

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

5 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

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F 6a

Filed:	May 13, 1998
Hearing Opened:	August 12, 1998
180th Day:	November 9, 1998
Staff:	Bill Van Beckum
Staff Report:	September 25, 1998
Hearing Date:	October 16, 1998
Commission Action:	

STAFF REPORT: REGULAR CALENDAR**APPLICATION NO.:** 1-98-45**APPLICANT:** WALT LANDER**PROJECT LOCATION:** 2035 Sandpiper Court, Bodega Bay, Sonoma County,
APN 100-051-33.**PROJECT DESCRIPTION:** Construct a two-story (18- to 25-feet-high), 1,845-square-foot single-family home, with 1,540-square-foot paved driveway and parking pad, and approximately 60 cubic yards of balanced grading.

Lot Area: 12,000 square feet (0.275 acres)

Land Use Plan: Urban Residential (4du/ac)

Zoning: RI-CC-B7 (Low-Density Residential, Coastal Combining, 4 du/ac)

LOCAL APPROVALS RECEIVED: Sonoma County Administrative Setback Reduction**SUBSTANTIVE FILE DOCUMENTS:** Sonoma County Local Coastal Program**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends approval of the application with conditions. The principal issues raised by the application are: (1) the site's geologic capabilities to accommodate development that will be structurally sound and that will not contribute to any instability of the project site itself, and (2) the protection of coastal views and compatibility with the surrounding visual character. Concerns with possible geologic impacts are addressed by the requirements of Special Condition No. 1 that final foundation, grading and site drainage plans be reviewed for

consistency with recommendations contained in the geotechnical report that has been prepared for the project. Staff believes the project is consistent with the visual resource protection provisions of the Coastal Act in that the project will not interfere with public coastal views and the design is compatible with surrounding development and natural features. However, to ensure that existing on-site trees will remain to provide a backdrop to soften the visual impacts of the proposed house, Special Condition No. 2 is attached to state that the permit does not authorize the removal of any trees from the site other than those required for a road improvement and widening project previously approved by the Commission.

STAFF NOTES

1. Previous Commission Consideration and Project Changes. At the Commission's August 12, 1998 meeting, the Commission removed this application from the consent calendar and scheduled this for subsequent public hearing. That action was in response to concerns raised in a letter received just prior to the meeting regarding project conformity to Sonoma County setback requirements. More specifically, the concerns were whether the building envelope was sufficiently setback from the Whaleship Road right-of-way easement to comply with County setback requirements and whether the proposed driveway would interfere with emergency vehicle turnaround capabilities at the "hammerhead" end of the road.

Since the August meeting staff has investigated these concerns with the County's Coastal Planning staff and Transportation and Public Works staff. Furthermore, the applicant has amended his permit application with a revised site plan (8/21/98) that shows the shifting of the proposed home's footprint 8 feet to the west. The applicant notes that, "By doing this we will reduce the amount of grading by 2/3, give more clearance to the tree line and setback on Whaleship and have less visible retaining wall." The applicant also notes that the shift will not affect the home's 35-foot setback from the other street the property fronts, Sandpiper Court. The revised site plan is attached as Exhibit 3.

For lots in the County's R1-CC-B7 zoning district, such as the subject site, the minimum front yard setback required by Coastal Zoning Ordinance Section 26C-133(b)1 is 20-feet except "that no structure shall be located closer than 45-feet to the centerline of any public or private road, street or highway." Because the lot is a corner lot, County front yard setback requirements apply to the property's frontages on both Whaleship Road and Sandpiper Court.

As now proposed, and as shown on Exhibit 3, the project is consistent with the 20-foot front setbacks for yards. Although the exhibit additionally shows the project 51 feet

from the centerline of Whaleship Road's paved surface centerline, it also shows the project only 40 feet from Whaleship's right-of-way centerline, and only 35 feet from the conterminous centerline of Sandpiper Court's paved surface and right-of-way.

Correspondence (9/1/98) from the County's coastal planner describes the administrative setback reduction approval procedures that were followed when the County approved the project's proposed centerline setbacks at less than the 45-foot distance specified in Ordinance Section 26C-133(b)1. These procedures allow for reductions based on the average setbacks of other structures in the immediate neighborhood. According to the correspondence:

The setbacks (of existing homes) along Whaleship average about 36' to centerline and along Sandpiper average about 35'. Due to the site constraints with 3 easements bordering the property, we determined that the proposed setbacks for the Lander property are appropriate and consistent with the development on both streets. The home will not encroach on any of the easements, and the setback to centerline of the easements is equal to the average of the homes on Sandpiper Ct. and Whaleship.

The County's letter also indicates that, as standard procedure, a driveway encroachment permit will be required from the County before a building permit can be issued, "regardless of whether the plans show the driveway extending into the hammerhead or stopping short of it." Although the exact location of the surfaced driveway has not yet been determined, except for the driveway's uncovered parking area shown on Exhibit 3, the driveway connection from the home to Whaleship will involve an encroachment into the Whaleship right-of-way at the east end of the road's "hammerhead" terminus. Exhibit 3 also depicts two existing driveway connections that encroach into Whaleship's right-of-way in a manner similar to the driveway connection encroachment needed for the proposed project. As the presence of a driveway at the road's terminus would likely be left unblocked, to allow unimpeded car access from the road to the home's garage, it is doubtful that the driveway will interfere with emergency vehicle turnaround needs.

Also since August, the Commission has received a letter from a neighbor opposed to the project's height (Exhibit 8.a), and a response to that letter from the applicant (Exhibit 8.b). The neighbor objects to the granting of any variance to the County's Coastal Plan 16-foot height limitations for residences west of Highway 1. The County measures the height for residential structures "from the natural grade on the highest side of the improvement to the highest point of the roof or any projection therefrom." Since the proposed project's height is 18 feet using this basis of measurement, the project exceeds the County's Coastal Plan height limit for residences west of Highway 1 by 2 feet. As

discussed immediately below, however, the project site is within the Commission's retained jurisdiction, and thus the standard of review for the project is the Coastal Act and not the County LCP. In any event, the County's Coastal Zoning Ordinance does not include any actual "variance" mechanism for allowing increases in height over Coastal Plan-proscribed limits. Rather County Coastal Plan Visual Resources Policy 25 (Coastal Zone Design Guidelines) provides that exceptions can be made to building heights greater than 16 feet, for properties west of Highway 1, if "an increase in height would not affect views to the ocean or be out of character with surrounding structures."

The neighbor also objects to the increased height because of concern that it would obstruct her existing views and views of other properties on Whaleship Road. This concern relates to the protection of private coastal views, not the protection of public coastal views and scenic resources that is required by the Coastal Act. The issue of the project's height conformity to Coastal Act view protection policies is addressed below in Finding 4, Visual Resources.

As discussed in Finding 4, the project's proposed height is consistent with the Coastal Act's visual resource protection policies. Staff therefore continues to recommend approval of the project, with the same conditions as recommended for the August meeting. Some minor changes have been made to the Findings only insofar as needed to reflect changes resulting from the eastward shift of the project footprint.

2. Standard of Review. The proposed project is located at the north end of Bodega Harbor. Sonoma County has a certified LCP, but the project site is within the Commission's retained jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.
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I. MOTION, STAFF RECOMMENDATION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

I. Motion.

I move that the Commission approve Coastal Development Permit No. 1-98-45 subject to conditions.

2. Staff Recommendation Of Approval

Staff recommends a YES vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. Resolution To Approve Permit:

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions.

1. Final Foundation, Grading and Site Drainage Plans.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall submit for the review and approval of the Executive Director final foundation, grading, and site drainage plans for the proposed project. These plans shall be consistent with the structural foundation, grading, and site drainage recommendations made in the site-specific Geotechnical Investigation report prepared by Earth Mechanics Consulting Engineers, dated May 4, 1998, which was submitted with the application.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

2. Tree Removal.

This permit does not authorize the removal of any trees from the subject parcel, other than those required to be removed for the Whaleship Road and Sandpiper Court road improvement project (Coastal Development Permit No. 1-96-50, Sonoma County Dept. of Transportation & Public Works). Any future removal of trees shall require a new coastal permit or an amendment to Coastal Development Permit No. 1-98-45.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project and Site Description.

The project site is located in a 50-lot single-family residential subdivision that is adjacent to, upslope, and north of Old Bay Flat and Westshore Roads, at the north end of Bodega Harbor in the unincorporated town of Bodega Bay. See Exhibits 1 and 2.

The subdivision's primary access road from Westshore Road, at the harbor's edge, is Whaleship Road. The 12,000-square-foot parcel occupies the southwest quadrant of the intersection formed by Whaleship Road and Sandpiper Court. This intersection, at an elevation approximately 110 feet above the harbor, is just below the crest of the sand dune complex on which the subdivision is situated.

The site contains several mature trees (10 Monterey cypresses and one eucalyptus) at its north edge, along Whaleship Road, and two young cypress at its south edge. The rest of the slightly sloping property is vegetated with ruderal grasses and ice plant. No rare or endangered plants or other environmentally sensitive habitat (ESHA) have been identified on the property.

The proposed development of the site consists of the construction of a two-story single-family dwelling with attached garage, a paved driveway and parking pad, and approximately 60 cu. yds. of grading. See Exhibit 3, Site Plan.

2. New Development.

Section 30250(a) of the Coastal Act states that new development shall be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects 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 proposed development is located in an existing urban area, in a subdivision designated and zoned in the certified LCP for residential use. Most of the lots within the subdivision are already developed. Water and sewer service is available from the Bodega Bay Public Utility District to serve the project. The Commission therefore finds that the proposed project is consistent with Section 30250(a) of the Coastal Act to the extent that the project will be located in an existing developed area with adequate public services able to accommodate the low-density residential development proposed.

3. Geologic Hazards/Stability.

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 project site is located within a sand dune complex upslope of Westshore Road, along the north shore of Bodega Harbor. The applicant has submitted a geotechnical evaluation for the proposed residence (Earth Mechanics Consulting Engineers, May 4, 1998), that includes the results of on-site geological investigations and contains recommendations for ensuring the stability of both the proposed development and the hillside itself.

The on-site evaluation determined that the primary geotechnical concerns are:

1. settlement of improvements and low foundation bearing capacity caused by the presence of up to 9 feet of loose to medium dense sand at the site, and
2. the potential for ground surface rupture and seismic shaking during earthquakes.

However the evaluation concluded that, provided the recommendations contained the project, the site is suitable for support of the proposed project.

Included in the evaluation are recommendations regarding site preparation and grading (clearing, subgrade preparation, materials for backfill, compaction of fill, and inclinations of temporary and finished slopes), foundation design (continuous and spread footings or drilled piers), retaining walls (footings, backfill and backdrains), transitions between foundations and slabs-on-grade, and design and maintenance of surface drainage facilities.

Final foundation, grading and site drainage plans conforming to the above recommendations have not yet been submitted to the Commission. The Commission therefore attaches Special Condition No. 1, requiring the submittal of such plans for the review and approval of the Executive Director that are in conformance with the evaluation's recommendations regarding foundation design, grading and site drainage, so as to ensure project consistency with Coastal Act Section 30253 geologic hazards provisions. As conditioned, the Commission finds that the proposed project is consistent with the geologic hazard provisions of Coastal Act Section 30253.

4. Visual Resources.

Section 30251 of the Coastal Act provides in applicable part that 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 landforms, and to be visually compatible with the character of surrounding areas.

The primary east-west road along the north edge of Bodega Harbor is Westshore Road. Westshore Road is not one of the ten roads the certified Sonoma County LCP designates as "scenic corridors." The hillside Whaleship Dunes subdivision, in which the project site is located, is just upslope of Westshore Road. The subdivision is not one of the two Bodega Bay areas that the certified LCP gives special attention to in its Visual Resources policies. These areas are the Bodega Bay Core Area and Taylor Tract at the harbor's northeast edge, and the Bodega Harbour Subdivision, oriented around a golf course at the harbor's southeast edge.

Although the Whaleship Dunes subdivision is visible from the harbor and from points around the harbor, the proposed development's impact on the viewshed will be minimal. Except at the subdivision's exposed harbour-facing edges, the long-distance visual impact of the subdivision's development is softened by an existing dispersal of vegetative growth throughout the subdivision, including the mature trees growing on the subject site. With respect to closer visual impacts, since the proposed residence will occupy an interior lot, it will not be visible from Westshore Road, which skirts the harbor at the base of the dune on which the subdivision is situated. The home's upslope location is not visible from the road because of the topography and intervening residential development and vegetation.

The project site is one of the subdivision's interior lots. Because the residence will be sited upslope, inland, of Westshore Road, and not be in front of any public vantage points of Bodega Harbor, the project will not interfere with or otherwise affect any public views to and along the harbor consistent with Section 30251.

The proposed residence will be sited near the center of the subject corner lot. Although the project involves some grading, the alteration of natural landforms will be minimized. The project is designed to conform to the hillside site, with grading proposed only for a semi-basement and the driveway and parking pad. Therefore, the proposed development minimizes the alteration of natural landforms consistent with the applicable provision of Section 30251. As viewed through a row of cypress trees from Whaleship Road, at the lot's uphill (west) side, the residence will have elevations ranging from 18 feet to 20.5 feet. The sides of the residence facing Sandpiper Court and the harbor, to the north and the east, will have elevations ranging from 18 feet to 25 feet. See Exhibits 4-6, the west, north and east elevations.

The proposed residence is consistent with the village character of Bodega Bay in general and the Whaleship Dunes neighborhood in particular, which is characterized by small and medium-sized,

mostly one and two story homes. Design features of the proposed 1,845-square-foot, two-story residence include wood-framing, a low-pitched roof, and horizontal lapped siding. These features are typical of the designs of other homes in the immediate vicinity of the project site. The proposed residence therefore will be visually compatible with the character of its surroundings consistent with Section 30251.

As noted above, existing trees in the subdivision provide a backdrop for the homes and soften their visual impact. The applicant does not propose to remove any of the trees on the subject parcel. However, two of the site's cypresses, located in road easements in the lot's north corner, must be removed to accommodate a Whaleship Road and Sandpiper Court road improvement and widening project approved by the Commission in 1997 (CDP No. 1-96-50, Sonoma County Department of Transportation & Public Works). These trees are identified on "the Commission-approved projects plans for the road improvement project (Exhibit 7) as a 12-16" cypress and a 30" cypress. To ensure that the other on-site trees will not be removed without review by the Commission or Sonoma County to evaluate the effect of such removal on the visual character of the area, the Commission attaches Special Condition No. 2, which states that this permit does not authorize the removal of any trees from the subject parcel, other than those required for the road improvement project pursuant to CDP No. 1-96-50, and that any future removal of trees shall require a new coastal permit or an amendment to this permit.

The Commission finds that the proposed project, as conditioned, is consistent with Section 30251 as the scenic and visual qualities of coastal areas will be protected.

5. California Environmental Quality Act (CEQA).

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (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.

As discussed above, the proposed project has been conditioned to be found consistent with the resource protection policies of the Coastal Act. Conditions have been added to include adequate measures for ensuring the geologic stability of the proposed residences and the project site itself, and for ensuring that all existing trees on the site be retained other than those required to be removed for a road improvement project previously approved by the Commission. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the

environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

For purposes of CEQA, the lead agency for the project is the County of Sonoma. On May 12, 1998, the County determined that the project was categorically exempt from CEQA requirements.

EXHIBITS

1. Regional Location Map
2. Site Vicinity Map
3. Site Plan
4. West Elevation
5. North Elevation
6. East Elevation
7. CDP No. 1-96-50 Tree Removal
8. Correspondence

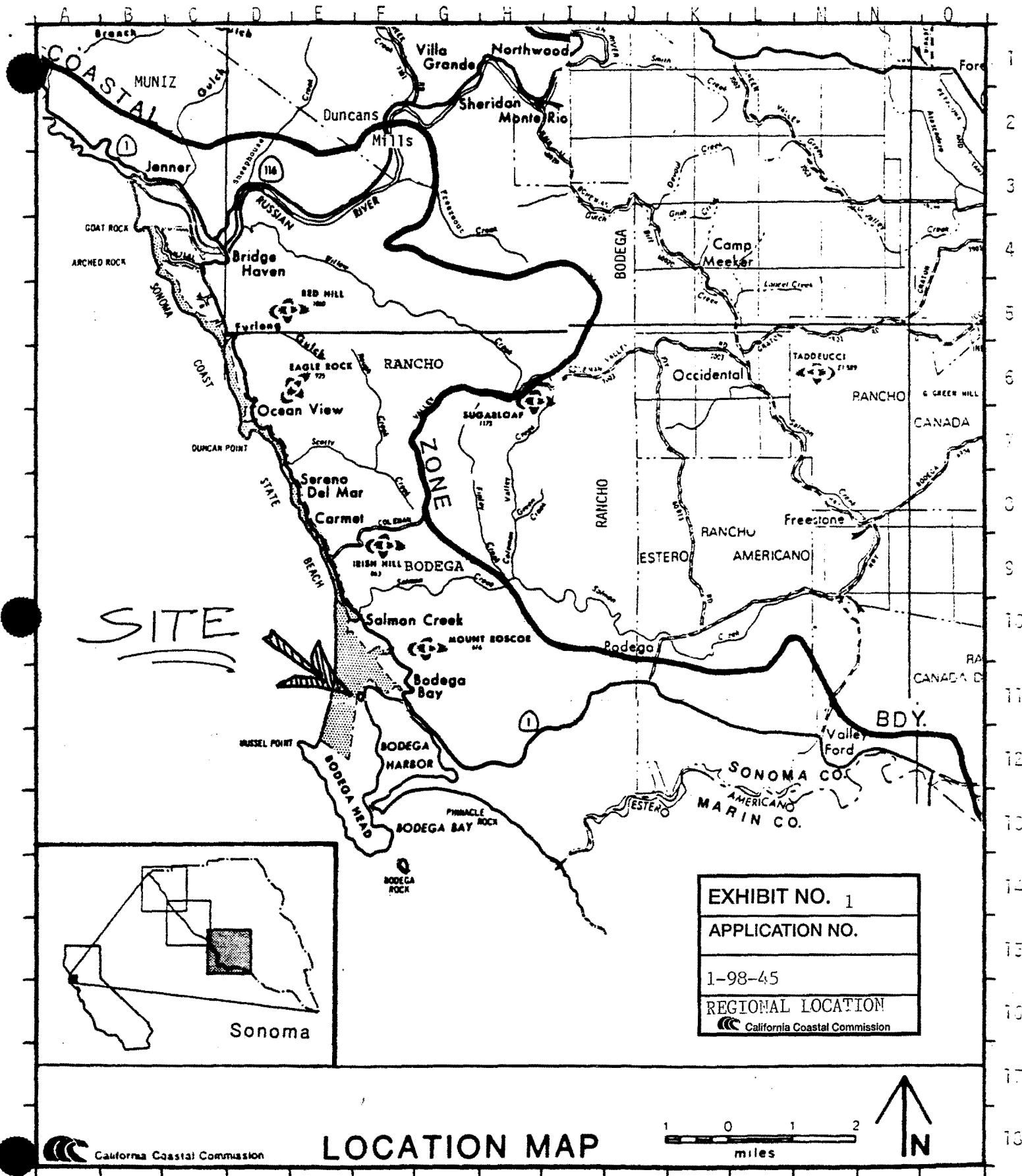



EXHIBIT NO. 1
APPLICATION NO.
1-98-45
REGIONAL LOCATION
 California Coastal Commission



LOCATION MAP



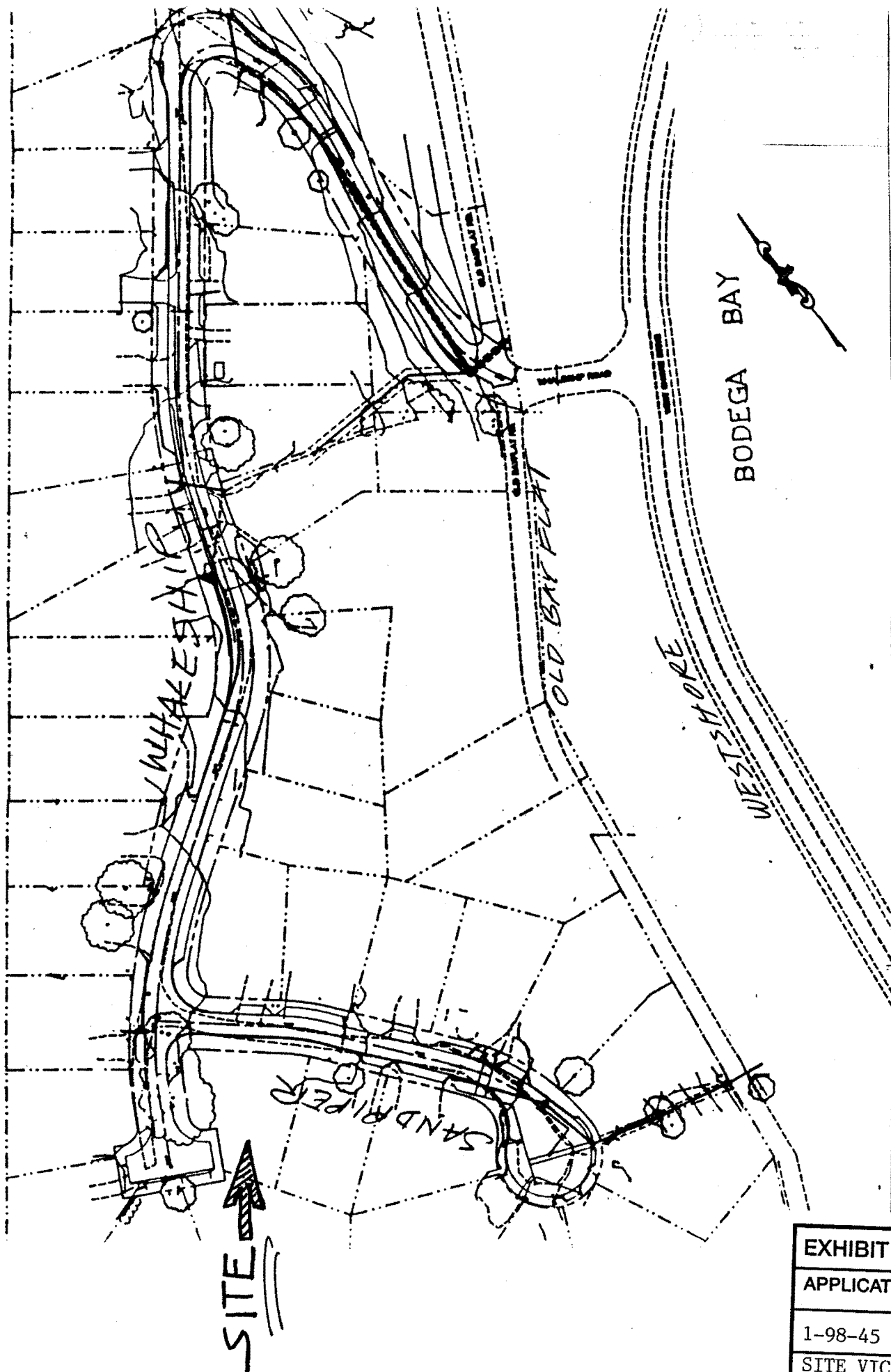


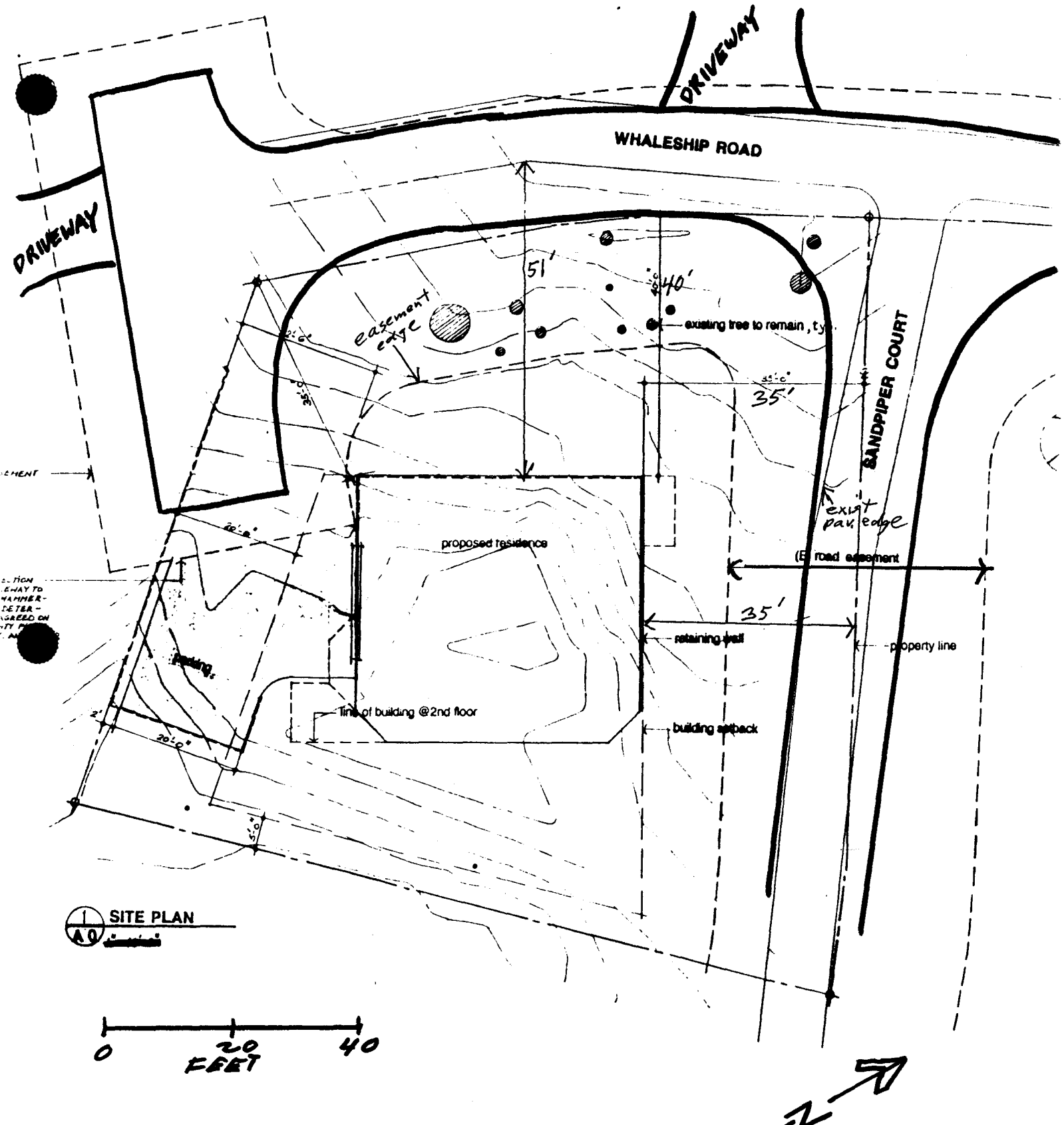
EXHIBIT NO. 2

APPLICATION NO.

1-98-45

SITE VICINITY

California Coastal Commission



SITE PLAN
A0

0 20 40
FEET

EXHIBIT NO. 3

APPLICATION NO.
1-98-45

SITE PLAN

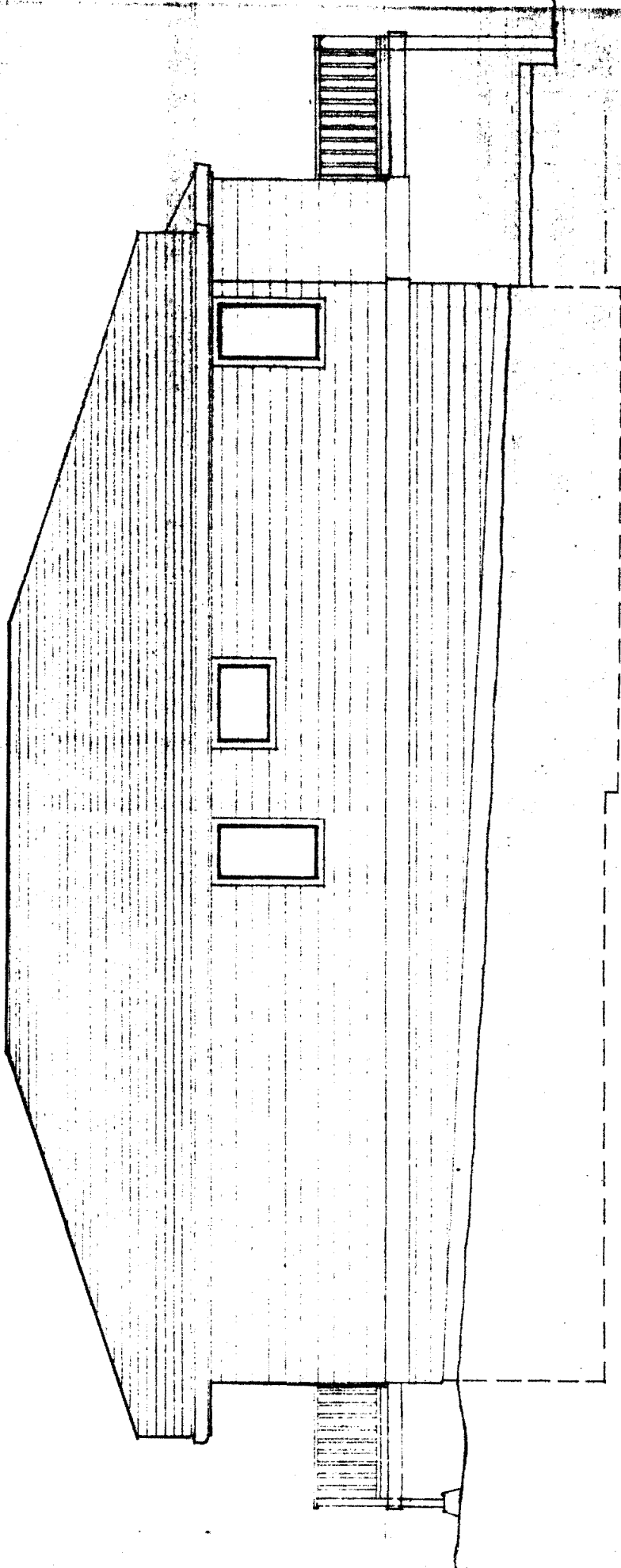


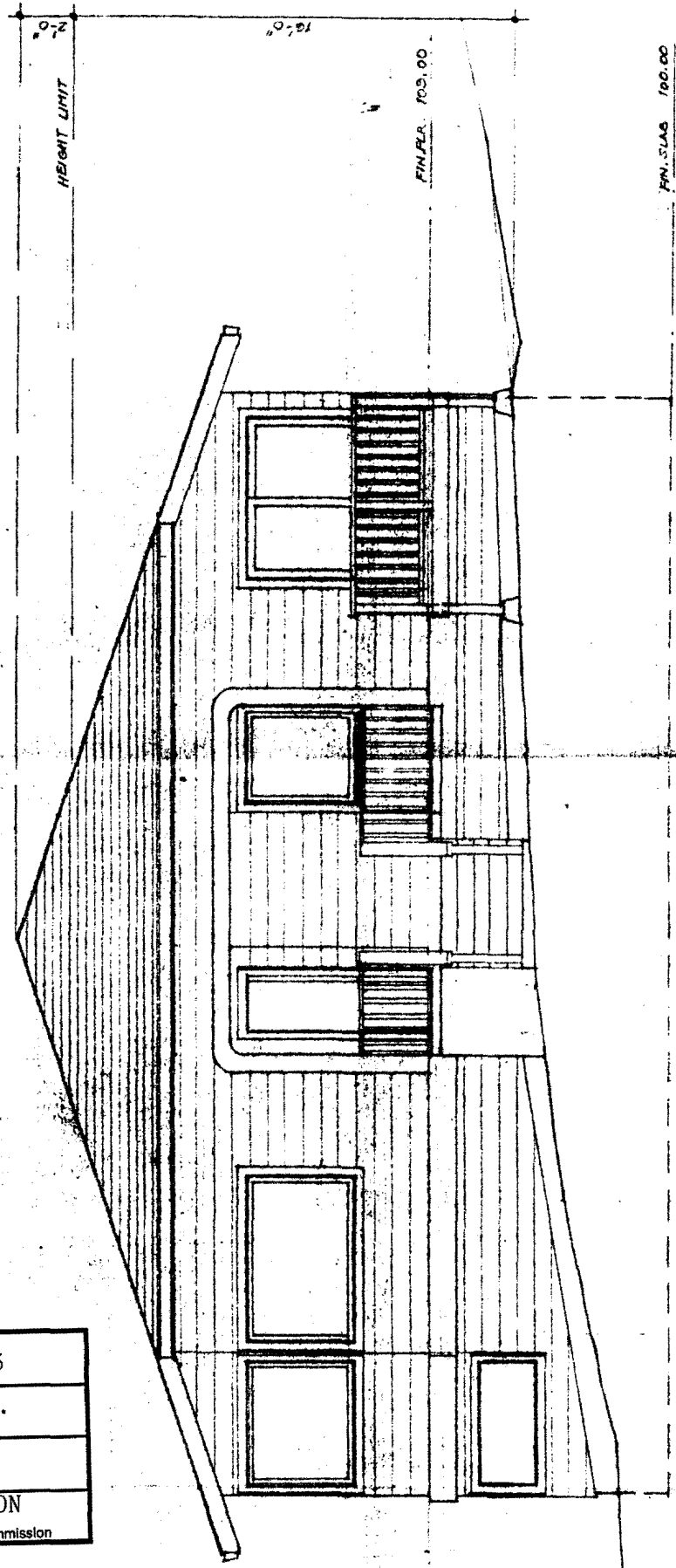


EXHIBIT NO. 4
APPLICATION NO.
1-98-45
WEST ELEVATION
 California Coastal Commission

3 WEST ELEVATION

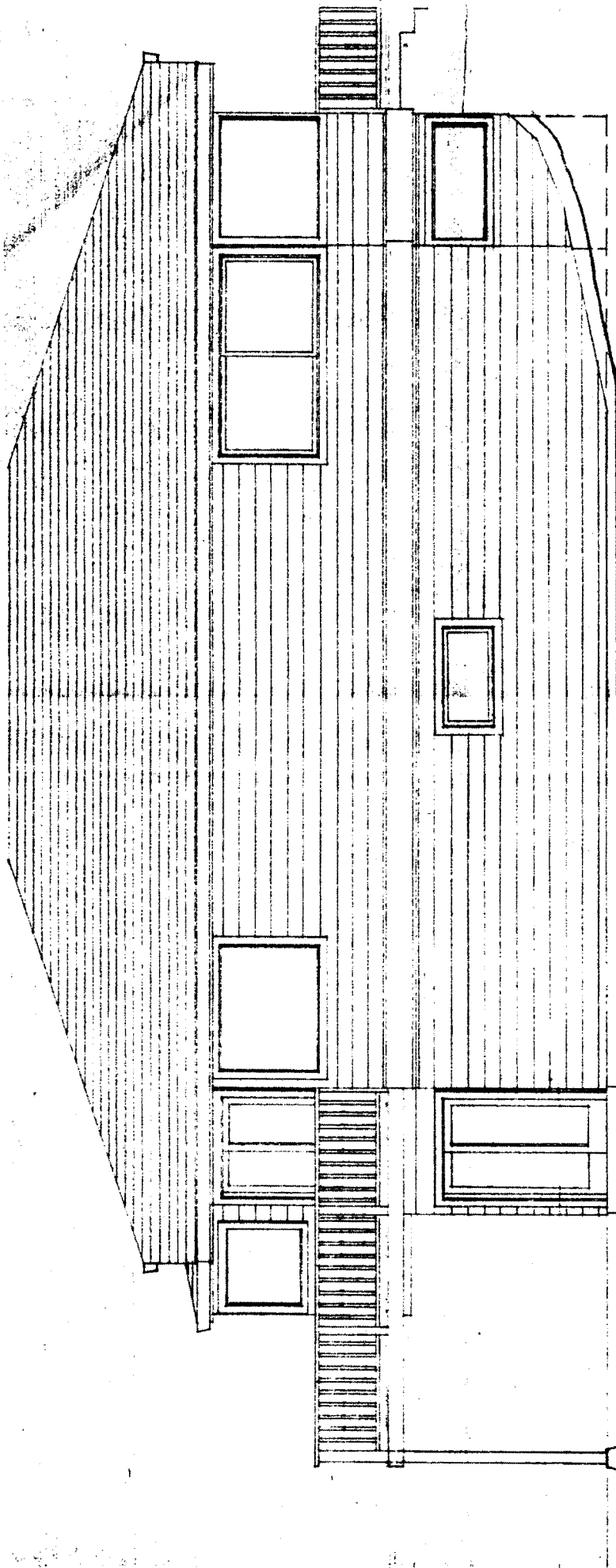
A6 1/4" = 1'-0"

EXHIBIT NO. 5
APPLICATION NO.
1-93-45
NORTH ELEVATION
 California Coastal Commission



4 NORTH ELEVATION
A.B. 1/4" = 1'-0"

MAY 1990



1 EAST ELEVATION

1/4" = 1'-0"

EXHIBIT NO. 6

APPLICATION NO.

1-98-45

EAST ELEVATION

California Coastal Commission

EXHIBIT NO.	8a
APPLICATION NO.	1-98-45
CORRESPONDENCE	

RECEIVED
SEP 17 1998
CALIFORNIA
COASTAL COMMISSION

September 13, 1998

To The State Coastal Commission,

This letter is in protest to the application for a height variance on
2035 Sandpiper CT. Bodega Bay, CA.
Permit number 1-98-045 AP number 100-051-33.

I strongly object to any attempt to exceed existing height limitation of 16 ft. and existing roof line elevations. Any variance in existing height limitations would severely obstruct my existing views and views of other property owners on Whaleship Road. I have owned this property since 1965 and the CC&R's of this subdivision were clear as not to obstruct others views, as this project would do for properties on Whaleship Road. My house was designed for these views. All existing ridgelines in this subdivision have abided by original CC&R's as this applicant should. Please advise of the next meeting on this application, we would like a local meeting and time advance notice to make travel arrangements. The last meeting gave us little more than two weeks to arrange travel to Southern California to personally protest this application for a height variance and of obstructing views. Other effected property owners would like to protest this in a local form also. The posted notice of pending permit, says nothing about exceeding existing roof line elevations.

Thank you very much for your cooperation in providing us with a fair opportunity to enforce a thirty year old guideline in protection our views and property values for the property owners on Whaleship Road.

Sincerely,

Joan Scoggins
Joan Scoggins

Joan Scoggins
Po Box 1506
Bodega Bay, CA
94923

John Perpinan Please contact AS
534 Richmond Dr. Soon AS possible Time & Location
Santa Rosa, CA. of next hearing Please contact
95401 my son John Perpinan AS well
he is the contractor (707) 952-1134
that Built my house & will 544-3571
Attend the meeting Thank You

September 21, 1998

Walt Lander
P.O. Box 252
Sebastopol, Ca. 95473

RECEIVED
SEP 23 1998

California Coastal Commission
45 Fremont , Suite 2000
San Francisco, Ca 94105

CALIFORNIA
COASTAL COMMISSION

Subject : 2035 Sandpiper Court , Permit # 1-98-045

This letter and maps are in answer to a letter to Coastal Commission from Joan Scoggins.

Enclosed is a map showing my parcel with building footprint , existing trees, and parcel of complaintant showing view corridor from their home which is directly down Sandpiper Ct. There is no possible way to obstruct their view as stated , or any others since remaining trees are at least twenty feet above my proposed roof line.

It is my understanding that height variances are a County matter and has been approved by planners for this project.

Please consider this and refer it to the proper authority.

Respectfully,

Walt Lander

Walt Lander

EXHIBIT NO.	8b
APPLICATION NO.	
	1-98-45
CORRESPONDENCE	

3348 OR 344

And 272P.
(25-227)
PL 1004

(BASES OF BEAM)
S 1972 18° W 783.4

WYCESTAD

10' + 1' Elevation
New to corner
to be removed
to be removed
to be removed

my power
Foot print

12 82

Scopeloid

