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July 13, 2020

Supervisor David Rabbitt
Supervisor James Gore
Supervisor Lynda Hopkins
Supervisor Shirlee Zane
Supervisor Susan Gorin

Regarding: Coastal Permit Appeal
1020 Highway 1, Bodega Bay
Hearing Date – July 14, 2020; 1:30PM

Dear Mme and Mssrs Supervisors,

We are Alan and Julie Chapman, Applicants/Appellees in the above-referenced matter. We are here because our neighbors object to the construction of our very simple dream home: a 3/2, 1600 square foot single-family home on the buildable lot that we purchased over four (4) years ago. We are here because our neighbors claim that even though the project meets the exacting standards of the Coastal Zoning Ordinance in every single respect, this Board should ignore the law and apply a completely different standard, one that would effectively preclude construction of *any* viable home on this property, much less the project before this Board. To do so would ignore the rule of law, deprive us of the quiet enjoyment of our property , and send a chilling message to all who wish to invest in Bodega Bay and who need to know that the law will be applied predictably and equally to all who wish to join this community .

By way of background, we started looking for homes in Bodega Bay in 2015. Julie had been diagnosed with MS several years prior, and the Sacramento summers had been particularly hard on her. We had friends in the area that we visit on a regular basis and Bodega Bay seemed to be an ideal place for us to purchase a second home, with the goal of ultimately retiring in the area.

In late 2015 we first became aware of the lot at 1020 Highway 1 which is the subject of this Appeal. While touring the two-story house at 1010 Highway one – the house that was subsequently purchased by Appellants Wong—the listing Realtor advised that the house and surrounding property at 1010 Highway 1 were in fact comprised of two roughly equal sized separate parcels. The house at 1010 was on one parcel, and the property to the north of the driveway (1020) was a separate buildable lot. She advised that these properties had been for sale on and off for several years, and that that if we were interested in the (now) Wong property, we would be best served to make an offer that included both lots, as not only would an offer that included both properties be more likely to be considered by the seller, but the vacant lot was “buildable,” and we would assure that the vacant lot would remain so by purchasing both.

We passed on what is now the Wong property.

Within a few weeks, we learned that the owners of 1010 Highway 1 had accepted an offer that, to our surprise, excluded the vacant lot, and we learned that the lot at 1020 was now available for $200,000. We declined to make an offer at that time.

Sometime thereafter, we were advised that the price of the vacant lot had dropped by half. We made an offer that was conditioned upon our confirmation that the lot was, indeed, buildable, and practically so. We reviewed the relevant provisions of the Coastal Zoning Ordinance and consulted with Sonoma County Planners and our then-builder (who has since retired). Assured that we could build a modest three -bedroom, two-bathroom home on this property, the sale was consummated, and we went about obtaining the requisite environmental studies.

It is worth mentioning here that Appellants Wong clearly decided not to purchase the vacant property, and must have known that someone would eventually purchase that buildable lot. Likewise, Appellants Marker/Ruddell, having lived in their home since approximately 1994, likewise knew or should have known that the lot in front of their house was buildable. In fact, we were told that Mr. Marker actually made a backup offer to purchase that lot while we were in escrow.

After closing, we hired an architect with whom we worked over several months at considerable expense to design a wonderful coastal home that ensured compliance with every rule and regulation. We finally agreed on the design of the home we could afford to build, and on September 27, 2016, we submitted our application for a Coastal Permit to the County of Sonoma.

Wildfires and other natural calamities in Sonoma County delayed the hearing before the Board of Zoning Adjustments until December 2018. After a full hearing, including opportunities for each of the Appellants to be heard, the Board unanimously approved the Coastal Permit.

Our neighbors appealed. A review of the documentation filed by Appellants reveals that they come to the Board with virtually identical arguments as those they made before, and were unanimously rejected by the BZA. Now, after 17 months and almost $15,000 in additional fees and costs to us, the Appellants come before this Board with arguments no more meritorious today than they were a year and a half ago.

From our perspective, the Appellants appear to have two key arguments:

1. Our proposed home should be limited to a maximum height of 16ft
2. Our proposed home is too large for the lot and fails to “blend” when compared to surrounding homes

As Sonoma County points out in its Summary Report, Section 26C-102(4) of the Coastal Zoning Code clearly shows the maximum height for the lot at 1020 Highway 1 is 24ft. At 22.5ft at its highest point, our project is a full 18 inches below this maximum – well below the statutory limit.

Appellants appear to contend that this Board should replace the black letter law with a new standard just for our house with a 16ft limitation. Not only would such a standard violate the express terms of the Coastal Zoning Code, but the homes on either side of our property are not so limited. Both are two story homes, and ironically, Appellant Wong/Ridgeway’s house reaches approximately 20 ft. at its highest point. So, Appellants seek to hold us to a standard that they, themselves, do not meet.

Presumably, Appellants' object to the applicable height restriction because our proposed home (any home, in fact) would impact their view. But for properties east of Highway 1, there is no provision in the code that allows consideration of impact on neighboring coastal views where the property height is less than 24ft. Of note, given our home was obviously going to obstruct some of the view from neighbors, we asked our architect and builder to do what we could to keep the height of the house as low as possible given the design and building constraints imposed.

Appellants also appear to claim that the current requirement that newly designated lots be 6000 sq. ft. or larger should apply retroactively to preclude us from building our home on a 4138 sq. ft. lot. Once again, Appellants want to cherry pick which rules to apply, regardless of what current law mandates. Laws are applied prospectively, not retrospectively. Our lot was designated as buildable 1902 when it was created. The change in the lot size by the Coastal Commission is not applied retroactively for existing lot sizes just as it is not applied retroactively to require older homes to comply with new building standards. If this were true, then Appellant Wong/Ridgeway's lot of approximately 4300 sq. ft. would likewise violate code, and they would be required to erect a garage and parking space among other changes to comply with current code.[1]

Appellants incorrectly contend that the size of the proposed home is somehow out of step with the surrounding structures. Woodhaven, the home to the north, is approximately 2,200 sq. ft. Appellant Markers/Ruddell's home is listed in excess of 1,700 sq. ft. and the Wong/Ridgeway residence is a shade over 1,400 sq. ft. Our home at 1,616 sq. ft. is the second smallest of the four homes in the immediate vicinity.

Appellants also articulate "safety concerns," claiming that it will be more difficult for service trucks to access and egress the easement/driveway to the 1010, 1020 and 1030 properties. However, there is no mention of how these vehicles currently access/egress the easement.

Vehicles going to the Marker/Ruddell property would easily be able to turnaround on their driveway at the top of the hill. The inference here is that any vehicles already going to 1010 Highway 1 must be reversing out on to the highway as there is nowhere else for them to turn round on the easement/driveway. Are Appellants suggesting that it is acceptable for delivery vehicles going to the Wong/Ridgeway home to reverse into the street, but not those going to our property?

Finally, Appellants seek to further delay construction by requesting an "on-site safety analysis" by Cal Trans and the Bodega Bay Fire District. There is no purpose for such an analysis, and as pointed out in the County's Summary Report, all relevant agencies have been provided notice and thus an opportunity to evaluate the proposed project. None has offered a single objection. Furthermore, if any issues are truly present regarding access and egress, why hasn't this been brought to the attention of the relevant agencies before? Appellants Marker/Ruddell have lived at 1030 for over 20 years. Have they raised this

[1] Appellants Wong/Ridgeway have no designated parking on their property. We noticed on more than one occasion as we have driven past our lot that car(s) were actually parked on our property. Upon investigation, we established the drivers of these vehicles were AirBnB guests renting the Wong/Ridgeway home. Our written request to stop this practice was ignored, and we had to erect a temporary fence on our property line.

issue on their own behalf? Did they raise this issue when Appellants Wong/Ridgeway purchased their property 4 years ago? We submit that there is no proper purpose for such analysis.

We have waited for over four (4) years, invested approximately 150,000 on this project to date, and we still can't break ground to build our home. We have dotted our I's and crossed our t's by creating a building plan that complies with both the letter and spirit of the Coastal Commission Code. We ask that the Board deny the Appeal and uphold the BZA's approval of a Coastal Permit.

Respectfully submitted,

Julie Chapman

Alan Chapman