



## Legislation Details (With Text)

**File #:** 2022-0246  
**Type:** Regular Calendar Item      **Status:** Passed  
**File created:** 3/2/2022      **In control:** Permit and Resource Management  
**On agenda:** 4/5/2022      **Final action:** 4/5/2022  
**Title:** 1:30 P.M. Coastal Permit Appeal, 153 Harbor View Way, Bodega Bay (CPH18-0009)  
**Sponsors:** Permit and Resource Management

**Indexes:**

**Attachments:** 1. Summary Final.pdf, 2. Att 1 CPH18-0009 BOS Resolution.pdf, 3. Att 2 CPH18-0009 BOS Conds.pdf, 4. Att 3 CPH18-0009 Appeal .pdf, 5. Att 4 CPH18-0009 Location Map.pdf, 6. Att 5 CPH18-0009 BZA Staff Report (1).pdf, 7. Att 6 CPH18-0009\_20210422 BZA Actions.pdf, 8. Att 7 CPH18-0009 Biological Assessment Report.pdf, 9. Att 8 CPH18-0009\_GEO STUDY.pdf, 10. Att 9 CPH18-0009 Plans and application.pdf, 11. PDF CPH18-0009 BOS Powerpoint.pdf, 12. PDF CPH18-0009 Appellant Packet 4-5-2022.pdf

Date	Ver.	Action By	Action	Result
4/5/2022	1	Board of Supervisors	Approved as recommended	Pass

**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 P.M.** Coastal Permit Appeal, 153 Harbor View Way, Bodega Bay (CPH18-0009)

**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 3,754 square foot single-family residence, 600 square foot detached garage, and associated landscaping for property located at 153 Harbor View Way, Bodega Bay; APN 100-100-031; (CPH18-0009). (Fifth District)

**Executive Summary:**

The proposed project is a new 3,754 square foot single-family dwelling with a 600 square foot detached garage, associated landscaping and driveway improvements on a 1.48 acre parcel. The subject parcel is a vacant lot located on the east side of Highway 1 within in the Coastal Zone and within the Bodega Bay Urban Service Area.

The residence is a single story structure with a flat roof that runs parallel to the existing contours of the parcel keeping the profile of the residence low and nestled into the site.

The proposed driveway is a pervious gravel surface. The landscaping is comprised of California Native trees, shrubs and perennials irrigated with a drip system. All exterior lighting is downcast and dark sky compliant. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 3

(a) because the project involves the construction of a single-family residence.

On April 22, 2021, 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 April 29, 2021 Margaret Briare on behalf of Bodega Bay Concerned Citizens 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 is compatible with the existing community character and the natural environment.

**Discussion:**

**Project Description:**

Request for a Coastal Permit (CPH18-0009) to allow the construction of a 3,754 square foot single story single-family residence, 600 square foot detached garage, and associated landscaping and driveway. The proposed single-family home is 23 ‘5/8” tall and located on the east side of Highway 1.

The following exterior materials and colors are proposed:

Siding

Material: Stucco

Color: Trabuco 278(42) Base 200 (brown earth tone)

Roof

Material: Flat membrane roof

Color: Earth Tone

Site Characteristics

The vacant 1.48 acre project site is located on the east side of Highway 1. The parcel gently slopes east to west toward Highway 1 with an elevation range from approximately 30 feet above sea level at the lowest point to approximately 80 feet in elevation at the eastern boundary.

Direction	Land Uses
North	Vacant Parcel zoned Planned Community (PC), Residential zoned R1 (Low Density Residential)
South	Inn at the Tides zoned Commercial Tourist (CT)
East	Single-family Residence zoned Planned Community (PC)
West	Highway 1, Residential and Commercial Uses zoned Commercial Tourist (CT) and Commercial Fishing (CF)

Access

The project site is accessed by a driveway from a dedicated access easement that connects to Harbor View Way.

Wildfire Risk

The project parcel is located within the State Responsibility Area for fire protection and is currently served by

Bodega Bay Fire Protection District. The Fire Hazard Severity Zone is Moderate.

### Water/Wastewater/Utilities

The proposed project is served by Bodega Bay Public Utilities for water and sewer.

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

#### **1. Sensitive Biological Community**

The appeal states a concern that the proposed project is located within a sensitive biological community, specifically within wetlands designated by the U.S. Department of the Interior, U.S. Fish and Wildlife Service as significant wetlands.

#### Staff discussion: Sensitive Biological Community

The Coastal Permit application submitted to Permit Sonoma included a Biological Resource Assessment prepared by Doug Spicher of WRA Environmental Consultants, dated January 2018. (Attachment 7). The report describes the results of the Study Area assessment related to (1) the presence of special - status species; (2) potential to support special-status species; and (3) presence of other sensitive biological resources protected by local, state and federal laws and regulations.

The assessment took into consideration any areas of the project site that might qualify as wetlands using the United States Fish and Wildlife Service (USFWS) definition and based on observations of wetland hydrology and any one of the other criteria used by the USFWS.

The assessment concluded that on the western corner and at the lowest elevation within the Study Area a sensitive biological community, seasonal wetlands, were identified (Attachment 7, Figure 2). However, this wetland community is located in the far western portion of the Study Area adjacent to Highway 1. Avoidance of this habitat by the proposed project will result in no impacts and therefore no mitigation is required.

The proposed single-family residence is located at the top of the project site more than 200 feet from the sensitive biological community as shown on the site plan (Attachment 9). The Local Coastal Plan requires that development be located at least 100 feet from wetlands and Condition of Approval # 3 requires that no development be approved or initiated within 100 feet of the identified wetlands.

Based on the information above staff has concluded that the proposed single-family residence and associated development is not located within an area designated by the U.S Department of Interior, U.S. Fish and Wildlife Service as significant wetlands.

#### **2. Local Coastal Plan Consistency**

The appeal states that the proposed project is not consistent with the Local Coastal Plan.

#### Staff discussion: Local Coastal Plan Consistency

The project site for the proposed single-family residence is located within the Coastal Zone and is subject to the provisions of the Sonoma County Local Coastal Plan (1987, amended 2001). The purpose

of the Local Coastal Plan is to protect, maintain, and where feasible enhance the overall quality of the coastal environment. The Local Coastal Plan identifies intended land uses and includes policies to preserve the Coastal Zone's visual and biological resources.

Within the Coastal Zone all new development is subject to the requirements of a Coastal Permit. The proposed single-family residence meets the definition of development and therefore a Coastal Permit is required.

Staff analyzed the project with respect to Land Use, Visual Resources, Biotic communities and Zoning. That analysis is summarized below and is included in the staff report presented to the Board of Zoning Adjustments, dated April 22, 2021 (Attachment 5).

### **Land Use**

The Land Use Section of the Local Coastal Plan formulates development policies that together with the Land Use Maps indicated the type, location, and intensity of the land use permitted in the Coastal Zone. The Local Coastal Plan identifies the project site as Urban Residential (UR). The project proposes one single-family residence with detached garage, which is consistent with the Urban Residential land use designation in terms of the type, location, and intensity allowed.

### **Visual Resources**

The Visual Resources Section of the Local Coastal Plan provides policies to prevent blockage or degradation of scenic views from public spaces and to assure that development is compatible with the existing natural and developed landscape. The zoning for the subject parcel includes a Scenic Resources combining zone; however, the front portion of the parcel that runs along Highway 1 is located within the scenic corridor. The proposed single-family residence and detached garage are out of the scenic corridor.

To ensure the proposed project is compatible with the surrounding natural and built environment the project was analyzed based on the design standards provided in the Local Coastal Plan along with Section 26C-292, General Development Standards, of the Coastal Zoning Code.

The project is located on an existing lot east of Highway 1, within the Bodega Bay Urban Service Area. The new single-family residence will not block coastal views from Highway 1 and exterior materials used for the residence will be comprised of non-reflective earth tones. For these reasons the project will not have a significant negative visual impact.

### **Biotic Communities**

The Local Coastal Plan identifies areas along the Sonoma County coast that contains sensitive environmental resources. The project site is not located within one of the Local Coastal Plan's identified sensitive areas. A biological assessment prepared by WRA Environmental Consultants dated January 2018, was submitted as part of the Coastal Permit application. The assessment concluded that no portion of the project area is located within designated critical habitat for any species and no sensitive plant communities were identified.

The far western portion of the project site has been identified as an area that could contain seasonal

wetlands however the proposed project building area is more than 100 feet from this portion of the site. For this reason the Biological Assessment did not recommend mitigations related to wetlands. Condition of Approval # 3 has been included to further ensure that development will not impact seasonal wetlands.

No trees are proposed to be removed as part of this project.

**Zoning**

The project site has a zoning classification of PC (Planned Community), CC (Coastal Combining). This zoning designation allows for single-family residences as a permitted use.

The proposed project is consistent with the development standards of the Planned Community Coastal Combining zoning as it relates to setbacks, height, parking requirements and lot coverage. This is shown in the table below.

Coastal Zoning Ordinance Section 26C-125			
Standard	Ordinance	Existing Condition	Proposed Project
Lot Area	6,000 square feet	1.48 acre	1.48 acre
Front Setback	20 ‘	Vacant	66’- 4 1/8 “
Side Setback	5’	Vacant	41’-0” north Side 30’-2” south side
Rear Setback	20’	Vacant	203’-2”
Height	24 ‘ - East of Highway 1 and visible from designated scenic roads. 35’ - East of Highway 1 and not visible from designated scenic roads.	Vacant	23’- 5/8 single-family residence 22’- 5 3/8 “ detached garage
Lot Coverage %	35 %	Vacant	29 %
Parking Spaces	Not less than 2 covered off-street parking spaces.	Vacant	2 covered spaces in detached garage.

**3. Alquist-Priolo Earthquake Fault Zone**

The appeal states that the proposed project is within the Alquist-Priolo Earthquake Fault Zone and that no structure intended for human occupancy can be placed across the trace of an active fault.

Staff discussion: Alquist-Priolo Earthquake Fault Zone

The Coastal Permit application submitted to Permit Sonoma included a Geotechnical Investigation prepared by PJC & Associates, Inc. (Attachment 8). The investigation concluded that the project site is located within the Alquist-Priolo Earthquake Fault Zone. Staff confirmed that projects that are subject to the Alquist-Priolo Earthquake Fault Zoning Act (California Public Resources Code Sections 2621 et seq.) do not include the construction of a single-family wood-framed or steel-framed dwelling not exceeding two stories, when that dwelling is not part of a development of four or more dwellings. As a

result, the Alquist-Priolo Earthquake Fault Zoning Act, does not apply to or prevent approval of this project, which is construction of a single story wood-framed single-family dwelling with detached garage, and which is not part of a development of four or more dwellings. (California Public Resources Code Sections 2621.6.) For the same reason, state regulations promulgated pursuant to the Alquist-Priolo Earthquake Fault Zoning Act do not apply to such wood-framed, single story, single-family dwellings, including regulations related to placing such single-family dwellings across or within 50 feet of an active fault trace (Title 14 CCR § 3603).

Condition of Approval 1 (Attachment 2) requires that a building permit be applied for and approved prior to construction. Through the building permit process life safety requirements, including geotechnical requirements, will be reviewed for compliance with the California Building Codes.

#### 4. Information presented to the Board of Zoning Adjustments

The appeal states that the staff report presented to the Board of Zoning Adjustments did not contain proper information regarding agencies involved in the permitting process and that it did not include project site information submitted by Bodega Bay Concerned Citizens.

##### Staff Discussion: Information presented to the Board of Zoning Adjustments.

The staff report (Attachment 5) prepared for the Board of Zoning Adjustments April 22, 2021 hearing recommended approval of the proposed project. This recommendation was based on staff's analysis of the project's compliance with the Local Coastal Plan and Coastal Zoning Code as previously discussed above. Staff also took into consideration the results of the Referral Process for this application. The Referral Process is a standard practice that all Coastal Permits go through. Permit Sonoma sends the submitted application to agencies and interested community groups that could possibly be involved with or have concerns with the application. These departments and agencies included Permit Sonoma Building Division, County of Sonoma Public Works, Coastal Commission, California Department of Transportation and Fire and Emergency Services. As a result of that referral the only comments received that expressed concerns was from the Bodega Bay Concerned Citizens. Staff analyzed and took that information into consideration during the analysis of the project.

##### Staff Discussion: Regulatory Requirements

A Coastal Permit, Building Permit and Grading Permit approved by Permit Sonoma will be required prior to construction of the proposed single-family residence.

Since the development of the single-family residence and associated improvements are located outside of the small area of wetlands permitting from state or federal agencies is not required.

#### **Recommended Action**

Conduct a public hearing and approve a Resolution denying the appeal, exemption the project from the California Environmental Quality Act (CEQA), and upholding the Board of Zoning Adjustments' approval of a Coastal Permit for a new 3,754 square foot single family residence, 600 square foot detached garage, and associated landscaping.

#### **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 April 29, 2021

Att 4 - Project Location Map

Att 5 - Board of Zoning Adjustments Staff Report dated April 22, 2021

Att 6 - Board of Zoning Adjustments minutes excerpt April 22, 2021

Att 7 - Biological Resources Assessment dated January 2018

Att 8 - Geotechnical Investigation dated March 2018

Att 9 -Project Plans

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

N/A