

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260



Filed: August 14, 1996
90th Day: November 14, 1996
Staff: Bill Van Beckum
Staff Report: September 20, 1996
Meeting of: October 11, 1996
Commission Action:

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter M. Douglas, Executive Director
Steven F. Scholl, District Director
Bill Van Beckum, North Coast Planner

F6a

SUBJECT: **COUNTY OF SONOMA LCP AMENDMENT No. 1-96** (Major;
Freeman) (Public Hearing and Possible Action at the California
Coastal Commission meeting of October 11, 1996.)

SYNOPSIS

AMENDMENT DESCRIPTION:

The proposed amendment to the County of Sonoma LCP, effectively certified in 1982, seeks to change the Coastal Plan (LUP) map and zoning map designations for a 0.5-acre parcel to allow for medium-density residential development on the parcel. The specific change is to redesignate the parcel as Medium Density Residential from its current designation as Sensitive and Hazardous. The current land use designation prohibits development on the parcel unless physical or biological constraints can be mitigated. The current zoning allows for residential development, but only for parcels at least 160 acres in size.

The parcel is located at 1409 Highway 1, in Bodega Bay (APN 100-080-004). See Exhibits 1 and 2.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that upon completion of the public hearing, the Commission approve the LCP amendment as submitted, based on the findings that the amendment is consistent with the policies of Chapter 3 of the Coastal Act. The amendment is consistent with the Coastal Act in that it redesignates and rezones the subject parcel in a manner consistent with the requirements of Sections 30250, 30253, 30231 and 30240 that new development is located in areas able to accommodate it, minimizes geologic hazards, and protects environmentally sensitive riparian habitats.

SONOMA CO. LCP AMENDMENT No. 1-96 (Major)

Page 2

The current designation of Sensitive and Hazardous was applied by the County originally as a transitional designation to numerous parcels which contained at least some areas of sensitive habitat and geologic hazard, but where site specific mapping may not have been conducted to determine the extent of the habitat or hazard area on the parcel. The subject parcel contains a sufficient building envelope outside of sensitive habitat areas and areas of geologic hazard to accommodate medium density residential development. The motion and resolution for approval of the Land Use Plan portion of the amendment are below. The motion and resolution for approval of the Implementation Program portion of the amendment can be found on Page 7.

ADDITIONAL INFORMATION

For additional information about the proposed amendment, please contact Bill Van Beckum at the North Coast Area office at the above address, (415) 904-5260. Please mail correspondence to the Commission to the same address.

ANALYSIS CRITERIA:

To approve the amendment to the Land Use Plan portion of the County of Sonoma Local Coastal Program, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendment to the Implementation Program portion of the LCP, the Commission must find that the Implementation Program, as amended, conforms with and is adequate to carry out the amended Land Use Plan.

I. STAFF RECOMMENDATION, MOTION, AND FINDINGS FOR THE LAND USE PLAN PORTION OF AMENDMENT NO. 1-96 (Freeman)

A. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion I:

MOTION I: APPROVAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 1-96

"I hereby move that the Commission certify Amendment No. 1-96 to the Land Use Plan portion of the County of Sonoma Local Coastal Program as submitted by the County."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION I:

The Commission hereby certifies Amendment No. 1-96 (Freeman) to the Land Use Plan portion of Sonoma County's Local Coastal Program for the reasons discussed in the following findings on the grounds that, as submitted, this amendment and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Coastal

SONOMA CO. LCP AMENDMENT No. 1-96 (Major)

Page 3

Act Section 30625(c), and approval will not have significant environmental effects within the meaning of the California Environmental Quality Act.

B. FINDINGS FOR APPROVAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 1-96:

1. Amendment Description:

The proposed amendment to the County of Sonoma Coastal Plan (LUP) seeks to change the LUP map designation for a 0.5-acre parcel at 1409 Highway 1 in the town of Bodega Bay from Sensitive and Hazardous to Medium Density Residential. See Exhibits 1 and 2. The parcel's current land use designation, Sensitive & Hazardous, prohibits development on the parcel unless physical or biological constraints can be mitigated. The Sensitive and Hazardous designation is viewed by the County as a transitional designation that needs to be changed to allow for any particular use. The amendment, to the Medium Density Residential land use classification, would allow for residential development at a density of 5 to 8 units per acre. This density limitation would mean that a maximum of four residential units could be permitted on the parcel, because of its half-acre size. Although the property owners have prepared conceptual plans for building two detached single-family residences on the parcel, no specific development for the parcel has yet been proposed.

The County Board of Supervisors Resolution adopting the Coastal Plan amendment is attached as Exhibit 3.

2. Site Description:

Although the parcel has a Highway 1 address, it is separated from the highway by a commercially developed lot. The commercial lot is the most easterly of three adjoining commercial lots along the north side of the highway, at a location just beyond where the highway bends to the east at the north end of town. Access to the subject site is available from the highway over a vehicular access easement that was designated pursuant to a condition of the County's action (Lot Line Adjustment 93-799) that created the lot in 1994. See Exhibit 4.

The access easement runs north from the highway at the west end of the three-lot commercial strip, and then turns east into the subject parcel. The access easement passes through a portion of what will be the driveway and parking lot for a proposed 10-unit bed and breakfast facility, on a 2.7-acre parcel just west of the subject site (Sonoma County Coastal/Use Permit 91-080). The bed and breakfast inn parcel (Exhibit 5) and the subject parcel are owned by the same family.

Nearest the highway, in the south and southwest portions of the vacant subject parcel, the terrain slopes moderately, for about 50 feet, then drops off sharply to Johnson Creek below (Exhibit 2). The creek bed itself is in the parcel to the north. The low-lying northeast corner of the subject parcel takes in a small extent of the outermost edge of the riparian corridor along Johnson Creek.

SONOMA CO. LCP AMENDMENT No. 1-96 (Major)

Page 4

The site's Sensitive and Hazardous LUP designation reflects the site's riparian values and its steepness. The portion of the site where riparian vegetation grows is furthermore designated Sanctuary Preservation on the LUP's Open Space map. The Sanctuary Preservation designation is an overlay designation intended by the LUP to prohibit any development in any area so designated "other than nature trails and resource dependent uses." The site contains no other environmentally sensitive habitat areas (ESHAs). The remainder of the site is covered with grasses and brush.

3. Consistency with Coastal Act:

a. Locating and Planning New Development

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The subject parcel is within the town of Bodega Bay, recognized by the County's Coastal Plan as an urban community, and is within the town's designated "Urban Boundary." Furthermore, the parcel is within the Bodega Bay Public Utilities District (PUD), which provides wastewater treatment and water for the town. The PUD's business manager has informed staff (9/18/96) that the subject parcel is entitled to water and sewer connections at the LCP amendment's proposed residential density because there currently are no constraints to district water supplies or sewer treatment capacity that would prevent service to the parcel.

The Commission therefore finds that the proposed amendment is consistent with Section 30250(a) of the Coastal Act to the extent that the site is located in an existing developed area with adequate public services to accommodate the residential uses that would be allowed under the proposed redesignation of the site. Furthermore, the proposed amendment is consistent with the County's LUP policies that allow residential development on legal lots if water and septic regulations are met and that require PUD service to all new development within the Bodega Bay Urban Boundary (General Land Use Policy 9 and Bodega Bay Land Use Policy 24).

b. Geologic Hazards

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic hazard by not creating erosion, geologic instability, or destruction of the site or the surrounding area.

The subject site is at risk from geologic instability due to the steepness of portions of the parcel, as well as the potential for erosion of relatively

SONOMA CO. LCP AMENDMENT No. 1-96 (Major)

Page 5

loose surface soils from the parcel's higher elevations into the Johnson Gulch creek bed.

Because the Sonoma County coast has extensive areas at risk of geologic hazard and areas with erosion potential, it was not possible for the County to conduct precise, site-specific geologic and soils mapping for every property within the County's coastal zone before the LCP was certified in 1982. The LUP land use designation of Sensitive and Hazardous that is applied to the subject parcel, and to several other coastal zone areas, serves as a transition designation until more precise geologic and soils mapping can be done. Before any development within any area classified Sensitive and Hazardous can occur, the LCP requires that any physical or biological constraints to development can be mitigated.

As part of the LCP amendment request to the County, the subject parcel's owner provided two geotechnical reports, from 1987 and 1993, concerning the parcel. The first report summarized the results of a geologic reconnaissance of the parcel and included recommendations on geotechnical engineering considerations affecting design and construction for future development (Geotechnical Investigation, John H. Dailey, Civil Engineer, Cooper Engineers, Inc., September 3, 1987). Design and construction considerations included recommendations concerning foundations, grading and drainage. The report also recommended a building envelope (which is noted on Exhibit 5) in which future development should be confined based on geologic considerations. This building envelope is located in the upper and less steep portion of the parcel, i.e., in the west portion of the parcel. The second report (Geotechnical Consultation, John H. Dailey, April 30, 1993) concluded that the building envelope could be extended slightly to the east and northeast, as long as any development in the expanded area adheres to foundation recommendations based on additional subsurface explorations.

Staff estimates that the maximum size of an expanded building envelope that would conform to the 1993 report's conclusions is approximately 7,000 square feet (32% of the 0.5 acre parcel).

As noted earlier, the proposed amendment would allow for residential development of the parcel at a density of 5 to 8 units per acre. This Medium Density Residential LUP land use classification would mean that a maximum of four residential units would be permissible on the parcel, because of its half-acre size. The LUP does not specify or otherwise limit the type (e.g., single-family or multi-family, attached or detached) of residential development that is associated with the Medium Density Residential classification. Although no residential development of the subject parcel is currently proposed, the potential for development given the site's geologic constraints must be considered in evaluating the LCP amendment request.

Although the 7,000 square-foot building envelope could not easily accommodate four detached single-family residences, it would be large enough to accommodate two single-family residences, or even four, attached multi-family units, if the residences are properly designed to comply with site-specific geotechnical recommendations. The proposed Medium Density Residential land

SONOMA CO. LCP AMENDMENT No. 1-96 (Major)

Page 6

use classification for the parcel, which limits future residential development of the parcel to four units, is therefore an acceptable classification from a geologic hazard standpoint, as four residential units could be accommodated within the recommended building envelope.

Therefore, the Commission finds that the proposed amendment is consistent with Section 30253 of the Coastal Act as the potential development that would be allowed by the proposed amendment request can be developed in a manner that will minimize risks to life and property due to geologic hazards.

c. Environmentally Sensitive Habitat

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and that development near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas. Section 30231 requires protection of coastal streams by maintaining natural vegetation buffer areas to protect riparian habitats.

The north side of the subject parcel is adjacent to a parcel that contains a portion of the Johnson Creek stream channel. See Exhibit 2. On either side of the stream is a broad band of willow riparian vegetation, some of which extends up into the lowest portion, i.e., the northeast corner, of the subject site. The Commission considers riparian areas to constitute environmentally sensitive habitat areas subject to the protections of Coastal Act Section 30240.

The extent of the riparian vegetation on the site is small, as this corner of the site takes in only the outermost edge of the riparian corridor. This riparian edge is generally conterminous with the line which marks the outer, upslope edge of the Commission's appeal jurisdiction, which includes lands within 100 feet of coastal streams. See Exhibit 5.

The portion of the site where riparian vegetation grows is furthermore designated Sanctuary Preservation on the LUP's Open Space map. The Sanctuary Preservation designation is an overlay designation intended by the LUP to prohibit any development in any area so designated "other than nature trails and resource dependent uses." The amendment request does not include any changes to the Sanctuary Preservation overlay.

As discussed above in the section on Geologic Hazards, any future residential development of the site would have to occur in the building envelope on the parcel's upper elevations. The northern edge of the building envelope (Exhibit 5) is approximately 40 feet from the outermost edge of riparian vegetation. Furthermore, the building envelope is outside the 100-foot-wide riparian buffer zone, measured from the lowest line of riparian vegetation, required by Sonoma County Coastal Plan Environmental Resources Management Policy 9. As such, no residential development could occur in or near any area containing riparian vegetation.

Therefore, the Commission finds that the proposed amendment is consistent with Sections 30231 and 30240 of the Coastal Act as the uses that will be allowed

SONOMA CO. LCP AMENDMENT No. 1-96 (Major)

Page 7

by the proposed amendment can be developed in a manner that will not adversely affect environmentally sensitive habitat areas.

4. CEQA:

Pursuant to Section 21080.5 of the California Environmental Quality Act (CEQA), the Resources Agency has certified the Commission's regulatory program as being functionally equivalent to the standard CEQA review process. Pursuant to SB 1873, which amended the California Environmental Quality Act, the Coastal Commission is the lead agency in terms of meeting CEQA requirements for local coastal programs. In addition to making a finding that the amendment is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) requires that the Commission not approve or adopt an LCP:

... if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Consistent with Public Resources Code Section 21080.5(d)(2)(i), the Commission finds, for the reasons discussed in this report, that the proposed amendment request is consistent with the California Coastal Act, will not result in significant adverse environmental effects within the meaning of the California Environmental Quality Act, and therefore requires no mitigation measures to reduce any adverse environmental impacts.

II. STAFF RECOMMENDATION, MOTION, AND FINDINGS FOR THE IMPLEMENTATION PORTION OF AMENDMENT NO. 1-96 (Freeman)

A. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion II:

MOTION II:

"I hereby move that the Commission reject the Implementation Program for Amendment No. 1-96 to the County of Sonoma Local Coastal Program as submitted by the County."

Staff recommends a NO vote, and the adoption of the following resolution and findings. This motion requires a majority of the Commissioners present to pass.

RESOLUTION II:

The Commission hereby certifies the amendment to the Implementation Program of the County of Sonoma LCP (Freeman) based on the findings set forth below on

SONOMA CO. LCP AMENDMENT No. 1-96 (Major)

Page 8

the grounds that the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan. As submitted, the amendment does not have a significant impact on the environment within the meaning of CEQA.

B. FINDINGS REGARDING ADEQUACY OF THE IMPLEMENTATION PROGRAM AMENDMENT:

1. Amendment Description

The proposed amendment would modify the zoning map designation for a 0.5-acre parcel at 1409 Highway 1 in the town of Bodega Bay (APN 100-080-004, Exhibit 2) to allow for medium-density residential development on the parcel. The current zoning, Natural Resource, Coastal Combining (NR, CC) allows for residential development, but only for parcels at least 160 acres in size. The amendment specifically would change the subject parcel's zoning map designation to the Medium Density Residential, Special Density, Coastal Combining District (R2, B6/4, CC). The "special density" indicated by the notation B6/4 limits development of the parcel to a maximum density of four residential units per acre. The County Board of Supervisors Resolution adopting the zoning amendment is attached as Exhibit 3.

2. Consistency with and Adequacy to Carry out the Coastal Land Use Plan.

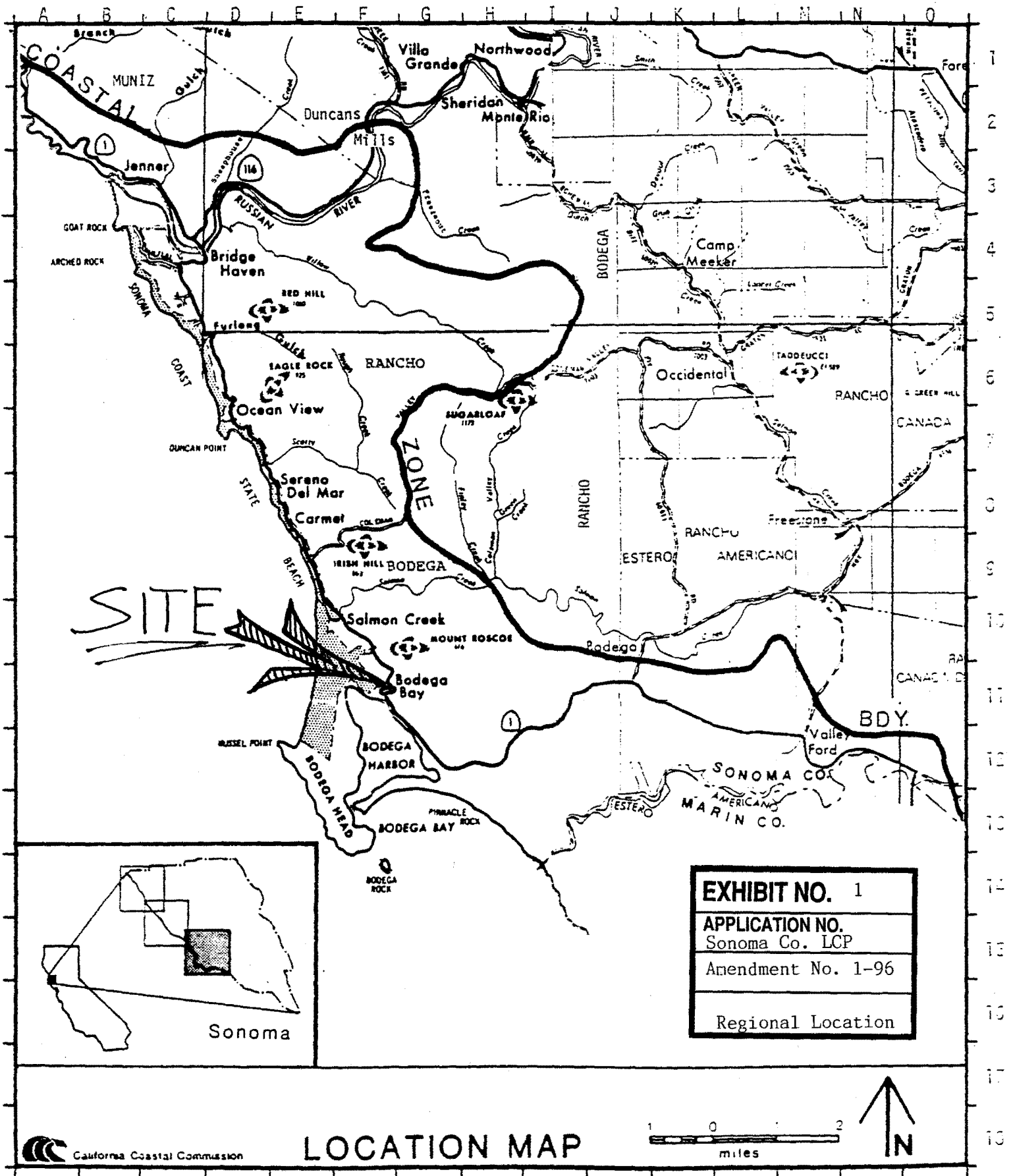
The proposed rezoning adequately implements the Sonoma County Coastal Plan (LUP) amendment since the proposed zoning designation allows the same residential use, and at no greater density, as allowed by the amended LUP designation. The amended LCP zoning map designation would set the stage for residential development in a portion of the half-acre parcel where geologic hazards are deemed avoidable and where riparian resources would not be affected.

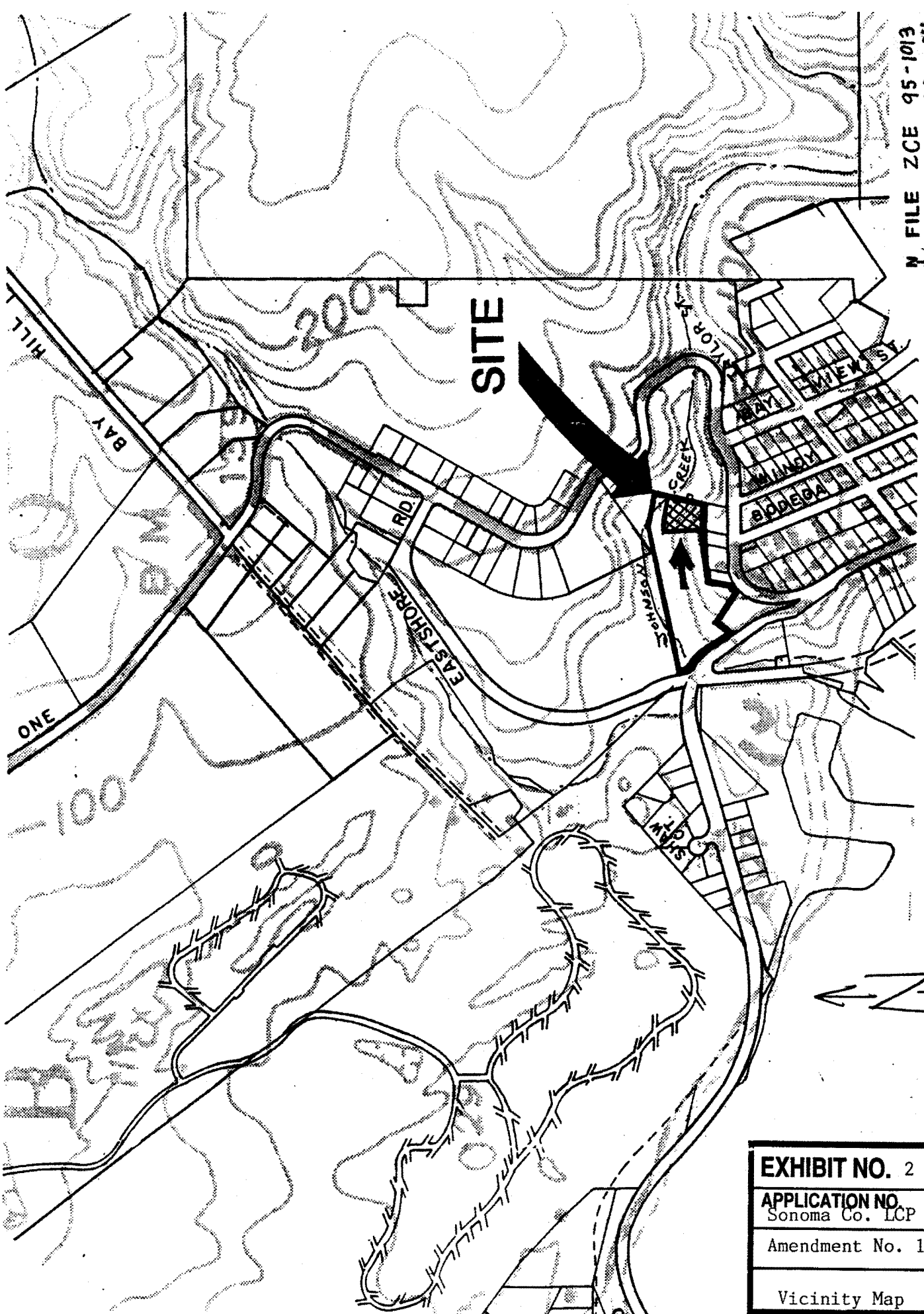
Therefore, the Commission finds that the proposed Amendment No. 1-96 to the Sonoma County Coastal Zoning Ordinance Map is consistent with and adequate to carry out the Coastal Plan (LUP) portion of the certified LCP.

EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Board of Supervisors Resolution
4. Lot Line Adjustment & Site Access Map
5. Site Building Envelope & Riparian Area

9011p/bvb/WANG





FILE ZCE 95-1013
AP# 100-080-004
FREEMAN
N.T.S.

EXHIBIT NO. 2
APPLICATION NO.
Sonoma Co. LCP
Amendment No. 1-96
Vicinity Map

County of Sonoma
Santa Rosa, California

March 12, 1996
ZCE 95-1013/SPA 95-1001 Sigrid Swedenborg



RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR A COASTAL PLAN AMENDMENT AND ZONE CHANGE AS DIRECTED BY THE SONOMA COUNTY BOARD OF SUPERVISORS.

WHEREAS, the Sonoma County Board of Supervisors directed the Sonoma County Permit and Resource Management Department to process an amendment to the Sonoma County Coastal Plan from the sensitive and hazardous designation to the medium density residential district and to rezone +/- 0.5 acres from the NR (Natural Resources), CC (Coastal Combining) district to the R2 (Medium Density Residential) B6/4 units per acre, CC (Coastal Combining) district located at 1409 Highway One, Bodega Bay; APN 100-080-004; Supervisorial District No. 5; and

WHEREAS, a Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on January 18, 1996 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on March 12, 1996, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that mitigation measures are incorporated into the project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines and the information contained therein has been reviewed and considered; and

WHEREAS, the project is consistent with the General Plan land use designation of Urban Residential, 6 units per acre; and

WHEREAS, the site is geologically suitable for the project per the geological report. Any change will require an amended geologic report.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors adopts the Negative Declaration for the zone change as being complete in compliance with CEQA State and County guidelines, and certifies that it has reviewed and considered the information contained therein;

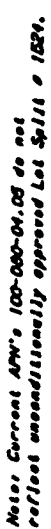
SUPERVISORS VOTE:

Cale: Harberson: Kelley: Carpenter: Smith:

Ayes: 5 Noes: Absent: Abstain:

SO ORDERED.

EXHIBIT NO. 3
APPLICATION NO. Sonoma Co. LCP
Amendment No. 1-96
County Resolution



Rim, Corp.
NEW 100-210-50

APN 100-080-04
PARCEL A
2.7 Acres
Existing and proposed

↑ SITE

ACCESTE
A/C 17

BAY FLAT ROAD

PROPOSED LOT LINE ADJUSTMENT
1409 Highway 1, APN 100-080-04 & 05

Bodega Boy.

October 1993

California



Prepared by: Paul N. Brennan
My license expires 6/30/95

133345 1 10 1 09: 93157

EXHIBIT NO. 4

APPLICATION NO.
Sonoma Co. LCP
Amendment No.

Lot Line Adjustment
and Site Access

Area appealable to Coastal Commission

AREA CALCULATIONS

1. The property is (approximately) 10 acres in size.
 2. The property is (approximately) 10 acres in size.
 3. The property is (approximately) 10 acres in size.
 4. The property is (approximately) 10 acres in size.
 5. The property is (approximately) 10 acres in size.
 6. The property is (approximately) 10 acres in size.
 7. The property is (approximately) 10 acres in size.
 8. The property is (approximately) 10 acres in size.
 9. The property is (approximately) 10 acres in size.
 10. The property is (approximately) 10 acres in size.

EXHIBIT NO.	5
APPLICATION NO.	Sonoma Co. LCP
Amendment No.	1-96
Building Envelope and Riparian Area	

SANCTUARY PRESERVATION (RIPARIAN) AREA

envelope bldg

NON-APPEALABLE Bellva Behm CCC 9/14/96

old road grade

separate bldg through lot line (File 93-79)

BUILDING ENVELOPE

SITE

HIGHWAY ONE

N

Bay Flat Rd.

IN N

BASE: EXHIBIT F, 3/15/94 SONOMA CO. STAFF REPORT CPU 91-080