

BODEGA BAY CONCERNED CITIZENS

RE: Appeal to the Sonoma County Board of Supervisors

Date: April 5, 2022 at 1:30 p.m.

File No, CPH-18-0009

Applicant's Name: Pete Peterson and Tacko Kawasaki

Owner's Name: Vincent Chang

**Site Address: 153 Harbor View Way, Bodega Bay, CA aka
9000 Hwy 1.**

APN: 100-100-031

This appeal was originally made in a timely fashion on April 29, 2021. However, Permit Sonoma did not notify the Board that an appeal had been received until a full year had passed and we did not receive proper notification of this hearing until approximately one week ago.

We have been denied the right to a proper hearing before the Board of Supervisors for one full year and we have been encumbered by the actions of Permit Sonoma in getting this information to you in time for this hearing. Therefore, we are forwarding just a small portion of the information we have regarding this project. We have also been denied access to the staff report, public records and legal information before this hearing and this along with the hacking of our computer containing all our information makes it impossible to get to you all the information you will need in order to make a fair and honest decision.

We hereby ask that this hearing be continued until another date when more information can become available.

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1. Original appeal dated April 29, 2021.
2. Memorandum dated July 29, 2021 from the appellant.
3. Planning Application PJR-001 dated 2/20/2016 and revised by Planner Jennifer Faso.
4. Assessor's parcel map showing revised parcel in question.
5. Grant deed dated April 17, 2017 for property in question. Improper location of 900 Hwy. 1 used.
6. Incorrect and misleading information submitted by applicant.
7. Photos of area in question. Heritage cypress trees have since been cut down and removed against coastal regulations.

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BOARD OF SUPERVISORS.

List of contents continued.

8. Sonoma County Hazard Mitigation Map of area.
9. Original map of Department of Interior wetland on the site that is under the jurisdiction of Open Space for protection.

We thank you for your consideration on this important matter.

Bodega Bay Concerned Citizens, Appellant
P. O. Box 998
Bodega Bay, CA 94923

BODEGA BAY CONCERNED CITIZENS

This letter is being sent regarding an appeal to the Board of Zoning approval on April 22, 2021 of the following project:

RE: File Number CPH18-0009

Applicant's Name: Pete Pederson and Taeko Kawasaki

Owner's Name: Vincent Chang

Site Address: 153 Harbor View Way, Bodega Bay

APN: 100-100-031

Reasons for Appeal:

The Application of Record submitted to Permit Sonoma is found to be the source of erroneous and incorrect information and does not show the unsuitability of this project to the site.

This site is located within the Coastal Zone of California and subject to the laws and regulations regarding development along the Coast. It is also subject to the regulations as outlined in the Local Coastal Plan and the California Coastal Act. The application, as approved, does not comply with any of these regulations.

The site is designated by the U. S. Department of the Interior, U.S. Fish and Wildlife Service to be within the

parameters of an important and significant wetland, one of only 19 of its kind in the entire United States. Though severely damaged by the developer of Harbor View Development in 2000, the wetland has now expanded to cover a larger area, including the Chang site. (see map attachment A). We have 30 years of records and photos regarding this site that can be furnished upon request.

The staff report written by Jennifer Faso did not contain the information regarding this site given to Permit Sonoma in October of 2019, did not contain proper information as to the agencies involved in the permitting process, did not include memorandums regarding the legality of the project, did not contain proper information regarding setbacks, regulations, permit history and did not contain important geological information . This information is crucial when staff reports are sent to the necessary agencies for approval.

With regard to the geology of the site, it is located within the Alquist-Priolo Zone and sits directly on major fault zones within the San Andreas. We have information from independent geologists and the State Department of Mines and Geology with regard to the instability of this site. The plans and specifications and geological report that are a part of the application contain misleading and wrongful information. No structure intended for human

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occupancy can be placed across the trace of an active fault or within 50 ft. of the surface trace of any fault. (USGS regulations).

For the above reasons and many more, we respectfully ask that a proper public hearing be heard before the Board of Supervisors with regard to this project.

Sincerely,

Margaret Briare
Representing the Bodega Bay Concerned Citizens
P. O. Box 998
Bodega Bay, California 94923

Email at briarepach@aol.com

This request is being sent electronically on this day, April 29, 2021 to the attention of Marina Herrera, Planner 111.

MEMORANDUM

July 29, 2021

TO: All Agencies and Departments

RE: File No. CPH-18-0009

Applicant's Name: Pete Pederson and Taeko Kawasaki

Owner's Name: Vincent Chang

Site Address: 153 Harbor View Way, Bodega Bay, CA

APN: 100-100-031

Appellant: BODEGA BAY CONCERNED CITIZENS

**Appeal of Board of Zoning Approval of Above Project
dated April 29, 2021**

As we have not received any information from Sonoma County with regard to our appeal, we are sending the following information with regard to the above project:

First and foremost, a perusal of our files finds that the subject property lies within the property deeded to The Sonoma County Agricultural Preservation and Open Space District per Deed and Agreement 2005189398 dated 3/1/99 and signed by Michael J. Cale, President of the Board of Directors. This agreement, to run in perpetuity, conveys full development rights to the Open Space District in order to protect and preserve the large federal wetland on the site. A further agreement was entered into in order to preserve and protect Parcel B, a mitigation area for the Parcel A Wetland.

Permit Sonoma has allowed R. J. Battaglia, the developer of Harbor View Development to deed a portion of this protected property to Vincent Chang. We have been unable to check the recording of this deed, if it even exists, due to department closures. However, any deed conveying ownership of this property to Vincent Chang must be studied.

As the site is designated by the U. S. Department of the Interior, U. S. Fish and Wildlife Service to be within the parameters of an important and protected wetland, no development can be allowed within 300 ft. (Federal regulation).

With regard to the geology of the site, it is located within the Alquist-Priolo Fault Zone and sits directly on major fault zones within the San Andreas as shown on the Sonoma County Hazard Mitigation Zone Plan, Figure 8.1. In addition, our files contain information from both independent geologists and the State Department of Mines and Geology as to the unsuitability and instability of this site. Per USGS regulations, no structure intended for human occupancy can be placed across the trace of an active fault line or within 50 ft. of the surface trace of any fault.

Page 2 – Memorandum dated July 29, 2021 – Chang Application

In addition to the above, we found that the application itself as submitted by Pete Pederson and Taeko Kawasaki for Vincent Chang contains erroneous and false information throughout its entirety. The application states the address of the project to be at 900 Hwy. 1, the location of the service station at the Inn of The Tides. We believe submittal of wrongful information by an applicant is still a felony!

We have 30 years of records and many photographs with regard to this site. As time and space does not allow for more information in this memorandum, we would be more than happy to provide you with any documentation and photos you desire. A report including much more documentation has been prepared.

We feel the public has been denied its right to have a fair and impartial hearing with regard to this project and we welcome any replies to this memorandum.

Sincerely,

Bodega Bay Concerned Citizens
c/o P. O. Box 998
Bodega Bay, CA

Phone – 707-875-2297
briarepach@aol.com

Planning Application

PJR-001

C / H / S / C / C / S

Application Type(s):

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Admin Cert. Compliance | <input type="checkbox"/> Design Review Admin. | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Ag. Or Timber Preserve/Contract | <input type="checkbox"/> Design Review Full | <input type="checkbox"/> Voluntary Merger | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Conditional Cert. of Compliance | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Ordinance Interpretation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Cert. of Modification | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Second Unit Permit | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Coastal Permit | <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Specific/Area Plan Amendment | |
| <input type="checkbox"/> Zoning Permit for: _____ | | | |

File # _____

By placing my contact information (name, address, phone number, email address, etc.) on this application form and submitting it to Sonoma County PRMD, I understand and authorize PRMD to post this application to the internet or public information purposes, including my contact information.

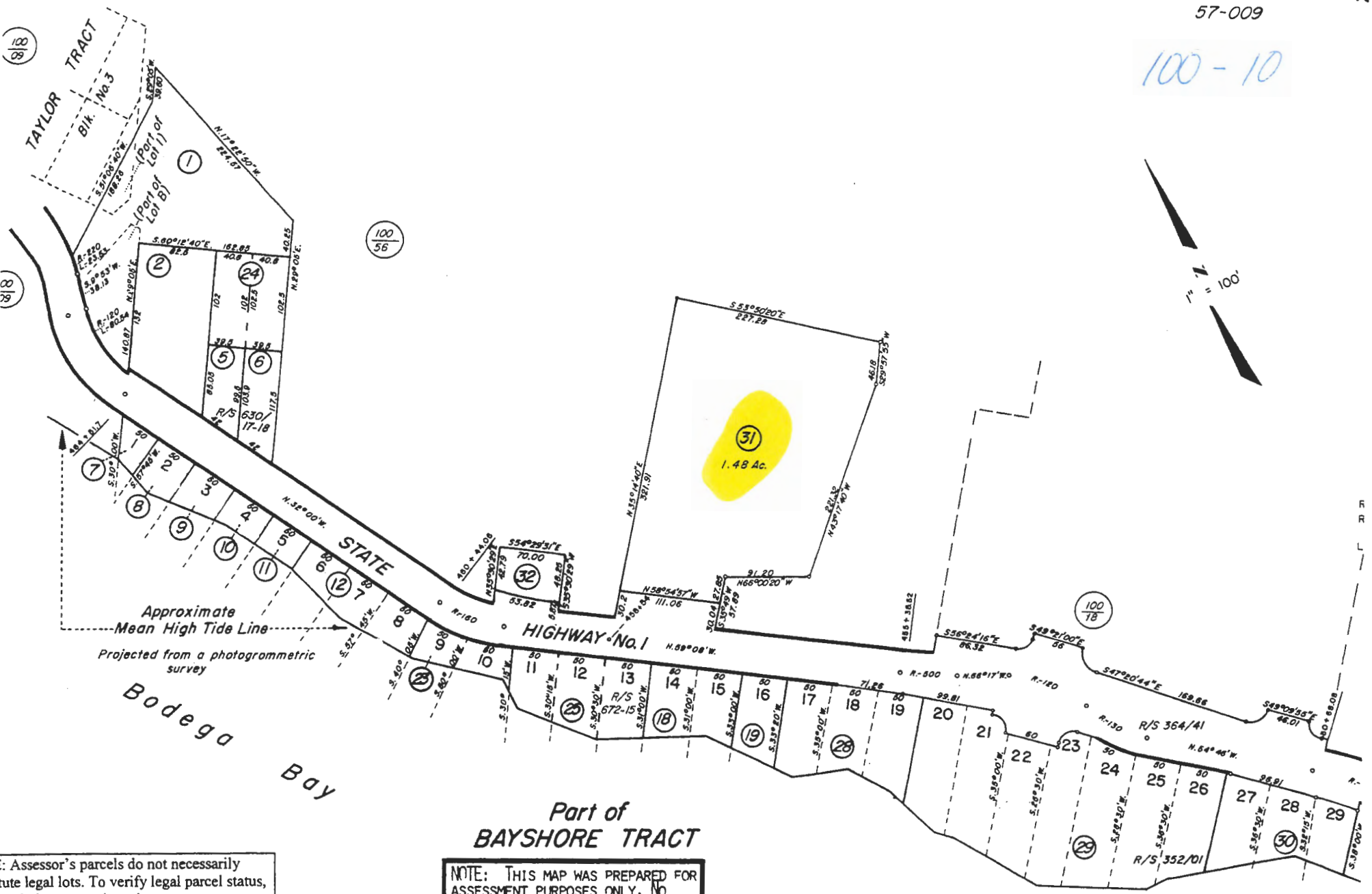
PRINT CLEARLY									
APPLICANT					OWNER (IF OTHER THAN APPLICANT)				
Name <u>Pete Pedersen / Taeko Kawasaki</u>					Name <u>Vincent Chang</u>				
Mailing Address <u>24 H STREET</u>					Mailing Address <u>466 - 36th Ave.</u>				
City <u>SAN RAFAEL</u>		State <u>CA</u>	Zip <u>94901</u>		City <u>San Francisco</u>		State <u>CA</u>	Zip <u>94121</u>	
Day Ph <u>415 456-2070</u>		Email <u>tkawasaki@pedersenassociates.com</u>			Day Ph <u>415 632-0224</u>		Email <u>vincentchang26@gmail.com</u>		
Signature <u>[Signature]</u>			Date <u>3/26/19</u>		Signature _____			Date _____	
OTHER PERSONS TO BE NOTIFIED (if listed they must sign application form)									
Name/Title _____					Name/Title _____				
Mailing Address _____					Mailing Address _____				
City _____		State _____	Zip _____		City _____		State _____	Zip _____	
Day Ph () _____		Email _____			Day Ph () _____		Email _____		
Signature _____			Date _____		Signature _____			Date _____	
PROJECT INFORMATION									
Address(es) <u>153 Harbor View, Bodega Bay</u>							City <u>BODEGA BAY</u>		
Assessor's Parcel Number(s) <u>100-100-031</u>									
Project Description <u>(N) RESIDENCE, (N) GARAGE / BARN, (N) CRUSHED ROCK DRIVEWAY / GUEST PARKING, (N) ENTRY COURT, (N) FENCES AND GATES, (N) PLANTING</u>									
Acreage <u>1.48</u>					Number of new lots proposed <u>0</u>				
Site Served by Public Water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					Site Served by Public Sewer <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
TO BE COMPLETED BY PRMD STAFF									
Planning Area <u>Sonoma Coast/Guided</u>		Supervisorial District <u>5</u>			Latitude <u>38.330472</u>		Longitude <u>-122.844857</u>		
Current Zoning <u>PL, CC, G SR</u>									
General Plan Land Use <u>G-C</u>					Specific/Area Plan _____				
S.P. Land Use _____					Violation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		File No. _____		
Application resolve planning violation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Penalty application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Previous Files <u>WPE 97-0139, CPH 97-0013</u>									
Application accepted by <u>[Signature]</u>					Date <u>4/24/2018</u>				
Approved by _____					Date _____				

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA
57-009

11

100-10



Part of
BAYSHORE TRACT

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

Assessor's parcels do not necessarily delineate legal lots. To verify legal parcel status, consult with the appropriate city or county planning or community development or planning division.

Bodega Bay Assessor's Map Bk. 100 Pg. Sonoma County, Calif.

RECORDING REQUESTED BY:

Old Republic Title Company

Escrow No.: 1112025150
APN: 100-100-031

When Recorded Mail Document and Tax Statements to:

Vincent Chang
466 36th Avenue
San Francisco, CA 94121



2017030957

Official Records Of Sonoma County
William F. Rousseau
04/24/2017 08:24 AM
OLD REPUBLIC TITLE CO.



DEED 4 Pgs

Fee: \$33.00
County Tax: \$434.50

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Grant Deed

The undersigned grantor(s) declare(s):
Documentary Transfer Tax is \$434.50
 computed on full value of property conveyed, or
 computed on full value less of liens and encumbrances remaining at time of sale.
 Unincorporated area: City of

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Bodega View Properties, LLC, A California Limited Liability Company

hereby GRANT(S) to
Vincent Chang, a widower

that property in Unincorporated area of Sonoma County, State of California, described as follows:
* * * See "Exhibit A" attached hereto and made a part hereof. * * *

Date: April 17, 2017

BODEGA VIEW PROPERTIES, LLC, a California Limited
Liability Company
By: Ryan Realty, Inc., a California Corporation, its
Managing Member
By:



James M. Ryan, President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sonoma

On April 18, 2017 before me, Karin Lynn Kelly a Notary Public, personally appeared James M. Ryan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (his/her/their authorized capacity(ies)), and that by (his/her/their signature(s)) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: *Karin Lynn Kelly*

Name: _____
(Typed or Printed)



(Seal)

ORDER NO. : 1112025150

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Sonoma, State of California, and is described as follows:

PARCEL ONE:

Being a portion of the lands of Lawrence Colombo, et ux, near the Town of Bodega Bay, as said lands are described in deed recorded in Book 1930 of Official Records, Page 140, Sonoma County Records, said portion more particularly described as follows:

Commencing at a brass capped monument set in concrete on the Southwesterly edge of National Highway No. 1, known as the Coastal Highway and delineated on that certain set of maps named "Road District No. 3", recorded in Book 44 of Maps, Page 164, said monument known as station "Road" and from which point another station "Dune 2" lies North 51° 34' 56" West, both stations delineated on that certain Record Map entitled "Survey of Legislative Grant to the County of Sonoma, Statutes 1951, Chapter 1406, Page 3355", recorded in Book 71 of Maps, Pages 4 to 9, inclusive; thence from said station road 81° 42' 30" East, 210.12 feet to a set 1/2" iron pipe and tag lying on the Northeasterly edge of said Highway lying about opposite engineers station 458/54 as delineated on said RDI No. 3 Map, said pipe being the true point of beginning of the parcel to be herein described; thence from said true point of beginning North 35° 14' 40" East, 352.11 feet to a set 1/2" iron pipe and tag; thence South 53° 50' 20" East, 227.38 feet to a set 1/2" iron pipe and tag; thence South 29° 57' 55" West, 46.18 feet to a set 1/2" iron pipe and tag (hereinafter referred to as Point "A"); thence South 43° 17' 40" West, 221.32 feet to a set 1/2" iron pipe and tag, thence North 66° 00' 20" West, 59.89 feet to a set 1/2" iron pipe and tag on the Northerly edge of said Highway No. 1; thence along said highway edge parallel to and 20 feet from the center line North 57° 41' 20" West, 110.70 feet to the point of beginning; all tags mentioned bear the inscription "R. S. Hogan, L.S. 2798"; basis of bearings, the California Coordination System bearing of North 51° 34' 56" West as shown on said map between Station Road and Dune 2.

EXCEPTING THEREFROM all that portion conveyed to the State of California in Grant Deed recorded March 27, 2000, under Recorder's Serial No. 2000-028754, Official Records.

PARCEL TWO:

Together with a right of way for road, access, utility and drainage purposes over a strip of land 20 feet in width, measured at right angles, lying 10 feet on each side of the following described center line: commencing at Point "A" above referred to above in Parcel One; thence South 43° 17' 40" West, 14.00 feet to a point, the true point of beginning of the center line to be herein described; thence from said true point of beginning South 55° 52' 20" East, 123.11 feet to the point of curve; thence on a curve to the right, through a delta angle of 89° 35' with a radius of 20.00 feet for a length of 31.27 feet to a point of curve; thence on a curve to the right through a delta angle of 70° 31', with a radius of 187.02 feet for a length of 230.17 feet to a point of tangent; thence North 75° 46' 20" West, 102.71 feet to a point of curve; thence on a curve to the left through a delta angle of 64° 20' with a radius of 50.00 feet, for a length of 56.14 feet to a point of tangent; thence South 39° 53' 40" West, 5.98 feet to a point of intersection with the

Northeasterly edge of said Highway No. 1, the point of termination of the above described center line from which a sent 1/2" iron pipe and tag marking the most Southeasterly corner of the above described Parcel One bears North 57° 41' 20" West 14.28 feet.

PARCEL THREE:

An easement for access and public utility purposes over the lands of Bodega Bay Sunset Property, LLC, a California limited liability company, recorded November 16, 1998 under Document No. 1998-0136486 and re-recorded April 28, 1999 under Document No. 1999-0054760, Official Records of Sonoma County, California.

PARCEL FOUR:

An easement for installation and maintenance of a sanitary sewer line over the lands of Bodega Bay Sunset Property, LLC, a California limited liability company, recorded November 16, 1998 under Document No. 1998-0136487 and re-recorded April 28, 1999 under Document No. 1999-0054759, Official Records of Sonoma County, California.

APN: 100-100-031



**Pedersen Associates
Landscape Architecture**

Peder Jens Pedersen ASLA
24 H Street

San Rafael CA 94901

415 456 2070

415 456 2080 F

CA Reg. No. 2300

HI Reg. No. 7273

Proposal Statement

153 Harbor View Way
900 Highway 1, Bodega Bay

The existing site is an undeveloped parcel gently sloping to Highway 1 and bordered on the south by Bay Harbor Way. The site affords sweeping views to Bodega Bay and the ocean beyond. The lower portion of the property has a 150' setback from Hwy 1 and small wetland. The lot is 1.49 acres gross, 1.0 acre net. There is a stand of mature Cypress trees in the corner closest to Harbor View Way. The parcel is bordered to the north by a 70 unit subdivision that is presently under construction. Nearby land uses include the Sonoma Coast Visitor Center, Bodega Harbor Inn, The Inn at the Tides and the Tides Warf Restaurant.

Bay Harbor Way, a landscaped thoroughfare runs past the southern edge of the site and serves an existing 14 unit PUD and an approximately 70 unit subdivision under construction. Bay Harbor Way landscaping consists of native shrubs, Cypress and Pine trees. There is a public utilities easement along the northern side of the property where the sanitary sewer for the adjacent subdivision is located. Access to the site is along a 50' access and utility easement from the parcel above, south east to Harbor View Way.

The proposed development is a single family 3,754 sf gross floor area (3,336 sf net) straw bale home with a 600 sf two car detached garage with a 400 sf study above. The home has four bedrooms, 4 bathrooms and a powder room. The development of the parcel runs parallel to the contours to keep the profile of the home low, nestled into the site. The existing trees will be preserved as a part of the development plan. The building locations respect the existing topography and Cypress trees: there is a balance of cut and fill with no off haul and generous clearances to the existing trees.

The guest parking area and driveway will be a pervious colored gravel surface. The home will be single story with a flat roof. The trim and window frames colors will be dark bronze and the body of the home will be a sandy beige. (refer to the color & materials board) A deck runs along the water side of the residence with a cable railing, stainless steel posts and a dark lpe wood cap. The roof will be a built-up membrane with a gray/beige roofing gravel.

The landscaping is comprised of California native trees, shrubs and perennials irrigated with a drip system with an Eto controller. Paths and landscape stairs are crushed rock and landscape ties with metal edging. Landscape lighting fixtures are all night sky friendly, aimed downward.

NOTE. Misstatements marked in Yellow. No such street as Bay Harbor Way, less than 150' from Hwy.1 within a LARGE not small Federal wetland, stand of trees have been removed and not reserved, no existing 14 unit PUD only a sewerage treatment plant nearby. Project is not a single family home. No residence can be built or occupied on existing major fault lines (USGS), landscaping and fences not allowed in this area. Wrong address.

 Save  Share  More



Sonoma County Hazard Mitigation Plan

Figure 8.1 Major Earthquake Fault Zones & Areas of Liquefaction

