

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
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Filed:	May 13, 1998
49th Day:	July 1, 1998
180th Day:	November 9, 1998
Staff:	Bill Van Beckum
Staff Report:	July 24, 1998
Hearing Date:	August 12, 1998
Commission Action:	

STAFF REPORT: CONSENT CALENDARAPPLICATION NO.: **1-98-45**APPLICANTS: **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
185 cubic yards of balanced grading.

Lot Area:	12,000 square feet (0.275 acres)
Land Use	
Plan:	Urban Residential (4du/ac)
Zoning:	R1-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

STAFF NOTES

1. 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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2. 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 geological 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.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

1. 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:

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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 euclayptus) 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

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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 185 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 in the evaluation report are incorporated into the design and construction of

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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.

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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.

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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.

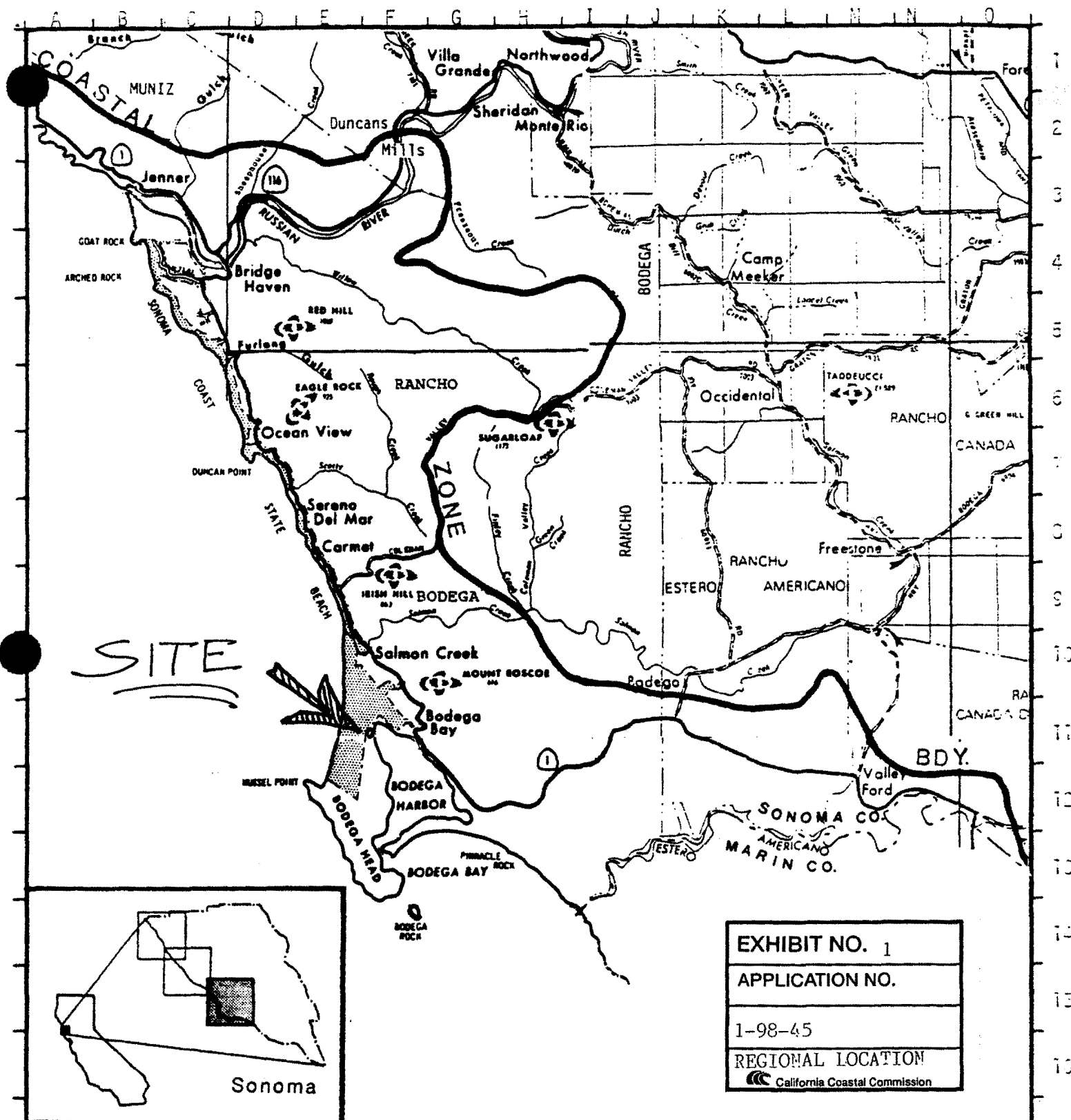
EXHIBITS

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

ATTACHMENT A

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.



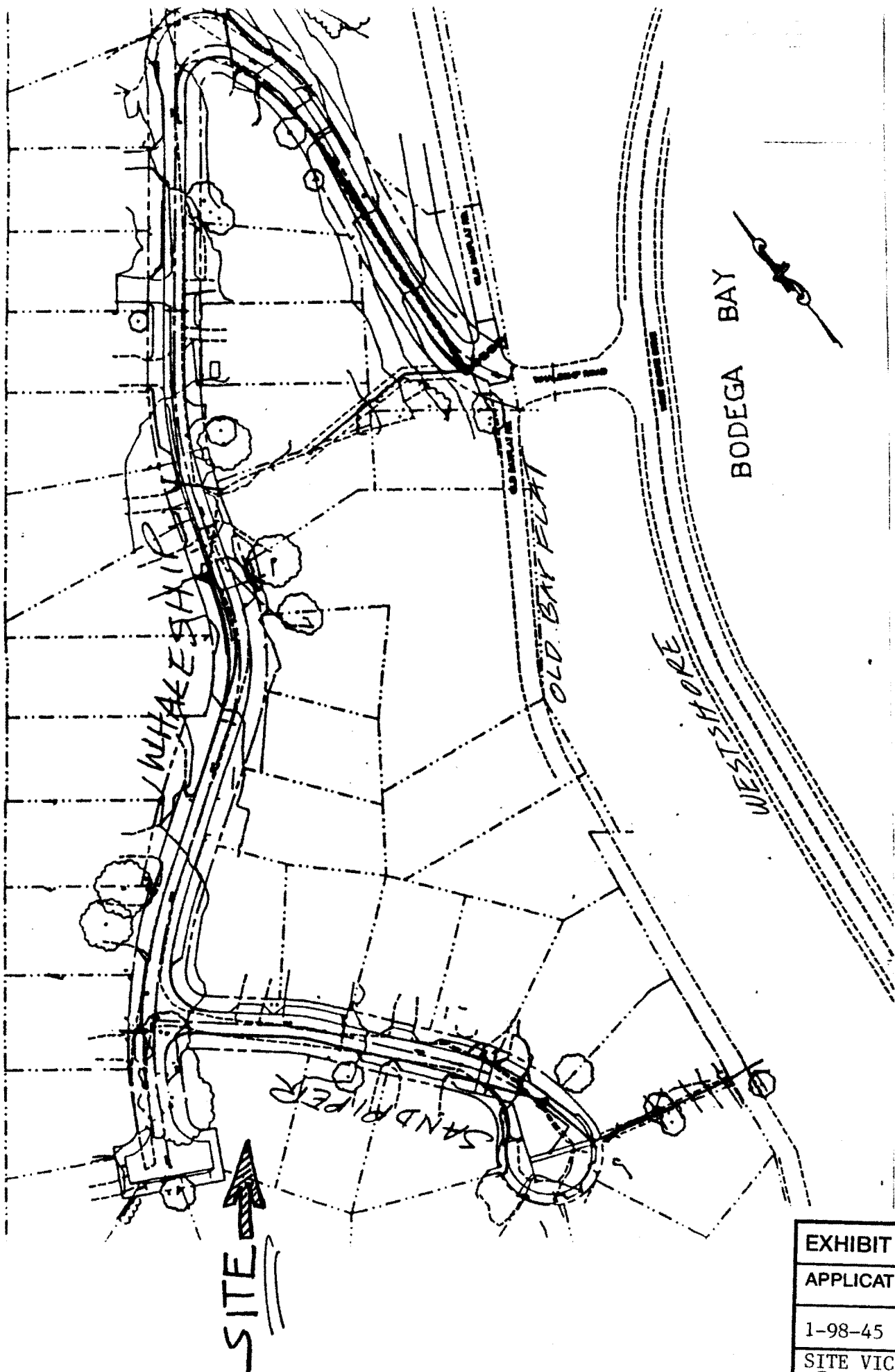


EXHIBIT NO. 2

APPLICATION NO.

1-98-45

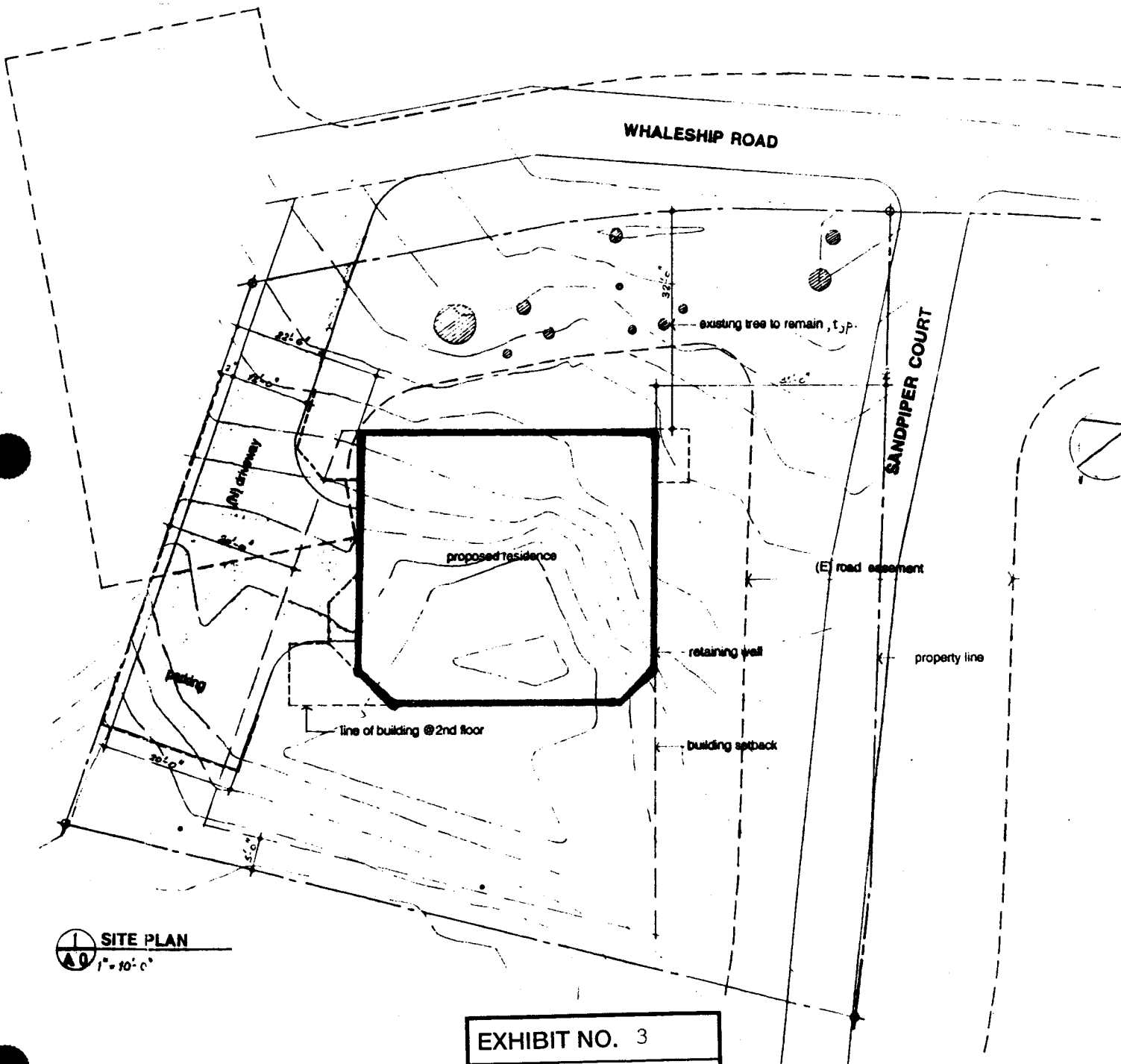
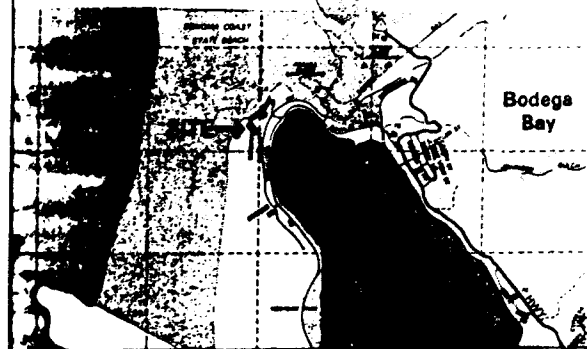
SITE VICINITY

California Coastal Commission

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SET INCLUDING SITE PLAN & VICINITY MAP	E-1	ELECTRICAL PLAN- FIRST FLOOR
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	S-4	ROOF FRAMING PLAN
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VICINITY MAP



SITE PLAN
1" = 10' 0"

EXHIBIT NO. 3
APPLICATION NO.
1-98-45
SITE PLAN
California Coastal Commission

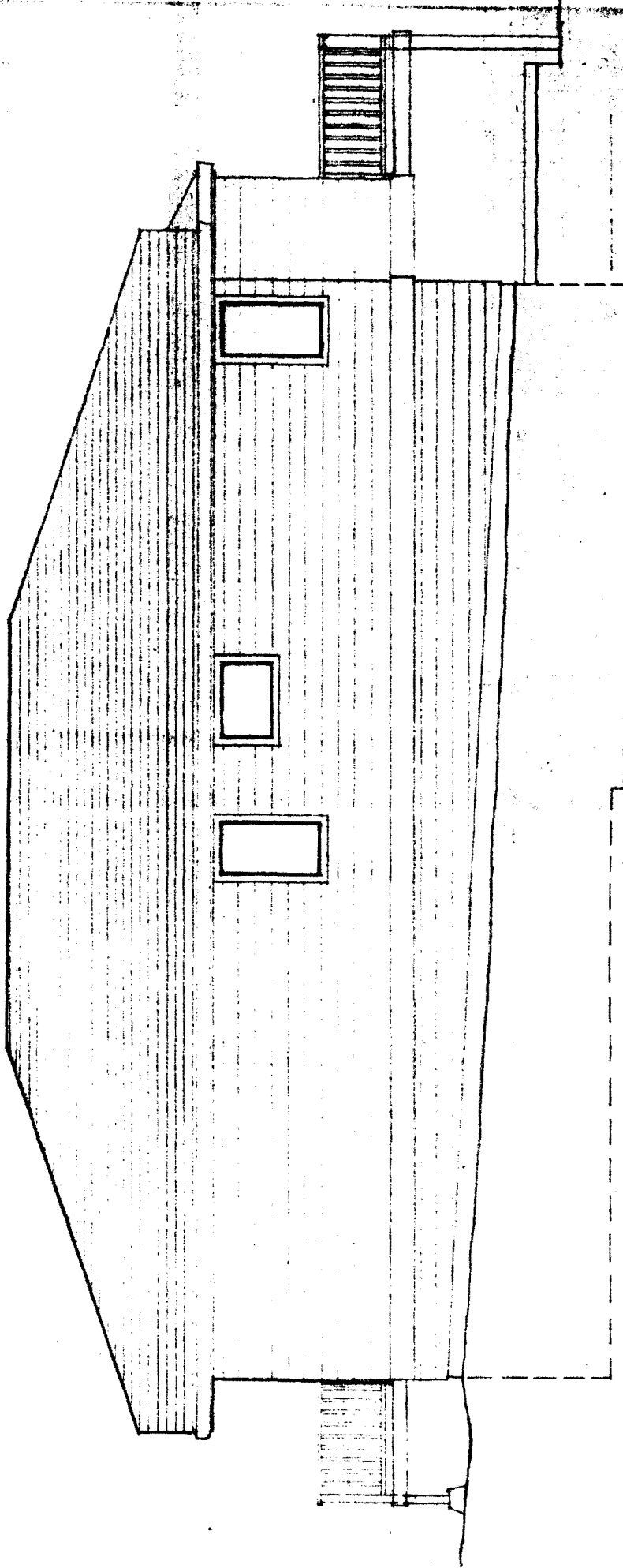


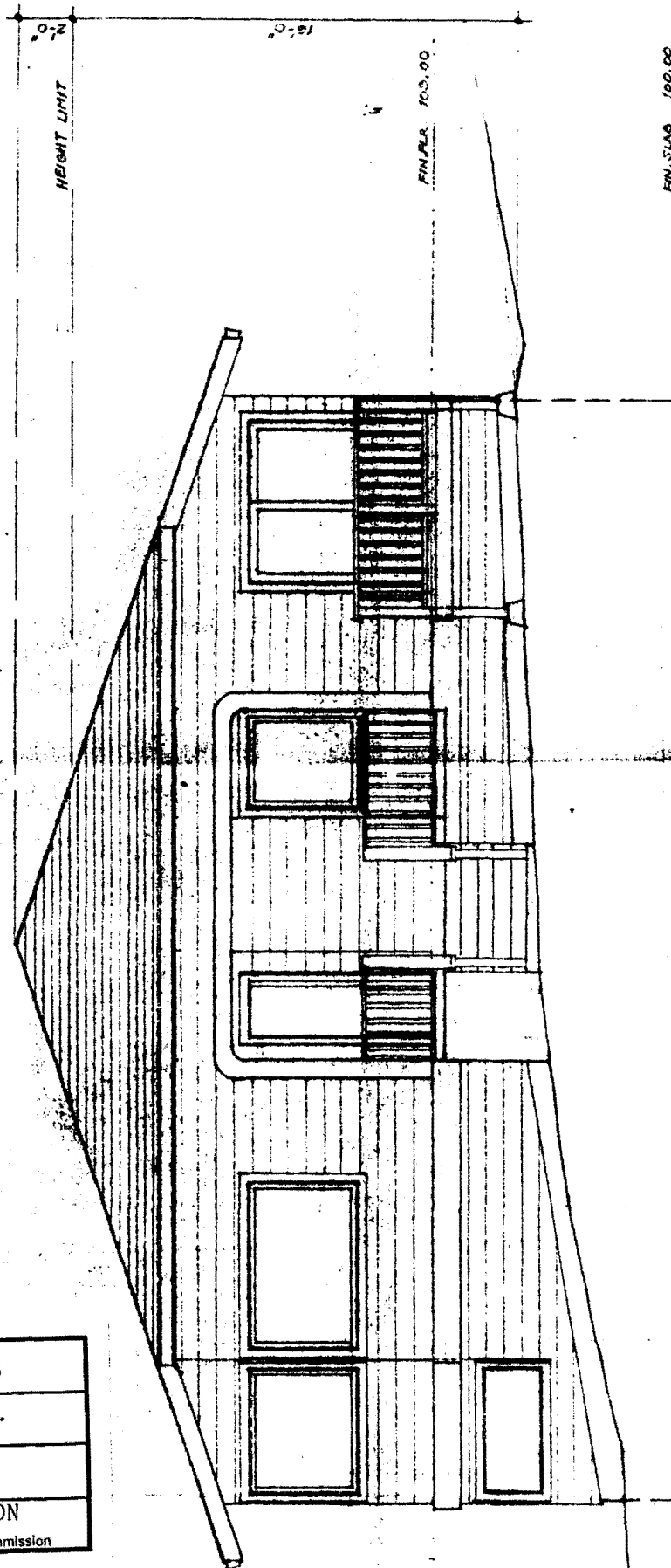


EXHIBIT NO. 4
APPLICATION NO.
1-98-45
WEST ELEVATION
 California Coastal Commission

3 WEST ELEVATION

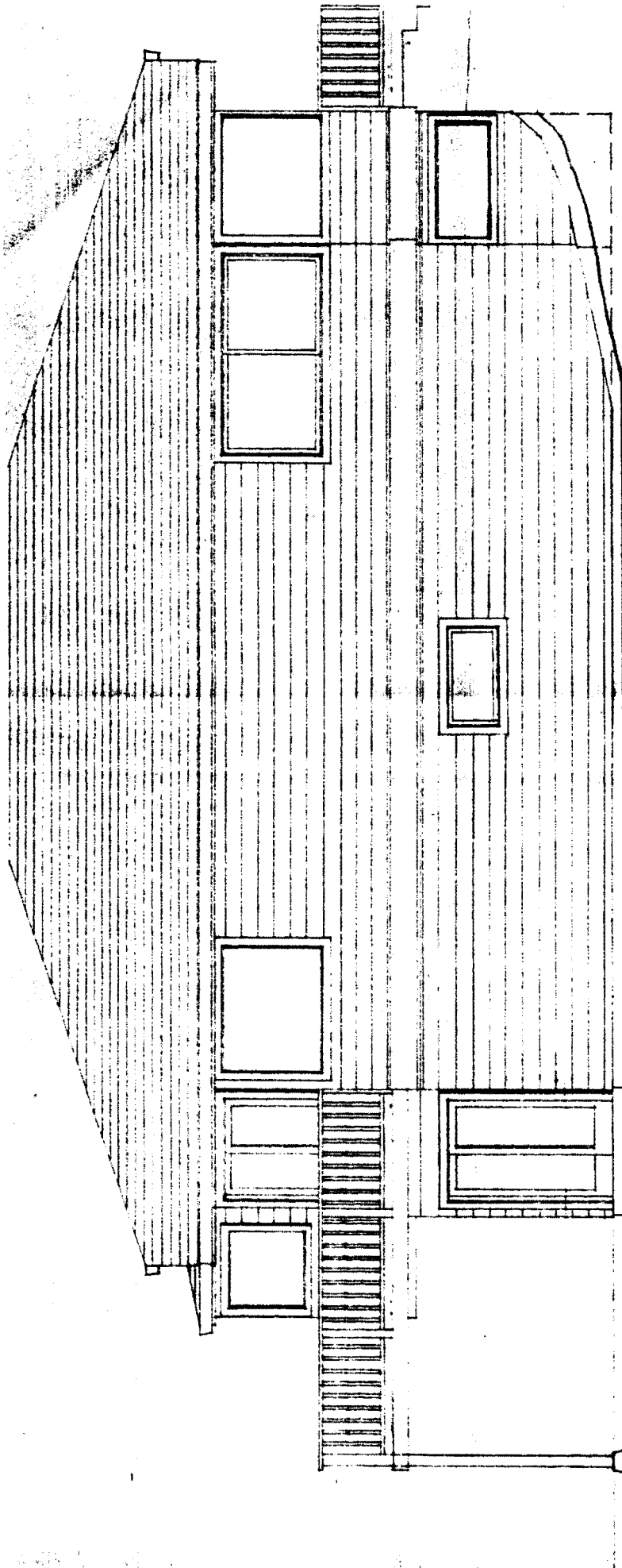
A6 1/4" = 1'-0"

EXHIBIT NO. 5
APPLICATION NO.
1-98-45
NORTH ELEVATION
 California Coastal Commission




4 NORTH ELEVATION
AB 14'-1-0"

MAY 1990



1 EAST ELEVATION

$\frac{1}{4}'' = 1'-0''$

EXHIBIT NO. 6
APPLICATION NO.
1-98-45
EAST ELEVATION
 California Coastal Commission

10-051-3
CONNOLLY

100-051-4
SCOGGINS

9+03.85, 45.0' RT
EP 84.30

114 SY
CL2-AB

10+03.85, 45.0' RT
EP 84.70

*Rail Project
Tree Removal
Notes*

100-051-33
RILPELL

+30.04, 8.36' RT
BC = 10+31.91
10+76.24, 8.0' RT
EP 92.59
PRESERVE TREES
REMOVE 12"-16" CYPRESS
REMOVE 30" CYPRESS
30+32.51, 8.0' RT
EP 90.50

MATCH DWY
5 SY

10+03.85, 21.0' LT
EP 89.10

+13.9, 8.0' LT

S 27°27'50" E, 0.97'

BC +14.8, 8.0' LT

ADJUST TO GRADE
20 SY

CL2 AB

PRUNE TREES AS
DIRECTED BY ENGINEER
TO ACCOMMODATE
CONSTRUCTION

+82.6
MATCH DWY
23 SY

11+08.57 WHALESHIP ROAD=
30+00.00 SANDPIPER COURT

ADJUST TO
GRADE

SEE SHEET 7

SANDPIPER COURT

30+41
EP 89

EXHIBIT NO. 7
APPLICATION NO.
1-98-45 CDP NO. 1-96-50 TREE REMOVAL
California Coastal Commission