

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



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original staff report

W16a

Prepared March 6, 2015 for March 11, 2015 Hearing

To: Commissioners and Interested Persons
From: Nancy Cave, District Manager
Ethan Lavine, Coastal Planner
Subject: **STAFF REPORT ADDENDUM for W16a**
CDP Application Number 2-14-0673 (Lundberg)

The purpose of this addendum is to make minor changes to the staff report for the above-referenced item (dated prepared February 27, 2015). These changes do not modify the basic staff recommendation, which is still approval with conditions. These changes include: 1) modifications to condition language to better define allowable development activities within the required Open Space Area (allowing for repair and maintenance activities authorized by a CDP or CDP amendment); 2) new condition language to clarify that Standard Condition 2 (Expiration) excludes development carried out prior to approval of this permit (so as to ensure that prior development is not used to support an argument that the CDP has been exercised); 3) refinements to the conflict resolution analysis (staff report Section K) to clarify the Coastal Act conflicts and their resolution; 4) corrections to CEQA findings based on clarifying information received from Sonoma County; 5) clarifications regarding the applicable LCP policies at issue in the conclusions to staff report Sections F (Water Quality and Marine Resources) and G (Hazards); and 6) the correction of a typo. The Applicant and staff are in agreement on the staff recommendation, including as modified by this addendum, and staff is unaware of any opposition to the project. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strikethrough~~ format indicates text to be deleted):

1. Open Space Restriction

- a. Modify Special Condition 4(a) on staff report page 6 as follows:

*No development, as defined in Section 30106 of the Coastal Act, shall occur in the Open Space Area as described and depicted in **Special Condition 3(a)** except for the approved project as shown on the approved final plans (**Special Condition 3**), repair and maintenance activities authorized by a CDP or CDP amendment pursuant to **Special Condition 5**, and restoration and associated maintenance and monitoring activities conducted in accordance with the approved Habitat Restoration Plan (**Special Condition 2**).*

2. CDP Expiration

- a. Insert Special Condition 12 on staff report page 10 as follows:

12. New Development Expiration. *For purposes of complying with **Standard Condition 2, Expiration**, development that has not commenced consists of development that has not taken place as of the date of the Commission's approval of this CDP, and specifically excludes development carried out prior to approval of this CDP (consisting of grading, deck removal, demolition of previous support pilings and elevation of the original home, demolition and remodeling of the original residence, construction of a new deck, constructing staging, trenching, excavation, materials storage, debris removal, and placement of construction debris).*

3. Conflict Resolution Analysis

- a. Modify text on staff report page 2 as follows:

The proposed project raises issues related to ESHA, water quality and marine resources, hazards, visual resources, archaeological resources, and public access and recreation. The existing residence is located partially within ESHA, and also partially within an ESHA wetland buffer. The proposed project would relocate the foundation of the existing residence to an area outside of the ESHA, although a portion of the redeveloped residence and its attached deck would continue to be cantilevered above a sensitive northern coastal salt marsh habitat area. Because the proposed project would be cantilevered in part above wetland ESHA, and also partially located within a wetland ESHA buffer, it conflicts with Coastal Act Section 30240. However, denial of the proposed project would also create conflicts with multiple Coastal Act policies: Section 30230 (protection and restoration of marine resources); and Section 30231 (water quality), ~~and Section 30253 (minimizing risk to life and property).~~ The Applicant has proposed to relocate the redeveloped residence as far landward as possible while retaining the existing residence at approximately its original size, which is a modestly-sized residence. As there are no less impactful feasible alternatives, the Commission, utilizing conflict resolution, can make the finding that on balance, approval of the CDP as conditioned would result in the greatest protection of coastal resources while allowing redevelopment of the existing residence.

- b. Modify text on staff report page 29 as follows:

As noted previously in this report, the proposed project is inconsistent with Section 30240 (ESHA) of the Coastal Act. However, as explained below, denying or modifying the proposed project to eliminate these inconsistencies would lead to nonconformity with other Coastal Act policies, namely Sections 30230 and 30231 (marine resources and biological productivity) ~~and Section 30253 (hazards).~~ In such a situation, when a proposed project is inconsistent with a Chapter 3 policy, and denial or modification of the project would cause inconsistency with another policy, Section 30007.5 of the Coastal Act provides for resolution of such a policy conflict.

- c. Modify text on staff report page 31 as follows:

~~Coastal Act Section 30253 affirmatively requires the Commission to minimize risks to life and property for new development in areas of high geologic and flood hazard. Without the proposed modifications to the structure, including rebuilding the pier foundation and raising~~

~~the floor elevation of the residence by 5.5 feet, the structure would remain vulnerable to coastal hazards including flooding, wave run-up, sea level rise, and tsunami inconsistent with Section 30253.~~

In most cases, denying a proposed project will not cause adverse effects on coastal resources for which Coastal Act mandates protection or enhancement, but will simply maintain the status quo. However, in this case, denial of the proposed project would result in continued significant impacts to wetlands, as the existing structure would remain in its present location, with its foundation sited partially within sensitive wetland habitat. ~~Nor would denial minimize risks to life and property for new development.~~ Thus, a conflict between or among two or more Coastal Act policies is presented.

- d. Modify text on staff report page 33 as follows:

No Project Alternative

A no project alternative would maintain the status quo, leaving the existing structure at its present location on the site. A no project alternative would not result in restoration of 1,365 square feet of wetland habitat along Bodega Harbor, nor would it result in the creation of an additional 530 square feet of wetland habitat in the current parking area, and would thus be inconsistent with the mandates of Sections 30230 and 30231 to maintain and restore marine resources and wetlands. In its existing location the residence is also vulnerable to coastal hazards, and risks to life and property would not be minimized ~~as required by Section 30253.~~ The current placement of the residence and its poor condition would potentially have further impacts on the wetlands habitat and the water. Therefore, the no project alternative is not a feasible alternative that is consistent with all relevant Chapter 3 policies.

- e. Modify text on staff report page 34 and 35 as follows:

*Another alternative would be to reconstruct the residence within a smaller or reconfigured footprint that entirely avoids the need to cantilever the structure above the wetland habitat area. If the structure were rebuilt to eliminate the portions of the residence and attached deck that cantilever above the wetland habitat area, the residence would have a floor area of approximately 800 square feet and an attached deck of approximately 400 square feet (see Concept (c), **Exhibit 11**). However, at 1,060 square feet the existing residence is modest in size, even in comparison with other existing residences located on constrained lots fronting onto Bodega Harbor. The average size of 10 comparable Bodega Harbor-fronting homes within 0.75 miles of the subject site is 1,568 square feet, including living space, garages, and basements.¹ If the residence was reconstructed in this manner but with the deck areas enclosed, it would be possible to create a building envelope containing the same interior floor space area as in the existing residence, though without a deck (see Concept (d), **Exhibit 11**). However, a smaller or reconfigured structure would require the demolition of the existing residence, and a new structure would have to be designed, increasing impacts compared to the proposal. Additionally, the house is already of modest size and it is not feasible to reduce the square footage for its purpose of residency—redesigning the house would increase costs significantly.⁵ ~~Under this alternative, the cost of the proposed project would increase, making such an option infeasible to the Applicant, and leading to a “no project” alternative that is worse than the proposed project.~~⁵ Thus, an alternative involving the reconstruction of the residence within a smaller or reconfigured footprint may be*

~~infeasible.~~ Nor would such an alternative significantly reduce impacts or achieve consistency with the Coastal Act's ESHA policies in Section 30240, as a residential use would still be located in a wetland buffer area directly adjacent to the sensitive wetland habitat area.

- f. Modify text on staff report page 35 as follows:

Based on the above, the Commission finds that the proposed project presents a conflict between Section 30240, on the one hand, and Sections 30230, ~~and 30231, and 30253,~~ on the other, which must be resolved through application of Section 30007.5, as described below...

...In this case, the Commission finds that the impacts on coastal resources from not constructing the project, as conditioned, would be more significant than the project's potential adverse effects to sensitive wetland habitat. Denying the proposed project because of its inconsistency with Section 30240 would result in the continued presence of the existing residence in its present location, with its pier foundation located partially within sensitive wetland habitat and with approximately 1,365 square feet of the structure cantilevered directly above sensitive wetland habitat. In contrast, approving the development as proposed would remove the pier foundation from the sensitive wetland habitat area, reduce the amount of structure cantilevered directly above sensitive wetland habitat to approximately 650 square feet, restore 1,365 square feet of disturbed wetland habitat, and recreate 530 square feet of wetland habitat, ~~and minimize the risk to life and property in an area of high geologic and flood hazard.~~

4. CEQA

- a. Modify text on staff report page 36 as follows:

~~*Sonoma County is the lead agency responsible for CEQA review. The County found the project categorically exempt from CEQA as a Class 1; Section 15301 exemption. The Coastal ...*~~

5. Applicable LCP Policies

- a. Modify text on staff report page 22 as follows:

As conditioned, the project can be considered to have a restorative effect on the biological productivity and quality of the wetland habitat and marine resources as compared to the existing conditions of the site, consistent with the provisions of Coastal Act Sections 30230 and 30231 and ~~the~~ wetlands policies 16 and 19 of the LCP. Feasible mitigation measures would be provided to minimize the adverse environmental effects associated with potential construction and post construction-related impacts to water quality. Thus, as conditioned, the proposed project is consistent with Coastal Act Sections 30230 and 30231 and the relevant wetland policies of the Sonoma County LCP.

- b. Modify text on staff report page 25 as follows:

Thus, as conditioned, the project is consistent with Coastal Act Section 30253, which requires that new development minimize risks to life and property in areas of high geologic,

flood, and fire hazard, and the hazard policies of the Sonoma County LCP.

6. Typo

- a. Modify text on staff report page 2 as follows:

While the proposed project entails work to an existing pre-Coastal Act structure, it cannot be considered to be repair and maintenance of an existing structure. The proposed project is a replacement project as more than 50 percent demolition (per Title 14 of the California Code of Regulations (CCR) ~~Public Resources Code~~ Section 13252) is proposed and has already been undertaken. Typically, when the Commission issues a CDP for the replacement of a project with a non-conforming feature, if at all possible the entire project is brought into conformance with the policies of the Coastal Act and/or the relevant certified Local Coastal Program (LCP). As proposed, the project is not consistent with the Chapter 3 resource protection policies of the Coastal Act or the policies of the certified Sonoma County LCP.

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W16a

Filed: 1/9/2015
Action Deadline: 7/8/2015
Staff: E. Lavine - SF
Staff Report: 2/27/2015
Hearing Date: 3/11/2015

STAFF REPORT: REGULAR CALENDAR

Application Number: 2-14-0673

Applicant: T. Olle Lundberg

Project Location: 509 Smith Brothers Road, Bodega Bay, Sonoma County (APN 100-120-009).

Project Description: Redevelopment of an existing 1,060-square-foot single-family residence and attached deck, including relocation of residence, construction of a new concrete pier and grade beam foundation, associated minor improvements, and after-the-fact approval for unpermitted development.

Staff Recommendation: Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

T. Olle Lundberg (the Applicant) proposes to redevelop an existing 1,060-square-foot single-family residence and an attached 900-square-foot deck. The proposed project includes the relocation of the existing residence and construction of a new concrete pier and grade beam foundation system on a portion of the lot where the residence would be less vulnerable to coastal hazards and where it will have fewer adverse effects on a sensitive wetland habitat area. The Applicant also proposes associated minor improvements, including repairs to an existing detached shed, undergrounding of the electrical service, and relocation of an existing sewage ejector pump. The Applicant began, but did not complete, work on the proposed project without first obtaining a coastal development permit (CDP), and is seeking after-the-fact authorization

for work already undertaken. The subject property is located on a Bodega Harbor-fronting lot in the unincorporated community of Bodega Bay, Sonoma County (**Exhibit 1**). The subject property contains environmentally sensitive habitat areas (ESHAs), including tidal mudflats and northern coastal salt marsh habitat.

While the proposed project entails work to an existing pre-Coastal Act structure, it cannot be considered to be repair and maintenance of an existing structure. The proposed project is a replacement project as more than 50 percent demolition (per Public Resources Code Section 13252) is proposed and has already been undertaken. Typically, when the Commission issues a CDP for the replacement of a project with a non-conforming feature, if at all possible the entire project is brought into conformance with the policies of the Coastal Act and/or the relevant certified Local Coastal Program (LCP). As proposed, the project is not consistent with the Chapter 3 resource protection policies of the Coastal Act or the policies of the certified Sonoma County LCP.

The proposed project raises issues related to ESHA, water quality and marine resources, hazards, visual resources, archaeological resources, and public access and recreation. The existing residence is located partially within ESHA, and also partially within an ESHA wetland buffer. The proposed project would relocate the foundation of the existing residence to an area outside of the ESHA, although a portion of the redeveloped residence and its attached deck would continue to be cantilevered above a sensitive northern coastal salt marsh habitat area. Because the proposed project would be cantilevered in part above wetland ESHA, and also partially located within a wetland ESHA buffer, it conflicts with Coastal Act Section 30240. However, denial of the proposed project would also create conflicts with multiple Coastal Act policies: Section 30230 (protection and restoration of marine resources), Section 30231 (water quality), and Section 30253 (minimizing risk to life and property). The Applicant has proposed to relocate the redeveloped residence as far landward as possible while retaining the existing residence at approximately its original size, which is a modestly-sized residence. As there are no less impactful feasible alternatives, the Commission, utilizing conflict resolution, can make the finding that on balance, approval of the CDP as conditioned would result in the greatest protection of coastal resources while allowing redevelopment of the existing residence.

Special conditions are required to mitigate the foreseeable impacts from the proposed development and to ensure that the development occurs in a manner consistent with Chapter 3 policies in the Coastal Act, including: mandating timely condition compliance; submission of final plans, construction plans, and a revised habitat restoration and monitoring plan; restrictions on future development, including a prohibition on development within sensitive habitat areas and a restriction on future shoreline protective devices (requiring relocation/removal instead); assumption of risk, waiver of liability, and indemnity; submission of evidence demonstrating necessary authorization from other agencies; measures to protect any archaeological resources uncovered during construction; and recordation of a deed restriction imposing the special conditions of this permit on the owner and any future owners.

Staff recommends approval of the CDP application as conditioned. The motion is found on page 4 below.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 — Project Location Map
- Exhibit 2 — Existing Site Plan (Prior to After-The-Fact Development)
- Exhibit 3 — Proposed Site Plan
- Exhibit 4 — Habitat Impacts (Existing)
- Exhibit 5 — Habitat Impacts (Proposed)
- Exhibit 6 — Proposed Project Floor Plans and Elevations
- Exhibit 7 — Existing Foundation Plan
- Exhibit 8 — Proposed Foundation Plan
- Exhibit 9 — Visual Simulation of Impacts to Scenic Resources
- Exhibit 10 — Photo of Vegetation Reestablishment, October 2014
- Exhibit 11 — Concepts for Alternatives Analysis

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 2-14-0673 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 2-14-0673 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with Coastal Act policies. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Condition Compliance.** WITHIN 180 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the Applicant shall satisfy all requirements specified in Special Conditions 2, 3, 4(b), 6, and 11. Failure to comply with this requirement or any other aspect of the permit and its conditions may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

2. **Habitat Restoration Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a revised Habitat Restoration Plan (the Plan) to the Executive Director for review and approval that is substantially in conformance with the initial submitted habitat restoration plan dated December 17, 2013 and shall at a minimum include:
 - (a) **Site Plan.** A detailed site plan of the restoration area with habitat acreages identified which includes the additional proposed restoration area in an area of the site currently reserved for parking as identified on **Exhibit 3**.

 - (b) **Parking Area Restoration.** The Plan shall make clear that in the event the Mean Higher High Water level of Bodega Harbor reaches the elevation of the parking area, then it will be abandoned as a parking area, and the area will be restored under the parameters of the Plan.

 - (c) **Baseline.** The baseline ecological assessment of the restoration area.

 - (d) **Success Criteria.** The goals, objectives, and performance standards as set forth in the December 17, 2013 habitat restoration plan modified to include explicit cover criteria.

 - (e) **Non-Native Species Management.** The Plan shall indicate that non-native species will be controlled within the restoration area.

 - (f) **Monitoring and Reporting.** The Permittee shall monitor the restored area for a period of five years. One year after implementation, the Permittee shall submit, for the review and approval of the Executive Director, a restoration monitoring report prepared by a qualified specialist that certifies the habitat restoration is in conformance with the approved Plan, along with photographic documentation of plant species and plant coverage. If the first annual monitoring report indicates that the reestablishment of salt marsh vegetation has been unsuccessful according to the approved Plan's success criteria, the Permittee shall submit and implement a revised or supplemental plan approved by the Executive Director that incorporates active planting of native species appropriate to the restoration area. If the final monitoring report indicates that the project has been unsuccessful, in part or in whole, based on the approved success criteria, the Permittee shall submit within 90 days a revised or supplemental plan to compensate for those portions of the original plan which did not meet the approved success criteria, including providing for annual monitoring and reporting until success criteria are met. After

approval by the Executive Director, the Permittee shall implement the revised or supplemental plan as directed by the Executive Director.

All requirements above, and all requirements of the approved Habitat Restoration Plan shall be enforceable components of this CDP. The Permittee shall undertake all development in accordance with the approved Habitat Restoration Plan.

3. Final Project Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of Final Project Plans for the Executive Director's review and approval. The Final Project Plans shall demonstrate the following:

- (a) **Open Space Area.** All tidal mudflat and northern coastal salt marsh habitat areas, as shown in **Exhibit 5**, and the additional restoration area as proposed and shown in **Exhibit 3**, shall remain in open space. Any open space areas that have been impacted by the project shall be restored and revegetated consistent with **Special Condition 2** above. The open space area shall be clearly identified on the Final Project Plans.
- (b) **Exterior Lighting.** All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress, egress, and use of the structures, shall be low-wattage, non-reflective, and shielded, shall utilize timers to minimize nighttime lighting, and shall have a directional cast downward such that no light will be directed to shine within the tidal mudflat and northern coastal salt marsh habitat areas and the additional restoration area, as shown in **Exhibits 3 and 5**.
- (c) **Post-Construction BMPs.** Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters and wetlands post construction, including use of relevant BMPs as detailed in the current California Storm Water Quality Management Handbooks (<http://www.cabmphandbooks.com>). All BMPs shall be operated, monitored, and maintained for the life of the project.

All requirements above, and all requirements of the approved Final Project Plans shall be enforceable components of this CDP. The Permittee shall undertake all development in accordance with the approved Final Project Plans.

4. Open Space Restriction.

- (a) No development, as defined in Section 30106 of the Coastal Act, shall occur in the Open Space Area as described and depicted in **Special Condition 3(a)** except for the approved project as shown on the approved final plans (**Special Condition 3**), and restoration and associated maintenance and monitoring activities conducted in accordance with the approved Habitat Restoration Plan (**Special Condition 2**).
- (b) PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE THIS PERMIT, the Permittee shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal metes and bounds legal description and corresponding graphic depiction drawn to scale and prepared by a licensed surveyor of the portion of the subject property

affected by this condition, which shall include the Open Space Area described by **Special Condition 3(a)**.

- 5. Future Development Restriction.** This CDP is only for the development described in CDP No. 2-14-0673. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by CDP No. 2-14-0673. Accordingly, any future development associated with the residential project authorized by this CDP, including but not limited to repair and maintenance identified as requiring a CDP in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to CDP No. 2-14-0673 or shall require a separate CDP.
- 6. Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

 - (a) Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities or staging are to take place shall be minimized to the extent feasible, in order to have the least impact on public access and coastal resources, including by using inland areas on the subject property for staging and storing construction equipment and materials as feasible. Construction, including but not limited to construction activities and materials and equipment storage, is prohibited outside of the defined construction, staging, and storage areas.
 - (b) Construction Methods and Timing.** The plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from wetland habitat. All work shall take place during daylight hours and lighting of wetland habitat is prohibited. From March 1 to July 1, the Permittee shall avoid construction on land on and adjacent to wetland habitat and otherwise avoid impacts, such as loud noise, that may affect nesting birds. If nesting birds are found during preconstruction surveys, a qualified biologist shall establish a 300-foot buffer (500 feet for raptors) within which no construction can take place. The established buffer(s) shall remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist.
 - (c) BMPs.** The plan shall identify the type and location of all erosion control/water quality best management practices (BMPs) that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff or sediment from discharging to Bodega Harbor or to areas that would eventually transport such discharge to the Harbor; (b) equipment washing, refueling, and servicing shall take place at least 50 feet from the Bodega Harbor; (c) all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (d) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all

leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (e) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.

- (d) Construction Site Documents.** The plan shall provide that a copy of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that the CDP and the approved Construction Plan are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- (e) Construction Coordinator.** The plan shall provide that a construction coordinator be available 24 hours a day for the public to contact during construction should questions arise regarding the construction. Contact information for the coordinator, including a mailing address, e-mail address, and phone number shall be conspicuously posted at the job site in a place that is visible from public viewing areas, along with information that the construction coordinator should be contacted in the case of any questions regarding the construction. The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 72 hours of receipt of the complaint or inquiry.
- (f) Restoration.** All shoreline areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
- (g) Notification.** The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

Minor adjustments to the above construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake construction in accordance with the approved Construction Plan.

- 7. Other Agency Review and Approval.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, and authorizations for the approved project have been granted by all applicable agencies or that no additional authorizations are necessary. Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally necessary.

8. Coastal Hazards Response. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:

(a) **Coastal Hazards.** The site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and their interaction.

(b) **Permit Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy and use, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.

(c) **No Future Shoreline Protective Device.** No additional protective structures, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls, shall be constructed to protect the development approved pursuant to CDP 2-14-0673, including, but not limited to, the single-family residence or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence, or other natural hazards in the future. By acceptance of this CDP, the Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235, and agrees that no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.

(d) **Future Removal of Development.** The Permittee shall remove and/or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the single-family residence and other development authorized under this CDP, when any government agency orders removal of the development in the future or when the development becomes threatened by coastal hazards, whichever happens sooner. Development associated with removal of the residence or other authorized development shall require an amendment to this CDP. In the event that portions of the development fall to the water or ground before they are removed, the Permittee shall remove all recoverable debris associated with the development from the ocean, intertidal areas, and wetlands and lawfully dispose of the material in an approved disposal site. Such removal shall require an amendment to this CDP.

9. Coastal Hazards Risk. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns:

(a) **Assume Risks.** To assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from coastal hazards (see Special Condition 8(a)) in connection with this permitted development;

(b) **Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such coastal

hazards;

(c) **Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and

(d) **Permittee Responsible.** That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

10. Archaeological Resources. In the event that any article of historical or cultural significance is encountered, all activity that could damage or destroy these resources must cease and the Executive Director and the Native American Heritage Commission must be notified so that the articles may be suitably protected or flagged for future research. A qualified archaeologist or the Native American Heritage Commission shall be consulted in order to examine the site and obtain recommendations for subsequent measures for the protection and disposition of significant artifacts. Mitigation measures shall be developed and submitted to the Executive Director for review and approval that address and proportionately offset the impacts of the project on archaeological resources.

11. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded against the property governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description and site plan of the property governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the property.

IV. COASTAL DEVELOPMENT PERMIT DETERMINATION

The proposed project involves development both in an area of the Commission's retained coastal development permit (CDP) jurisdiction as well as development in an area of CDP jurisdiction delegated to Sonoma County by the Commission through certification of the Sonoma County Local Coastal Program (LCP). Coastal Act Section 30601.3 authorizes the Commission to process a consolidated CDP application in such cases when the local government, the Applicant, and the Executive Director all agree to such consolidation. The standard of review for a

consolidated CDP application is the Chapter 3 policies of the Coastal Act. The local government's certified LCP may also be used as non-binding guidance.

Sonoma County and the Applicant have requested, and the Executive Director has agreed, that the Commission review the entire project (including the portion within Sonoma County's LCP jurisdiction) together as one combined and consolidated CDP application as allowed under Section 30601.3 of the Coastal Act. Thus, the standard of review for the proposed project is the Chapter 3 policies of the Coastal Act, with the Sonoma County LCP providing non-binding guidance.

A. PROJECT LOCATION

The proposed project is located at 509 Smith Brothers Road (APN 100-120-009) in the unincorporated community of Bodega Bay in Sonoma County (**Exhibit 1**). The subject 30,600-square-foot property is zoned RRD (Resources and Rural Residential), Coastal Code (CC), B6-20, F2 (Floodplain), G (Geologic Hazard Area), and SR (Scenic Resource). The subject property fronts onto the east shoreline of Bodega Harbor. The site contains salt marsh and tidal mudflat areas at its intersection with Bodega Harbor, which are considered to be environmentally sensitive habitat areas (ESHAs) (**Exhibit 4**). The site is bordered by other Bodega Harbor-fronting parcels along Smith Brothers Road. The parcel directly to the east contains an unoccupied single-family residence and detached garage. There is another developed parcel with an occupied single-family residence approximately 275 feet to the northwest of the subject property. To the north, across Smith Brothers Road from the subject property, are a motel and other businesses.

The subject property contains an existing 1,060-square-foot, one-story single-family residence originally built in 1937, and an attached 900-square-foot deck. The residence was previously supported atop wood piers, and as discussed in the section below, it is presently supported by temporary wood cribbing. The residence is located partially within the northern coastal salt marsh area on the property, and partially within a 100-foot wetlands buffer to the salt marsh area (**Exhibit 4**). The existing residence is located between the shoreline of Bodega Harbor and the toe of a steep hill at the lot's intersection with Smith Brothers Road. The subject property contains a gravel driveway, which runs along the hillside and connects Smith Brothers Road to the lower portion of the property. There is an unpaved parking area along the east side of the home, located between the toe of the hillside and the northern coastal salt marsh habitat. The subject property also contains a 100-square-foot detached shed, located on the east side of the parking area near the foot of the driveway (**Exhibit 2**).

B. PROJECT BACKGROUND

The Applicant purchased the property in March 2013. The Applicant states that the condition of the residence at the time of purchase was poor, with the residence listing significantly and having partially slumped off its timber foundations. The Applicant also states that there was a significant amount of existing construction and tidal debris on the property at the time of purchase, both beneath the residence and in piles located within the northern coastal salt marsh area adjacent to the residence and beneath a tree to the west of the house. Following the purchase of the property,

the Applicant received a building permit from Sonoma County for dry-rot and roof repair. However, prior to obtaining a CDP, the Applicant began work on the project, undertaking the following work at that time:

- Installing temporary protection and silt fencing adjacent to the tidal mudflats on the site to prevent silt and debris from construction from entering the tidal zone;
- Raising the residence onto temporary wood cribbing (at which point all but two existing timber piles from the original wood foundation broke free from the house and were removed by the Applicant);
- Demolishing a shed attached to the east elevation of the residence;
- Repairing a detached shed on the northeast corner of the site;
- Removing asphalt shingles from the roof and exterior walls;
- Removing redwood siding that was beneath the asphalt shingles;
- Removing interior finishes, some of which have been saved for reuse in the remodeled interior;
- Removing interior framing and replacing with new structural framing;
- Replacing floor, deck, and wall framing where dry-rot had occurred;
- Installing new plywood sheathing to the walls and roof;
- Installing water-resistant paper to the roof to provide temporary protection from rain;
- Installing a new front door;
- Rebuilding the deck with new wood decking and in a reconfigured layout, demolishing the section of the existing deck located on the east side of the house and expanding the new deck located on the west side of the house, while maintaining the same overall deck square footage as the existing residence;
- Stockpiling construction debris in the parking area, which was later disposed of off-site;
- Removing and disposing of construction and tidal debris from beneath the residence and elsewhere on the property; and
- Digging a trench and a 4-foot-square exploratory hole with a mini-excavator for site analysis for the geotechnical report and archeological report.

In September 2013, Sonoma County informed the Applicant that the work he performed exceeded the allowable scope of the dry-rot and roof repair permit issued by the Building Division. The County also informed the Applicant that he needed a CDP. The Applicant stopped

work at this time to await issuance of a CDP. The Applicant is seeking after-the-fact approval for all work performed without a CDP from the Commission under this CDP application in addition to proposed new development as further described in the project description below.

C. PROJECT DESCRIPTION

The Applicant proposes to redevelop the existing residence without expanding it beyond its existing massing, and to replace the deck in a different configuration but with the same square footage. As discussed above, the Applicant already began work without a CDP, including to repair and replace all damaged or substandard structural elements of the residence and shed structures. The proposed project would complete those elements of the project, as well as fully remodel the interior of the house, and reface the exterior with new weathered wood horizontal siding and a new shingle roof (**Exhibit 6**). The proposed project would not expand the existing residence's size, but would relocate the residence farther away from the existing northern coastal salt march habitat found on the property (**Exhibit 5**).

The proposed project would relocate the residence onto a new concrete pier and grade beam foundation structure. The new foundation would be located 10.25 feet north of the residence's current location, moving it farther away from Bodega Harbor and closer to the base of the steep hillside on the property located adjacent to Smith Brothers Road (**Exhibit 3**). The proposed relocation would place the foundation of the residence outside of the delineated wetland habitat on the property, but the entire foundation would still be within the LCP-required 100-foot wetlands buffer, which extends beyond the subject property's northern boundary at Smith Brothers Road. The relocated residence would also be within the 30-foot front yard setback required by LCP zoning.¹ The new foundation would also raise the house 5.5 feet from its current elevation to a finished floor elevation approximately 8.5 feet from ground level (i.e., to a base elevation +16 feet NAVD88).

The proposed foundation work would consist of the installation of 16 concrete piles (18-inch diameter), extending a minimum of 4 feet into the bedrock to a depth of 8 to 11 feet below the actual ground surface (i.e., the piles would extend through 4 to 7 feet of relatively unconsolidated muds and soils before encountering bedrock). The concrete piles would be connected by 18-inch-square grade beams that would be located approximately 6 inches below the soil surface. The drilling would be done by a portable hydraulic rig that is powered by a remote hydraulic unit placed by hand on the site. The excavation required to install the grade beams would be dug by hand and then covered with the spoils after casting. Any excess excavated soil would be temporarily stockpiled onsite (away from the wetlands) and then removed from the site. The house would then be moved from its present location to the new foundation and the new location. The house would first be raised to a level above the foundation steel beams using hydraulic jacks and additional cribbing. The structure would then be pulled with a winch from the roadside. No equipment other than the hydraulic jacks would be placed under the building.

The proposed project also includes renovations to the existing deck. As discussed above, the Applicant has already undertaken work to reconfigure the layout of the deck while maintaining

¹ The Applicant received a Use Permit from the County allowing an exception to this front yard setback requirement.

the same approximate square footage, by demolishing a section of the deck on the east side of the house and expanding the deck on the west side of the house (see existing and proposed site plans in **Exhibits 2 and 3**). The Applicant has already installed new wood decking, and proposes to build new guardrails (as required by County code), latticework along sections of the deck (and extending below the deck to ground level on the residence's eastern and northern elevations), and exterior stairs to reach the structure at its raised elevation. Along the southern edge of the residence, the Applicant proposes to install a catwalk deck with open metal grating in lieu of solid wood decking, in order to reduce shading impacts to the wetland habitat located beneath that portion of the structure (**Exhibit 6**).

Finally, the project involves repairs to a detached shed, undergrounding of the electrical service, and relocation of the existing sewage ejector pump. The sewage ejector pump would be removed from its current location below ground level beneath the existing residence. The pump would be reconnected suspended from the new foundation, where it would be less vulnerable to disruption from flooding.

See **Exhibit 6** for detailed project plans.

D. CDP REQUIREMENT

Applicable Policies

Coastal Act Section 30106 defines development broadly, as follows:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Coastal Act Section 30610 requires a CDP for all development activity, except in cases where an exemption applies. Section 30610 states, in relevant part:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: ...

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter....

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

Section 13250(b) of the Commission's administrative regulations (Title 14 of the California Code of Regulations (CCR)) specifies the classes of development related to improvements to existing single-family residences that require a CDP because they involve a risk of adverse environmental effects. It states, in relevant part:

(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff....

(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

CCR Section 13252(b) distinguishes replacement of a structure from repair and maintenance. It states:

Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

Analysis

The proposed project requires a CDP for several reasons.

First, a CDP is required because the proposed project involves a risk of adverse environmental effects. Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and to require that a CDP be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted CCR Section 13250. Section 13250(b)(1) specifically authorizes the Commission to require a permit for improvements to existing single-family residences if the structure or improvements are located in a wetland, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff. The proposed project involves development within northern coastal salt marsh habitat, which is a wetland pursuant to the definition provided under Coastal Act Section 30121, and which is considered to be ESHA pursuant to the Coastal Act and Sonoma County's LCP (as discussed in Section E below). The subject property is also within an area designated as highly scenic in the certified LCP land use plan (as discussed in Section H below). Finally, the proposed project is located within 50 feet of the edge of a coastal bluff.

Second, a CDP is required because the proposed project entails replacing more than 50 percent of the structure, meaning that the project constitutes a "replacement structure," pursuant to Coastal Act Section 30610(d) and Section 13252(b) of the Commission's regulations. Among other improvements, the proposed project involves replacing the existing foundation in its entirety; replacing damaged and substandard structural framing, including at least 63 percent of the exterior walls according to Sonoma County records;² and fully refacing the exterior walls and roof. Because the proposed project constitutes the replacement of 50 percent or more of an existing single family residence, the proposed project is considered new development and must be evaluated in its entirety for consistency with all applicable Coastal Act policies.

E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Applicable Policies

Environmentally Sensitive Habitat Areas (ESHAs) are defined as areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments. Section 30240 of the Coastal Act states that ESHAs shall be protected against disruption of habitat values and that only uses dependent on the resources shall be allowed within an ESHA. Section 30240 also requires that development adjacent to such areas be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of the ESHA. Coastal Act Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

² Email communication from Misti Harris, Sonoma County Planner, to Ethan Lavine, California Coastal Commission Planner (November 5, 2014).

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Although not the standard of review, the Sonoma County LCP supplies guidance, specifically, ESHA policies, that also inform evaluation of the proposed project. The mudflats and brackish marsh areas on the subject site are mapped as “Sanctuary-Preservation” areas on the Sonoma County LCP Open Space Map. The Sonoma County LCP classifies Sanctuary-Preservation areas as ESHA, stating in relevant part:

Sanctuary-Preservation areas are the most environmentally sensitive areas along the coast. They correspond to “Environmentally Sensitive Habitat Areas” as defined in the 1976 Coastal Act Sections 30107.5 and 30240. No development other than nature trails and resource dependent uses shall be allowed within such areas. There shall be no significant disruption of habitat values...

The LCP also provides guidance with respect to wetland protection. The LCP states, in relevant part:

Wetlands (Marshes, Ponds, Reservoirs, Seeps)

...

25. Prohibit construction of agricultural, commercial, industrial and residential structures within 100 feet of wetlands....

26. Between 100 and 300 feet of wetlands, prohibit construction of agricultural, commercial, industrial and residential structures unless an environment assessment finds the wetland would not be affected by such construction.

Analysis

The subject site contains tidal mudflats and brackish marsh wetland areas. Staff visited the subject site and determined that these areas constitute ESHA as these are rare and especially valuable habitats that form a special ecosystem that is easily disturbed and degraded by human activities and development. This determination is corroborated by the LCP, which maps these wetlands areas as ESHA. The subject site also has the potential to provide habitat for special-status plant and animal species, though none were identified during surveys conducted for the biological report submitted by the Applicant (Wiemeyer, December 17, 2013). The special-status species most likely to make use of Bodega Harbor and the tidal mudflat and northern coastal salt marsh habitat on the site include central California coast steelhead, tidewater goby, California clapper rail, California black rail, and Point Reyes bird beak. In short, the majority of the site, including the area where residential development is proposed, is ESHA.

As described above, only resource dependent uses and development are allowed in ESHA, and only where it will not lead to significant habitat disruption. In addition, adequate ESHA buffers and other measures are required to protect against significant degradation, where the LCP specifies minimum buffers ranging from 100 to 300 feet. Both the existing and proposed

residential development is partially in ESHA and partially in ESHA buffer, inconsistent with those provisions. However, the subject residence was constructed in 1937, prior to both the passage of the Coastal Act and the certification of the LCP, and is considered to be a legal, non-conforming structure by the County. Thus, both project scenarios (existing and proposed) raise significant Coastal Act ESHA concerns.

According to the Applicant's biological report, the northern coastal salt marsh habitat located under the existing residence has been degraded, because the original structure's low floor elevation of approximately 3 feet above ground level allowed little sunlight to reach the area beneath the residence. The northern coastal salt marsh habitat has been further degraded because of the long-standing presence of debris beneath and adjacent to the residence. The Applicant removed most of this debris upon purchasing the property in 2013. During an October 2014 site visit, Commission and County staff observed the initial reestablishment of native wetland species within areas cleared of debris directly adjacent to and beneath the residence's attached deck (**Exhibit 10**).

The Applicant proposes to move the residence's foundation entirely outside of the wetland area and as far landward as is practically possible, as discussed further below. Once reconstructed in its new location, the foundation would no longer be located within the salt marsh habitat and would be located entirely within the wetland buffer area immediately adjacent to the wetland itself. The new foundation would be sited as far back from the wetlands on the site as the features and topography of the lot allow, short of reducing the physical footprint of the existing structure or building the residence into the steep hillside along Smith Brothers Road. The new pier foundation system would be located entirely within the wetlands buffer area. Approximately 650 square feet of the residence and deck structure would be cantilevered above and over the northern coastal salt marsh habitat area. The new pier foundation would also raise the residence by 5.5 feet, to a base elevation of +16 feet NAVD88, approximately 8.5 feet above ground level. Moving the residence 10.25 feet back from the wetlands area and raising the house to its proposed finished floor elevation of +16 feet NAVD88 would significantly reduce the amount of existing shading on the northern coastal salt marsh habitat in the project area. In addition, the Applicant proposes to replace the portion of the wood deck that currently runs along the southern edge of the residence with a catwalk deck with open metal grating (see **Exhibit 6**),³ which would allow some additional sunlight to reach the wetland habitat below.

While relocating the residence to the proposed new pier foundation in its new location would reduce both the physical footprint of the structure within salt marsh habitat and the shading impacts to salt marsh habitat, the proposed project would still have adverse effects on ESHA and an ESHA buffer area. The proposed project represents the continuation of residential use of the subject site, which is inconsistent at a very core level with protection of wetland ESHA. In addition, residential development brings with it noise, lights, pets, and general activity that is generally not conducive to fostering habitat values. Additionally, the proposed residence would be located within a wetland buffer area, including within the minimum 100-foot buffer identified by the LCP. Wetland buffers play an important role in protecting wetlands and coastal waters from the direct and indirect effects of nearby disturbance and adjacent development. Such

³ The decking is made up of flat, roughly 1.25-inch deep, steel bars with gaps that measure 4" by 1.18". This type of open metal grating results in a surface area with that is roughly 75% "open" (i.e., surface area that's not metal).

impacts include light and noise; the potential introduction of non-native plants and invasive species; disturbance of habitat from residentially-related activities; and potential impacts on flora and fauna, including due to domestic animals. Buffers also provide necessary habitat for organisms that spend only a portion of their life in the wetland. Without a buffer between the sensitive habitat and the residential development, the effect of the project will be adverse impacts to the sensitive habitat.

Further, though reduced in comparison to the existing residence, the proposed project would still have shading impacts. Shading can have negative effects on wetland habitat, as marsh vegetation requires adequate light levels to survive and flourish. The decrease in sunlight to a wetland area affects the plant composition and diversity. The decrease in temperature of the soil may impact the type of vegetation that grows.

The proposed construction activities would also result in temporary disturbance to the northern coastal salt marsh habitat adjacent to and beneath the residence. Site preparation and overall construction activities and human presence are expected to adversely affect habitat within the construction zone and outside. Although direct construction impacts are temporary and the Applicant has proposed mitigation measures to avoid and minimize adverse impacts, such construction has the potential to result in significant impacts on the short-term productivity of the affected habitat.

Conclusion

The proposed project would result in development cantilevered over and above northern coastal salt marsh wetland ESHA, and would result in development within the wetland ESHA buffer area, including within the bare minimum 100-foot LCP buffer that applies. The proposed development and its associated activities would result in significant disruption of, and degradation to, the environmentally sensitive wetland area. The proposed redevelopment of the residence does not constitute development activity that is dependent on the wetland resource. Therefore, this project as proposed cannot be found consistent with Coastal Act Section 30240 or the Sonoma County LCP.

F. WATER QUALITY AND MARINE RESOURCES

Applicable Policies

Coastal Act Section 30230 requires that marine resources be maintained, enhanced, and restored. New development must not interfere with the biological productivity of coastal waters or the continuance of healthy populations of marine species. Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Coastal Act Section 30231 requires that the productivity of coastal waters necessary for the continuance of healthy populations of marine species shall be maintained and restored by minimizing waste water discharges and entrainment and controlling runoff. Coastal Act Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, the LCP states, in relevant part:

Wetlands (Marshes, Ponds, Reservoirs, Seeps)

...

16. Encourage restoration of marshlands where feasible...

19. Minimize construction on land adjacent to wetlands during maximum seasons of breeding bird activity (March 1 to July 1).

Analysis

Coastal Act Section 30230 requires that marine resources be maintained, enhanced, and restored. Coastal Act Section 30231 requires that the biological productivity and quality of coastal waters and wetlands be maintained and, where feasible, restored. The Sonoma County LCP also encourages the restoration of marshlands where feasible. As previously discussed, the proposed project would remove the residence's foundation from the northern coastal salt marsh wetland habitat, and would significantly reduce (but not eliminate) shading impacts to salt marsh habitat by moving the residence both landward and upward. Further, the Applicant proposes to restore all 1,365 square feet of disturbed and unvegetated northern coastal salt marsh habitat under the residence (see the under house Salt Marsh Habitat Restoration Area on **Exhibit 7**). The Applicant would also restore 530 square feet of northern coastal salt marsh habitat in the portion of the site that currently is used as a parking area (see Salt Marsh Habitat Restoration Area on **Exhibit 3**). Thus, while the proposed project would result in the previously discussed adverse impacts to wetlands ESHA with its cantilevering and its presence within the required wetland buffer, it would also result in significant restoration of the biological and marine resources degraded by the existing development on the subject site.

The proposed project includes a Salt Marsh Habitat Restoration Plan. Under the Applicant's proposed restoration plan, all disturbed and unvegetated northern coastal salt marsh areas on the subject site would be coarsely raked to loosen the top layer of soil to expose the existing seed bank and to assist with the natural revegetation of the salt marsh habitat. The Applicant is not proposing active replanting of salt marsh species based upon the consulting biologist's assessment that it is typically unnecessary and difficult to plant to get reestablishment of salt

marsh species in previously disturbed areas (Wiemeyer, December 17, 2013). Instead, it is expected that the site would be revegetated by the below ground seed bank and dispersal of diaspores from the well-developed salt marsh adjacent to the restoration area. The Applicant proposes a five-year restoration period with quarterly monitoring and annual reporting to document reestablishment of salt marsh vegetation, document species diversity, abundance, and percent cover. The Applicant's proposal addresses key elements of a habitat restoration plan; however, the Commission requires further modifications to ensure that the northern coastal salt marsh habitat would be adequately restored within a timely manner. **Special Condition 2** requires modification and resubmittal of the Applicant's habitat restoration plan for Executive Director review and approval. The plan must be modified such that it establishes performance standards to ensure the habitat restoration plan achieves the defined goals and objectives. Further, the annual reporting must be submitted for Executive Director review and approval. If at the end of the five-year period, success criteria have not been met, the submittal of a supplemental restoration plan would also be required. Finally, if reporting does not indicate that natural revegetation is occurring after one year, the plan shall be modified to require active replanting.

In addition, appropriate mitigation for the impact to wetlands includes the preservation of existing and restored sensitive habitat areas in open space and long-term maintenance of these areas. **Special Conditions 3 and 4** requires that the tidal mudflat and northern coastal salt marsh habitat areas on the property be preserved in permanent open space, subject to a deed restriction prohibiting uses that are inconsistent with habitat restoration and preservation. The development is also located adjacent to sensitive habitat areas that could be impacted unless such development is appropriately designed and controlled. For this reason, **Special Condition 5** is necessary to ensure that any future development or additions on the property, including but not limited to hardscape improvements, grading, landscaping, vegetation removal, and structural improvements, requires a CDP from the Commission or the applicable certified local government. Section 13250(b) of Title 14 of the California Code of Regulations specifically authorizes the Commission to require a permit for improvements that could involve a risk of adverse environmental effect. This condition ensures that any future development on this site that may affect sensitive habitat receives CDP review. **Special Condition 3(b)** requires the Applicant to submit Final Project Plans demonstrating that all exterior lighting is the minimum necessary for the safe ingress and egress of the building, thus eliminating the potential for excessive exterior lighting on the southern side of the residence that might disturb the sensitive habitat area located below and adjacent to the residence.

The proposed construction activities associated with the development could lead to adverse impacts on the wetlands and Bodega Harbor, including through run-off from the project site that could potentially result in adverse impacts to water quality. It is therefore necessary to ensure that construction activities will be carried out in a manner that will not adversely impact water quality or marine resources. The Applicant has incorporated avoidance and mitigation measures into the proposed project to avoid or minimize potential construction impacts to water quality and habitat. The Applicant will avoid use of heavy equipment near the water, and a spill prevention kit will be available at the site to in the event of a fuel spill or oil leak from machinery and equipment. Excavated soils and potential pollutants will be stockpiled and covered away from salt marsh habitat to avoid the potential for runoff to Bodega Harbor. Finally, erosion and

sediment controls and construction fencing will be installed along the edge of the northern coastal salt marsh habitat. In addition to the Applicant's proposed avoidance and mitigation measures, **Special Condition 6** would require submission of a construction plan incorporating construction requirements to minimize impacts to water quality, marine resources, and habitat, including impacts to nesting birds if they occur on the site. **Special Condition 7** also requires the Applicant to obtain all necessary permits and authorizations or evidence that no other approvals are required by other applicable federal and state agencies.

In terms of post-construction BMPs, the Applicant proposes to relocate the sewage ejector apparatus that is currently located beneath ground level under the residence, instead suspending it beneath the floor level of the relocated residence. The result is that the potential for sewage discharge is reduced, and water quality enhanced. In addition, **Special Condition 3(c)** requires the Applicant to submit Final Project Plans demonstrating that post-construction BMPs are incorporated into the project to prevent the entry of polluted stormwater runoff into coastal waters and wetlands during the life of the project.

Conclusion

As conditioned, the project can be considered to have a restorative effect on the biological productivity and quality of the wetland habitat and marine resources as compared to the existing conditions of the site, consistent with the provisions of Coastal Act Sections 30230 and 30231 and the wetlands policies of the LCP. Feasible mitigation measures would be provided to minimize the adverse environmental effects associated with potential construction and post construction-related impacts to water quality. Thus, as conditioned, the proposed project is consistent with Coastal Act Sections 30230 and 30231 and the Sonoma County LCP.

G. HAZARDS

Applicable Policies

Coastal Act Section 30253 addresses the need to ensure long-term structural integrity, minimize future risk, and to avoid the need for landform altering protective measures in the future. Section 30253 provides, in part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs....*

While not the standard of review, on the subject of environmental hazards, the Sonoma County LCP offers guidance, in relevant part:

Geologic Hazards

...

2. Prohibit development within 100 feet of a bluff edge or within any area designated unstable to marginally stable on Hazards maps unless a registered engineering geologist reviews and approves all grading, site preparation, drainage, leachfield and foundation plans of any proposed building and determines there will be no significant impacts. The engineering geologist report shall contain, at a minimum, the information specified in the Coastal Administrative Manual.

3. Enforce the requirements of the Alquist-Priolo Special Studies Zone Act for protection from fault rupture hazard.

4. Design and construct all structures for human occupancy, including mobile homes, in accordance with Zone 4 standards of the Uniform Building Code.

5. Enforce the geologic provisions of Chapter 70 of the Uniform Building Code.

6. Require engineering geologic reports in accordance with the Permit and Resource Management Department geologic review procedure.

Analysis

The proposed project is located adjacent to Bodega Harbor, in a zone of geologic and flood hazards, including hazards from ground shaking, faulting, liquefaction, flooding, wave run-up, sea level rise, and tsunamis. As stated previously, the reconstruction of the existing residential structure is considered to be new development and therefore, it must comply with all applicable Coastal Act requirements, including Section 30253.

Geologic and Flood Hazards

The subject property is located within a region of high seismic activity associated with the San Andreas Fault System, as well as an “Earthquake Fault Zone” as identified under the Alquist-Priolo Fault-Zoning Act of 1972. In compliance with the Alquist-Priolo Act, a special fault hazard study, which included exploratory fault trenching, was undertaken by the Applicant to determine whether the development would straddle an active fault. No evidence of fault rupture was observed within the general area of the residence. The Applicant’s geotechnical investigation concludes that, while the probability of a large magnitude earthquake occurring on this segment of the San Andreas Fault is moderately high, the possibility of surface fault rupture in the location of the residential structure is relatively low. The proposed project’s foundation system of piers, posts, and beams has been designed to withstand seismic activity per Sonoma County building code requirements. In addition, the new piers will be founded in bedrock, reducing the potential for damage related to ground shaking and liquefaction. The submitted geotechnical investigation concludes that the project site is suitable for the proposed project based on the evaluation of the site’s geology in relation to the proposed development.

The proposed project is designed to avoid and minimize risks from coastal flooding, including flooding from sea level rise, as required by the Coastal Act. The subject property lies within the FEMA-mapped 100-year flood zone and is subject to flooding from extreme high tides and wave action. The ground elevation of the subject site at the existing residence is about +7 feet NAVD88. According to a water level and wave run-up evaluation submitted by the Applicant

(Moffatt and Nichol, May 17, 2014), the maximum anticipated Mean Higher High Water (MHHW) level with 100-year return period waves and wind setup would reach +7.49 feet NAVD88. With a proposed subfloor elevation of +16 feet NAVD88, the relocated and new structure would be elevated above the expected run-up elevation as well as the crest elevation of any waves passing under the structure. Extreme high tide events in conjunction with future sea-level rise will increase the vulnerability of the subject site. As the design life of the proposed structure is presumed to be 75 years, a minimum 55-inch rise in sea level is assumed over the life of the project. According to the evaluation submitted by the Applicant, a minimum finished floor elevation of +13.1 feet NAVD88 is required to resist wave run-up action taking into account the project effects of 55 inches of sea level rise (i.e. when 55 inches is added to the 100-year return period maximum wave runup elevation of +7.49 feet NAVD88, and 1 foot of freeboard is added to the elevation for safety). The proposed finished floor elevation is +16 feet NAVD88, roughly 3 feet above the elevation anticipated to be exposed to wave run-up after sea level has risen 55 inches.

The subject property is partially located within the tsunami inundation zone according to the California Emergency Management Agency (CalEMA) Tsunami Inundation Maps. However, the Applicant's geotechnical investigation indicates that the potential for a tsunami wave within Bodega Harbor is small. The geotechnical investigation concludes that, raised onto its new foundation, the relocated new structure should provide adequate clearance above potential tsunami waves over a 75-year lifespan.

Even so, these estimates are just that: estimates. There is inherent uncertainty associated with coastal hazards, including in relation to sea level rise and its projections. Although the Applicant's estimates suggest that the residence could be safe for a fairly long period of time, it is also possible that circumstances change, and it is faced with threats from coastal hazards ahead of that time. Coastal Act Section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. This is particularly critical for the proposed project given the dynamic shoreline environment within which it would be placed. While the proposed project has been designed to account for the aforementioned coastal hazards, the nature of the potential hazards at the site may put the residence at risk within its lifetime. This future risk could be avoided, however, as required by the Coastal Act, through a requirement to remove the proposed development when the residence is no longer safe to inhabit or is threatened with coastal hazards that would require a response beyond ordinary repair and maintenance. Therefore, the Commission requires **Special Condition 8** to require such removal to occur. For purposes of this condition, the structures would be considered unsafe when any government agency has ordered that the residence is not to be occupied due to any of the hazards at the site or when the development becomes threatened by coastal hazards, whichever happens sooner. **Special Condition 8** requires the Permittee to accept sole responsibility for the removal of any debris resulting from coastal hazards that impact the site, and to agree to remove the structure should the threat from coastal hazards reach the point where a government agency has ordered that the structure not be occupied. Further, **Special Condition 8** prohibits the construction of any protective structures in the future, including but not limited to additional or augmented piers (including additional pier elevation) or retaining walls. With respect to the parking area and the sewage ejector apparatus, these would have to be relocated as opposed to reliance upon other protection mechanisms (such as the use of retaining walls) under this context and approval. In

the event the parking area (approximately +7.6 feet NAVD88) floods, then parking would need to be accommodated up the slope along the driveway or elsewhere, and the flooded areas restored pursuant to the restoration plan as required by **Special Condition 2(b)**. In short, although long-term stability cannot be assured, as conditioned, the project would not require additional, more substantial protective measures in the future, because it would be removed when it is in danger, as opposed to being further protected, consistent with Coastal Act Section 30253.

In terms of recognizing and assuming the hazard risks for shoreline development, the Commission's experience in evaluating proposed developments in areas subject to hazards has been that development has continued to occur despite periodic episodes of heavy storm damage and similar occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the billions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, **Special Condition 9** requires the Applicant to assume all risks for developing at this location.

To ensure that future property owners are properly informed regarding the terms and conditions of this approval, **Special Condition 11** requires a deed restriction to be recorded against the property involved in the application. This deed restriction will record the conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property.

Conclusion

Thus, as conditioned, the project is consistent with Coastal Act Section 30253, which requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard, and the Sonoma County LCP.

H. VISUAL RESOURCES

Applicable Policies

The scenic and visual qualities of coastal areas are protected under Coastal Act Section 30251. Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject property is located within the SR (Scenic Resources) overlay zoning district under the Sonoma County LCP. It is located partially within a Scenic Corridor as depicted on the LCP's Open Space Map, and is within an Outstanding View Area as depicted on the LCP's Visual Resource Map. The LCP requires design review for all new development within these designated scenic viewshed areas. Although not the standard of review, on the topic of visual resources, the LCP includes visual resource policies, in relevant part:

View Protections

- 1. Prevent development (including buildings, structures, fences, paved areas, signs, and landscaping) from obstructing views of the shoreline from coastal roads, vista points, recreation areas, and beaches.*

- 2. Prohibit development which will significantly degrade the scenic qualities of major views and vista points.*

Analysis

As previously discussed, the existing residence on the subject site is located between the public road (Smith Brothers Road) and Bodega Harbor. The subject lot contains a hillside which slopes down steeply from Smith Brothers Road, and the existing residence is located seaward of the toe of the hill (at a ground elevation approximately 18.3 feet below the elevation of the road). The existing residence is visible from Smith Brothers Road, though the road's higher elevation (approximately +26 feet NAVD88) allows for some views of Bodega Harbor above the roofline of the existing residence (+25.75 feet NAVD88). The proposed project would relocate the residence to a new foundation located 10.25 feet closer to the toe of the hillside, and it would raise the elevation of the residence by 5.5 feet (to +31.4 feet NAVD88). The increased height is the minimum necessary to avoid potential flooding hazards, and is no higher in order to avoid further degrading the views of Bodega Harbor as seen from Smith Brothers Road. As relocated, the higher residence would continue to obstruct views of Bodega Harbor from the road (as does the existing residence), though the degree of obstruction would not be significantly different from the present condition at the site (see Existing and Proposed visual simulations in **Exhibit 9**). In short, the visual resource impact change from the existing to the proposed condition is minimal, and the project will not further obstruct views as compared to the existing situation. In addition, the subject property is within a scenic viewshed area as depicted in the Sonoma County LCP's land use plan maps, and thus required design review pursuant to the visual resource policies of the LCP. The Project Review Section of the Sonoma County Permit and Resource Management Department accordingly reviewed the proposed project, determining that the project complies with the design guidelines and is compatible with the scenic character of the area (Sonoma County Permit and Resource Management Department letter dated Nov. 25, 2014).

Conclusion

The proposed development has been designed to protect views of a scenic coastal area as much as possible given the location of the residence, and has been found to be visually compatible with the character of the surrounding area under the County's design review. Thus, the proposed

project can be found consistent with the visual resources of the Coastal Act and the Sonoma County LCP.

I. ARCHAEOLOGICAL RESOURCES

Applicable Policies

Coastal Act Section 30244 requires that reasonable mitigation measures be employed where development would adversely impact archaeological resources. Coastal Act Section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Analysis

The proposed project involves the excavation of soils in order to construct the new pier and grade beam foundation, and thus has the potential to uncover and adversely impact archaeological resources if they are present at the subject site. An archaeological investigation was conducted on the site which revealed no archaeological remains or artifacts meeting the criteria for historical significance. However, there is the potential that cultural resources could be uncovered as a result of proposed excavation work.

To avoid adverse impacts to archaeological resources, the Applicant has signed a monitoring contract with the Federated Indians of Graton Rancheria (FIGR). Under the contract, a monitor will be present during all ground-disturbing activities that could potentially affect cultural resources. In the event that Native American human remains are found during ground-disturbing activities, the FIGR monitor is empowered to stop and relocate excavation activities pending further investigation. In addition, the Commission often requires appropriate measures to ensure that any archaeological resources found during construction are appropriately protected. **Special Condition 10** ensures that any archaeological or paleontological resources found during construction are appropriately protected. The condition requires the Applicant to notify the Executive Director of such discoveries, to discontinue work in the vicinity of cultural resources uncovered during the work, and to take steps to protect such resources pursuant to Executive Director review and approval.

Conclusion

As conditioned, the proposed project would employ reasonable mitigation measures to avoid adverse impacts to archaeological resources consistent with Coastal Act Section 30244.

J. PUBLIC ACCESS AND RECREATION

Applicable Policies

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities shall be provided and that development shall not interfere with such access.

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30214 states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Analysis

The Coastal Act requires that all projects proposed between the first public road and the sea be analyzed for compliance with the public access and recreation policies of the Coastal Act. As previously stated, the project site is on a lot that fronts onto Bodega Harbor. No public access exists from the site to the harbor. However, public access is available in the immediate vicinity of the subject site, including at Doran Beach Regional Park, which is located less than a quarter mile from the subject site. Doran Beach Regional Park provides visitor parking, campsites, trails along the dune and water sides of the park, and a boat launch. Bodega Harbor is also accessible from access points located along Highway 1 nearby the subject site. Therefore, no access is required to be provided by the proposed project.

Conclusion

The proposed project is consistent with the public access and recreation requirements of the Coastal Act.

K. CONFLICT RESOLUTION**Applicable Policy**

Coastal Act Section 30007.5 states:

The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

Coastal Act Section 30200(b) states:

Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

As noted previously in this report, the proposed project is inconsistent with Section 30240 (ESHA) of the Coastal Act. However, as explained below, denying or modifying the proposed project to eliminate these inconsistencies would lead to nonconformity with other Coastal Act policies, namely Sections 30230 and 30231 (marine resources and biological productivity) and Section 30253 (hazards). In such a situation, when a proposed project is inconsistent with a Chapter 3 policy, and denial or modification of the project would cause inconsistency with another policy, Section 30007.5 of the Coastal Act provides for resolution of such a policy conflict.

Analysis

Based on the Commission's history and practice, resolving conflicts through application of Section 30007.5 involves the following seven steps:

- 1) The project, as proposed, is inconsistent with at least one Chapter 3 policy;
- 2) The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources;
- 3) The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement;
- 4) The project, if approved, would result in tangible resource enhancement over existing conditions;
- 5) The benefits of the project are not independently required by some other body of law;
- 6) The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to "create a conflict"; and,
- 7) There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies.

The proposed development meets all of the above criteria for applying conflict resolution, as follows:

Step 1

For the Commission to apply Section 30007.5, a proposed project must be inconsistent with an applicable Chapter 3 policy. Approval of the proposed development would be inconsistent with Coastal Act Section 30240, which protects ESHA, because the proposed development will be partially cantilevered above ESHA, is not a resource-dependent use, would be located within an ESHA buffer area, and would result in significant disruption of the environmentally sensitive wetland habitat onsite.

Step 2

The project, if denied or modified to eliminate the inconsistency, would affect coastal resources in a manner inconsistent with at least one other Chapter 3 policy that affirmatively requires protection or enhancement of those resources. A true conflict between Chapter 3 policies results from a proposed project which is inconsistent with one or more policies, and for which denial or modification of the project would be inconsistent with at least one other Chapter 3 policy. Further, the policy inconsistency that would be caused by denial or modification of a project must be with a policy that affirmatively mandates protection or enhancement of certain coastal resources.

Coastal Act Sections 30230 and 30231 affirmatively require the Commission to maintain and restore marine resources and the biological productivity and the quality of wetlands where feasible. Without the proposed modifications to the residence, the existing development would remain in its present location partially within the northern coastal salt marsh habitat. The proposed project would move the foundation of the residence outside the wetland portion of the site and significantly reduce the footprint of the structure cantilevered above wetland habitat

from approximately 1,365 square feet to approximately 650 square feet. The proposed project would also replace the existing pier foundation with a new pier and grade beam foundation that elevates the structure by 5.5 feet. As discussed in Section F (Water Quality and Marine Resources) above, the proposed development thus enhances marine resources and wetlands as required by Sections 30230 and 30231.

Coastal Act Section 30253 affirmatively requires the Commission to minimize risks to life and property for new development in areas of high geologic and flood hazard. Without the proposed modifications to the structure, including rebuilding the pier foundation and raising the floor elevation of the residence by 5.5 feet, the structure would remain vulnerable to coastal hazards including flooding, wave run-up, sea level rise, and tsunami inconsistent with Section 30253.

In most cases, denying a proposed project will not cause adverse effects on coastal resources for which Coastal Act mandates protection or enhancement, but will simply maintain the status quo. However, in this case, denial of the proposed project would result in continued significant impacts to wetlands, as the existing structure would remain in its present location, with its foundation sited partially within sensitive wetland habitat. Nor would denial minimize risks to life and property for new development. Thus, a conflict between or among two or more Coastal Act policies is presented.

Step 3

The project, if approved, would be fully consistent with the policy that affirmatively mandates resource protection or enhancement. For denial of a project to be inconsistent with a Chapter 3 policy, the proposed project would have to protect or enhance the resource values for which the applicable Coastal Act policy includes an affirmative mandate. That is, if denial of a project would conflict with an affirmatively mandated Coastal Act policy, approval of the project would have to conform to that policy. If the Commission were to interpret this conflict resolution provision otherwise, then any proposal, no matter how inconsistent with Chapter 3, that offered a slight incremental improvement over existing conditions could result in a conflict that would allow the use of Section 30007.5. The Commission concludes that the conflict resolution provisions were not intended to apply to such minor incremental improvements.

In this case, the proposed project would restore the biological productivity and quality of marine resources and wetlands that are presently degraded by the existing development. As conditioned to require monitoring and reporting to ensure the success of the habitat restoration, implementation of construction-related pollution prevention measures, and restriction of future development on the site, the project is fully consistent with the Coastal Act marine resources and water quality policies. In addition, the proposed project is conditioned to require the Permittee to acknowledge the risk of coastal hazards, waive liability, and indemnify and hold harmless the Commission in respect to the effects of coastal hazards; prevent installation of future protective devices; require the Permittee to remove development when threatened by coastal hazards; and require the recordation of a deed restriction to alert future owners of these conditions. As conditioned, the project is fully consistent with the Coastal Act hazards policies.

Step 4

The project, if approved, would result in tangible resource enhancement over existing conditions. This is the case here for several reasons. First, as conditioned, the proposed development results in the restoration of 1,365 square feet of disturbed wetland habitat (**Exhibit 7**), the creation of 530 square feet of new wetland habitat in a portion of the current parking area (**Exhibit 3**), and a reduction in shading impacts to the wetland. Second, as conditioned, the proposed development would provide additional structural stability to the residence and elevate its floor elevation to avoid anticipated flood impacts.

Step 5

The benefits of the project are not independently required by some other body of law. The benefits that would cause denial of the project to be inconsistent with a Chapter 3 policy cannot be those that an Applicant is already being required to provide pursuant to another agency's directive under another body of law. In other words, if the benefits would be provided regardless of the Commission's action on the proposed project, the Applicant cannot seek approval of an otherwise unapprovable project on the basis that the project would produce those benefits — that is, the Applicant does not get credit for resource enhancements that it is already being compelled to provide. The proposed project's benefits are not required by another agency under another body of law.

Step 6

The benefits of the project must result from the main purpose of the project, rather than from an ancillary component appended to the project to artificially create a conflict. A project's benefits to coastal resources must be integral to the project purpose. If the project is inconsistent with a Chapter 3 policy, and the main elements of the project do not result in the cessation of ongoing degradation of a resource the Commission is charged with enhancing, the Applicant cannot "create a conflict" by adding to the project an independent component to remedy the resource degradation. The benefits of a project must be inherent in the purpose of the project. If this provision were otherwise, Applicants could regularly "create conflicts" and then request that the Commission use Section 30007.5 to approve otherwise unapprovable projects. The balancing provisions of the Coastal Act could not have been intended to foster such an artificial and easily manipulated process, and were not designed to barter amenities in exchange for project approval. In this case the benefits of the project (i.e., restoration of sensitive wetland habitat) result from its primary purpose — replacing the existing foundation with a new higher, foundation that reduces the potential for flooding impacts and other hazards, and that is positioned as far back from Bodega Harbor on the lot as possible to reduce the potential for future hazards related to sea level rise.

Step 7

There are no feasible alternatives that would achieve the objectives of the project without violating any Chapter 3 policies. Possible alternatives for the proposed project include 1) a "no project" alternative, 2) alternative siting of the structure on the subject site, and 3) modifications to the design and/or size of the existing structure.

1) No Project Alternative

A no project alternative would maintain the status quo, leaving the existing structure at its present location on the site. A no project alternative would not result in restoration of 1,365

square feet of wetland habitat along Bodega Harbor, nor would it result in the creation of an additional 530 square feet of wetland habitat in the current parking area, and would thus be inconsistent with the mandates of Sections 30230 and 30231 to maintain and restore marine resources and wetlands. In its existing location the residence is also vulnerable to coastal hazards, and risks to life and property would not be minimized as required by Section 30253. The current placement of the residence and its poor condition would potentially have further impacts on the wetlands habitat and the water. Therefore, the no project alternative is not a feasible alternative that is consistent with all relevant Chapter 3 policies.

2) Alternative Siting of the Structure

As discussed in Section A above, the subject site contains a number of natural features that limit the possible alternative locations where the residence can be sited. There is a steep hillside at the lot's intersection with Smith Brothers Road. From the toe of the hillside (approximately 18.3 feet below the elevation of the road), the lot is relatively flat, sloping gradually toward Bodega Harbor. The lot contains sensitive tidal mudflat and northern coastal salt marsh habitat at its intersection with Bodega Harbor. The proposed project relocates the existing structure 10.25 feet inland from its present location, so that it is positioned as close as possible to the toe of the hillside and as far away as possible from the northern coastal salt marsh habitat on the site. The footprint of the structure could not be relocated much to the east or west of the proposed location. To the east of the proposed location of the residence is large stand of established trees. To the west is the existing parking area. In its proposed new location, the foundation of the residence is entirely outside of the sensitive wetland habitat area, and fully within the LCP-mandated 100-foot wetland buffer. There is no portion of the subject site that is not within either the sensitive wetland habitat area or the 100-foot wetland buffer, so there is no alternative siting that would achieve full conformance with the Coastal Act's ESHA policies in Section 30240 and the LCP wetland protection policies.

The only possible alternative site for the existing residence that would set it farther back from the sensitive wetland habitat is along the hillside which fronts onto Smith Brothers Road. However, building the residence into the hillside would require raising the house closer to the elevation of Smith Brothers Road, significant landform alteration, significant tree removal, or all of the above. Such an alternative would be inconsistent with the policies of Coastal Act Section 30251, which protect the scenic and visual qualities of coastal areas. As proposed, the foundation of the house has been raised by the minimum amount possible to account for anticipated flooding impacts so as to protect views to Bodega Harbor. Building into the hillside would present significant impacts to views in a scenic coastal area and will still be within the 100-foot buffer area and is therefore not a feasible alternative that is consistent with all relevant Chapter 3 policies.

3) Modifications to the Design and/or Size of the Existing Structure

The final remaining alternative would be to partially or fully reconstruct the existing residence to eliminate the footprint of the portion of the structure cantilevered above northern coastal salt marsh habitat. In its present location, the existing structure's foundation is located partially within the sensitive habitat area, and the footprint of the building cantilevered above the habitat area is approximately 1,365 square feet. The proposed project reduces the

footprint of the structure cantilevered above the habitat area to approximately 650 square feet (see **Exhibit 8**). As proposed, a portion of the residence and its attached deck (which extends out 5 feet from the residence on its southern side and wraps around its western side) would remain cantilevered above the wetland habitat area. The Applicant has proposed to modify the design of the portion of the existing deck along the residence's southern edge by installing a metal grate catwalk structure rather than solid wood decking. This modification would minimize the potential shading impacts of the deck on the habitat area below. However, it would not entirely eliminate the shading impacts of the residence, nor would it reduce the potential adverse effects on habitat resulting from the disturbance caused by the proximity of the residence above.

One alternative to address such potential impacts to the sensitive wetland habitat beneath the residence would be to reduce the footprint of the 900-square-foot attached deck (see Concept (b), **Exhibit 11**) or to remove it entirely, thus lessening the potential for disturbance from the residence. Clearly, removal of the deck, or at least the portion overhanging the wetland, would be better from a resource standpoint than would be keeping the deck. However, in this case and as discussed above, the Applicant has modified the design of the deck to reduce potential shading impacts by replacing solid wood deck material with an open metal grate catwalk along the southern edge of the residence (**Exhibit 6**). The Applicant has submitted a Shadow Study demonstrating that the habitat areas beneath the house will receive direct sunlight during most of the day throughout the year. In addition, as proposed and required by **Special Condition 3(b)**, exterior lighting is limited to downcast lights located at front and rear entrances to the residence, eliminating potential disturbance from deck lighting on the habitat areas located beneath and adjacent to the residence. Thus, it appears that deck removal/reconfiguration provides at most minimal incremental benefits, and given the overall project concept is designed to move the entire residence, including its decks, to a more habitat-friendly location, this option was dismissed.

Another alternative would be to reconstruct the residence within a smaller or reconfigured footprint that entirely avoids the need to cantilever the structure above the wetland habitat area. If the structure were rebuilt to eliminate the portions of the residence and attached deck that cantilever above the wetland habitat area, the residence would have a floor area of approximately 800 square feet and an attached deck of approximately 400 square feet (see Concept (c), **Exhibit 11**). However, at 1,060 square feet the existing residence is modest in size, even in comparison with other existing residences located on constrained lots fronting onto Bodega Harbor. The average size of 10 comparable Bodega Harbor-fronting homes within 0.75 miles of the subject site is 1,568 square feet, including living space, garages, and basements.⁴ If the residence was reconstructed in this manner but with the deck areas enclosed, it would be possible to create a building envelope containing the same interior floor space area as in the existing residence, though without a deck (see Concept (d), **Exhibit 11**). However, a smaller or reconfigured structure would require the demolition of the existing residence, and a new structure would have to be designed. Under this alternative, the cost of the proposed project would increase, making such an option infeasible to the Applicant, and

⁴ Square footage obtained on RealQuest.

leading to a “no project” alternative that is worse than the proposed project.⁵ Thus, an alternative involving the reconstruction of the residence within a smaller or reconfigured footprint may be infeasible. Nor would such an alternative significantly reduce impacts or achieve consistency with the Coastal Act’s ESHA policies in Section 30240, as a residential use would still be located in a wetland buffer area directly adjacent to the sensitive wetland habitat area.

In conclusion, while alternatives exist that could reduce or eliminate the footprint of the structure cantilevered above the sensitive wetland habitat, none of the identified alternatives to the proposed project would be both feasible and fully consistent with all relevant Chapter 3 policies.

Conflict Resolution

Based on the above, the Commission finds that the proposed project presents a conflict between Section 30240, on the one hand, and Sections 30230, 30231, and 30253, on the other, which must be resolved through application of Section 30007.5, as described below.

With the conflict among several Coastal Act policies established, the Commission must resolve the conflict in a manner which on balance is the most protective of significant coastal resources. In reaching this decision, the Commission evaluates the project’s tangible, necessary resource enhancements over the current state and whether they are consistent with resource enhancements mandated in the Coastal Act. In the end, the Commission must determine whether its decision to either deny or approve a project is the decision that is most protective of significant coastal resources.

In this case, the Commission finds that the impacts on coastal resources from not constructing the project, as conditioned, would be more significant than the project’s potential adverse effects to sensitive wetland habitat. Denying the proposed project because of its inconsistency with Section 30240 would result in the continued presence of the existing residence in its present location, with its pier foundation located partially within sensitive wetland habitat and with approximately 1,365 square feet of the structure cantilevered directly above sensitive wetland habitat. In contrast, approving the development as proposed would remove the pier foundation from the sensitive wetland habitat area, reduce the amount of structure cantilevered directly above sensitive wetland habitat to approximately 650 square feet, restore 1,365 square feet of disturbed wetland habitat, recreate 530 square feet of wetland habitat, and minimize the risk to life and property in an area of high geologic and flood hazard.

The test for approval is not for the project to be “more” protective of resources; it must be “most” protective. In order for that finding to be made, the adverse coastal resource impacts caused by the project have to be avoided, minimized and mitigated to the maximum feasible extent. As discussed above, the combined effect of moving the residence 10.25 back from the sensitive wetland habitat area and raising the foundation of the house by 5.5 feet above its current elevation would be to reduce disturbance and shading impacts to sensitive habitat on the subject site. Thus, on balance, the proposed project would result in improvements to the sensitive

⁵ According to 2014 tax assessment records, the “Improvement Value” of the subject site was \$74,335. The total assessed value, including the land value, was \$325,470.

wetland habitat; however, it would not be consistent with Chapter 3 ESHA policies. As discussed in detail in Section F above, the project can be considered to have a restorative effect on the biological productivity and quality of wetland habitat and marine resources. To ensure that the maintenance and enhancement of wetland habitat and marine resources is achieved, the Commission requires **Special Conditions 2** through **7**. As discussed in detail in Section G above, the proposed project reduces risk to the development created by coastal hazards including flooding, tsunami, and sea level rise. To ensure the project would minimize risks to life and property in an area of high geologic and flood hazards, the Commission requires **Special Conditions 2, 8, 9, and 11**. As described throughout the other sections of this report, the proposed project, as conditioned, is consistent with all other applicable Coastal Act policies. Therefore, the Commission finds that, approving the project, as conditioned, is, on balance, most protective of coastal resources.

L. VIOLATION

Development including, but not limited to grading, deck removal, demolition of previous support pilings and elevation of the original home, demolition and remodeling of the original residence, construction of a new deck, constructing staging, trenching, excavation, materials storage, debris removal, and placement of construction debris, has taken place without benefit of a CDP. Although development has taken place prior to submission of this CDP application, consideration of the application by the Commission has been based solely upon the policies of Chapter 3 of the Coastal Act and the Sonoma County LCP. Commission review and action on this CDP does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a CDP, or that all aspects of the violation have been fully resolved.

In order to ensure that the outstanding conditions of CDP No. 2-14-0673, as a component of this application, are resolved in a timely manner, **Special Condition 1** requires that the Applicant satisfy all conditions of this permit related to unpermitted development that are prerequisite to the issuance of this permit within 180 days of Commission action. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

M. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

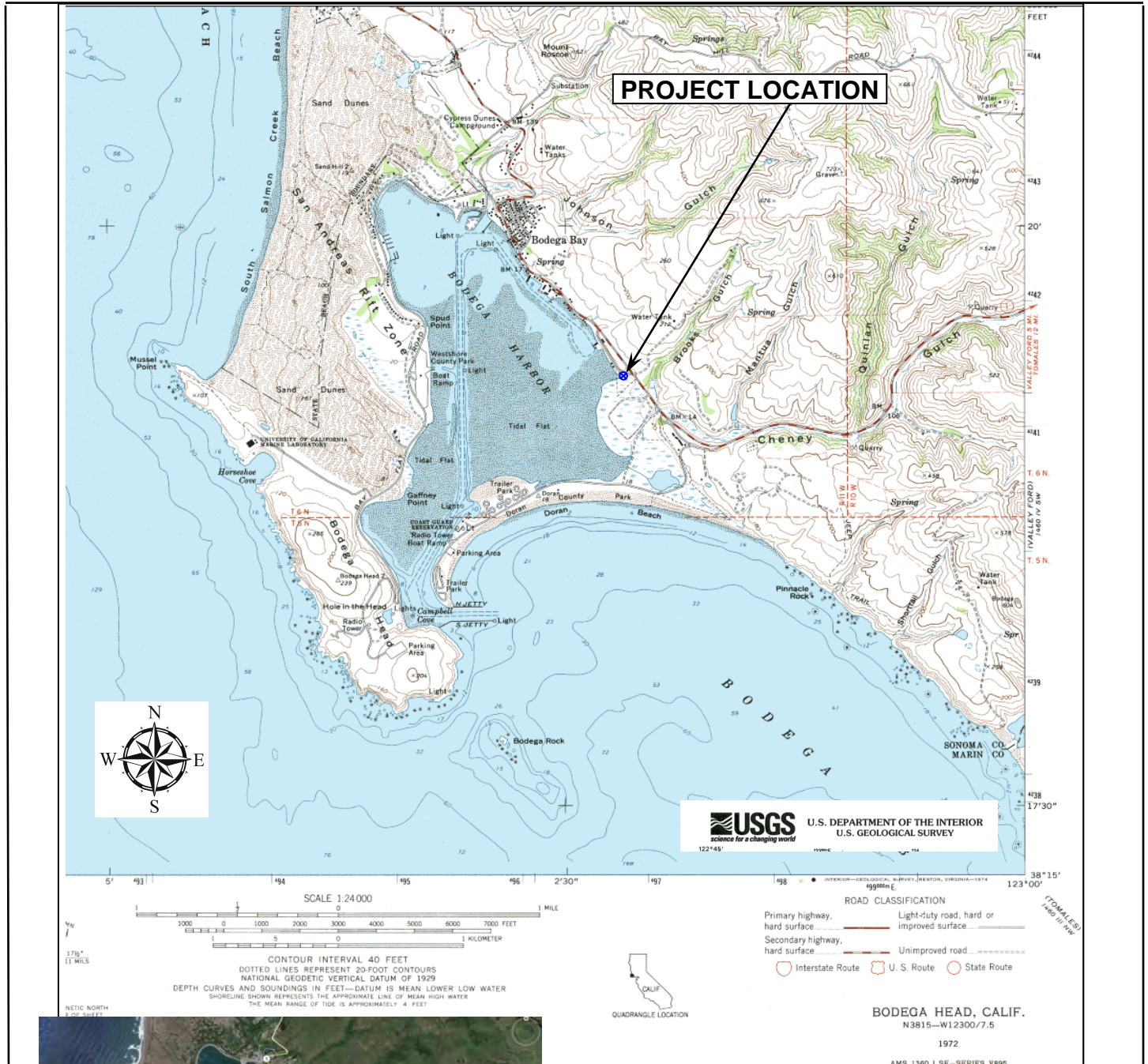
Sonoma County is the lead agency responsible for CEQA review. The County found the project categorically exempt from CEQA as a Class 1; Section 15301 exemption. The Coastal

Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues associated with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. The preceding CDP findings in this staff report has discussed the relevant coastal resource issues with the proposal, and the permit conditions identify appropriate mitigations to avoid and/or lessen any potential for adverse impacts to said resources consistent with the requirements of Section 30235 of the Coastal Act. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

1. Archeo-Tec. April 2014. Phase I Archaeological Review of the Curly's Cove Project, 509 Smith Brothers Road, Bodega Bay, Sonoma County, California.
2. Brunsing Associates, Inc. June 12, 2013. Geotechnical Investigation, Lundberg Residence.
3. County of Sonoma Permit and Resource Management Department. November 25, 2014. Approval Letter for Administrative Design Review and Zoning Permit / PLP14-0027, 509 Smith Brothers Road, Bodega Bay / APN 100-120-009.
4. Kevin Hanegan and Richard Dornhelm, Moffatt & Nichol. May 17, 2013. Water Level and Wave Runup Evaluation for Lundberg Residence – Bodega Harbor.
5. Knapp Architects. April 2014. Historic Resource Study: 509 Smith Brothers Road, Bodega Bay, California.
6. Darren Wiemeyer, Wiemeyer Ecological Sciences. December 17, 2013. Biological Assessment (Revision 1.0), Lundberg Property, 509 Smith Brothers Road, Bodega Bay, CA.



USGS DESCRIPTION:	
Quadrangle(s):	BODEGA HEAD
Township:	6N
Range:	11W
Section:	SW PORTION OF SEC. 14
Meridian:	Mount Diablo
County/State:	SONOMA, CA.
Series:	7.5
Contour Interval:	40 FEET
Map Source/Date:	USGS; 1972

Wiemeyer Ecological Sciences
 4527 Montgomery Drive, Suite J
 Santa Rosa, CA 95409
 (707) 573-1770

PROJ. NO:	SOURCE:	FILE:
01213254.00	USGS	1213254.00 FIG2
DATE:	CREATED BY:	APP. BY:
11/26/13	JJM	DRW

USGS MAP

LUNDBERG PROJECT
 509 SMITH BROTHERS. ROAD
 BODEGA BAY, CALIFORNIA

APPROX. SCALE
 N. T. S.

FIGURE
CDP 2-14-0673
 Exhibit 1
 Project Location Map
 Page 1 of 1

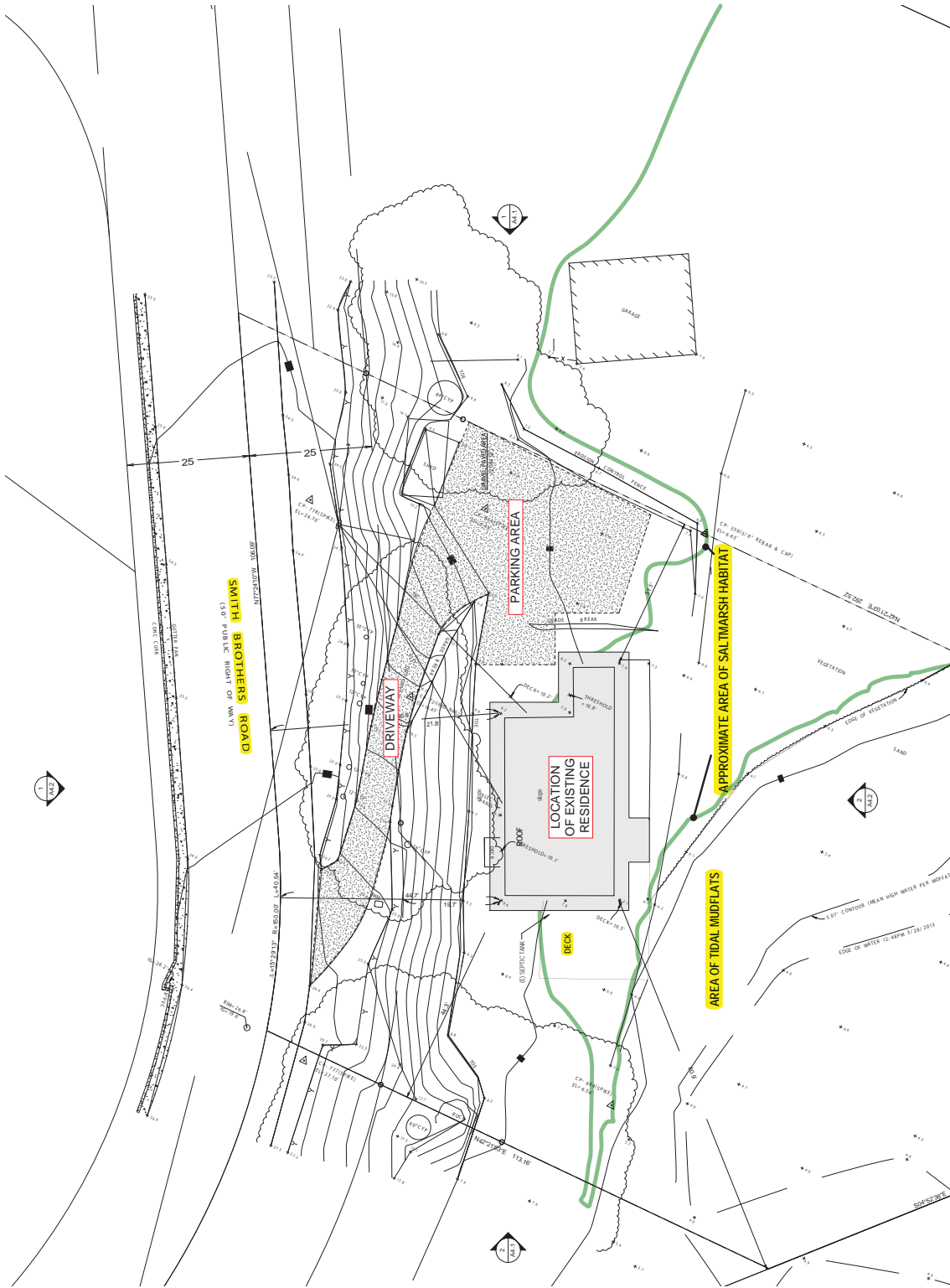


Project / Revision	Date
1. Initial Design	02/20/14
2. Final Design	02/28/14
3. Construction	04/15/2014

Prepared By:	J. J. J.
Checked By:	J. J. J.
Scale:	1" = 10'-0"

SITE PLAN
 (PRIOR TO
 DRY-ROT/
 REROOFING
 PERMIT)

A1. 0a



1 Site Plan Prior to Dry Rot and Roof Permit
 1" = 10'-0"



Issue #	Issue/ Revision	Date
1	ISSUE FOR PERMIT	02/20/23
2	REVISED PERMIT	02/28/23
3	REVISED PERMIT	03/01/23
4	CONTRACT COMMENTS	02/28/23

PROJECT NO.	23020015 509 5M
DATE:	02/20/23
DESIGNED BY:	DB
CHECKED BY:	TOA
SCALE:	AS SHOWN

Proposed Site Plan
A2.0

KEYNOTE	DESCRIPTION
1	NOT USED
2	(N) WOOD GUARDRAIL - 42' AFF. TYP.
3	(N) GLASS GUARDRAIL - 42' AFF. TYP.
4	(E) DECK TO BE DEMOLISHED
5	(E) DECK TO REMAIN
6	RELOCATED SEPTIC PUMPING TANK
7	DECK STRUCTURE, NOT SUBTERRANEAN

SITE PLAN NOTES

SITE GRADING: No grading to the site is proposed to excavate for the subsurface grade beams. The spoils will be prevented from migrating to the non-disturbed areas by installing erosion control measures, silt control barriers and subsequently removed from the site.

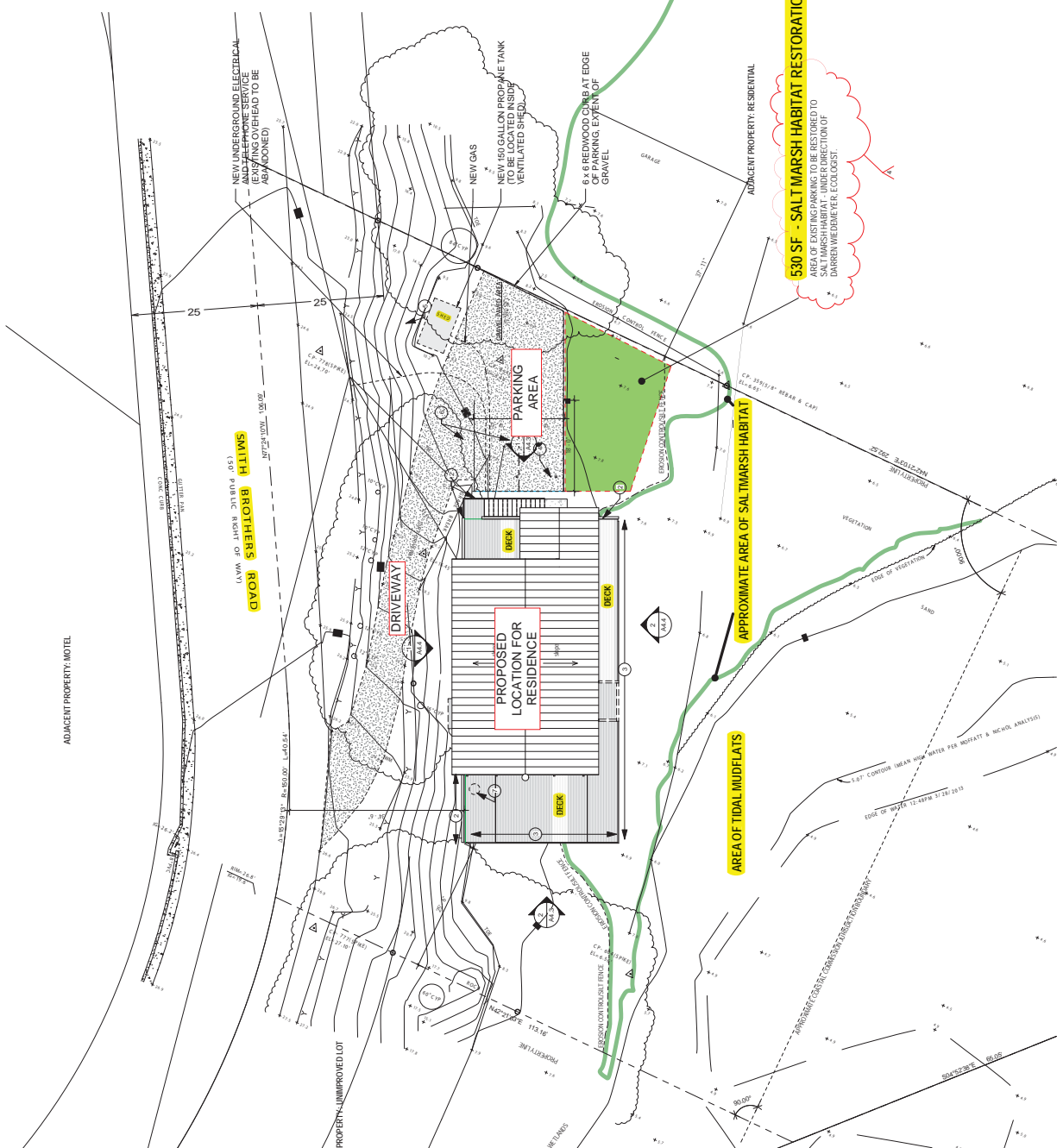
SEPTIC TANK MANAGEMENT: All new tanks shall be permitted. Road surface area shall be decreased from existing.

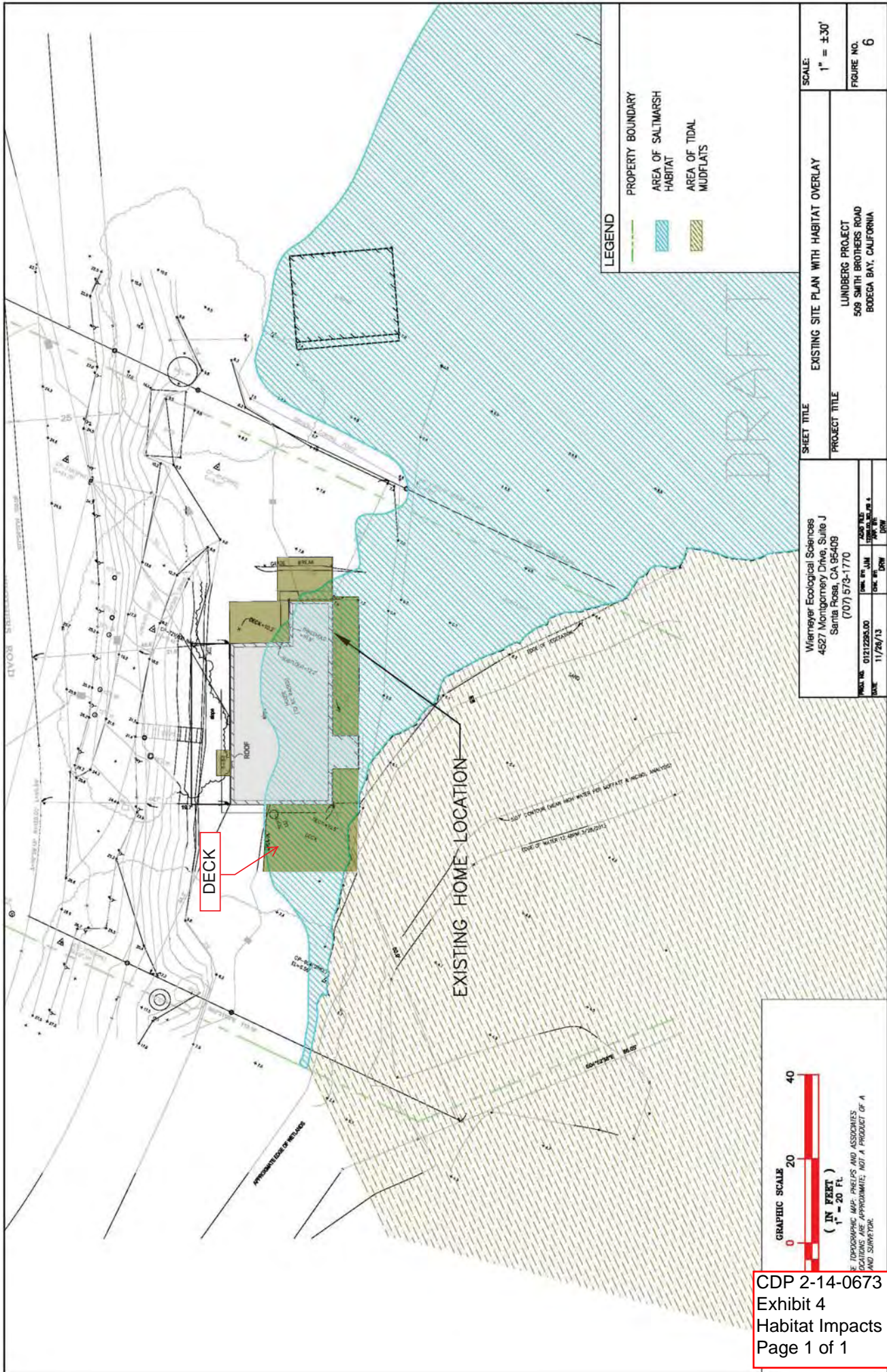
NEW DECK AREA (E): Deck area is approximately 600 SF, including existing covered bathroom area. Existing deck area shall be repaired and replaced as necessary and shall be approximately 800 SF. Note 4, (N) deck area shall be approximately 800 SF.

LANDSCAPING: Native shrub plantings shall be planted around the site. Existing site shall be screened by line for visual screening. Planting will consist of Pacific Wax Myrtle and Toyon per Biologists recommendations. Planting shall include irrigation, and drop irrigation.

EROSION CONTROL: Erosion control shall be implemented from deck structure - NOT SUBTERRANEAN.

EROSION CONTROL FENCE: An erosion control fence shall be installed around the perimeter of the habitat area. All excavated soil from foundation work will be temporarily stockpiled outside of the saltmarsh habitat will be removed immediately and will be minimized through erosion control materials.

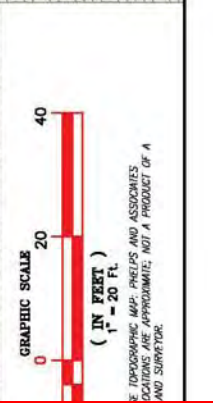




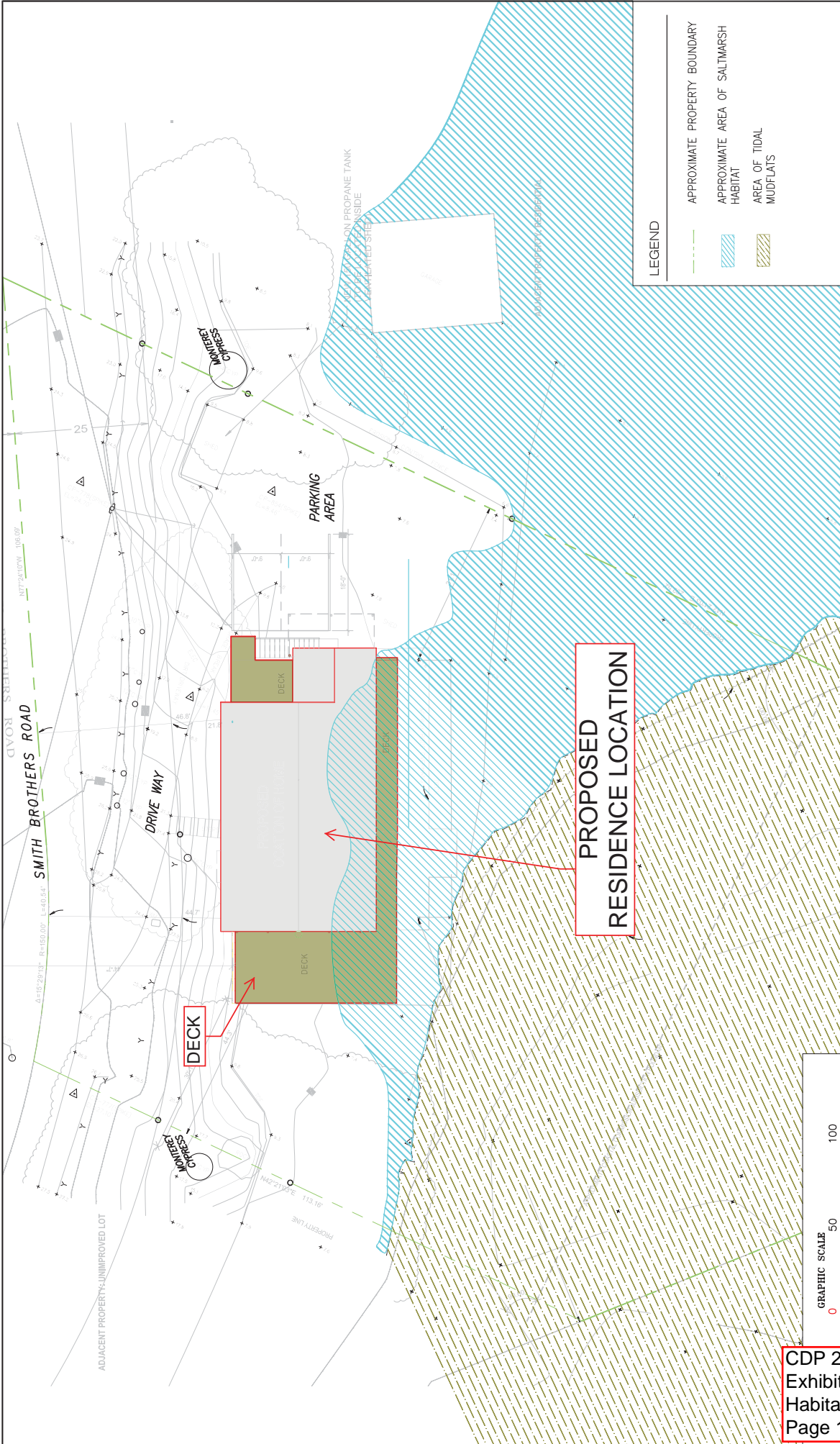
LEGEND

	PROPERTY BOUNDARY
	AREA OF SALT MARSH HABITAT
	AREA OF TIDAL MUDFLATS

SCALE:	1" = ±30'
FIGURE NO.	6
SHEET TITLE: EXISTING SITE PLAN WITH HABITAT OVERLAY	
PROJECT TITLE: LUNDBERG PROJECT 509 SMITH BROTHERS ROAD BODECA BAY, CALIFORNIA	
Wisemeyer Ecological Sciences 4527 Montgomery Drive, Suite J Santa Rosa, CA 95409 (707) 573-1770	
DATE:	11/26/13
SCALE:	1" = 20' PL.
DATE:	11/26/13



CDP 2-14-0673
 Exhibit 4
 Habitat Impacts (Existing)
 Page 1 of 1



LEGEND

- APPROXIMATE PROPERTY BOUNDARY
- ▨ APPROXIMATE AREA OF SALTMARSH HABITAT
- ▨ APPROXIMATE AREA OF TIDAL MUDFLATS

SHEET TITLE		HABITAT MAP		SCALE:	1" = ±30'
PROJECT TITLE		LUNDBERG PROJECT		FIGURE NO.	
PROJECT TITLE		509 SMITH BROTHERS ROAD		4	
PROJECT TITLE		BODEGA BAY, CALIFORNIA			
PROJECT TITLE		Wiemeyer Ecological Sciences			
PROJECT TITLE		4527 Montgomery Drive, Suite J			
PROJECT TITLE		Santa Rosa, CA 95409			
PROJECT TITLE		(707) 573-1770			
PROJECT NO.	01212295.00	DATE	12/17/2013	DATE	12/17/2013
DATE	12/17/2013	DATE	12/17/2013	DATE	12/17/2013
DATE	12/17/2013	DATE	12/17/2013	DATE	12/17/2013



BASE TOPOGRAPHIC MAP: PHELPS AND ASSOCIATES
 LOCATIONS ARE APPROXIMATE. NOT A PRODUCT OF A
 LAND SURVEYOR.

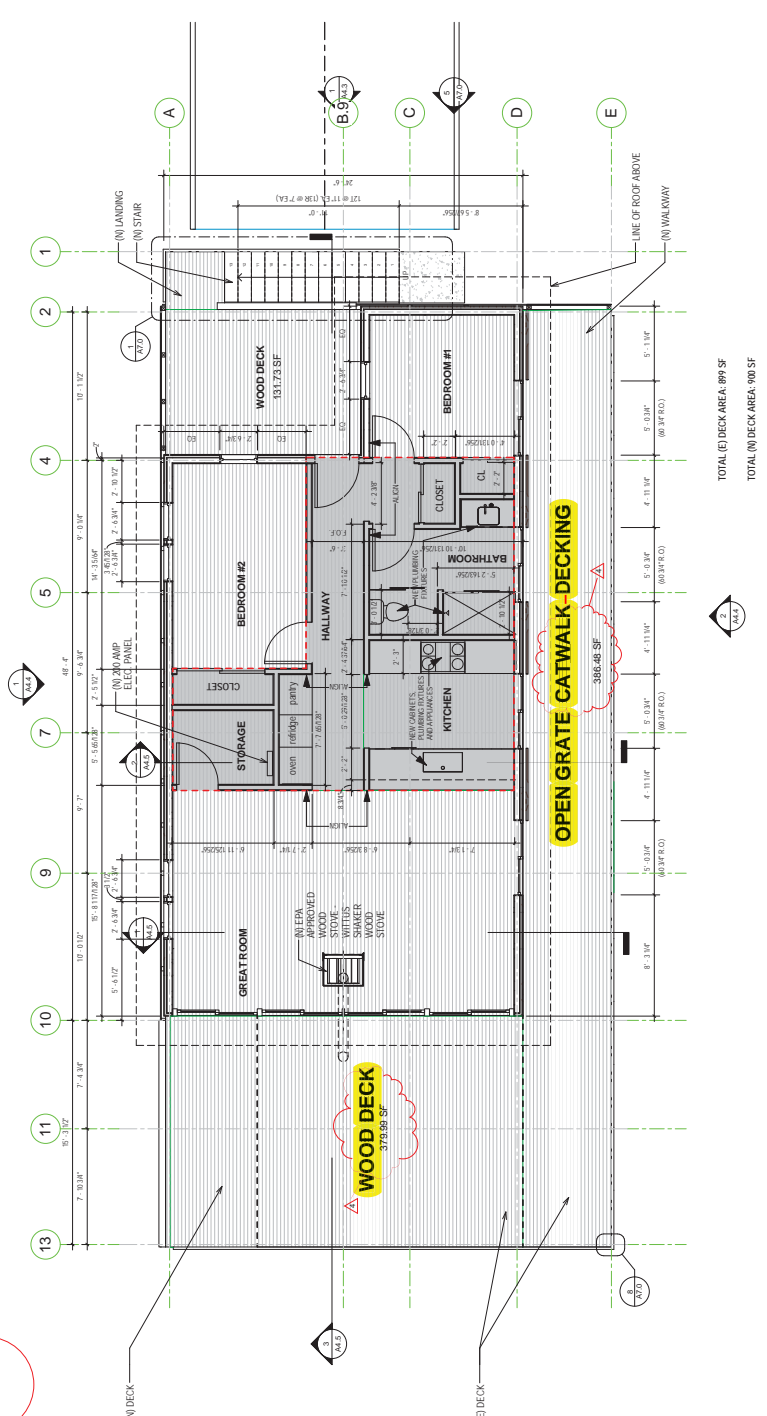
OPEN GRATE CATWALK MATERIAL

MATERIAL: 304/316 STAINLESS STEEL TYPE 304/316, GRAY SMOOTH, 1/4" X 1/4" SQUARE GRATE, 1/8" G.C.



FLOOR PLAN GENERAL NOTES

- INSULATION NOTES**
1. ALL EXTERIOR WALL ASSEMBLIES SHALL BE INSULATED TO PROVIDE R-10 INSULATION VALUE.
 2. ALL ROOF ASSEMBLIES SHALL BE INSULATED TO PROVIDE R-30 INSULATION VALUE.
 3. ALL FLOOR ASSEMBLIES SHALL BE INSULATED TO PROVIDE R-10 INSULATION VALUE.
- ATC/VERTICAL ASSEMBLY CALCULATION:**
- PROVIDE 2x10 TYPICAL ALUMINUM RESISTENTIAL CODE SECTION (RMAZ):**
 (100) 1/4" x 3/8" ATC FLOOR AREA = 2.78 SQ. FT. (MINIMUM FREE AREA REQUIRED FOR ATC RETARDATION)
 [REQUIRES AREA OF ATC]



TOTAL (N) DECK AREA: 899 SF
 TOTAL (N) DECK AREA: 908 SF

1 Proposed Floor Plan
 1/4" = 1'-0"

LEGEND

- PROPOSED WALL
- DEMOLISHED WALL
- EXISTING WALL

Proposed Floor Plan

A2.2



Revised/ Revision

Date	Revised/ Revision
02/20/23	REVISION
02/28/23	PLAN CHECK SET
02/29/23	REVISION
02/29/23	CONTRACT COMMENCEMENT

Checked By: [Signature]
 Date: 2/28/23



Issue / Revision	Date
Issue # 1	05/21/23
2	05/21/23
3	05/21/23
4	05/21/23

Author: J. GUSTAFSON, CDMGPS 002076019
 Designer: J. GUSTAFSON, CDMGPS 002076019
 Checker: J. GUSTAFSON, CDMGPS 002076019
 Title: ARCHITECT

Project: 23-0012015, 509-118, BN
 Drawn By: J. GUSTAFSON, CDMGPS 002076019
 Checked By: J. GUSTAFSON, CDMGPS 002076019
 Scale: As Indicated

All drawings and specifications are part of the contract documents. No part of these drawings shall be used for any other project without the written consent of the architect.

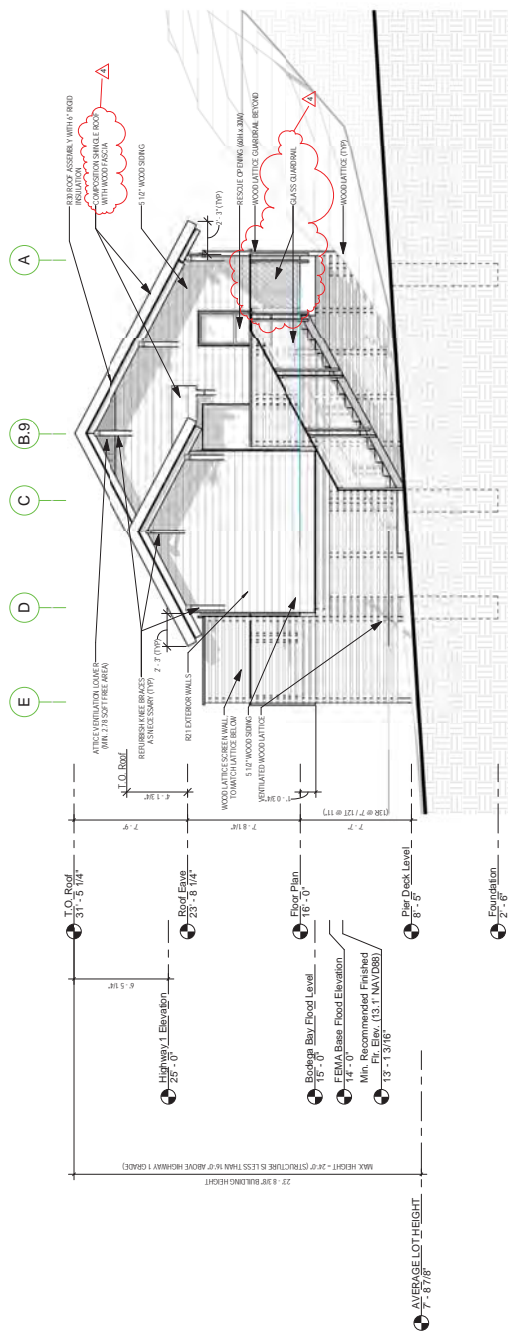
Proposed Elevations (East / West) A4.3

EXT. ELEVATION NOTES

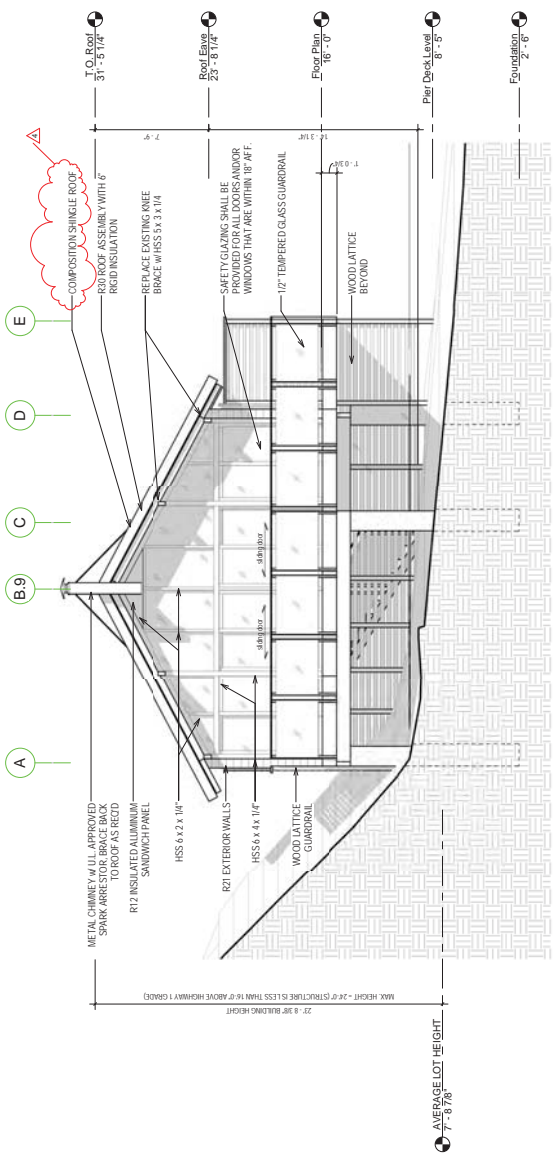
- EXTERIOR COLOR PALETTE:**
- EXTERIOR WALLS AND SOUTH SLIDING SHUTTERS: "Tigerwood" (See Color Chart)
 - ROOF: COMPOSITION SINGLE ROOF WITH WOOD INSULATION
 - WINDOW AND DOOR FRAMES: OAK ANODIZED BRONZE
 - WOOD GUARDRAILS: "Tigerwood" exterior siding with a weathered finish
 - GLAZING AND GLASS GUARDRAILS: Clear glass

- GENERAL NOTES:**
- NO EXTERIOR MECHANICAL EQUIPMENT SHALL BE PROVIDED.
 - ALL MECHANICAL EQUIPMENT TO BE LOCATED IN THE ATTIC.
 - SEE ARCHITECT'S FOREXTERIOR LIGHTING CUTSHEET AND LOCATIONS.

BUILDING HEIGHT:
 Per Sonoma County Coastal Design Review Guidelines:
 Limit residential building height to 16 feet west of Highway 1. However, an increase in height to a maximum of 24 feet is permissible if (1) the structure is no higher than 10 feet above the ground level, and (2) the structure will not obstruct views to the coast or the out of character with surrounding structures.



1 Proposed East Elevation
 1/4" = 1'-0"



2 Proposed West Elevation
 1/4" = 1'-0"



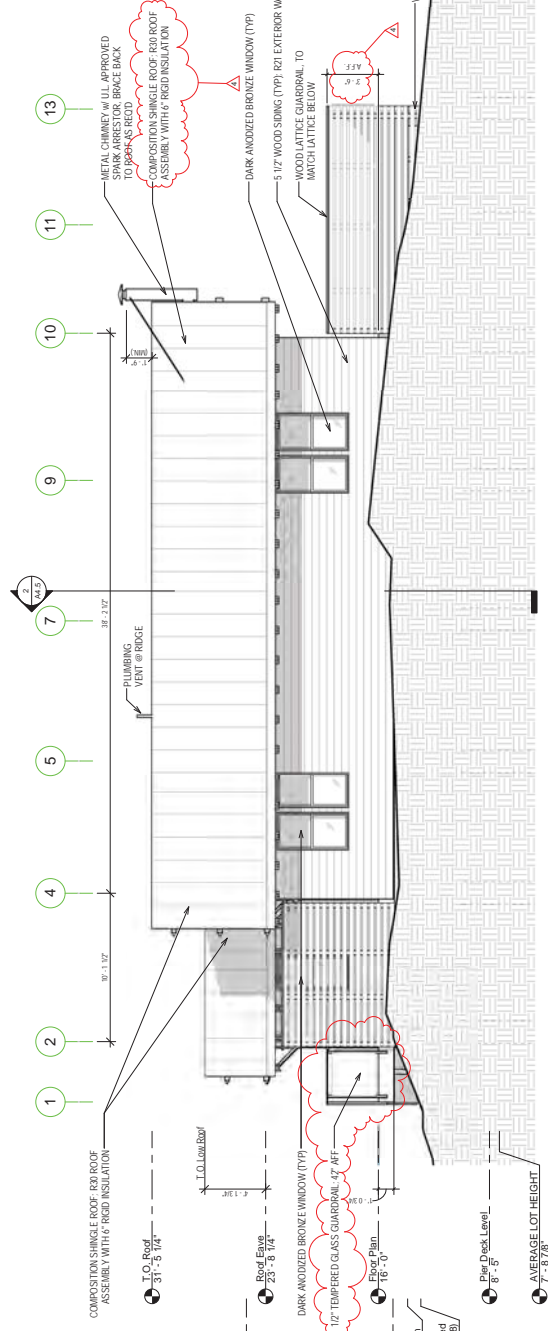
Title/ Services	Date
APR 12, 2015	05/13/15
PLAN CHECK SET	12/18/13
CUSTOMER COMMENTS	05/20/15
Project No.	15-001215-13/132 PH
Drawn By:	BB
Checked By:	BB
Scale:	As Indicated

11/15/15: Review and verify scope of supporting work of this elevation set may vary due to changes to the supporting work in other elevation sets in the context of the project.

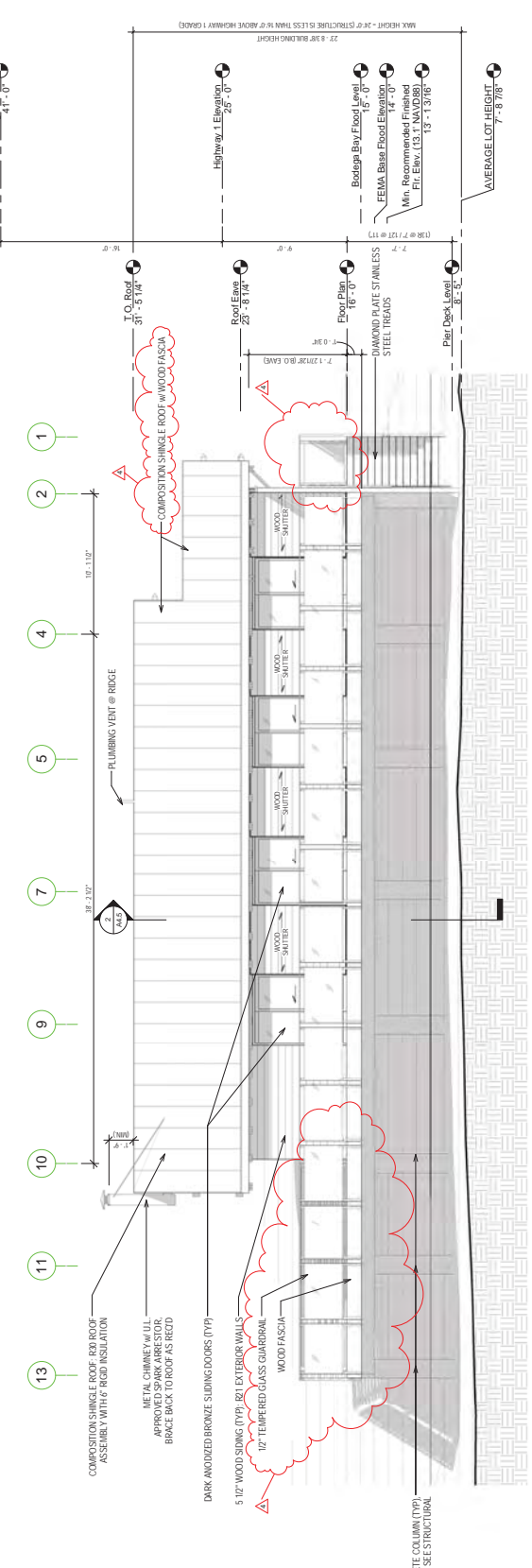
Proposed Elevations (North / South) A4.4

EXT. ELEVATION NOTES

- EXTERIOR COLOR PALETTE:**
- EXTERIOR WALLS AND SOUTH SLIDING SHUTTERS - "lightwood"
 - ROOF - COMPOSITION SINGLE ROOF ASSEMBLY WITH 6" RIGID INSULATION
 - WINDOW AND DOOR FRAMES - "dark anodized bronze"
 - WOOD GUARDRAILS - "lightwood" color siding with a weathered, glazing and glass GUARDRAILS - clear glass
- GENERAL NOTES:**
- NO EXTERIOR MECHANICAL EQUIPMENT SHALL BE PROVIDED. ALL MECHANICAL EQUIPMENT TO BE LOCATED IN THE ATTIC. REFRIGERATORS FOR EXTERIOR LIGHTING COUSHNET AND LOCATIONS.
- BUILDING HEIGHT:**
5. 12" WOOD SILING (TYP) RZI EXTERIOR WALLS per Sonoma County Coastal Design Review Guidelines: Height for a residential building height is 16 feet west of Highway 1. However, maximum height for a residential building is permitted to (1) rise above the 16-foot height limit and (2) the structure will not affect views to the ocean or be out of character with surrounding structures.



1 Proposed North Elevation
1/4" = 1'-0"

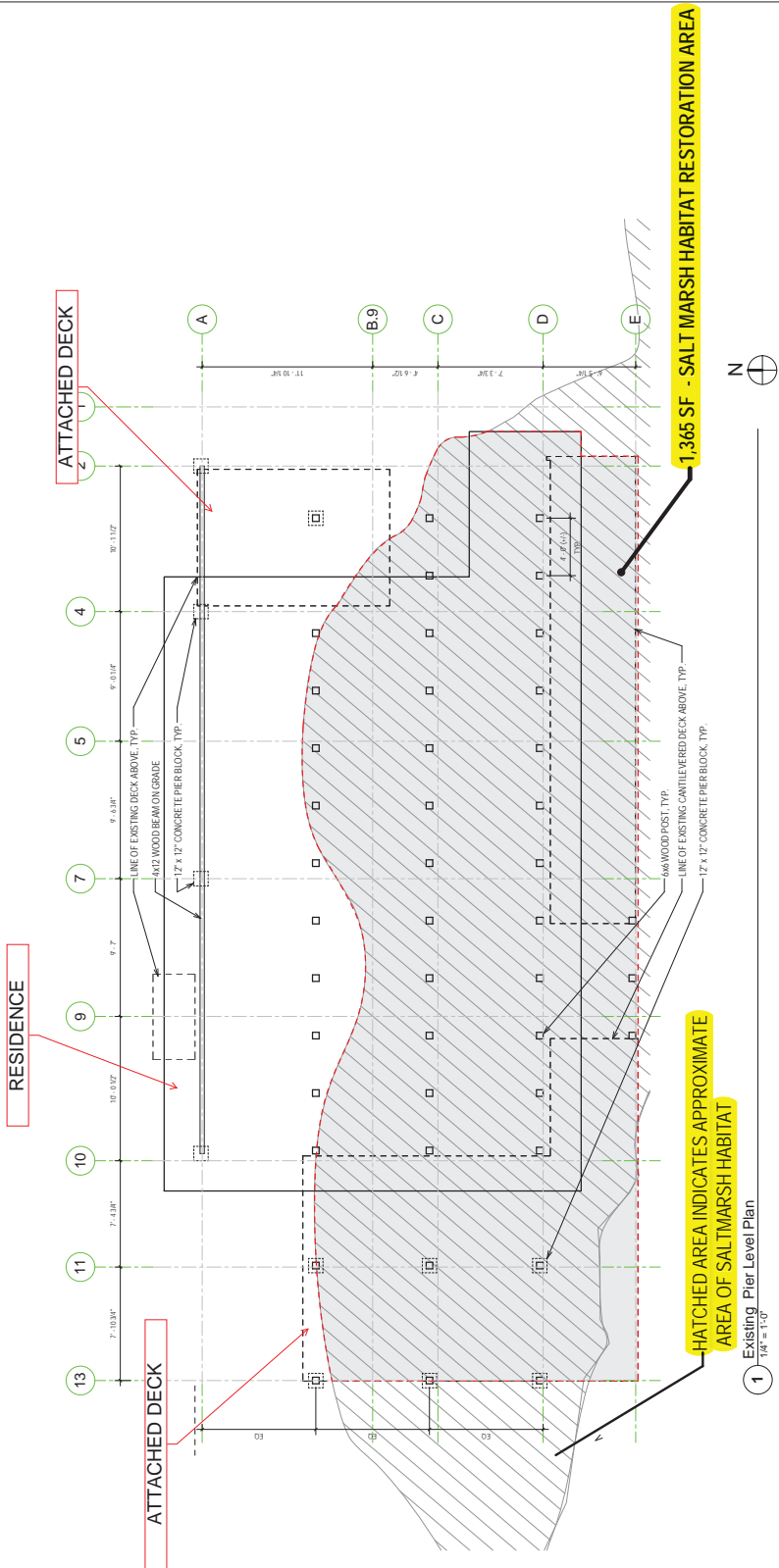


2 Proposed South Elevation
1/4" = 1'-0"



Issue #	Issue/ Revision	Date
1	ISSUE FOR PERMIT	02/20/23
2	REVISED PERMIT	02/28/23
3	REVISED PERMIT	03/02/23
4	CONTRACT COMMENCEMENT	02/29/23

PROJECT: 23020105 100-009
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1/4" = 1'-0"
 ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED
 SHALL BE IN FEET AND INCHES
 UNLESS OTHERWISE SPECIFIED
 CONSULT THE CONTRACT DOCUMENTS FOR ALL DETAILS



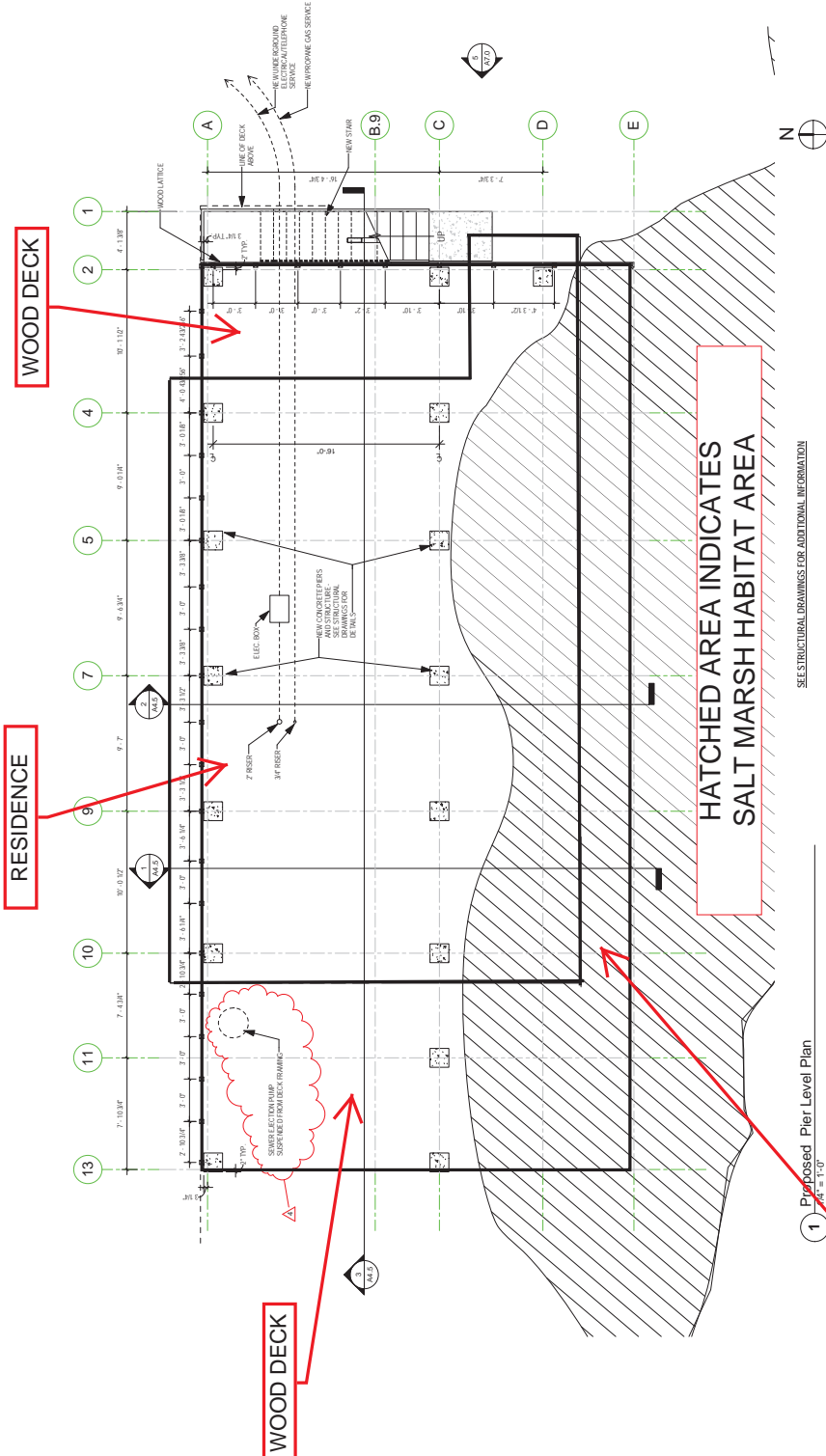


Issue / Revision	Date
1	02/20/23
2	02/28/23
3	03/08/23
4	03/29/23

DRAWN BY: J. LUNBERG
 CHECKED BY: J. LUNBERG
 DATE: 2/20/23 10:05 AM
 TITLE: Pier Level Plan
 PROJECT: 100-120-009

**Proposed
 Pier Level
 Plan**
A2.1

NOTE: ALL BELOW GRADE FOUNDATION SHALL BE POURED AT LOW TIDE.



SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION

1 Proposed Pier Level Plan
 04-1-19

Visual Simulation of residence as seen from Smith Brothers Road

*Roofline outlined in red



#2 EXISTING

Existing



#2 PROPOSED

Proposed

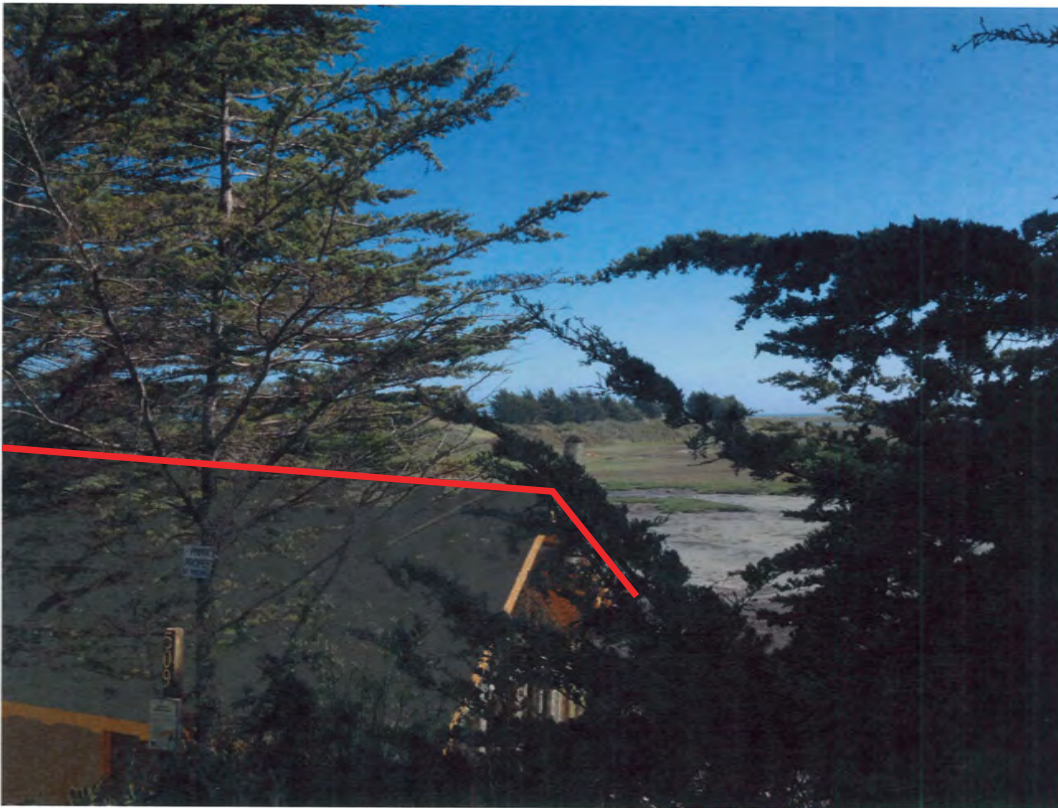
Visual Simulation of residence as seen from Smith Brothers Road

*Roofline outlined in red



#3 EXISTING

Existing



#2 PROPOSED

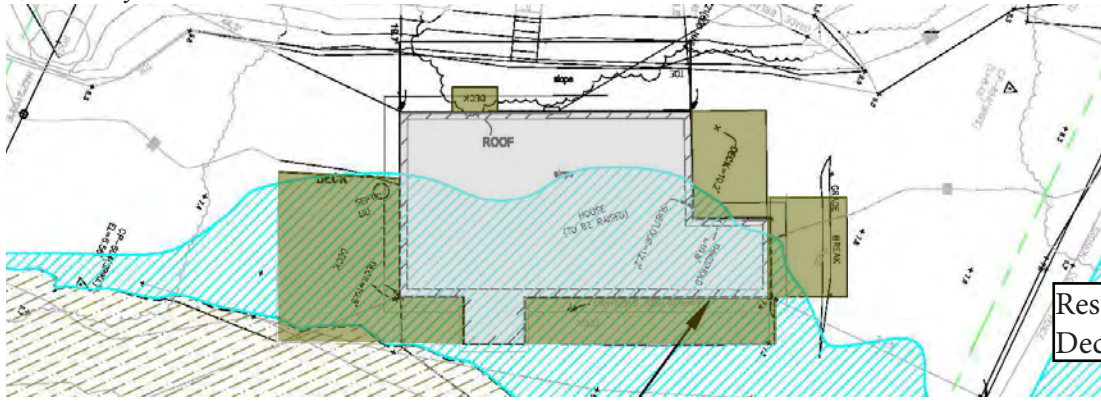
Proposed

Photo of wetland vegetation partial reestablishment, October 2014

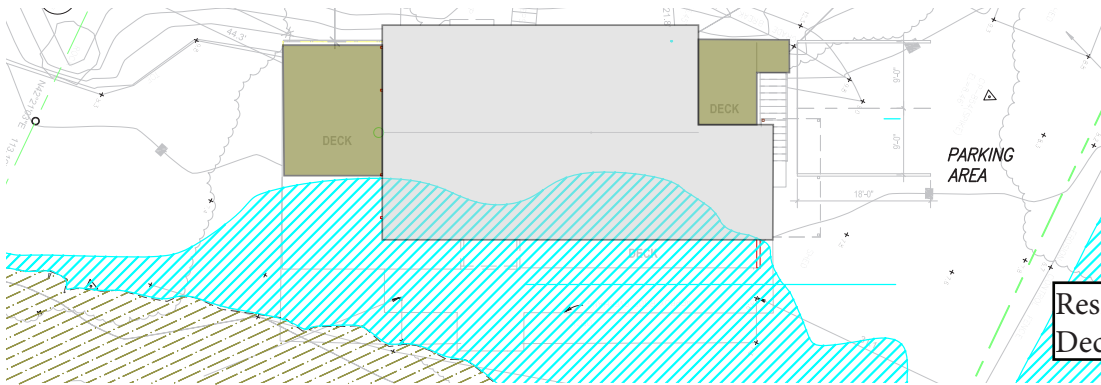


Alternatives Analysis for Lundberg CDP Application

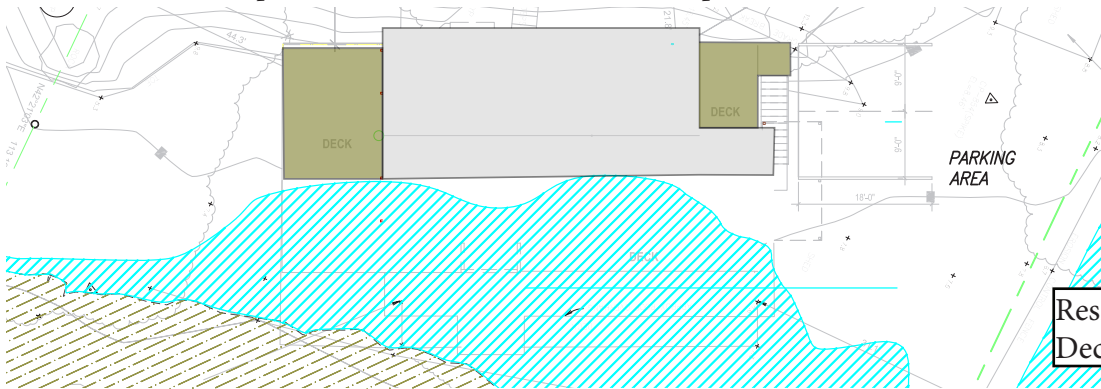
a) No Project Alternative



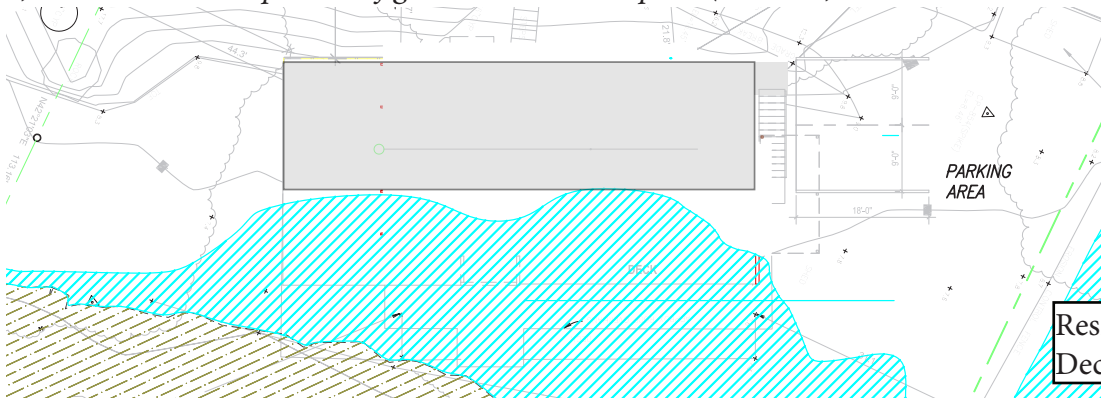
b) Alternative Concept: Reduce Deck Footprint



c) Alternative Concept: Reduce Residence and Deck Footprint



d) Alternative Concept: Reconfigure Residence Footprint (No Deck)



 Residence  Deck  Salt Marsh Habitat