



## Legislation Details (With Text)

**File #:** 2020-0374

**Type:** Regular Calendar Item **Status:** Agenda Ready

**File created:** 4/8/2020 **In control:** Permit and Resource Management

**On agenda:** 7/14/2020 **Final action:**

**Title:** 1:30 PM - Coastal Permit Appeal, 1020 HWY 1 Bodega Bay

**Sponsors:** Permit and Resource Management

**Indexes:**

**Attachments:** 1. Coastal Permit Appeal, 1020 Hwy 1 Bodega Bay Summary.pdf, 2. Att 1 - Board of Supervisors Draft Resolution .pdf, 3. Att 2 - Exhibit A - Draft Conditions of Approval .pdf, 4. Att 3 - Appeal .pdf, 5. Att 4 - Project Site.pdf, 6. Att 5 - BZA Staff Report.pdf, 7. Att 6 - BZA Mins Excerpt 2018-12-20 min.pdf, 8. Att 7 - Project Plans.pdf, 9. Coastal Permit Appeal 1020 HWY 1 Bodega Bay.Public Comment 1.pdf, 10. Coastal Permit Appeal 1020 Hwy 1 Bodega Bay.Public Comment.2.pdf, 11. CPH16-0009 Final BOS Powerpoint (JF) .pdf

Date	Ver.	Action By	Action	Result
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**To:** Board of Supervisors  
**Department or Agency Name(s):** Permit Sonoma  
**Staff Name and Phone Number:** Jennifer Faso, (707) 565-1683  
**Vote Requirement:** Majority  
**Supervisory District(s):** Fifth

**Title:**  
**1:30 PM - Coastal Permit Appeal, 1020 HWY 1 Bodega Bay**

### Recommended Action:

Conduct a public hearing and approve a Resolution denying the appeal, exempting the project from the California Environmental Quality Act (CEQA), and upholding the Board of Zoning Adjustment's approval of a Coastal Permit for a new 1,616 square foot single family residence and attached 200 square foot garage at 1020 HWY 1 Bodega Bay, APN 100-100-005; CPH16-0009. (Fifth District)

### Executive Summary:

The proposed project is the construction of a new two story 1,616 square foot single family residence with attached 200 square foot garage and associated landscaping. The subject parcel is a 4,138 square foot parcel located on the east side of Highway 1 within the Coastal Zone and within the Bodega Bay Urban Service Area.

The proposed traditional architectural style of the new single family residence along with the proposed exterior materials will be compatible with the surrounding neighborhood and the natural environment. The project meets development standards in terms of setbacks, maximum lot coverage and height restrictions of the R1 (Low Density Residential) CC (Coastal Combining) zoning district in which the project is located.

The project is exempt from the California Environmental Quality Act (CEQA) given that the project involves the construction of a single family residence.

On December 20, 2018, the Board of Zoning Adjustments conducted a public hearing and found the project exempt from the requirements of CEQA and unanimously approved the Coastal Permit.

On December 28, 2018 the adjacent neighbors (Appellants) filed a timely appeal to the Board of Supervisors, shown in Attachment 3.

Staff recommends denying the appeal because the project is consistent with the goals and policies of the Local Coastal Plan and meets the development standards of the Coastal Zoning Ordinance, Chapter 26C of the County Code. Furthermore the project will be compatible with the existing community character and the natural environment.

### **Discussion:**

#### **Project Description:**

The proposed 1,616 square foot single family residence is two stories comprised of a 856 square foot first floor and a 760 square foot second floor. The height of the structure is 22 feet 6 inches. The attached garage is 200 square feet which will provide one covered parking space. Additional uncovered parking is available on the project site adjacent to the garage.

The following exterior materials and colors are proposed:

#### Siding

Material: Hardie Board Lap Siding with white trim

Color: Monterey Taupe

#### Roof

Material: Three Tab Asphalt Shingle

Color: Dark Grey/Black

#### Site Characteristics

The project site is a 4,138 square foot parcel located on the east side of Highway 1, at 1020 Highway 1 Bodega Bay (Attachment 4 Vicinity Map). The parcel is vacant and gently slopes towards Highway 1 which borders the parcel at the westerly property line.

#### Surrounding Land Use and Zoning

North: Single family residence zoned R1 (Low Density Residential), CC (Coastal Combining)

South: Single family residence zoned R1 (Low Density Residential), CC (Coastal Combining)

East: Single family residence zoned PC (Planned Community), CC (Coastal Combining)

West: Highway 1, Vacant parcel zoned PF (Public Facility)

### **Issues Raised in the Appeal Letter:**

#### **1. Public Hearing Comment Procedures**

The appeal states a concern that the rules and procedures of the Board of Zoning Adjustments' public

hearing process were not followed. Specifically the appeal states that the property owners' contractor/designer was allowed to assume the role of applicant and was given more time than the general public to address the Board of Zoning Adjustments.

Staff discussion: Public Hearing Comment Procedures

The Coastal Permit application submitted to Permit Sonoma lists Alan and Julie Martin Chapman as the applicants and owners. The application lists Mason Tobey and contractor Richard Popek as *Others Persons to be Notified*. This section of the application allows property owners to designate additional individuals that they want included on all correspondence and contact with Permit Sonoma. In many cases the project manager or other professionals are listed in this section.

The Bylaws of the Sonoma County Board of Zoning Adjustments and the procedural rules for conduct of public meeting state: *The applicant or his/her representatives will be given an opportunity to make a presentation or make comments relative to his/her application.* During the Board of Zoning Adjustments hearing the applicant Julie Martin Chapman gave a brief introduction of the project and then asked her contractor/designer Richard Popek to use the rest of her allotted time to speak and answer questions from the members of the Board of Zoning Adjustments (Attachment 6 BZA Minutes). Richard Popek was not given additional time as a member of the public as he was delegated by the property owner as a member of the project applicant team. The Board of Zoning Adjustments held a public hearing, reviewed the staff report and materials and listened to public comment consistent with their procedural rules for conduct of public meetings.

## **2. Maximum Lot Coverage**

The appeal states that the driveway easement that serves the subject parcel and the adjacent parcels should not be included in the total footage of the parcel. For this reason the appellants believe that the proposed project exceeds the maximum lot coverage for development.

Staff discussion: Maximum Lot Coverage

The access for this parcel along with access for the adjacent parcel is provided by a 10 foot driveway easement. The easement consists of 5 feet from the subject parcel and 5 feet from the adjacent parcel (1010 Highway 1). The Grant Deed for the subject parcel shows one legal lot totaling 4,138 square feet that includes the common right of way. The Coastal Zoning Code section 26C-12 defines: *Lot means a legally defined parcel or contiguous group of parcels in single ownership or under single control, usually considered a unit for purposes of development.* Therefore the total lot area for this project is calculated including the easement area.

Maximum lot coverage allowed per Section 26-102(e) of the Coastal Zoning Code is forty percent (40%). The proposed development which includes the total footprint of the single family residence, garage and driveway is 1,629 square feet. The subject parcel is 4,138 square feet, therefore the project's lot coverage is 39.3 percent. The proposed lot coverage for this project is less than then maximum allowed making the project consistent with the maximum lot coverage requirements.

## **3. Easement /Driveway**

The appeal states that the site plan submitted with the application misrepresents the condition of the existing driveway easement in terms of paving and the amount of turn around area available for larger vehicles.

Staff discussion: Easement /Driveway

The site plan (Attachment 6 Plans) shows the first part of the driveway as paved and the rear portion of the driveway as gravel. The existing driveway has been in use for many years and was originally paved at the portion of the driveway that connects with Highway 1, this has worn over time. The rear portion of the driveway is currently gravel and is not proposed to change. The unpaved driveway does not preclude large vehicles from accessing the site as they have done so in the past. In many cases, for example trash pick-up or UPS deliveries, will perform their business from the main road or nearby turnouts, consistent with the current practice in the area.

#### **4. Consistency with Local Coastal Plan**

The appeal states that the proposed project is not consistent with the Local Coastal Plan because the project site is smaller than the minimum lot size recommended in the Coastal Plan for new development and that the appellants believe that there is no authority to “grandfather in” the existing lot.

Staff discussion: Consistency with Local Coastal Plan

The project site is a legal lot created in 1902. At the time the lot was created the current minimum lot sizes were not in effect. Because the lot was created legally, development of the lot is allowed however all current development standards must be met. The project is consistent with the current development standards of the Local Coastal Plan and Coastal Zoning Ordinance. Minimum lot size requirements set standards for the creation of new lots but do not impact the ability to develop a legally established lot provided all current development standards are met.

#### **5. Height**

The appeal states that the proposed height of the new single family residence exceeds the height restriction of the Coastal Zoning Ordinance and that the residence will not be compatible with the existing neighborhood.

Staff discussion: Height

Section 26C-102 (4) of the Coastal Zoning Code notes that residential projects east of Highway 1 and visible from designated scenic roads are limited in height to 24 feet and 15 feet for accessory buildings.

The proposed single family residence is 22 feet 6 inches at its highest point and therefore is consistent with the maximum height allowed by the Coastal Zoning Code.

The surrounding area is developed with single family residences that consists of various architectural styles and sizes. The proposed traditional architectural style along and earth tone exterior materials are similar to

adjacent structures making the project compatible with the surrounding neighborhood.

## **6. Lot Access and Egress for Larger Vehicles**

The appeal states concerns regarding the size of the lot and the ability for larger vehicles to access and exit the lot safely.

### Staff discussion: Lot Access and Egress for Larger Vehicles

The existing lot is accessed by a common right of way easement that includes an existing driveway encroachment into Highway 1 permitted by California Department of Transportation (Caltrans).

As part of the standard practice for processing Coastal Permits the project was sent to interested parties, other county departments and state agencies. Each department and agency was given the opportunity to raise any concerns or request additional information that would assist in the analysis of the project. As part of that process the project was sent to The California Department of Transportation, the County of Sonoma Fire and Emergency Services and Bodega Bay Fire Protection Agency. No comments were received from these agencies during this referral period.

### **Staff Recommendations:**

Deny the appeal and uphold the Board of Zoning Adjustments approval of the proposed single family residence subject to the attached conditions of approval.

### **Prior Board Actions:**

None.

## **FISCAL SUMMARY**

### **Narrative Explanation of Fiscal Impacts:**

N/A

### **Narrative Explanation of Staffing Impacts (If Required):**

N/A

### **Attachments:**

Att 1 - Draft Board of Supervisor's Resolution

Att 2 - Draft Conditions of Approval

Att 3 - Appeal Form dated December 28, 2018

Att 4 - Project Site Map

Att 5 - Board of Zoning Adjustment Staff Report Packet dated December 20, 2018

Att 6 - Board of Zoning Adjustment minutes excerpt December 20, 2018

Att 7 - Project Plans

### **Related Items "On File" with the Clerk of the Board:**

N/A

