beaches or in areas where they haven't been seen in recent years.</li> <li>3. Any western snowy plover nests with eggs or adults with chicks.</li> <li>4. Any females head-bobbing, males tail-dragging, or birds copulating or nest scraping.</li> </ol>	Prior to Ground Disturbance and continuing over the course of the Project	Project Applicant

Sabrina Cardoza  
County of Marin  
February 3, 2023  
Page 7

	<p>If surveys are negative for western snowy plovers, work may proceed during the nesting season. If surveys are positive for western snowy plovers, a 600-foot no-work buffer will be maintained around active plover nests and monitored by the approved biologist to ensure it is not disturbed, and the Project shall consult with CDFW and USFWS.</p>		
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**From:** [michael lemont](#)  
**To:** [EnvPlanning](#)  
**Subject:** 21 Calle del Onda  
**Date:** Saturday, February 4, 2023 3:59:59 PM

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You don't often get email from [lemontm@att.net](mailto:lemontm@att.net). [Learn why this is important](#)

My name is Michael Lemont and I'm a 40 year resident of 15 Calle del Onda. When I first moved here 21 Onda was a small cottage that had been badly damaged by the storms of the 1982-83 El Niño winter. Once repaired it was burnt down by a young relative of the owners who was cooking crystal meth. The cottage was never rebuilt. During the almost 40 years since the cottage was destroyed a large sand dune has formed on the ocean side of this property. This dune has protected our Calle from the worst effects of many winter storms. The storms usually come from the south and this dune is at the southwest corner of our Calle. As you can see from the photos I'm posting this dune took a beating, but it once again held up and protected us from the worst of what was called a "Storm Surge" at high tide on January 5th.

I'm writing this email to state my objection to any type of building on this lot that will endanger this valuable dune from any further destruction.

Marin County is thinking of putting in new dunes to protect the multi million dollar homes on the beach at Stinson Beach. They certainly don't want to lose the property tax values that these homes represent. I'm mentioning this because I wonder why if building dunes to protect the homes on Stinson Beach is in the planning then why allow a home to be built that will destroy the only existing dune in the entire section of Stinson known as the Calles that already has a dune ???

I am also questioning how a concrete wall can be built when concrete walls are now forbidden in Stinson on beach properties.

Thank you for allowing me to express my concerns in a matter that will affect the future of our homes on Calle del Onda,  
Michael Lemont









[Sent from AT&T Yahoo Mail for iPad](#)



**From:** [Narda Gaskell](#)  
**To:** [EnvPlanning](#); [Cardoza, Sabrina](#); [jsiedman@yahoo.com](#)  
**Cc:** [marisa.atamian@compass.com](#); [Elizabeth Brekhus](#); [Jamie Gallagher](#)  
**Subject:** Coastal Permit Application (P3049 formerly P1162)  
**Date:** Wednesday, February 8, 2023 2:09:31 PM  
**Attachments:** [Planning.Commission.2.8.23\\_FINAL.pdf](#)  
[Exh B 7 28 15 Moratorium County Memo Sent-Land Use Restriction-Easkoot Creek Floodplain 7.28.2015.pdf](#)  
[Exh C 229 Birch Rd, Bolinas, CA.pdf](#)  
[Exh D 1 17 23 Stinson Beach WasteWater Committe Meeting1-17-23 WW Agenda-6 failed systems.pdf](#)  
[Exh E 1 10 23 Marin County Board of Supervisors-1.10.2023- Stinson Beach Damages-Emergency Resolution.pdf](#)  
[Exh A 11 5 21 Ltr to Marin County Comm. Develop. Agncy.pdf](#)

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You don't often get email from [nardag@brekhus.com](mailto:nardag@brekhus.com). [Learn why this is important](#)

Ladies and Gentlemen:

Please see attached letter (along with Exhibits A-E) authored by Elizabeth Brekhus.

Best,

Narda Gaskell, Legal Secretary  
BREKHUS LAW PARTNERS  
1000 Drakes Landing Road  
Greenbrae, CA 94904  
Phone: 415-461-1001  
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February 8, 2023

Marin County Community Development Agency  
Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903-4157

**Re: 21 Calle del Onda, Stinson Beach, Brian Johnson Trust Coastal Permit  
Application (P3049 formerly P1162)**

Dear Planners:

I represent Marisa Atamian-Sarafian and Dr. Stephen Sarafian, who own property located at 24 Calle del Sierra, Stinson Beach, CA, directly adjacent to the rear of the subject property located at 21 Calle del Onda, Stinson Beach, CA. I submitted a letter on the Sarafians behalf in opposition to the application for a coastal permit on November 5, 2021 (attached as **exhibit A**). We reiterate the previous objections to the application as the pending Subsequent Environmental Review and Subsequent Mitigated Negative Declaration (Marin County Environmental Review) does not resolve the previous issues raised.

As explained below, the County should require an EIR because the prior environmental review was inadequate for the new discretionary approval sought and the project details were not previously considered by the Mitigated Negative Declaration nor are they adequately discussed in the new Mitigated Negative Declaration.

The applicant continues to mislead the planning commission into couching the denial of the permit as a Constitutional "taking". The original structure was a modest 450 square foot cabin that burned in a fire in 1983 and the lot has remained undeveloped since that time. Construction of a new home with a septic system in two FEMA flood zones and on coastal dunes should not be permitted, and risks damage to other residences in flood events. In addition, the new Mitigated Negative Declaration has failed to remedy the lack of a CEQA EIR review and the County cannot approve the application absent said review on this basis alone.

Finally, the County's Environmental review and Mitigated Negative Declaration preceded the recent violent flooding that occurred in Stinson Beach resulting in significant property damage to homes near the proposed project. The review anticipated a "100 year storm" in approximately 50 years, however, it occurred immediately after the Mitigated Negative Declaration issued. Moreover, the review relies on the previous environmental review by the

Stinson Beach County Water District in July 2020, which in light of the recent flooding on Calle del Onda can no longer be relied upon. Therefore, the inaccurate presumptions and data in the environmental review need to be reassessed in light of the recent flooding. If the project had been allowed with the current plans, including the septic system and propane tank, the recent flooding of that specific property would have been obviously devastating for not only my clients, but the entire Calle del Onda neighborhood. If construction had been permitted, there likely would have been a determination that the structures are permanently unsafe as evidenced by the video and photographs below and submitted herewith.

<https://www.youtube.com/watch?v=aJV6tJY6rTE>

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=video&cd=&cad=rja&uact=8&ved=2ahUKEwjPt5bqzIT9AhWSJX0KHdgiAi4QtwJ6BAgJEAJ&url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DwjryAgD-elE&usq=AOvVaw0TsK3VGU-KFUqIplQ9u5>







### *Objections to Pending Application for Coastal Permit*

#### **1. CEQA Review is Required**

The application for the Coastal Permit qualifies as a “project” under the California Environmental Quality Act (CEQA). CEQA is a California State law that requires environmental review of most projects that could result in impacts to the physical environment and are subject

to discretionary approval by local or State agencies. A proper CEQA review has not been performed and is a prerequisite before the application can be considered.

The July 18, 2020, approval by the Stinson Beach County Water District (SBCWD) for a variance for the septic system on the Project site was in violation of CEQA. The reliance on this study (December 2019, updated in June 2020) in the Supplemental Environmental Review and Subsequent Mitigated Negative Declaration prepared for Marin County Community Development Agency dated January 4, 2023, (hereinafter referred to as “County Review”) is likewise deficient as the Initial Study pertained only to the septic system and not the construction of the home. The 2019/2020 Initial Study contained no details regarding the planned residence including the Applicant’s proposal to construct a 1296 square foot house on raised piers, with 52 cubic yards of cut, 118 cubic yards of fill, and a total of 1658 square feet of impervious surface, a portion of which sits in the “AO Zone” and “VE Zone”.

The Initial Study obviously did not contemplate the recent atmospheric river storm which resulted in violent flooding in this very location on January 5, 2023. The County Review, therefore, cannot be considered to be based on accurate data for the location.

## **2. Project Plans are Misleading but Impact to Environment is Apparent**

The project was originally proposed as a 3-bedroom house with a garage. After public comment and criticism of the plan by Commissioners at the last hearing, the Applicant is now describing the project as a “1-bedroom” house that is 1296 square feet with 2 bathrooms and a den. The loft that was previously planned is not detailed but the height of the roof and skylight suggests it is still there and thus this residence still functions as a 3-bedroom house. In contrast, the prior house that burned down was a 450 square foot, 2-bedroom house.

We believe the environmental impact is still ignored by the environmental review that the County has performed.

Section 2.1.a. Scenic Views – Analyzing the views of the project from the private road or the nearest public road is insufficient. The project should be analyzed from the beach where the public is most likely to see the project. Besides the house on stilts next door, this house appears to be the largest house on the beach and the review fails to note or discuss this impact.

Section 4.a (p. 2-19) disturbing habitat / species regulated by CA Dept of Fish and Wildlife; 4.b (p. 2-25) federally protected wetlands; 4.c (p. 2-26) conflict with adopted Conservation Plan; 2.5a and b. (p. 2-29) historical and archeological resources; 2.5c (p. 2-30). The discussion and analysis is almost entirely lacking and so inadequate to assess impacts and it is not clear Fish and Wildlife has been consulted.

Section 2.7.a.iv. (p.2-39) landslides; Section 2.7.b. substantial soil erosion or loss of topsoil. The impact of the cut and fill on erosion is not explained or studied and therefore inadequate.

### **3. Denying the Application Does Not Result in a Constitutional Taking**

The County's Environmental Review correctly indicates that granting the application would result in the direct loss of dune ESHA in violation of LCP Policy C-BIO-7. The County Review *incorrectly* concludes that denying the application could be construed as a regulatory "taking" of the property owner's development rights. The County Review makes a conclusory statement regarding a regulatory "taking" with no actual legal analysis and does not address any of the legal elements of a regulatory taking. If the County granted all applications based on this premise, there would be no restrictions on development.

As an initial matter, the County Review does not address the issue of standing as the permit application is being advanced and funded by a potential buyer, Craig Nunes, and not the actual owner. (See Attachments 7-10 to our November 5, 2021 letter.)

As previously indicated in our November 5, 2021 letter, the owners (the Johnsons) have held the property since the 1930s. Their 450 small square foot cabin was damaged by flooding in 1982 and completely destroyed by fire in 1983. The LCP has prohibited development in the Easkoot Creek floodplain since 1980. The lot was listed in recent years on MLS as "vacant land" and the current application cannot be considered as commensurate with either the original use or the historical use over the last ninety plus years. Prior to the original submission by applicant in 2016 of the originally proposed development, the owners received the July 28, 2015, notice that development was strictly prohibited in the AO floodplain, which further confirms that the owners have been fully aware that re-development of their lot was prohibited. (See Notice dated July 28, 2015 attached **exhibit B**.) Obviously both the owners and the potential buyer are well aware of the development restrictions and the proposed permit application, even in its current form is still for a development more than three times the original size of the home originally on this lot and is not reasonable. Moreover, there has been no showing of any substantial investment commensurate with reasonable investment-backed expectations for the site which is a necessary element when conducting a takings analysis. *McAllister v. California Coastal Commission* (2008) 169 Cal.App. 4<sup>th</sup> 912, 940.

Another essential missing element in determining a taking is that there has been no physical invasion of the property by the government, nor has the applicant established that the denial of the permit "would deny them *all* economically beneficial or productive use of the their land. *Linstrom v. California Coastal Commission* (2019) 40 Cal.App.5<sup>th</sup> 73, 106. Restricting the owner to only resource dependent use of the lot would not be inconsistent with the use during the last almost forty years as a vacant lot, and the potential buyer who is actually trying to develop the lot has no standing to assert a takings challenge. The actual owner *still* has not illustrated that he could not sell the property for the same price without development, such as to Open Space District, or other agencies, or private non-profit organizations which would maintain the property as resource dependent.

Attached hereto as **exhibit C** is property that is for sale as raw land without development potential in the nearby community of Bolinas. As the Commissioners can see, the inability to



build does not eliminate all economic value of the parcel. Parcels without water meters and without the ability to build still appear for sale for \$50K to \$100K. This amount likely exceeds the value of the parcel in 1983 when the 450 square foot cabin existed.

While we believe that there is no taking, assuming for argument's sake that a taking was possible, limiting the home to 450 square feet would prevent any such finding. Staff's analysis fails to consider and discuss development restrictions such as limiting the size of the home to the prior size that existed.

#### **4. The Application Should be Denied as the Destruction of ESHA Dune and Sandy Habitat Violates the LCP**

As noted in the County Review, the current plans remain in violation of the newly activated Marin Local Coastal Program (LCP) as well as the Marin County LCP Land Use Plan (LUP) and Implementation Plan (IP) as it shows construction on sandy beach / dunes which are considered Environmentally Sensitive Habitat Areas (ESHA), and development is strictly prohibited in these areas. The County Review again *incorrectly* states that “[u]se of the lot cannot avoid coastal dune habitat”. (p. 2-19) There has been no actual analysis of alternate use of the lot other than the proposed development. The lot has been in “use” since the 1930s by the current owners without impact on the coastal dune habitat.

The County Review correctly points out that the proposed development is in conflict with the LCP and the 2020 Initial Study done for the septic system did not fully address the impacts to coastal dunes and whether mitigation could avoid those impacts. The lot is 15,200 square feet and only 1/3 is comprised of coastal dune habitat. As we know, development in that 1/3 area is strictly prohibited. The proposed residence is not commensurate with the prior modest development on the lot, and the fact that the applicant is not complying with local rules and regulations does not create a situation where the application must be granted. If the applicant wants to propose a development, it needs to fit within the confines of the County and Coastal guidelines which as repeated in the County Review, but the current application does not. It is not the job of the County Planners to accommodate the proposed development. The burden is on the applicant to propose a development that complies with all rules and regulation, whether they be County, State, or local. The conclusory statement that “the overall impacts of the residential use on-site coastal dune habitat cannot be fully eliminated without eliminating the residential use of the property” is simply untrue. There has been no analysis of the development of a 450 cabin or of the use of a mobile structure on the property or simply for passive, private recreational use. Those are residential or recreational uses that may not impact coastal dunes whatsoever.

The County Review also points out that applicant did not submit a proposed mitigation plan with the application which is required. While the County Review suggested a New Mitigation Measure BIO-2 Dune Restoration Plan to be prepared by the applicant, the County Review is putting the cart before the horse.

C-BIO-2(4) provides as follows:

Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures including precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.

This application should not be even be considered, as the applicant had denied the existence of ESHA, specifically sand dunes, based on the biological study commissioned in 2019 conducted by WRA (which again was only done with respect to the septic system). Applicant maintains that the site does not contain “dunes” and that there is no sensitive habitat due to ongoing human activity which as fully acknowledged by the County and the Coastal Commission is not the case. The County Review also incorrectly concludes that there are “non-dune iceplant mats located behind the dunes”, however there has not been any analysis of whether any of the iceplant areas are in beach or dune areas. Moreover, the Coastal Commission considers iceplants as potential ESHA as well as the Marin Local Program designates beaches as an environmental sensitive habitat area (ESHA).” The lot consists of over 4,000 square feet of grading of sandy beach / dune area plus over 6,400 of grading in iceplant areas without specifying if the iceplants are in beach or dune areas. Without the analysis of the iceplant areas, the full extent of ESHA cannot be determined.

##### **5. The Application Remains in Violation of the California Coastal Act**

The new plans continue to violate California Coastal Act Section 30253 for new development: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard and (b) Assure stability and structure integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter nature landforms along bluffs and cliffs. (See attachments 1-5 to exhibit A)

Not only is the property located in a FEMA flood zone, but there is also documented history of prior flooding at this location, most recently on January 5, 2023. Applicant’s studies and the County Review contemplate this type of flooding in 50 years, but it is happening now and the entire project must be re-analyzed with the current state of flood risk. See for example, **exhibit D**, the January 17, 2023, Stinson Beach Wastewater Committee Meeting documenting 6 failed septic systems in the Calles in the January 2023 storms and **exhibit E**, the County Board of Supervisor staff report recommending adoption of a resolution to declare a state of emergency in Stinson Beach due to the January 2023 storm causing \$15-20 Million dollars of damage due to water damage to 45 homes including 22 homes with structural damage.



A full geo-technical study is needed as the 2021 Murray Engineers Inc. on January 14, 2021, submitted by the applicant, raises the following significant geotechnical constraints which would remain at a level of moderate to high risk even with mitigation measures taken during construction outlined by the County Review:

1. Strong to Very Violent Ground Shaking During an Earthquake – ***moderate to high risk***; despite this finding by applicant’s own retained expert, Kinsey’s cover letter dismisses the risk altogether.
2. Liquefaction-Induced Settlement and Lateral Spreading – ***moderate to high risk***; Kinsey’s cover letter acknowledges this risk and the Murray Engineers recommendation for rammed piers which are in violation of the LCP and the Coastal Act.
3. Tsunamis and Seiches – ***high inherent risk***; applicant does not address this risk despite his expert’s study.
4. Waves, Flooding, Beach Erosion, & Sea Level Rise – ***long term potential for waves and flooding to impact the proposed residence and for erosion of the site to occur***. Murray Engineers defers to others on this issue, however these issues are discussed separately below as the R.M. Noble & Associates May 13, 2021 letter fails to address the geotechnical findings or issues.

The permit should be denied but at a minimum, a full geo-technical study following the recent violent flooding of this very lot should be undertaken before any further consideration is given to this application.

#### **6. The Application does not Adequately Address Sea Level Rise Hazards**

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. As mentioned above, all of the studies rely on a storm that could destroy the proposed residence not occurring for 50 years. The storm that led to flooding on January 5, 2023, certainly would have destroyed the home as well as homes adjoining such as our clients.

The applicant still has not provided 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 application references the 2018 Sea Level rise analysis and acknowledged the increase risk of storm wave runup, but then concluding there is no flood risk until 2050 without sufficient evidence to support this conclusion. Obviously, Mother Nature has provided her own evidence on January 5, 2023 as to why these prior studies cannot be relied upon.

The risk to Stinson Beach is so significant that the County recently evaluated sea rise levels, severe risk of flooding and erosion. The purpose of the study was to create a nature-based defense plan specific to Stinson Beach. A more recent 2019 study from the U.S. Geological Survey, relied upon by the County, finds that the predicted damage from sea level rise in California *triples* once tides, storms and erosion are taken into account. [[Marin Sea Level Rise - County of Marin \(marincounty.org\)](#)]

For Stinson Beach lots like 21 Calle del Onda, which are along the seashore *and* along the Eastkoot river, the flood risk is further multiplied. The applicant and his technical experts do not address the 2019 U.S. Geological Survey, nor does the County Review. Stinson Beach has also been identified by the California Coastal Commission as particularly at risk of sea level rise and coastal flooding. Applicant's technical reports should at a minimum be peer reviewed but due to the various discrepancies with agency findings, additional studies may be required.

#### **7. Shoreline Protection**

The Marin LCP, in addition to the California Coastal Act, prohibits shoreline protection devices for new development. The revised plans continue to include large concrete retaining walls and concedes that the Murray Engineering initial geotechnical study finds that the home will likely require rammed piers to reduce the potential for liquefaction-induced ground failure to protect the home and septic system. Both the concrete walls and the deep piers are in violation of the LCP and the Coastal Act, and accordingly the permit application cannot be approved. The County Study does not provide adequate mitigation studies, even though they acknowledge that the installation of such piers alone could damage nearby homes.

#### **8. FEMA Flood Zones**

The project is currently in two FEMA flood zones (AO and VE) and development in those areas is prohibited and not adequately addressed by the County Review as discussed in detail below.

##### **a. AO Flood Zone Moratorium**

The property is in an AO Zone which remains in a construction moratorium per the July 28, 2015 Notice of Land Use Regulations from the County of Marin Community Development Agency Planning Division. The County Review makes no mention of the moratorium and relies on the incorrect conclusion of the Noble (2021) study that the site is not subject to flooding from Easkoot Creek. As previously provided to the planners in our November 5, 2021 letter, 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, which specifically found a risk of flooding. It is surprising that the County Review relies on such inaccurate and outdated information for their conclusions. 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 which still had not been done.

The most recent FEMA flood map for the area that a large portion of the property is in the AO zone (06041C044E effective 8/15/2017).



Applicant concedes that the property is in an AO flood zone (as well as a VE flood zone). Any portion of the construction, including a septic system, which would occur in the AO Zone is strictly prohibited by the Local Coastal Program Unit 1, Policy IV-30 as well as County Code Section 22.56130I(L)(2). Applicant's revised plans still show the entire septic system, and driveway as well as a portion of a concrete slab all within the AO Flood Zone. In addition, the LCP has prohibited development in the Easkoot Creek floodplain since 1980, and current amendments do not eliminate that prohibition. The County Review does not provide any justification for allowing development in the AO Zone. Certainly the January 5 storm evidences that this lot is susceptible to both Easkoot Creek as well as coastal flooding.

**b. FEMA VE Floodplain Base Flood Elevation**

While the re-submitted plans have elevated the Base Flood Elevation to the minimum that is required, i.e. one foot above that, the proposal does not address the current Marin County policy is to require the lowest floor to be three feet above the base flood elevation. In light of the recent

severe flooding in that area, which obviously none of applicant's studies, nor the County Review, took into account, this should be re-visited.

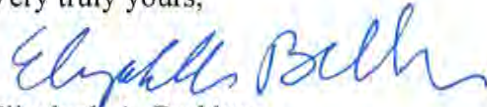
### **9. Impact on Neighboring Properties**

The prior home on this property was less than 450 square feet (see Attachment 13) and the lot has been vacant since 1983. The videos and photos of the recent violent flooding on Calle del Onda provide the indisputable negative impact the development would have on the neighboring properties. The risk of failure of the septic system combined with the very real flood risk just demonstrated on January 5, 2023, shows with complete clarity that any development would be washed away and destroy existing homes and compromise the safety of residents and members of the general public.

### ***Conclusion***

The project does not meet County standards, the environmental review performed is deficient and a full CEQA review is required.

Very truly yours,



Elizabeth A. Brekhuis

Attachments:  
Exhibits A-E

cc (via e-mail):

Clients

envplanning@marincounty.org

Sabrina Cardoza (scardoza@marincounty.org)

Jack Siedman (jsiedman@yahoo.com)

**EXHIBIT A**

**EXHIBIT A**



November 5, 2021

Marin County Community Development Agency  
Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903-4157

**Re: 21 Calle del Onda, Stinson Beach, Brian Johnson Trust Coastal Permit  
Application (P3049 formerly P1162)**

Dear Planners:

I represent Marisa Atamian-Sarafian and Dr. Stephen Sarafian, who own property located at 24 Calle del Sierra, Stinson Beach, CA, directly adjacent to the rear of the subject property located at 21 Calle del Onda, Stinson Beach, CA. While the current application for a coastal permit was submitted on February 16, 2021, the applicant had previously submitted an application which was not approved. The application, while referring to "Reconstruction" of a home is in fact for New Construction of a development that is nearly 9 times as large as the original cabin on this lot. While the applicant has made some minor changes to the prior application, the serious issues raised by the Planning Department as well as the Coastal Commission have not been adequately remedied and the application should be denied as discussed in further detail below. We also note that the project requires CEQA review and the County cannot approve the project absent said review.

***Objections to Pending Application for Coastal Permit***

**A. AO Flood Zone Moratorium**

The property is in an AO Zone which remains in a construction moratorium per the July 28, 2015 Notice of Land Use Regulations from the County of Marin Community Development Agency Planning Division. The most recent FEMA flood map for the area that a large portion of the property is in the AO zone (06041C044E effective 8/15/2017). Applicant concedes that the property is in an AO flood zone (as well as a VE flood zone). Any portion of the construction, including a septic system, which would occur in the AO Zone is strictly prohibited by the Local Coastal Program Unit 1, Policy IV-30 as well as County Code Section 22.56130I(L)(2). Applicant's revised plans show the entire septic system, garage, and driveway as well as a portion of a concrete slab all within the AO Flood Zone. In addition, the LCP has prohibited development in the Easkoot Creek

floodplain since 1980, and current amendments do not eliminate that prohibition. See Attachment 14.

**B. FEMA VE Floodplain Base Flood Elevation**

The re-submitted plans continue to show a minimum Base Flood Elevation (BFE) of 18'2" (p.6) which is incorrect and does not comply with Marin County Code Title 23.09 requirements. Moreover, applicant asserts that the lowest structural member will be placed at 19'1" which is in violation of FEMA and County guidelines as this is the current Base Flood Elevation for a property located within the Special Flood Hazard Zone VE as mapped by FEMA on their current Flood Insurance Rate Map (as of 8/15/2017). The lowest floor must be elevated at least one foot above the Base Flood Elevation per California Residential Code § R322.2.1(1) or the design flood elevation, whichever is higher. Applicant does not address the design flood elevation. Per 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. Moreover, current Marin County policy is to require the lowest floor to be three feet above the base flood elevation.

**C. California Coastal Act**

The new plans continue to violate California Coastal Act Section 30253 for new development: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard and (b) Assure stability and structure integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter nature landforms along bluffs and cliffs. (See Attachments 1-5, and 14.)

Not only is the property located in a FEMA flood zone, but there is also documented history of prior flooding at this location. Moreover, the initial Geotechnical feasibility study by Murray Engineers Inc. on January 14, 2021, submitted by the applicant, raises the following significant geotechnical constraints which would remain at a level of moderate to high risk even with mitigation measures taken during construction:

1. Strong to Very Violent Ground Shaking During an Earthquake – *moderate to high risk*; despite this finding by applicant's own retained expert, Kinsey's cover letter dismisses the risk altogether.
2. Liquefaction-Induced Settlement and Lateral Spreading – *moderate to high risk*; Kinsey's cover letter acknowledges this risk and the Murray Engineers



recommendation for rammed piers which are in violation of the LCP and the Coastal Act.

3. Tsunamis and Seiches – **high inherent risk;** applicant does not address this risk despite his expert's study.
4. Waves, Flooding, Beach Erosion, & Sea Level Rise – **long term potential for waves and flooding to impact the proposed residence and for erosion of the site to occur.** Murray Engineers defers to others on this issue, however these issues are discussed separately below as the R.M. Noble & Associates May 13, 2021 letter fails to address the geotechnical findings or issues.

#### **D. Sea Level Rise Hazards**

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.

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 concluding 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 recently evaluated sea rise levels, severe risk of flooding and erosion. The purpose of the study was to create a nature-based defense plan specific to Stinson Beach. A more recent 2019 study from the U.S. Geological Survey, relied upon by the County, finds that the predicted damage from sea level rise in California *triples* once tides, storms and erosion are taken into account.

[[Marin Sea Level Rise - County of Marin \(marincounty.org\)](https://www.marincounty.org/sea-level-rise)]

For Stinson Beach lots like 21 Calle del Onda, which are along the seashore *and* along the Eastkoot river, the flood risk is further multiplied. The applicant and his technical experts do not address the 2019 U.S. Geological Survey. Stinson Beach has

also been identified by the California Coastal Commission as particularly at risk of sea level rise and coastal flooding. (See Attachment 6.) Applicant's technical reports should at a minimum be peer reviewed but due to the various discrepancies with agency findings, additional studies may be required.

**E. Dune and Sandy Habitat Protection**

The current plans are in violation of the newly activated Marin Local Coastal Program (LCP) as well as the Marin County LCP Land Use Plan (LUP) and Implementation Plan (IP) as it shows construction on sandy beach / dunes which are considered Environmentally Sensitive Habitat Areas (ESHA), and development is strictly prohibited in these areas. The Constraints Map (p. 12 of the plans submitted on June 8, 2021) submitted by the applicant 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 department. The applicant had merely dismissed the issue out of hand by stating that based on the biological study commissioned in 2019 conducted by WRA with respect to the septic system, the site does not contain "dunes" and that there is no sensitive habitat due to ongoing human activity. These sweeping conclusions are not entirely consistent with the WRA study 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)." The plan also reflects over 4,000 square feet of grading of sandy beach / dune area plus over 6,400 of grading in iceplant areas without specifying if the iceplants are in beach or dune areas.

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 permit cannot be approved as the application continues to ignore ESHA and fails to provide the requested Constraints Map to adequately identify the extent of ESHA on the property and recommend adequate buffers and mitigation measures to protect ESHA consistent with LCP requirements as required by the County and the California Coastal Commission.

Plaintiff's Environmental Impact Draft Initial Study (updated in December 2019) only takes into account the septic system and not the entire proposed residence. The County needs to perform CEQA review for this project and has not adequately addressed the ESHA. Moreover, that study also only anticipated a residence which was less than 1,400 square feet, however, the current plans indicate a residence of 1,563 square foot with the total coverage of the project (garage, decks, stairs, concrete slabs, paving, etc.) at over 3,300 square feet. Again, the WRA study was an initial study only related to the septic system, has not been peer reviewed, and is at direct odds with the LCP and

California Coastal Commission's definition of ESHA. Further technical analysis of this issue is required and this preliminary septic system study cannot be relied upon for the entire project. C-BIO-2(4) provides as follows:

Development proposals within or adjacent to ESHA will be reviewed subject to a biological site assessment prepared by a qualified biologist hired by the County and paid for by the applicant. The purpose of the biological site assessment is to confirm the extent of the ESHA, document any site constraints and the presence of other sensitive biological resources, recommend buffers, development timing, mitigation measures including precise required setbacks, provide a site restoration program where necessary, and provide other information, analysis and modifications appropriate to protect the resource.

This requirement has not been met with respect to the entire proposed development and a further study of the impact on ESHA is necessary before the application can be considered. While in Applicant's most recent 10/2/2021 response, there is finally acknowledged that the sandy beach on the property is ESHA, applicant continues to deny the existence of dunes, even though referenced in the prior study, and while simultaneously admitting they do not know the definition of "dune". An obvious omission as C-BIO-7 prohibits development in coastal dunes. In any event, applicant also concedes that the proposed development will eliminate a portion of the sandy beach. Moreover, C-BIO-9 prohibits development that would adversely impact the natural sand dune formation and certain sandy beach habitats.

**F. Shoreline Protection**

The Marin LCP, in addition to the California Coastal Act, prohibits shoreline protection devices for new development. The revised plans continue to include large concrete retaining walls and concedes that the Murray Engineering initial geotechnical study finds that the home will likely require rammed piers to reduce the potential for liquefaction-induced ground failure to protect the home and septic system. Both the concrete walls and the deep piers are in violation of the LCP and the Coastal Act, and accordingly the permit application cannot be approved.

**G. Impact on Neighboring Properties**

The prior home on this property was less than 450 square feet (see Attachment 13). The current application is brand new construction of over 3,300 square feet of proposed development, and the Noble report still refers to the home as approximately 2,400 square feet. The plans not only do not comport with the traditional smaller cottage

cabin type homes that are in the area and specifically previously on this lot, this larger scale development puts the neighboring properties at significant risk of damage. The prior cabin was partially destroyed by flood in the 1982 storms before being completely lost to fire in 1983. The vacant lot typically floods during heavy rains which is understandably why it is in a designated flood zone. The first concern is failure of the septic system as the variance and permit is within the flood zone and requires that the entire development be under 1,400 square feet while this development exceeds 3,300 square feet which creates a significant risk of failure of the septic tank which would create a hazardous condition to the health and safety of the residents and the Eastkoot Creek itself in violation of CEQA. Moreover, the CEQA initial study was done only with respect to the septic system in the Eastkoot Flood Plain and does not take into account the shoreline hazards. In addition to the potential septic failure, the combination of the Eastkoot Creek flood plain with the Coastal Flooding dangers creates danger that flooding would wash the development into and destroy existing homes and compromise the safety of residents and members of the general public. (See Attachments 11 and 12 regarding historical flooding events.) At a minimum a full Environmental Impact Report should be required.

#### **H. Denying the Permit Does Not Result in a Constitutional Takings**

Applicant raises for the first time that a Takings Analysis is required to evaluate the permit application. In reference to a prior permit of the Hjorth Residence granted in 2016, Mr. Kinsey's cover letter on behalf of the applicant incorrectly asserts that "a strict application of the LCP development policies could result in a regulatory taking".

First, there is an issue of standing as the permit application is being advanced and funded by a potential buyer, Craig Nunes, and not the actual owner. (See Attachments 9 and 10.) Attached for your reference are minutes from two hearings before the Stinson Beach Water District in 2016 reflecting that Craig Nunes, who does not own the property, is the actual applicant. (See Attachments 7 and 8). The owners (the Johnsons) have held the property since their 450 small square foot cabin was damaged by flooding in 1982 and completely destroyed by fire in 1983. The lot was listed on MLS as "vacant land". Obviously both the owners and the potential buyer are well aware of the development restrictions and the proposed permit application is not reasonable. Moreover, there has been no showing of any substantial investment commensurate with reasonable investment-backed expectations for the site. *McAllister v. California Coastal Commission* (2008) 169 Cal.App. 4<sup>th</sup> 912, 940.

Second, there has been no physical invasion of the property by the government, nor has the applicant established that the denial of the permit "would deny them *all* economically beneficial or productive use of their land. *Linstrom v. California Coastal Commission* (2019) 40 Cal.App.5<sup>th</sup> 73, 106. Restricting the owner to only resource dependent use of the lot would not be inconsistent with the use during the last almost



forty years and the potential buyer who is actually trying to develop the lot has no standing to assert a takings challenge. The actual owner has not illustrated that he could not sell the property for the same price without development, such as to Open Space District, or other agencies, or private non-profit organizations which would maintain the property as resource dependent.

Finally, the Marin County Planning Commission as well as the California Coastal Commission, specifically found, when considering the Hjorth project proposal, that the granting of the Hjorth permit and the takings analysis was specific to that lot and does not create precedent or allow for redevelopment of previously developed lots in the floodplain. Applicant's reference to the Hjorth project should therefore be disregarded.

The Hjorth application should not be considered as it is not precedent, but nonetheless the Hjorth project is significantly different than the subject application. First, Hjorth purchased the property without knowing it could not be developed. The Board of Supervisors found that no amount of due diligence could have informed the property owner. They also found that the Hjorth's paid fair market value and their investment-backed expectations, based upon the information known at the time of purchase, were that the property could be developed.

In contrast with the current applicant, the current owners have held the property since the 1930s. The LCP has prohibited development in the Easkoot Creek floodplain since 1980. The home on the subject property was destroyed by fire around 1983 and there has been no development on that lot since that time reflecting that the owners were aware of the prohibition on development in the floodplain. Prior to the original submission by applicant in 2016 of the originally proposed development, the owners received the July 28, 2015, Notice that development was strictly prohibited in the AO floodplain, which further confirms that the owners have been fully aware that re-development of their lot was prohibited.

Perhaps the most significant difference between the current application and the Hjorth project is that the Hjorth property constituted infill residential development that would not adversely impact coastal resources. The Hjorth property was inland, not adjacent to the shoreline, and there are no natural dunes on the property. In stark contrast, the development of 21 Calle Onda would impact coastal resources, interfere with dune and sandy beach habitat protection, and impact flood hazards as discussed in detail above.

### ***Conclusion***

The applicant is attempting to circumvent FEMA, CEQA, the California Coastal Act, and the LCP, by proposing development which is inconsistent and could cause damage to the shoreline and neighboring homes without having conducted a full Environmental Impact Report or a full Geotechnical Investigation. As reflected in the attached e-mail and comment letters

from the Coastal Commission, the current application continues to fail to adequately address the various issues and conditions raised by the Coastal Commission. The Coastal Commission has provided substantial evidence regarding the presence of ESHA, sea level rise hazards and failure of adequate shoreline protection. The applicant's continued failure to adequately address these issues and conditions provides yet another ground to deny the permit application. *Martin v. California Coastal Commission* (2021) WL3021356. The denial of the permit would not be considered a taking as (1) the potential buyer applicant has no standing to assert a takings challenge and (2) there are potentially other resource dependent uses which could occur on the property within these guidelines. For the foregoing reasons the application should be denied.

Very truly yours,

  
Elizabeth A. Brekhus

Attachments:

1. July 1, 2021 e-mail from Sara Pfeiffer of California Coastal Commission to Sabrina Cardoza;
2. California Coastal Commission letter dated March 16, 2021;
3. California Coastal Commission letter dated June 30, 2016;
4. California Coastal Commission letter dated March 31, 2016;
5. February 2, 2021 e-mail from Jeanine Manna of California Coastal Commission to Sabrina Cardoza to Michelle Levinson;
6. June 26, 2021, Coastal Risks Stinson Beach Publication;
7. September 17, 2016 Stinson Beach Water District Minutes reflecting Applicant is Craig Nunes;
8. August 20, 2016 Stinson Beach Water District Minutes reflecting Applicant is Craig Nunes;
9. April 8, 2016 Project Status letter to Craig Nunes from Tammy Taylor of Planning Division;
10. 2016 Building Plans reflecting Craig Nunes as Owner of 21 Calle del Onda;
11. Stinson Beach Historical Society Storm of 1978 Description;
12. Stinson Beach Historical Society Storm of 1983 Description;
13. Blueprint of original 400 sq. ft. cabin at 21 Calle del Onda;
14. California Coastal Commission letter dated August 5, 2021.

Cc (via e-mail):

Clients

Jack Siedman

Sabrina Cardoza

**ATTACHMENT 1**

**ATTACHMENT 1**





# **ATTACHMENT 2**

# **ATTACHMENT 2**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
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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 area 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.

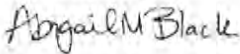
- 2. Real Estate Disclosure.** Disclosure documents related to any future marketing and/or sale of the residence, including but not limited to marketing materials, sales contracts and similar documents, shall notify potential buyers of the terms and conditions of this CDP, including explicitly the coastal 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](mailto:abigail.black@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

DocuSigned by:



A7BC15CBC258476..  
Abigail Black  
Coastal Planner



**ATTACHMENT 3**

**ATTACHMENT 3**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
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WEB: WWW.COASTAL.CA.GOV



June 30, 2016

Marin County Community Development Agency  
Attn: Tammy Taylor  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Transmittal for Johnson Coastal Permit (P1162) in Stinson Beach, CA**

Dear Ms. Taylor,

Thank you for your request for comments regarding the Johnson Coastal Permit (P1162) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 2,454 square-foot single-family residence with attached one-car garage, in addition to new site improvements, including a septic system, driveway, boardwalk, and rope fence, located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). The proposed residence would be 23 feet 4 inches above grade and would meet the minimum setback requirements. The project referral materials indicate that the lot was previously developed with a house, which was destroyed by a fire, and has been vacant since the mid-1980's. After reviewing the second planning transmittal, 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.

**Coastal Access**

The Marin LCP (IP Section 22.56.130(E)) requires that all coastal permits shall be evaluated to determine the project's relationship to the maintenance and provision of public access and use of coastal beaches, waters and tidelands. For the proposed project, which is located between the sea and the first public road, the Marin LCP requires that the coastal permit include provisions to assure public access to coastal beaches and tidelands, including the offer of dedication of public access easements along the dry sand beach area adjacent to public tidelands for a minimum of twenty years. Impacts to public access should be evaluated, and appropriate provisions to protect public access should be provided, taking into account potential sea level rise over life of the development.

**Dune protection**

The Marin LCP (IP Section 22.56.130(H)) requires that development of shorefront lots within the Stinson Beach area assures preservation of existing sand dune formations in order to protect environmentally sensitive dune habitat, vegetation, and to maintain natural protection from wave runup. For the proposed project, which is located on a shorefront parcel, the Marin LCP requires that the coastal permit include findings, which demonstrate that the project's design and location eliminates the need for future shoreline protective devices, protects sandy beach habitat, provides a buffer area between public and private use areas, protects scenic and recreational character of the beach and maintains the public rights of access to, and use of, beach dry sand areas. Marin IP

Subject: P3049 (21 Calle del Onda, Stinson Beach)

Pfeifer, Sara@Coastal - Sara Pfeifer (pfeis... 14 2011  
+ Calista, Sabrina, Reem, Stephanie@Coastal, Elizabeth@Coastal

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You are viewing an attached message. Compass Mail can't verify the authenticity of attached messages.

Good afternoon Sabrina,

Thank you for providing us with the opportunity to submit comments on the proposed project for a new single-family residence at 21 Calle del Onda in Stinson Beach. The comments provided in our March 16, 2011 letter continue to reflect our concerns about the project's consistency with the Marin County LCP (see attached). Additionally, the 2011 comment letter suggests measures to ensure the project's consistency with the LCP that remain relevant to the Applicant's recently resubmitted materials (i.e., those dated June, 2011). Similarly, the overarching themes described in our March and June 2011 comment letters (attached), including as related to access, habitat protections, and coastal hazards, remain relevant with respect to project elements that do not adequately address these concerns.

Please feel free to contact me with any questions you may have regarding our feedback.

Thank you,

Sara Pfeifer | Coastal Planner  
CALIFORNIA COASTAL COMMISSION  
Marin Central Coast District Office  
(415) 904-5155 | [sara.pfeifer@coastal.ca.gov](mailto:sara.pfeifer@coastal.ca.gov)

3 Attachments

Attachments: 3 items

- Johnson, Reem (1)
- Johnson, Reem (1)
- Comments Letter (1)

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**ATTACHMENT 4**

**ATTACHMENT 4**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
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March 31, 2016

Marin County Community Development Agency  
Attn: Tammy Taylor  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**RE: Planning Transmittal for Johnson Coastal Permit (P1162) in Stinson Beach, CA**

Dear Ms. Taylor,

Thank you for your request for comments regarding the Johnson Coastal Permit (P1162) in Stinson Beach. The applicant is requesting a Coastal Permit to construct a new 2,454 square-foot single-family residence with attached one-car garage, in addition to new site improvements, including a septic system, driveway, boardwalk, and rope fence, located at 21 Calle del Onda in Stinson Beach (APN: 195-162-49). The proposed residence would be 23 feet 4 inches above grade and would meet the minimum side, front, and rear 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.

**Public Access and Dune and Sandy Beach Protection**

The Marin LCP includes policies protecting public access to and along the shoreline, which state that the County will require provisions for coastal access in all development proposals located between the sea and the first public road. The Marin LCP also 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. 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. As such, this permit application must include a biological evaluation of the property in order to assess the extent of sensitive dune habitat and species on or adjacent to the site (and appropriate buffers) and, in the event that no dune habitat exists, the first line of terrestrial vegetation. The project plans show that storm surge has extended underneath the proposed deck. Therefore, approval of a rope fence could prohibit lateral public access along the shoreline. The provision and protection of coastal access and protection of sandy beaches and dune habitat in this case could include 1) setting the development back from the beach and/or any sensitive dune habitat to the maximum extent feasible and consistent with any recommended sensitive habitat buffers (including by reducing the site of the proposed house if necessary); and/or 2) a lateral easement on the Applicant's property along the dry sand adjacent to tidelands that could be accepted by the Marin County Open Space District, which owns and maintains the adjacent beach; and/or 3) a prohibition on

the proposed rope fencing that could prevent lateral public access along the beach at high tide. As required by the Marin LCP, development approval for the proposed project must be accompanied by findings, including mitigation measures and conditions of approval, establishing that the project's design and location would protect sandy beach habitat, provide a buffer area between public and private use areas, protect the scenic and recreational character of the beach and maintain the public rights of access to and use of dry sand beach areas.

#### **Shoreline Protection and Hazard Areas**

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. In light of the coastal hazards that have been identified through Marin County's C-SMART process and the forthcoming LCP update, the hazard assessment for the project site should include analysis of risk from coastal sea level rise. The steps recommended in the Coastal Commission's Adopted Sea Level Rise Policy Guidance (2015) may be used as a reference. These steps include: 1) define the expected life of the project, in order to determine the appropriate sea level rise range or projection; 2) determine how physical impacts from sea level rise may constrain the project site, particularly increased groundwater, erosion, flooding, wave run-up and inundation; 3) determine how the project may impact coastal resources over time, considering the influence of sea level rise, particularly on water quality, public access and coastal habitat; 4) identify project alternatives (e.g., building a smaller structure in an unconstrained portion of the site, elevating the structure, or providing options that would allow for incremental or total removal of the structure if and when it is impacted in the future) that avoid resource impacts and minimize risks to the project; 5) finalize project design.

Step 2 should include an engineering analysis, prepared by a licensed civil engineer with experience in coastal processes, for the proposed development site. 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 the high projection from the National Research Council's 2012 Report, *Sea Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future*. 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.

Development approval for the proposed project could be accompanied by the following permit conditions:

1. 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.

2. Disclosure of Permit Conditions. All documents related to any future marketing and sale of the subject property, including but not limited to marketing materials, sales contracts, deeds, and similar documents, shall notify buyers of the terms and conditions of this coastal development permit.

3. Coastal Hazards Risk. By acceptance of this Coastal Permit, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns:

(a) Assume Risks. To assume the risks to the Permittee and the property that is the subject of this Coastal Permit of injury and damage from coastal hazards;

(b) Waive Liability. To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal hazards;

(c) Indemnification. To indemnify and hold harmless the County of Marin, its officers, agents, and employees with respect to the County's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and

(d) Permittee Responsible. That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

4. No Future Shoreline Protective Device. No additional protective structures, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls, shall be constructed to protect the development approved pursuant to CP #\_\_ , including, but not limited to development associated with this CP, in the event that the approved development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this CP, the Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, and agrees that no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.

5. Future Removal of Development. The Permittee shall remove and/or relocate, in part or in whole, the development authorized by this CP, including, but not limited to development authorized under this CP, when any government agency orders removal of the development in the future or when the development becomes threatened by coastal hazards,

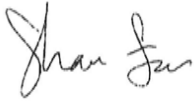


Johnson Coastal Permit (P1162)

whichever happens sooner, or if the State Lands Commission requires that the structures be removed in the event that they encroach on to State tidelands. Development associated with removal of the residence or other authorized development shall require an amendment to this CP. In the event that portions of the development fall to the water or ground before they are removed, the Permittee shall remove all recoverable debris associated with the development from the ocean, intertidal areas, and wetlands and lawfully dispose of the material in an approved disposal site. Such removal shall require an amendment to this CP.

Thank you for the opportunity to comment on the planning transmittal. Please feel free to contact me at (415) 904-5266 or by email at [shannon.fiala@coastal.ca.gov](mailto:shannon.fiala@coastal.ca.gov) if you wish to discuss these matters further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shannon Fiala".

Shannon Fiala  
Coastal Planner

**ATTACHMENT 5**

**ATTACHMENT 5**

From: [Michelle.Levenson@coastal.ca.gov](mailto:Michelle.Levenson@coastal.ca.gov)

Sent: Tuesday, February 2, 2021 2:43 PM

To: Levenson, Michelle <[Michelle.Levenson@marincounty.org](mailto:Michelle.Levenson@marincounty.org)>

Co. Co., Thomas <[TThomas@marincounty.org](mailto:TThomas@marincounty.org)>; Black, Abigail <[Abigail.Black@coastal.ca.gov](mailto:Abigail.Black@coastal.ca.gov)>; Resing, Stephanie <[Stephanie.Resing@coastal.ca.gov](mailto:Stephanie.Resing@coastal.ca.gov)>

Subject: RE: Retention of Coastal Permitting Jurisdiction 21 Calle del Oro, Stinson Beach

Hi Michelle,

Thanks for reaching out! Sounds like the property is within both the Commission and the County's CCP permitting jurisdiction. The applicant can reach out to our mapping department for a formal boundary determination if they want to know exactly where the line falls. Depending on where development is proposed on the property, they may need a CCP from both us and the County. If both agencies, then we could do a consolidated CCP. Everyone agreed to such a process.

However, I will note that back in 2018 when a project was previously processed on this property, Commission staff raised a number of concerns (related to setbacks) wanted to prohibit seawall, dune and sandy beach habitat and public access. We also previously noted that coastal hazard risk for this property should be evaluated and that any development in the location would need to be sited and designed safe from hazards without the need for future shoreline protection (accounting for sea level rise) over the anticipated life of the project.

Please keep our staff apprised as this project moves forward through the County process.

Thank you,

Jeanine

From: [Levenson, Michelle <Michelle.Levenson@marincounty.org>](mailto:Levenson, Michelle <Michelle.Levenson@marincounty.org>)

Sent: Monday, February 1, 2021 2:53 PM

To: [Manix, Jeanine@Coastal <Jeanine.Manix@coastal.ca.gov>](mailto:Manix, Jeanine@Coastal <Jeanine.Manix@coastal.ca.gov>)

Subject: Retention of Coastal Permitting Jurisdiction 21 Calle del Oro, Stinson Beach

Dear Ms. Manix:

Tim has requested that I reach out to you regarding an application that will be submitted to the County of Marin County, the application is for Coastal Permit and Camp Permit, approval to construct a new, single family residence and detached garage on a coastal site at 21 Calle del Oro, Stinson Beach (current APN 095 162-09, prior APN 095 162-25, and 14). The site, located between the ocean and Highway One, has an interesting history. Back in 1981, the owner applied to the County to subdivide the property. At that time the CCC staff provided correspondence to Marin County (historical records attached) that the agency has retained Coastal Permit authority over the site. The applicant, Clubbit, has requested guidance on applying for the necessary authorizations and I am hoping to provide them with feedback on the Coastal Permit pathway. Thanks in advance for your guidance.

Sincerely,

Michelle Levenson

# **ATTACHMENT 6**

# **ATTACHMENT 6**

# COASTAL RISKS FOR STINSON BEACH, CA

Selected water level: 3 feet. May occur from sea level rise, coastal flooding, or both.

## What's at risk on land below 3 feet?<sup>1,2</sup>

- Miles of road: 1 miles
- Local roads: 1 miles
- Population: 33
- Homes: 53

## 3 feet in historical context<sup>3,4</sup>

- Highest observed area flood: 2.8 feet in 1983
- Statistical 1-in-100 year flood height: 2.9 feet

## Unnatural Coastal Floods<sup>5</sup>

Since 1950, a tide station at San Francisco has recorded 474 days exceeding local National Weather Service flood thresholds. Without climate-driven sea level rise, the count would be 145. The station is 17 miles from Stinson Beach.

## Rising seas = more floods<sup>6</sup>

- Stinson Beach, CA has already experienced about 8 inches of sea level rise over the last 112 years of records. Climate change is projected to drive much more rise this century.
- This raises the starting point for storm surges and high tides, making coastal floods more severe and more frequent.

## When could a 3-foot flood happen?<sup>3,4,6</sup>

- Likelihood by 2030: 31% – 68%
- Likelihood by 2050: 80% – 100%
- Likelihood by 2100: 100% – 100%

The ranges shown derive from the intermediate low vs. intermediate high global sea-level scenarios from a 2017 NOAA technical report for use in the U.S. National Climate Assessment, which point to projected local rises of 1.7 vs. 5.9 feet by 2100. The more heat-trapping pollution emitted, the higher that sea-level rise is likely to be.

Find more places, water levels and downloads at [riskfinder.org](http://riskfinder.org)

## Land and population below 3 feet in Stinson Beach, CA



Social vulnerability (e.g. from low income) compounds coastal risk. Land below 3 feet is colored according to the legend. Surging Seas uses high-accuracy lidar elevation data supplied by NOAA. Map reflects a uniform sea level and/or flood height. Individual storm surge, tidal or rainfall events cause more complex and uneven water surfaces.

Email [sealevel@climatecentral.org](mailto:sealevel@climatecentral.org) to ask about tailored analysis

1 Floods and sea level rise are relative to local high tide lines circa 1992 (mean higher high water across 1983-2001).

2 Values exclude sub-3-ft areas potentially protected by levees, natural ridges, and other features.

3 Climate Central estimates risk by combining local sea level rise projections with flood height risk statistics based on historic data.

4 Flood risk projections and history are based on records from the NOAA water level station at San Francisco - San Francisco Bay, 17 miles from Stinson Beach, from 1901 to 2013.

5 Strauss, B. H., Kopp, R. E., Sweet, W. V. and Bittermann, K., 2016. Unnatural Coastal Floods. Climate Central Research Report.

6 Sea level projections are localized, and local flood risks projected, based on methods from Tebaldi et al. 2012 (Environmental Research Letters).



# SEA LEVEL RISE AND COASTAL FLOODING FAQs

## What causes sea level to rise?

- **A warming ocean:** Thermometer and satellite measurements show that the ocean has been warming for more than a century. Water expands as it warms, and the only way the ocean can go is up and out.
- **Shrinking ice:** Warmer air and water temperatures are causing global glaciers and ice sheets on Greenland and Antarctica to melt or to break off into the ocean. Adding water or ice from land to the ocean raises sea level, and is by far the biggest future threat.
- **Sinking land:** In some places, coastal land is sinking, due to a variety of slow, long-term processes not linked to current climate change, or due to pump extraction of water or fossil fuels from underground formations.

## What causes climate change?

- The main activity causing climate change is the burning of fossil fuels, which emits heat-trapping pollution.
- Leading scientific bodies agree: *Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research concludes that the greenhouse gases emitted by human activities are the primary driver.<sup>7</sup>*

## Can sea level rise be slowed?

- Major cuts in heat-trapping pollution through measures such as a swift global transition to a clean energy economy, climate-friendly agriculture, and protecting forests would reduce future sea level rise.

## Does sea level rise affect flooding?

- Sea level rise raises the starting point for waves, tides, and storm surge, making coastal floods more severe and more frequent.
- A February 2016 Climate Central analysis found that about two-thirds of U.S. coastal flood days since 1950 would not have met the National Weather Service's local definition of flooding without the few inches so far of human-caused, climate-driven global sea level rise.

## What does the future hold?

- Some future sea level rise is inevitable due to pollution already in the atmosphere, forcing some adaptation.
- Rapid cuts in emissions of heat-trapping pollution would increase the chances of limiting global sea level rise to near 2 feet this century, but continuing unchecked pollution could lead to a rise of more than 6 feet.<sup>8</sup>
- A 2-foot rise would mean widespread, dramatic increases in flooding, and submergence of the very lowest coastal places. A 6-foot rise would pose severe and in cases existential threats to major coastal cities worldwide.
- Many places will be able to reduce sea level rise impacts by establishing defenses, accommodating floods, or relocating some development, at uncertain cost.
- Pollution this century will lock in sea level rise for hundreds of years to come – likely far more than 6 feet on the current path. The final amount will depend on how rapidly the world community can reduce and then stop heat-trapping pollution.

## REDUCING YOUR RISK

### Preparing yourself and your community

- Actions to curb heat-trapping pollution will reduce sea level rise, but some rise is unavoidable.
- Learn more about the actions you can take yourself at [sealevel.climatecentral.org/flood-preparation](http://sealevel.climatecentral.org/flood-preparation)
- Make sure leaders in your community know your area's risks by sharing this fact sheet and [riskfinder.org](http://riskfinder.org)
- Surging Seas can help your community participate in FEMA's Community Rating System. Contact us to learn more.
- Climate Central offers tailored mapping, projections and analysis to meet the specific needs of cities, counties, states and businesses, using scenarios and data you can choose: contact [sealevel@climatecentral.org](mailto:sealevel@climatecentral.org) to learn more.

### Resources available for California

- Sea Grant California: <https://caseagrants.ucsd.edu/>
- California Coastal Commission: Sea Level Rise: <http://www.coastal.ca.gov/climate/slr/>
- State of California: Coastal Conservancy Climate Change Projects: <http://scc.ca.gov/climate-change/>
- For a longer list see: [sealevel.climatecentral.org/responses/plans](http://sealevel.climatecentral.org/responses/plans)



### In the News

Our sea level research has been covered in USA Today, Time, the major networks, CNN, PBS, NPR, ABC, Bloomberg, the Washington Post, the New York Times, and hundreds more outlets.

### Climate Central

Climate Central is an independent nonprofit, nonadvocacy organization that researches climate impacts. Our web tools are based on peer-reviewed science and are included as resources on national portals such as NOAA's Digital Coast and the U.S. Climate Resilience Toolkit.

## Get more analysis at [riskfinder.org](http://riskfinder.org)

<sup>7</sup> Statement on climate change from 31 scientific associations (2016). <http://www.aasas.org/sites/default/files/06282016.pdf> (Accessed July 7, 2016). Learn more at <http://climate.nasa.gov/scientific-consensus/>

<sup>8</sup> Based on local sea level projections from Kopp et al. 2014 (Earth's Future) and more recent Antarctic research in DeConto and Pollard 2016 (Nature). For full citations and methods visit: [riskfinder.org](http://riskfinder.org)

## Surging Seas

Sea Level Rise Tools & Analysis by

CLIMATE CENTRAL



**ATTACHMENT 7**

**ATTACHMENT 7**

## BOARD MEETING MINUTES

### REGULAR MEETING

Saturday, September 17, 2016

#### A. CALL TO ORDER/ROLL CALL

President Cross called the Regular meeting of the Board of Directors of the Stinson Beach County Water District to order on Saturday, September 17, 2016, at 9:30 AM in the Stinson Beach County Water District office, located at 3785 Shoreline Highway, Stinson Beach, CA 94970.

##### Directors present:

Sandra Cross, President  
Morey Nelsen, Vice President  
Lawrence Baskin, Director  
Barbara Boucke, Director  
Jim Zell, Director

##### Treasurer present:

Judy Stemon

##### General Manager present:

Ed Schmidt

##### Staff present:

Rich Souza - District Engineer  
Helma Schwendig - Office Supervisor

#### B. PUBLIC EXPRESSION

None.

#### C. SETTING OF AGENDA

The agenda was unanimously adopted as set.

#### D. PUBLIC HEARING

##### 1. Discussion and possible direction to staff re: a Variance Application to Install an onsite wastewater system at 21 Calle del Onda, Brian Johnson Bagwill, Owners, APN 195-162-49.

At the request of the applicant, Craig Nunes, this matter was continued from the Saturday, August 20, 2016, Board meeting to enable four Board members (President Cross, Vice President Nelsen and Directors Baskin and Boucke) to vote on the merits of the project. Director Zell cannot vote as he resides within 500 feet of the property.

President Cross reiterated that the Stinson Beach County Water District has a limited scope of review over this project. The District is concerned only with the design of the septic system, and applying to this application the rules and regulations of Title IV, the District's Onsite Wastewater Management Code. The District does not have the authority to create public easements, view easements, or beach access. Ms. Cross requested that the members of the public that are present confine their remarks to septic system and water quality issues. Other issues are to be addressed to the County of Marin and the Coastal Commission. Director Zell then recused himself.

President Cross thanked all the members of the public who submitted documentation, arguments and information about the proposed controversial wastewater treatment system. The Board had reviewed a bound Coastal Flood History submitted to the District on September 9, 2016 by community member Scott Tye. The History contained color photos, exhibits, letters from neighbors opposing the project, portions of the Draft Marin Coast Sea Level Rise Vulnerability Assessment, Flood Hazard Mapping and other items from the Stinson Beach County Water District files. Many of the photos came from the files of the Stinson Beach Historical Society.

Rich Souza, the District's Engineer, summarized the project, which had also been previously discussed at the April 20 and July 6, 2016 Wastewater Committee meetings. The application is for a standard intermittent sand filter system for a proposed residence of less than 2,800 square feet. The variance to Title IV Sec. 4.15.100 - Setbacks to Water Courses and Water Bodies is comprised of the following three individual parts: the setback to the dispersal field to be reduced from 100 to 50 feet, the setback to the sand filter to be reduced from 50 to 36 feet, and the setback to the septic and sump tank to be reduced from 50 to 20 feet.

The property formerly consisted of multiple parcels which have been merged into a 15,200 square foot lot. An existing residence burned down in the 1980's. The sand berm in front of the property, the only berm along the entire beach.

The design is considered new construction and includes a 1,500 gallon septic tank and 1,500 gallon sump tank. It is a raised bed system and meets 36 inches above groundwater. A concrete 12 inch high retaining wall is proposed below grade and around the septic system components. The purpose of the retaining wall is to withstand erosion from wave run-up during significant storm events.

A Coastal Engineering Analysis report was prepared by Noble Consultants. President Cross noted that Figure 6 of the Noble report shows that the berm is subject to erosion. She is concerned that the variance setbacks would increase even more over time with sea level rise and storm events.

The Board's questions regarding the proposed septic system's plans and layout were answered by the system's designer, Troy Pearce, of AYS Engineering Group. The District recently found out from County staff that the building application has been withdrawn, but County staff thought they (the County) should ultimately be the agency on this project for CEQA purposes.

Several neighboring property owners voiced their opposition to the project, citing health and safety issues.

Director Baskin made a motion to grant a variance to the requirements of the Stinson Beach County Water District Wastewater Treatment Regulations Ordinance 04 to Reduce Setback Requirements to a Water Body for Property Located at 21 Calle del Onda and to adopt the findings made in the March 14, 2016 letter of approval to the applicant, asking District staff to enhance the findings by including a few more facts from the Noble report. Vice President Nelsen seconded the motion.

Director Boucke could not find that the variances were reasonable or appropriate due to health and safety issues. Ms. Boucke felt she could not support the applicant's findings of fact No. 4 which states: "The Variance will not materially adversely affect the conditions of adjacent watercourses or wetlands, the conditions of surface water under adjacent properties, the health or safety of persons residing or working in the neighborhood of the property, and/or the general health and safety of the community."



public.”

President Cross stated that there is more at stake here than the approval of the setbacks. The risks involved do not only affect the applicant. It is also the risk neighbors if the septic system fails. The precautionary principle to risk management states that if an action or policy has a suspected risk of causing harm to the environment, in the absence of scientific consensus (that the action or policy is not harmful), the burden of proof that it is not harmful falls on those that may or may not be a risk. Ms. Cross felt the requested variances are huge in relation to the normal setbacks and that credence should be given to the Dis regulations.

President Cross called the question: All of those Board members in favor of the motion to approve the request for variance? It was a difficult decision for the B Director Baskin and Vice President Nelsen voted "Aye". All opposed: Director Boucke and President Cross voted "No". The motion failed as it requires three "ye pass.

**2. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 217 Seadrift Road, James Migdal APN 195-331-37.**

This residential wastewater design application is for a new alternative wastewater system on a 60' x 125' vacant parcel located along the Seadrift Lagoon. The designed for a single family residential home with up to 1,900 square feet of habitable space, and will have a maximum daily flow rate of 300 gallons and an a flow rate of 200 gallons. Based on the proposed use of the raised bed dispersal fields, there is over 36 inches of vertical separation from seasonal high ground.

The variance request to Title IV under Section 4.15.100 Site Criteria - Setbacks, consists of reducing the setback from the property line to the dispersal field fr 1 foot, reducing the setback from Seadrift Lagoon to the dispersal field from 100 feet to 94 feet, and under Section 4.19.010. Use of Alternative Wastewater S Designs to utilize a recirculating textile Advantex filter.

The design consists of a new 1,500 gallon traffic rated septic tank, an 810 gallon traffic rated sump tank, Advantex AX20, and dual raised bed dispersal fields.

The project had been heard at the August 25, 2016 Wastewater Committee meeting, a copy of the application documents and plans had been sent to the Regi Quality Control Board, and neighbor notifications were sent on August 30, 2016.

The Board requested that the relocation of the water main line to meet a 10 foot minimum setback to the proposed wastewater system be added to the draft r a condition prior to the issuance of a wastewater construction permit.

Vice President Nelsen moved to adopt Resolution No. WW 2016-10 Granting a Variance to the Requirements of the Stinson Beach County Water District Waster Treatment Regulations Ordinance No. 2014-04 to Reduce Setback Requirements to a Property Line and Seadrift Lagoon and to Utilize an Alternative Wastewat property located at 217 Seadrift Road, Stinson Beach. Director Boucke seconded the motion. The motion was passed by President Cross, Vice President Nelsen Directors Boucke and Baskin each voting "AYE." Director Zell voted "NO."

**3. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 252 Seadrift Road, Maria and Joh Owners, APN 195-340-46.**

This project includes the demolition of the existing 1,873 square foot residence and its replacement with a new single family residence consisting of less than 2 feet on a 23,100 square foot lot located on the ocean side. The maximum and average daily flow rate of the new system will be 450 and 300 gallons, respectiv on the proposed raised bed leach field, there is over 36 inches of vertical separation from seasonable high groundwater to the bottom of the leach field.

A variance is required under Title IV Section 4.19.010 - Use of Alternative Wastewater Systems Design for use of a recirculating textile (Advantex) filter.

The design consists of a new 1,500 gallon traffic rated septic tank, an 810 gallon traffic rated sump tank, Advantex AX20, and dual raised bed dispersal fields.

The project had been heard at the August 25, 2016 Wastewater Committee meeting, a copy of the application documents and plans had been sent to the Regi Quality Control Board, and neighbor notifications were sent on August 30, 2016.

Director Baskin moved to adopt Resolution No. WW 2016-09 Granting a Variance to the Requirements of the Stinson Beach County Water District Wastewater Regulations Ordinance No. 2014-04 to Utilize a New Alternative Type Wastewater System for property located at 252 Seadrift Road, Stinson Beach. Director Br seconded the motion. The motion was passed unanimously by President Cross, Vice President Nelsen and Directors Baskin, Boucke, and Zell.

**4. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 254 Seadrift Road, Kenneth Fran APN 195-340-45.**

This variance request under Section 4.19.010 is for a new alternative wastewater system utilizing a recirculating textile filter, with a maximum and average da of 450 and 300 gallons, respectively. The system is designed for a new single family residential home with up to 2,800 square feet of habitable space on a 60' vacant lot, with the ocean along the southerly property line.

Based on the proposed 36 inch leach line depth, there is over 36 inches of vertical separation from seasonal high groundwater to the bottom of the leach field.

The wastewater design consists of a new 1,500 gallon traffic rated septic tank, a 1,200 gallon traffic rated sump tank, Advantex AX20, diversion valve, and du fields.

The application had been discussed at the August 25, 2016 Wastewater Committee meeting. A copy of the application documents and plans were sent to the R Water Quality Control Board and neighbor notifications were sent on August 30, 2016.

Director Boucke moved to adopt Resolution No. WW 2016-11 Granting a Variance to the Requirements of the Stinson Beach County Water District Wastewater Regulations Ordinance No. 2014-04 to Utilize a New Alternative Type Wastewater System for property located at 254 Seadrift Road, Stinson Beach. Vice Presid seconded the motion. The motion was passed unanimously by President Cross, Vice President Nelsen and Directors Boucke and Zell. Director Baskin had excus and was not present for the vote.

**5. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 265 Belvedere Avenue, Alicia and Myers, Owners, APN 195-142-25.**

This variance application requests the approval to use an existing wastewater system for increasing the habitable space of the existing living area of 2,215 squ 184 square feet, comprised of two detached building structures. The lot is approximately 7,500 square feet. One of these detached units is elevated over a lea the other unit is located below the leach line.

A setback variance is required to the new shallow building pier foundations. A variance is also required to use the existing 1,200 gallon septic tank, as the mini capacity has been increased to 1,500 gallons since the existing system was installed in 1997. Based on the existing maximum and average daily flow rates of 4 and 300 gallons, respectively, the existing septic tank is sufficiently sized to treat wastewater effluent.

The application had been heard at the August 25, 2016 Wastewater Committee meeting, a copy of the application documents and plans were sent to the Regi Quality Control Board, and neighbor notifications were sent on August 30, 2016.

Director Zell moved to adopt Resolution No. WW 2016-08 Granting a Variance to the Requirements of the Stinson Beach County Water District Wastewater Tre Regulations Ordinance No. 2014-04 to Reduce Setback and Septic Tank Capacity Requirements for Property Located at 265 Belvedere Avenue, Stinson Beach. Cross seconded the motion. The motion was passed unanimously by President Cross, Vice President Nelsen and Directors Boucke and Zell. Director Baskin was for the vote.

**E. APPROVAL OF MINUTES**

The motion to approve the minutes of August 20, 2016 was passed unanimously by President Cross and Directors Boucke and Zell. Vice President Nelsen was i August 20, 2016 meeting.

**F. APPROVAL OF DISBURSEMENTS**

The motion to approve the disbursements of August 8 and August 25, 2016 was passed unanimously by President Cross, Vice President Nelsen and Directors Boucke

#### **G. MANAGER'S REPORT**

The General Manager discussed his monthly report. The field work needed for the District's financial audit as of June 30, 2016 by Cropper Accountancy will be completed by November 9.

Zero Waste Marin has approved the District's \$5,000 grant application for recycling. Half of the grant will be used for aluminum water bottles to replace plastic water bottles. The remainder will be for small kitchen compost buckets to reduce food scraps taken to the landfill. The General Manager will arrange for a public meeting at the Community Center or Chapel where a compost expert will speak on the merits of composting.

Matt Leffert, Director of Development of "One Tam", will make a short presentation at the October 15 Board meeting.

Steve Ortega, GGNRA, will bring the Board up to date at a future Special Board meeting regarding the operation of the Park's new septic system, if there is capacity leased by the District in response to sea level rise, or if any GGNRA properties could be utilized by the District for septic system treatment if there is no capacity in system.

After additional review, new Section 4.07.071 concerning chemical toilets in the Village Green Parks will be added to the District's Title IV Onsite Wastewater Management Ordinance.

#### **H. COMMITTEE REPORTS**

None.

#### **I. CORRESPONDENCE**

None.

#### **J. ADJOURNMENT**

The meeting was adjourned at 11:40 a.m. The next regular meeting will be on Saturday, October 15, 2016, at 9:30 a.m.

[Return to Index of Board Meeting Minutes](#)

**Stinson Beach County Water District • 3785 Shoreline Highway • P. O. Box 245 • Stinson Beach, CA 94970**  
**Phone: (415) 868-1333 • Fax: (415) 868-9417 • E-mail: [sbcbd@stinson-beach-cwd.dst.ca.us](mailto:sbcbd@stinson-beach-cwd.dst.ca.us)**

**ATTACHMENT 8**

**ATTACHMENT 8**



## BOARD MEETING MINUTES

### REGULAR MEETING

Saturday, August 20, 2016

#### A. CALL TO ORDER/ROLL CALL

President Cross called the Regular meeting of the Board of Directors of the Stinson Beach County Water District to order on Saturday, August 20, 2016, at 9:30 AM in the Stinson Beach County Water District office, located at 3785 Shoreline Highway, Stinson Beach, CA 94970.

##### Directors present:

Sandra Cross, President  
Lawrence Baskin, Director  
Barbara Boucke, Director  
Jim Zell, Director

Morey Nelsen, Vice President

##### Directors absent:

##### General Manager present:

Ed Schmidt

##### Staff present:

Rich Souza - District Engineer  
Helma Schwendig - Office Supervisor

#### B. PUBLIC EXPRESSION

Director Baskin requested that our field crew post notices on homeowner's front door a day or two before pending water shut off for new water meter installation.

#### C. SETTING OF AGENDA

The agenda was unanimously adopted as set.

#### D. PUBLIC HEARING

##### 1. Discussion and possible direction to staff re: a Variance Application to install an onsite wastewater system at 21 Calle del Onda, Brian Johnson Bagwill, Owners, APN 195-162-49.

This project has been discussed at Wastewater Committee meetings on April 20 and July 6, 2016, where concerns regarding potential erosion and flooding from up during high tide and storm events were discussed.

President Cross noted that Vice President Nelsen is out of the country, and Director Zell must abstain from voting as he resides within 500 feet from the project. Only three Board members to vote on the merits of the project. Ms. Cross offered the applicant Craig Nunes the opportunity to continue his variance request to Saturday, September 17, 2016, Board meeting, so that the matter can be heard before four Board members (President Cross, Vice President Nelsen and Directors Baskin and Boucke).

Mr. Nunes gave a short history of the property, his contingency to purchase the property based upon his ability to obtain the required permits, and his findings pertaining to his Variance request. Mr. Nunes then requested a continuance of the hearing to September 17, 2016.

The Board noted it is not part of the District's purview to comment on issues raised by the Coastal Commission and Planning Department. The District's jurisdiction is limited to septic system safety issues. The District has no authority regarding dune habitat, public easements or view sheds.

The Board requested that the General Manager contact Blair Allen of the Regional Water Quality Control Board regarding Mr. Allen's comments, if any, on the a Variance requests under Title IV Sec. 4.15.100 Site Criteria - Setbacks.

A member of the public, Scott Tye, distributed to the Board copies of a letter dated August 24, 2015 from Stinson Beach Village Association President Mike Mat regarding the August 25, 2015 Public Hearing to consider policy revisions to the LCP and a copy of a Memorandum dated February 17, 1983 from George Tcho District Engineer, to Board of Directors re Action Plan for Mitigation of High Groundwater Effects on Onsite Wastewater Management Systems.

#### E. GENERAL BUSINESS

##### 1. Review the District's Financial Reports as of June 30, 2016.

The General Manager complimented Robyn on the preparation of the District's financial reports as of June 30, 2016. The Board requested that Robyn also prep summarizing the major budget changes occurring from month to month. The District's anticipated \$505,000 grant reimbursement must be included as part of revenue. However, the District's pension liability must also be taken into account and will be reflected in the District's upcoming June 30, 2016 financial audit.

The Board requested that the General Manager prepare a capital cash flow spreadsheet to determine if sufficient funds are available to undertake a feasibility study. Some funds are needed, however, for the District's tanks rehabilitation.

#### F. APPROVAL OF MINUTES

Director Baskin moved to approve the minutes of July 16, 2016. Director Boucke seconded the motion. The motion was passed unanimously by President Cross, Directors Baskin and Boucke. Director Zell was absent at the July 16, 2016 meeting.

#### G. APPROVAL OF DISBURSEMENTS

Director Baskin moved to approve the disbursements of July 19 and August 8, 2016. President Cross seconded the motion. The motion was passed unanimously by President Cross and Directors Baskin, Boucke and Zell.



#### **H. MANAGER'S REPORT**

The General Manager discussed his monthly report. Pacific Underground Services has been hired to replace the water meters on the Cables and Patios.

The General Manager and President Cross had a luncheon meeting with two Board members of the Muir Beach CSD.

The Board approved the \$15 hourly rate increase to \$165 per hour as requested by CSW/Stuber-Stroeh Engineering Group for Richard Souza, the District's Engineer.

By consensus, the Board decided to schedule Wastewater Committee meetings (after the August 25, 2016 meeting) to be held on the second Thursday of each month and to schedule a workshop meeting to revisit Title IV and make redline changes.

The Board requested that the General Manager invite Monica Stafford of ONE TAM to make her presentation at the October 15, 2016 Board meeting. The Board also requested that the General Manager contact the GGNRA to determine if the Park's old septic system has been disconnected and if their new system has been connected yet.

#### **I. COMMITTEE REPORTS**

None.

#### **J. CORRESPONDENCE**

None.

#### **K. ADJOURNMENT**

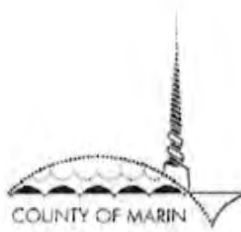
The meeting was adjourned at 10:36 a.m. The next regular meeting will be on Saturday, September 17, 2016, at 9:30 a.m.

[Return to Index of Board Meeting Minutes](#)

**Stinson Beach County Water District • 3785 Shoreline Highway • P. O. Box 245 • Stinson Beach, CA 94970**  
**Phone: (415) 868-1333 • Fax: (415) 868-9417 • E-mail: [sbcwd@stinson-beach-cwd.dnet.ca.us](mailto:sbcwd@stinson-beach-cwd.dnet.ca.us)**

**ATTACHMENT 9**

**ATTACHMENT 9**



## PROJECT STATUS

April 8, 2016

Craig Nunes  
554 View Street  
Mountain View, CA 94041

**RE:** Johnson Coastal Permit  
21 Calle Del Onda, Stinson Beach  
Assessor's Parcel 195-162-49  
Project ID P1162

Dear Craig,

The Planning Division and reviewing agencies have examined your application and have determined that it is incomplete because additional information is required.

### **Incompleteness Items**

Please carefully review the list of required items below and, unless specified otherwise, submit 5 copies of full sized plans, one copy of plans reduced to 11" by 17", and two copies of any required documents within the next 30 days.

Marin County Community Development Agency, Planning Division (Tammy Taylor, (415) 473-7873)

1. In conformance with submittal checklist item 12, please provide a Constraints Map that shows the distances from project site to any hazardous areas and flood zones. A constraints map shall be as close as possible to the same scale as the site plan.
2. In conformance with submittal checklist item 13, please provide a plan north reference on the site and floor plans.
3. In conformance with submittal checklist item 19, please provide a landscape or revegetation plan, which details existing versus proposed vegetation graphically distinguishable by connecting proposed plants and trees, on center, with a solid line leading to the label.
4. In conformance with submittal checklist item 34A, please provide a revised Geotechnical Report that recommends any special precautions required for erosion control, and the prevention of sedimentation or damage to the off-site property.
5. Please revise the plans to reflect the current base flood elevation (BFE) at 26 feet using the North American Vertical Datum (NAVD) of 1988, and in accordance with Marin County Code Title 23.09 for Flood Plain Management.



6. Please provide a graphical representation of the seaward edge of the existing neighboring properties east and west of the project site, including elevations.
7. Please provide a revised site plan with the edge of the terrestrial vegetation defined (based on the data included in the WRA Biological Assessment that was provided), and if no terrestrial vegetation presently exists on the site, please ask WRA to estimate where the edge of the terrestrial vegetation would occur if the predominant ice plant (*Carpobrotus edulis*) was not present.

Marin County Department of Public Works, Land Development Division (Richard Simonitch, (415) 473-4398)

### Merit Comments

1. Plans propose inadequate onsite parking and are not approvable as presented. For a single family dwelling four on-site parking spaces are required to be plotted on the site plan which conform to the dimensional requirements of Marin County Code MCC) 24.04.380(a), specifically, exterior head in parking spaces shall be a minimum of 8.5 feet by 18 feet, and interior spaces shall be a minimum of 9 feet by 20 feet (parallel spaces shall be a minimum of 8 feet by 20 feet). Each parking space shall have adequate turnaround area to allow the attainment of the desired direction by a standard car in no more than one movement (MCC 24.04.277). Note that each of the two primary resident parking spaces shall be independently accessible and the two guest parking spaces shall be independently accessible, though the guest spaces may be in tandem with those for the primary residents.
2. Plans show an incorrect base flood elevation, fail to comply with Marin County Code Title 23.09 for Flood Plain Management and as such are not approvable as presented. The property is located within the Special Flood Hazard Area Zone VE, as mapped by FEMA on their current Flood Insurance Rate Map (FIRM) panel number 06041C, which became effective on March 14, 2014. Zone VE is an area subject to flooding by the 1% annual chance flood, where FEMA has determined the base flood elevation (BFE) to be at 26 feet using the North American Vertical Datum (NAVD) of 1988.

Per MCC 23.09.034, new construction or a substantial improvement of a structure shall have the lowest floor elevated above the base flood elevation (BFE), and upon completion of the structure, the elevation of the lowest floor shall be certified by a registered civil engineer or licensed land surveyor. Since the structure is located in a coastal high hazard area the horizontal members of the structure may also influence the finish floor elevation. If the lowest floor's horizontal members are perpendicular to the wave action they shall be elevated above the BFE. If all of the horizontal members are parallel to the wave action only the finish floor elevation is required to be above the BFE.

Per MCC 23.09.039 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. Structures in such flood hazard zones shall not be constructed on fill.

Per MCC 23.09.034(b), (1) all new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; (2) all new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and (3) all new construction and substantial improvements shall be



constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Provide notes and specifications to this effect on the plan. Refer to FEMA's National Flood Insurance Program's Technical Bulletin 2 for information on acceptable flood proof materials.

#### **Submittal**

Please submit all of the requested information together to the Planning Division at one time. The review of your application may be delayed if you submit information directly to the agency that requested the information. The time period required by State law for us to review the additional information will not commence until all of the required items are submitted to our office. If you require additional time to collect the information listed above, please send me a written request for an extension for a specific period of time. It is important to ask for an extension if you need one because your application will automatically expire unless an extension of time is requested and granted.

#### **Appeal Rights**

Pursuant to Marin County Code section 22.114.020 and Government Code section 65943, an applicant may appeal a determination that an application is incomplete. If you disagree with this decision regarding the incompleteness of your application, you may appeal it to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted to the Planning Division, Room 308, Civic Center, San Rafael, no later than 4:00 P.M., April 22, 2016.

#### **Preliminary Merit Comments**

The proposed project is subject to the policies contained in the Marin Countywide Plan, the Stinson Beach Community Plan, the regulations contained in the Marin County Code, the Marin County Local Coastal Plan Title 22I, and the Single-family Residential Design Guidelines.

There are three potentially serious problems with the project proposal. One is the California Coastal Commission's position on development within a Shoreline Protection and Hazard Area (see attached letter), along with the other concerns that were raised in their letter; in particular referencing that the shorefront lots shall be set back behind the first line of terrestrial vegetation to the maximum extent feasible, per the Marin County Local Coastal Program Unit 1. Second, the Stinson Beach Water District will require a variance approval for the location of the septic system under a separate permit process. Lastly, the project as proposed is substantially inconsistent with the Base Flood Elevation (BFE) may change with FEMA's proposed revisions to the flood zones, and the revised FEMA maps may substantially impact the project design and development review process. Currently, your application shows the Base Flood Elevation at 18 feet, however per the letter from Department of Public Works, the Base Flood Elevation should be shown as 26 feet. Please consider these issues carefully before deciding whether to continue with the planning process. If you opt withdraw your application, we will refund any remaining portions of your fees.

These preliminary comments are not meant to be exhaustive, additional comments may be forthcoming after the revised plans have been reviewed, and the suggestions are advisory in nature.

#### **Questions and Contacts**

Please do not hesitate to call me at (415) 473-7873 or contact me via email at [ttaylor@marincounty.org](mailto:ttaylor@marincounty.org) as questions arise regarding your application or the development review process. I will return voicemail messages before the end of the next business day.

Please do not visit our office expecting to meet with me without an appointment. If you wish to discuss your application in person, please contact me to schedule a time when we can meet. I will try to schedule an appointment within five business days. If you have questions about comments from another agency, please contact the staff from that agency directly. Thank you.

Sincerely,

Tammy Taylor  
Assistant Planner

Attachments:

1. Email from Rich Souza, SBWD dated March 21, 2016
2. Email from Marisa Atamian dated March 22, 2016
3. Email from Carrie Varoquiers dated March 23, 2016
4. Email from Michael Lemont dated March 24, 2016
5. Inter-Office Memorandum from Department of Public Works dated March 25, 2016
6. Letter from CA Coastal Commission dated March 31, 2016
7. Letter from Rich Souza, SBWD dated March 28, 2016

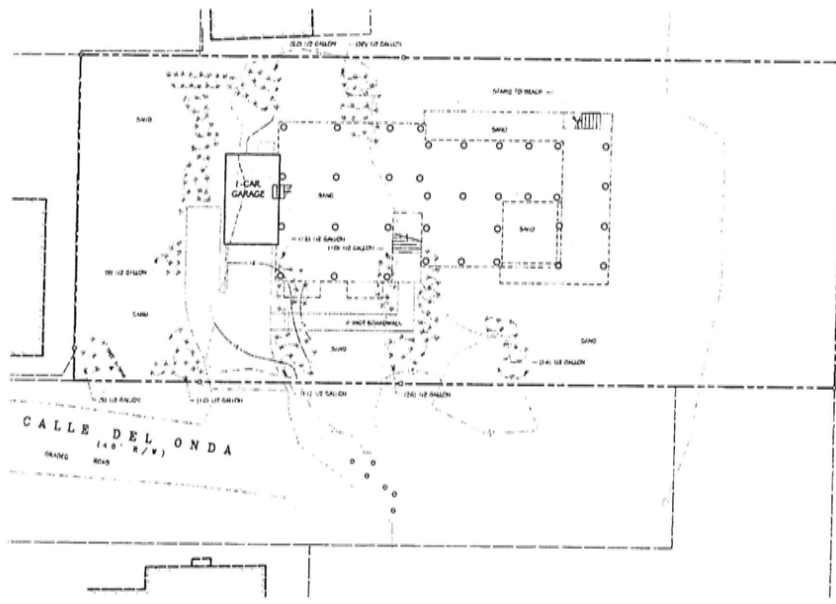
cc: Brian Johnson  
P.O. Box 1139  
Homewood, CA 96141



**ATTACHMENT 10**

**ATTACHMENT 10**

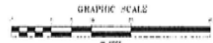




**LANDSCAPE PLAN**

DRAWN BY SHIRLEY LA. STODEN / ASSOCIATES, INC., DATED 7-24-13

1" = 10'



**LANDSCAPE NOTES**  
 ALL PLANTING TO BE CAREX PARADOXICUS ULINE GRASS (CALIFORNIA NATIVE)  
 REMOVE ALL ICE PLANT

IN ARCHITECT PREPARED BY  
**CHRIS SPAULDING**  
 ARCHITECT

21 CAMPBELL STREET, SUITE 200  
 BEACHTON, CALIFORNIA 94920  
 (415) 321-0997 FAX (415) 321-0998

REVISIONS	BY
1	CS

PRELIMINARY SET	CS
DESIGN REVIEW SET	CS
PERMITS SET	CS
CONSTRUCTION SET	CS

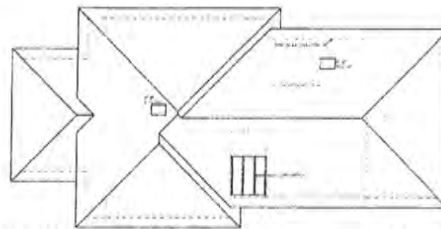
**PROPOSED NEW BEACH HOME**  
**21 CALLE DEL ONDA**  
 STINSON BEACH, CALIFORNIA

DATE:	7-24-13
SCALE:	AS SHOWN
DRAWN:	CS/SHIRLEY
CHECKED:	CS
DATE:	7-24-13

**A1.1**

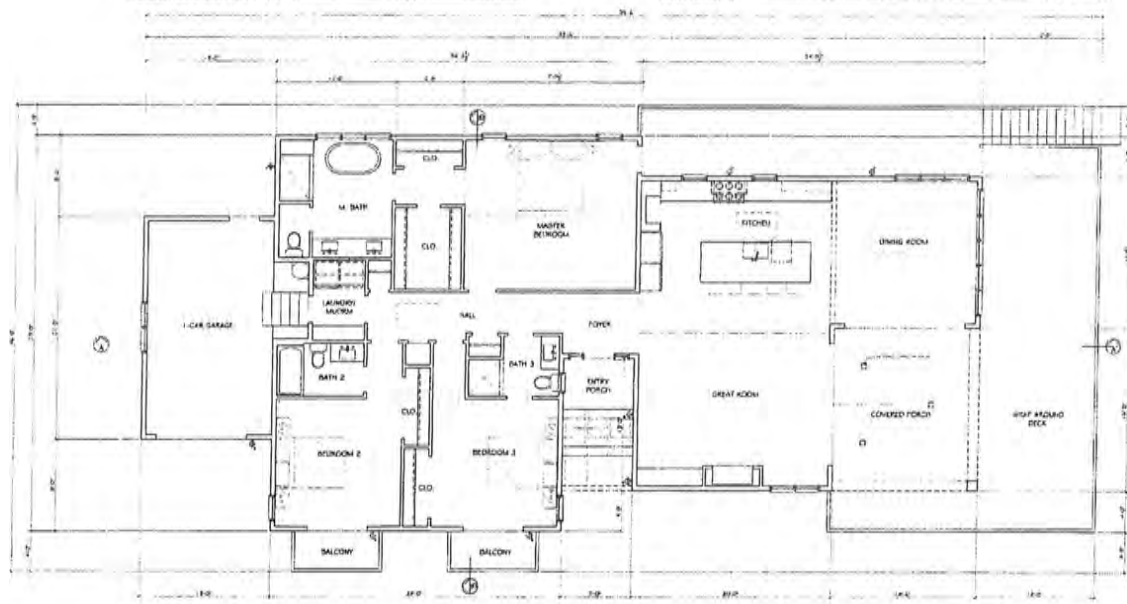


LIGHTING CUT SHEETS



ROOF PLAN

1/8" = 1'-0"



FLOOR PLAN

1/4" = 1'-0"

DESIGNED BY  
CHRIS SPAULDING  
ARCHITECTS

400 MARINA STREET, SUITE 200  
MIRAMONTE CALIFORNIA 90405  
TEL: 310.434.1000 FAX: 310.434.1001

REVISION	BY
1	CS

DESCRIPTION	BY
REVISION	CS
REVISION	CS
REVISION	CS
REVISION	CS

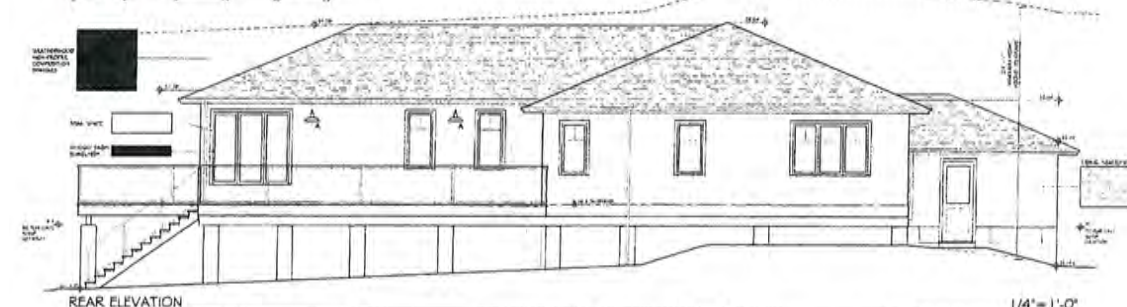
PROPOSED NEW BEACH HOME  
21 CALLE DEL ONDA  
STINSON BEACH, CALIFORNIA

DATE: 02.14.10  
SCALE: AS NOTED  
DRAWN: MORGAN  
BY: CHRIS SPAULDING  
SHEET  
**A2**  
SHEET



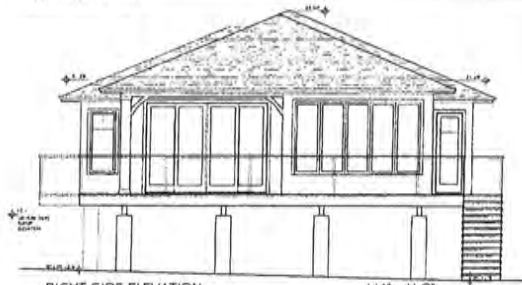
FRONT ELEVATION

1/4" = 1'-0"



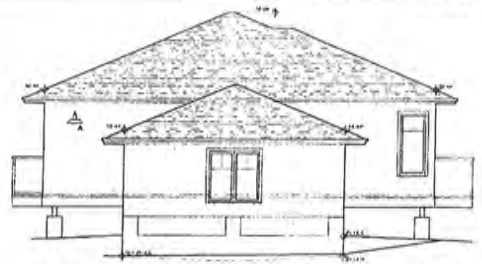
REAR ELEVATION

1/4" = 1'-0"



RIGHT-SIDE ELEVATION

1/4" = 1'-0"



LEFT-SIDE ELEVATION

1/4" = 1'-0"

DESIGN PREPARED BY  
**CIRUS SPAULDING**  
 ARCHITECT

20 CALLE STREET, SUITE 100  
 BEVERLY HILLS, CALIFORNIA 90210  
 (310) 477-1111 FAX (310) 477-1100

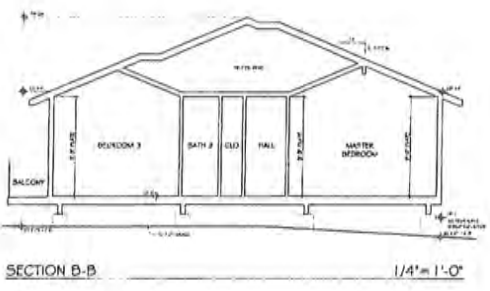
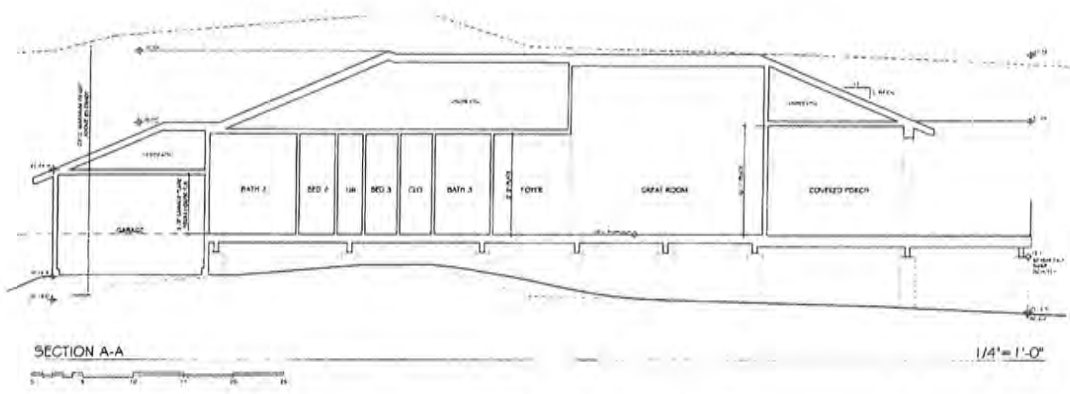
SYMBOLS  
 3.3.1.1

PREPARED BY  
 C. SPAULDING, ARCHITECT  
 CHECKED BY  
 C. SPAULDING, ARCHITECT  
 CONSTRUCTION SET

PROPOSED NEW BEACH HOME  
 21 CALLE DEL ONDA  
 STINSON BEACH, CALIFORNIA

DATE: 8-14  
 DRAWN: C. SPAULDING  
 CHECKED: C. SPAULDING  
 SCALE: AS SHOWN

**A3**  
 SHEET



DRAWINGS PREPARED BY  
**CHRIS SPAULDING**  
 ARCHITECT

REVISIONS	BY

PRELIMINARY SET	
CONTRACT SET	
PERMIT SET	
CONSTRUCTION SET	

PROPOSED NEW BEACH HOME  
 21 CALLE DEL ONDA  
 STINSON BEACH, CALIFORNIA

DATE	2-11-11
DRAWN BY	CS
CHECKED BY	
SCALE	AS SHOWN
JOB	21 CALLE DEL ONDA

**A4**







**SLOPE ANALYSIS LEGEND**

0% to 2%	2% to 5%	5% to 10%	10% to 15%	15% to 20%	20% to 25%	25% to 30%	30% to 35%	35% to 40%	40% to 45%	45% to 50%	50% to 55%	55% to 60%	60% to 65%	65% to 70%	70% to 75%	75% to 80%	80% to 85%	85% to 90%	90% to 95%	95% to 100%
Lightest Green	Light Green	Medium Green	Dark Green	Very Dark Green	Black	Red	Orange	Yellow	Light Blue	Medium Blue	Dark Blue	Very Dark Blue	Black	White	Light Gray	Medium Gray	Dark Gray	Very Dark Gray	Black	White

**KEY**

- 1. All Easements
- 2. All Easements & More
- 3. Other Easements
- 4. All Other

- DISCLAIMER:**
1. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY.
  2. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN HEREON.
  3. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
  4. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
  5. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PROFESSIONAL SERVICES.
  6. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL COUNSEL.
  7. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL ADVICE.
  8. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TAX ADVICE.
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  10. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENGINEERING ADVICE.
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  12. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INTERIOR DESIGN ADVICE.
  13. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LANDSCAPE ARCHITECTURE ADVICE.
  14. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PLANNING ADVICE.
  15. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY POLITICAL ADVICE.
  16. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNITY ADVICE.
  17. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ENVIRONMENTAL ADVICE.
  18. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY HISTORICAL ADVICE.
  19. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CULTURAL ADVICE.
  20. THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ARTS AND RECREATION ADVICE.

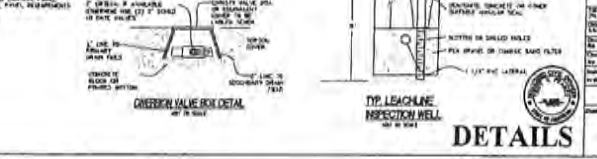
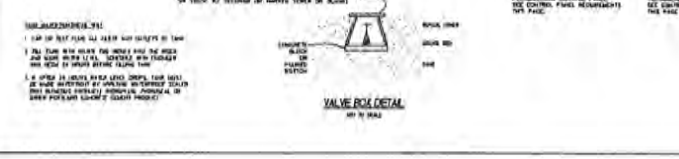
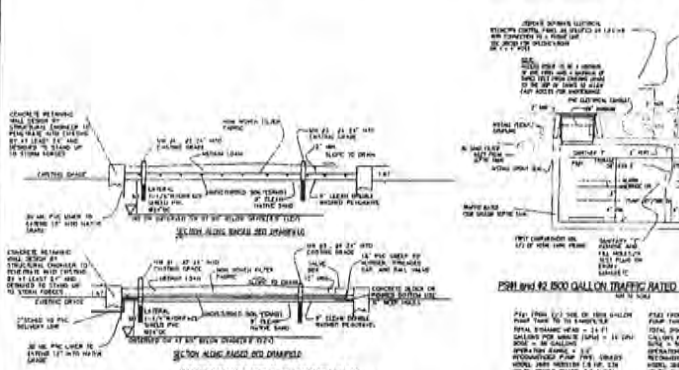
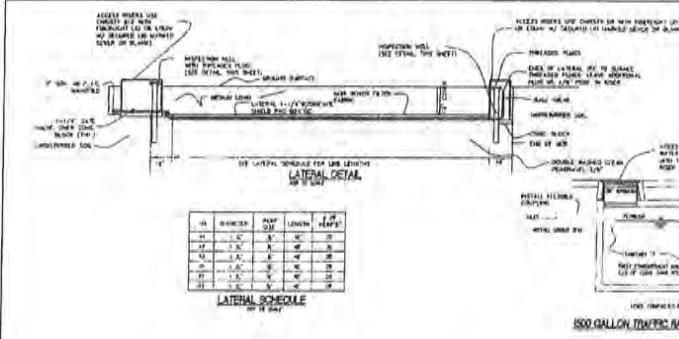
NO PART OF THIS MAP SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE AUTHOR.

**RECEIVED**  
 JUN 16 2006  
 COUNTY OF SAGINAW  
 PLANNING DIVISION

-File Copy-

**L.A. Stevens & Associates, Inc.**  
 10000 Woodward Ave., Suite 100  
 Detroit, MI 48202  
 (313) 963-1234  
 FAX: (313) 963-1235

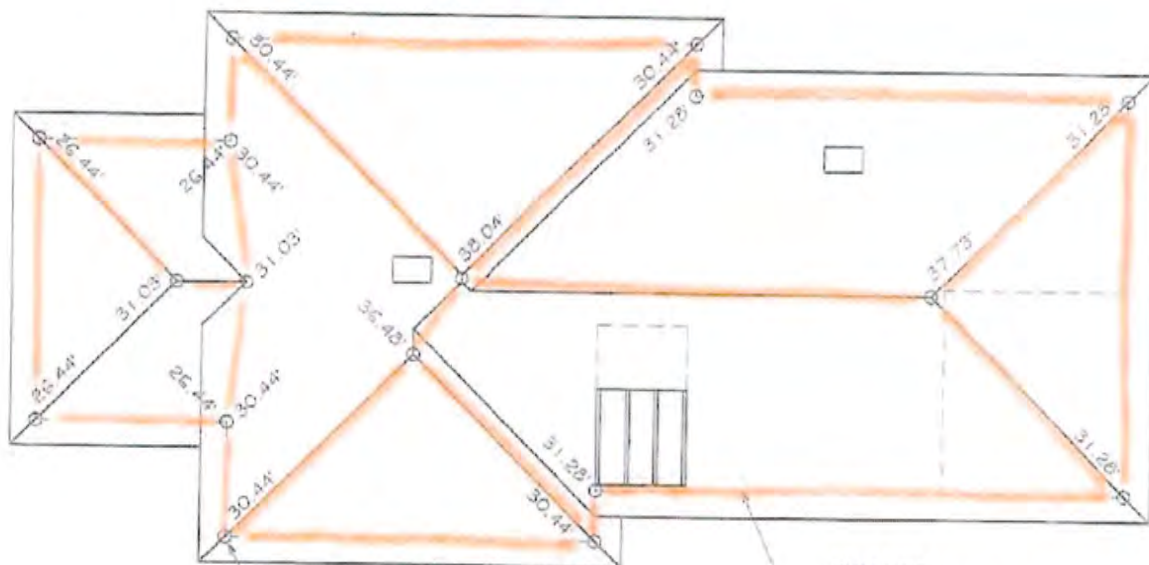




**DETAILS**

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PREPARED FOR: **AYS**  
Engineering Group, Inc.  
P.O. Box 5695, Redwood City, CA 94065  
Voice: (770) 765-6620, Fax: (770) 761-4081



STORY POLE,  
TYPICAL WITH  
ELEVATION AT TOP  
OF POLE

ORANGE  
CONSTRUCTION  
FENCING, TYPICAL

RECEIVED

MAR 09 2016

COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION

FROM THE OFFICE OF  
CHRIS SPAULDING  
ARCHITECT  
801 CAMELIA STREET, SUITE E  
BERKELEY CA 94710

STORY POLE PLAN  
21 CALLE DEL ONDA  
STINSON BEACH • CALIFORNIA



**ATTACHMENT 11**

**ATTACHMENT 11**



[Next Record](#)[Jump to End](#)[Table of Contents](#)[Exhibit Home Page](#)[Museum Home Page](#)

Accession#:	1998-123
Title:	Storm of 1978
Date:	1982-1983
Catalog Date:	08/04/2006
Category:	10: Unclassifiable Artifacts
Classification:	Disasters Storms Disasters Floods
Collection:	SBHS Photo Collection
Copyright:	SBHS
Description:	Storm of January 1978. Several houses are visible as the ocean swirls around them. They are identified from far to near as, Kelly house on Calle del Ribera (destroyed), Syd Boyle house on Calle del Resaca, and at the end of Calle del Onda, the Kugelgen house, which was washed out of sea, and
Event:	Storm/flood
Film Size:	35 mm
Medium:	Photographic Paper
Negative #:	75-2
Object ID:	1998-123
Object Name:	Print, copy
Orig/copy:	Photocopy
Place:	Stinson Beach
Print Size:	3 1/2" x 5"
Slide #:	474
Source:	Parsons, Erma & Denis
Subjects:	Disasters (Storms) Disasters(Floods) Neighborhoods callees
Year Range from:	1982
Year Range to:	1983

**ATTACHMENT 12**

**ATTACHMENT 12**

## s and Flood :

[Next Record](#)[Jump to End](#)[Table of Contents](#)[Exhibit Home Page](#)[Museum Home Page](#)

Accession#:	1993-305
Title:	Besieged Houses
Date:	1983
Catalog Date:	11/25/2002
Category:	8 - Communication Artifact
Classification:	Buildings Disasters Floods Storms
Collection:	SBHS
Copyright:	SBHS
Description:	A black and white photograph of Von Kugelgan house (Lee and Nancy Von Kugelgan) , center, and Boyle house, white square house on right standing in stormy surf with debris in front taken during the storm of 1983 by Barrie Stebbings, local photographer who worked for the Coastal Post. Both houses were demolished.
Event:	Flood
Film Size:	35 mm
Frame #:	25
Medium:	Photographic Paper
Negative #:	3
Object ID:	1993-305-01
Object Name:	Print, Photographic
Orig/copy:	Original
Photographer:	Stebbing, Barrie
Place:	Beach (On Bolinas Bay)/Neighborhoods/Calles/Stinson Beach/Gare del Onda
Print Size:	4" x 6"
Slide #:	25
Source:	Stebbing, Barrie
Studio:	Bolinas
Subjects:	Disasters (Storms) Disasters(Floods) Neighborhoods/Calles
Year Range from:	1983

# **ATTACHMENT 13**

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339

OWNER: <i>Marceline Bagnall</i>	ASSESSOR'S LOT NUMBER: <i>142-11-220</i>
RESIDENT: <i>Craig Bagnall</i>	LOT AREA: <i>2480 sq ft</i>
NUMBER & STREET: <i>21 Calle Onda</i>	FRONTAGE: <i>80' / slope 7%</i>
INTERVIEWER: <i>ED</i>	DATE: <i>11/15/95</i>

*Calle del 30' Onda* **B-122-1** *15*

**CALLE'S**  
*the main building  
is a diagonal  
roofed  
structure*



*approximate location of tank*  
*owner does not know exact location*

*the main building is a diagonal roofed structure*

*see plan for utility proposed lines*

SCALE: *1/4" = 1'*