21 Calle del Onda, Stinson Beach

APPEAL OF PLANNING COMMISION APPROVAL OF BRIAN JOHNSON TRUST COASTAL PERMIT APPLICATION (P3049 FORMERLY P1162)

ELIZABETH BREKHUS, ESQ., BREKHUS LAW PARTNERS

Constraints Map

GROUNDWATER

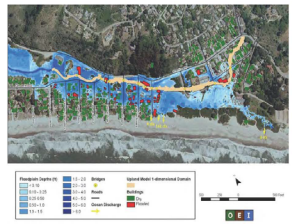
The approved wastewater design utilizes a raised bed with a retaining wall to increase separation from seasonal high groundwater and to protect the dispersal field from potential wave erosion in extreme sea level rise scenarios. The raised dispersal bed is located over three feet from seasonal high groundwater,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

ESHA

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

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

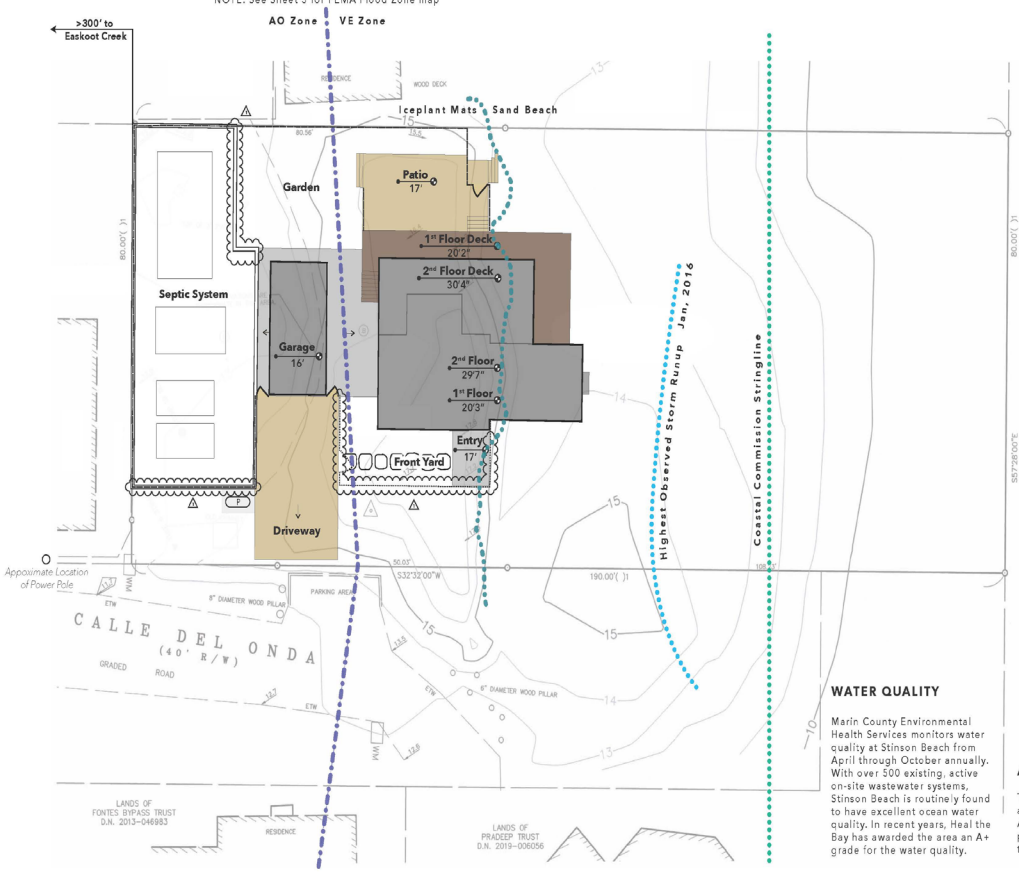
The California Coastal Commission identifies the site as dune ESHA, regardless of its disturbed condition.



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

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

NOTE: See Sheet 3 for FEMA Flood Zone map

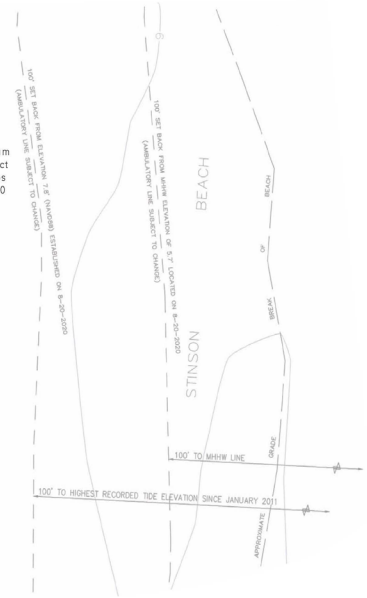


WATER QUALITY

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

ACOE

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



AIR QUALITY

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

ARCHAEOLOGICAL

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

Sheet 12 | 4/15/2021

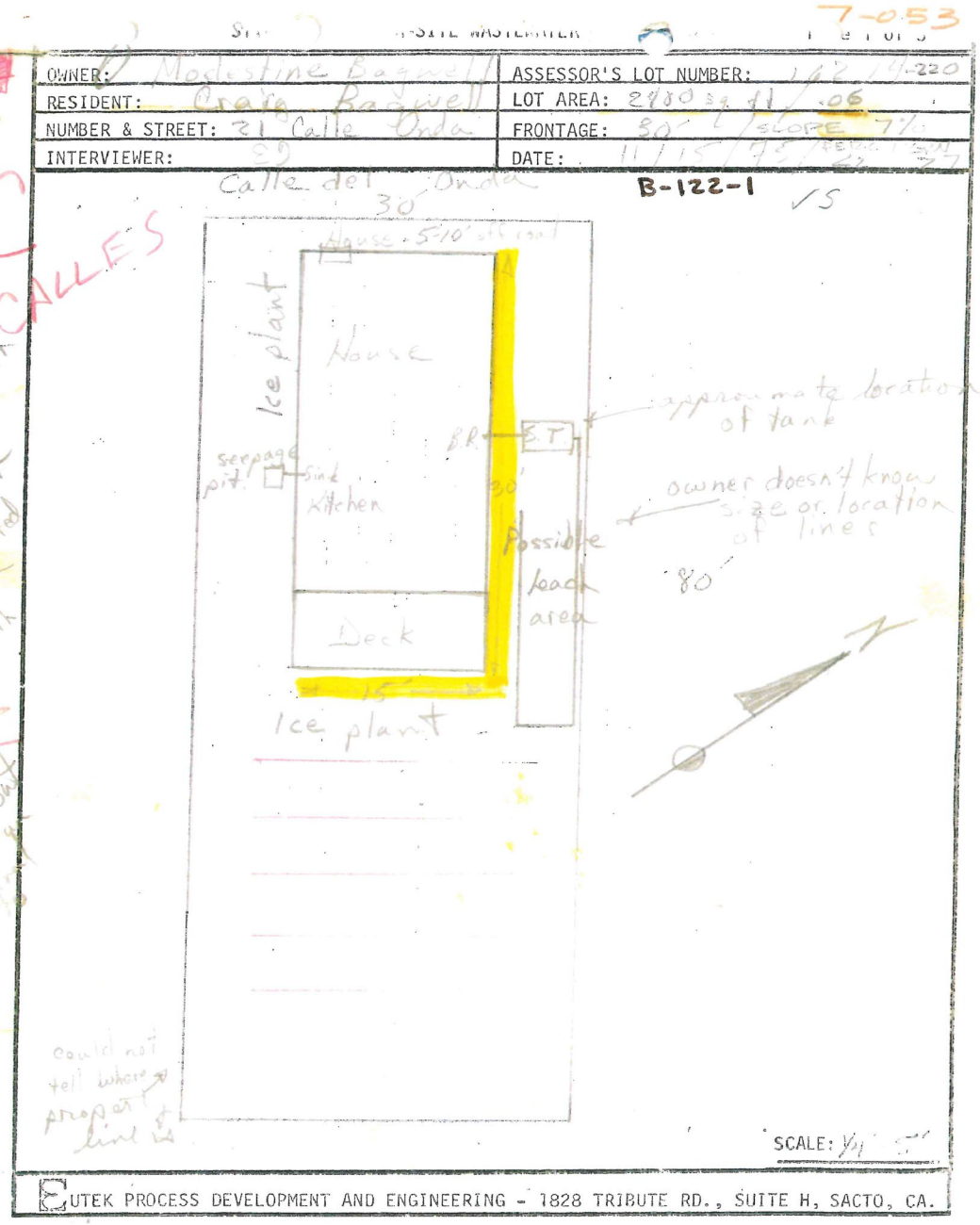
Constraints Map

Reconstruction of a Residence
21 Calle del Onda, Stinson Beach, CA

0 10 20 40
1" = 10'

CivicKnit
P.O. Box 81
Forest Knolls, CA
94933
415.488.4193

Assessor's Record



Planning Commission Staff Comments Demonstrate Problems with the Project

…a vote on the Environmental Review…there was a 3 to 3 tie and under the by-laws, when there is a 3 to 3 tie, that is a denial…You must have the Environmental determination in order to approve the project but you have denied the Environmental determination.

LCP requires septic in advance of issuing approval and project cannot go forward without septic permit.

…... retaining walls surrounding the septic system would not act as shoreline protective device….regardless of what the Coastal Commission decides to call this…

Planning Commission Staff Comments Demonstrate ESHA Disturbance and Ability of Applicant to design outside of ESHA

The dune portion of the property is considered ESHA.

The project would disturb or remove about 1100 square feet of ESHA.

There's approximately 3,500 square feet of area that is outside of ESHA….we still want to point out that this is a constraint…specifically the AO flood zone, which is still the flood plain.

January 2023 Storm Impacts on Calles

Post-storm assessment noted damage from flooding to 20 houses in the Calles.

Stinson Beach County Water District found 6 septic systems in the Calles failed and all of the septic systems in the Calles were ordered to be shutdown as holding tanks for fear of contamination of ocean and groundwater.

January 2023 Storm Damages 20 Homes on Calles

SBCWD found 6 septic systems in the Calles failed and all septic systems in the Calles were ordered shutdown as holding tanks for fear of contamination of ocean and groundwater.

Stinson Beach Adaptation Response Collaboration DRAFT Sea Level Vulnerability Assessment dated April 24, 2023

Stinson Beach is vulnerable to coastal erosion, coastal storm flooding and wave runup as well as Easkoot Creek flooding under existing conditions.

With sea level rise, these hazards will worsen and monthly tidal inundation will encroach upon roads and development with as little as 1.6 feet of sea level rise.

Ultimately, wastewater treatment and disposal were significantly affected for weeks from the high groundwater elevations that were reached following the early January 2023 rains.

Large areas of residential development, access roads, septic systems and other utilities, beaches, marshes, and other asset west of Shoreline Highway are increasingly vulnerable to these hazards with additional sea level rise.

May 8, 2023 News Release from the Marin County Community Development Agency

Stinson Beach felt the brunt of the January atmospheric rivers and storm surges; some properties sustained thousands of dollars in damage and the public beach was closed for three weeks to vehicles.

Hundreds of homes and other infrastructure are at risk of a 100-year coastal storm or a 100-year flood from Easkoot Creek.

Strong winter storms have potential to erode the beach width, affecting visitation at one of Marin's most popular beaches.

Nearly half of all Stinson parcels are exposed to emergent or shallow groundwater, putting septic and underground utilities at flood risk.

There has been No Constitutional Taking

County Staff has not conducted a complete Takings Analysis

Applicant has not established that denial of the permit would have denied them all economically beneficial or productive use of their land.

Applicant has not met the requirement of providing alternative uses, such as other resource dependent uses or even a rebuild of the original 450 square foot home.