

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908



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Date Filed: March 29, 2000
49th Day: May 17, 2000
180th Day: September 25, 2000
Staff: Tiffany S. Tauber
Staff Report: April 21, 2000
Hearing Date: May 12, 2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **2-00-006**

APPLICANT: **Don Burns & Karen Stoneman**

AGENTS: **Gretchen Risling-Scholl & Brian McKinnie,
Advantage Manufactured Housing**

PROJECT LOCATION: **1585 Bay Flat Road, Bodega Bay, Sonoma
County (APN 100-070-019)**

PROJECT DESCRIPTION: **Installation of an approximately 15-foot-high,
1,152-square-foot manufactured home, with an
attached 240-square-foot carport, 80-square-foot
deck, 36-square-foot porch, a detached 49-square-
foot concrete parking pad, and removal of three
eucalyptus trees.**

GENERAL PLAN DESIGNATION: **Low Density Residential, 1-4 units**

ZONING DESIGNATION: **R1 (Low Density Residential), CC (Coastal
Combining), B7 (Frozen Lot Size)**

LOCAL APPROVALS RECEIVED: **Sonoma County Design Review approval**

OTHER APPROVALS: **None required**

SUBSTANTIVE FILE DOCUMENTS: Sonoma County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with special conditions of the proposed installation of an approximately 15-foot-high, 1,152-square-foot manufactured home with appurtenant structures, and the removal of three eucalyptus trees at 1585 Bay Flat Road, Bodega Bay, Sonoma County. The principal issues raised by the proposed project are 1) how the development would affect views from the adjacent public recreation area, and 2) whether the development would be constructed in a manner that would be structurally sound and would not create or contribute to geologic instability of the site.

Potential geologic hazards would be addressed by the requirements of Special Condition No. 1 that final foundation, grading and drainage plans be reviewed for consistency with recommendations contained in the soils report that has been prepared for the site. Staff also believes that the project as proposed is consistent with the visual resource protection policies of the Coastal Act to the extent that the project will not adversely affect public coastal views to and along the coast and the project is compatible with the character of the area. However, to ensure that the development will not have an adverse impact on views from the adjacent Sonoma Coast State Beach recreation area, staff recommends that Special Condition No. 2 be added to require a landscaping plan be submitted for review and approval that provides for landscaping to screen the development from the park.

STAFF NOTES:

1. Standard of Review

The proposed project is located at the north end of Bodega Harbor in Sonoma County. Sonoma County has a certified LCP, but the project site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 2-00-006 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. 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 See Attachment A.

III. Special Conditions

1. Conformance of Design and Construction Plans to Soils Report

- A. All final design and construction plans, including foundation, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Soils Report prepared by John E. Brotschi and dated January 17, 2000. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced soils evaluation approved by the California Coastal Commission for the project site.
- B. 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. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Landscaping Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a

plan for landscaping to screen the development from Sonoma Coast State Beach. The plan shall be prepared by a licensed landscape architect.

1. The plan shall demonstrate that:
 - (a) all vegetation planted on the site will consist of native plants;
 - (b) all planting will be completed within 60 days after completion of construction;
 - (c) all required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and
 - (d) low-growing native shrubs, such as wax myrtle (*Myrica californica*) and lupine (*Lupinus arboreus*), will be planted along the fence at the northern property boundary as well as at least three native and/or non-invasive trees to replace the eucalyptus to be removed.
2. The plan shall include, at a minimum, the following components:
 - (a) a map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 - (b) a schedule for installation of plants.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

1. Site Description & Project Description

The proposed site is located at the north end of Bodega Harbor in Bodega Bay, Sonoma County (Exhibit Nos. 1-3). The subject parcel is an approximately 7,000-square-foot, flag-shaped lot located on the north side of Bay Flat Road across from a recreational vehicle park and a private marina on Bodega Harbor. The site is located within a residential area with homes to the south and east, and is directly adjacent to the Bodega Dunes Campground unit of Sonoma Coast State Beach to the north and west of the site. A chain-link fence separates the lot from the recreation area. The

flat, vacant lot is vegetated with grass, weeds, and six mature eucalyptus trees that border the fence at the northern property boundary.

The proposed development involves the installation of an approximately 15-foot-high, 1,152-square-foot manufactured home with an attached 240-square-foot carport, 80-square-foot deck, 36-square-foot porch, and a detached 49-square-foot concrete parking pad. The project also includes the removal of three eucalyptus trees. The three trees would be removed to prevent falling limbs from being a hazard to the structures and/or the occupants at the site. As noted above, the subject site is a relatively small, flag-shaped lot which limits the feasible location for development to the lot's widest part at the eastern edge of the property (Exhibit Nos. 4 & 5).

2. 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 proposed development is located in an existing residential area designated and zoned in the certified LCP for residential use. Water and sewer service is available from the Bodega Bay Public Utility District to serve the project. The proposed development, therefore, is consistent with Coastal Act Section 30250(a) to the extent that it is located in a developed area and has adequate water and sewer capability.

3. Hazards and New Development

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic hazard and that new development assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

An engineering soils report was prepared for the site by a registered professional engineer. The report entitled, "Report of Soil and Foundation Investigation and Recommendations for Foundation of a New Residence and Garage at 1585 Bay Flat Road, Bodega Bay, CA, APN 100-070-019," was prepared by John E. Brotschi and is dated January 17, 2000. The investigation determined that the soil at the site is composed of non-cohesive sand with minor amounts of silt and clay. Due to the sandy nature of the soil, the engineer has prepared specific recommendations for constructing the building foundations as well as recommendations for paving and drainage at the site. For example, the engineer recommends that (1) a continuous reinforced concrete mat foundation be installed at least 8 inches thick due to the sandy nature of the soil, (2) the perimeter of the concrete mat be bottomed at least 12 inches below grade and should be designed using 1000 pounds per square foot bearing pressure, (3) exterior grades be constructed to slope away from the buildings to prevent ponding of surface water adjacent to the buildings, (4) construction joints used

for paving be spaced no more than 12 feet apart, and (5) any engineered fill be placed in horizontal layers 6 to 8 inches in depth and compacted to at least 90% of maximum dry density.

Final foundation, grading, and site drainage plans conforming to the above referenced recommendations have not yet been submitted to the Commission. To assure the stability and structural integrity of the proposed development, the Commission attaches Special Condition No. 2 which requires that all final design and construction plans, including foundations, grading and drainage plans, be consistent with all recommendations contained in the soils report referenced above. Condition No. 2 requires that prior to issuance of the coastal development permit, the applicant submit for the review and approval of the Executive Director, evidence that a licensed professional engineer has reviewed and approved all final design and construction plans consistent with all of the recommendations in the soils evaluation. To further assure that the proposed project will be developed to assure stability and structural integrity, Condition No. 2 requires an amendment to the coastal development permit for any changes to the approved final plans unless the Executive Director determines that no amendment is required.

As conditioned, the Commission finds that the project is consistent with the geologic hazard provisions of Section 30253 of the Coastal Act.

4. Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. Furthermore, Section 30240(b) of the Coastal Act states that development in areas adjacent to 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 recreation areas.

The primary east-west road along the north edge of Bodega Harbor is Bay Flat Road. Bay Flat Road is not one of the ten roads designated as "scenic corridors" in the certified Sonoma County LCP. The site is visible from Bay Flat Road and Bodega Harbor and is minimally visible from Highway 1, but the visual impact of the development from these areas would not be significant. The proposed development is not in a location where it would block public views to and along the coast. In addition, the project would be located in an area that is already developed and the modest size of the home would be smaller in height and bulk than many of the existing residences in the surrounding area. In addition, the site is flat and does not require significant grading or any other alteration of natural landforms. Therefore, the project would be consistent with Section 30251, as the project would not adversely affect views to or along the coast, result in major landform alteration, or be inconsistent with the character of the surrounding area.

The subject site is directly adjacent to the Bodega Dunes Campground unit of Sonoma Coast State Beach and is separated from the site by a chain-link fence along the northern property boundary.

A portion of the Bodega Dunes campground is visible from the site approximately 20-30 feet beyond the northern fence-line. The view from the recreation area is currently screened by vegetation of mixed height and type along the park side of the fence and is further screened by six mature eucalyptus trees growing along the fence on the subject property. As noted in the project description, three of the six eucalyptus trees would be removed for the proposed development. Removal of the trees would create some gaps in the existing vegetation which would cause the development to be visible from the public campground. To ensure that areas affected by removal of the trees are replanted, and that views from the park and recreation area are protected, the Commission attaches Special Condition No. 2. Condition No. 2 requires the applicant to submit a landscaping plan for review and approval prior to issuance of the coastal development permit. Condition No. 2 requires that native vegetation, including low-growing shrubs and hedges as well as small trees, be planted along the fence to screen and soften the view of the development from the public recreation area. The County's local design review board recommended that such landscaping be incorporated into the project. As conditioned, the Commission finds that the project would be consistent with Section 30240(b) as the development would not result in visual impacts that would degrade the public park and recreation area.

5. Public Access

Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Section 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed development would not adversely affect public access. The project is located in an area of existing residential development with public access opportunities available directly adjacent to the site at Sonoma Coast State Beach recreation area and at numerous other locations around Bodega Harbor. In addition, the site is not used to gain access to the shoreline as it is separated from Bodega Bay by Bay Flat Road and there is no entry or exit from adjacent Sonoma Coast State Beach through the parcel. Furthermore, the proposed residence would not be a use that would draw appreciable numbers of visitors to the coast and thus would not create any significant new demand for public access or otherwise create any additional burdens on public access.

Therefore, the Commission finds that the proposed project does not have any adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

6. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified 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 and the requirements of PRC § 21080.5(d). Special conditions have been attached to require mitigation measures which will minimize all adverse environmental impacts. The conditions will ensure the geologic stability and structural integrity of the development and ensure that views of the development are screened from the adjacent park and recreation area with native landscaping. As conditioned, there are no other feasible mitigation measures or alternatives available which would substantially lessen any significant adverse impacts 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.

Exhibits:

1. Regional Location
2. Project Location
3. Project Site
4. Site Plan
5. Manufactured Home Photos

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.

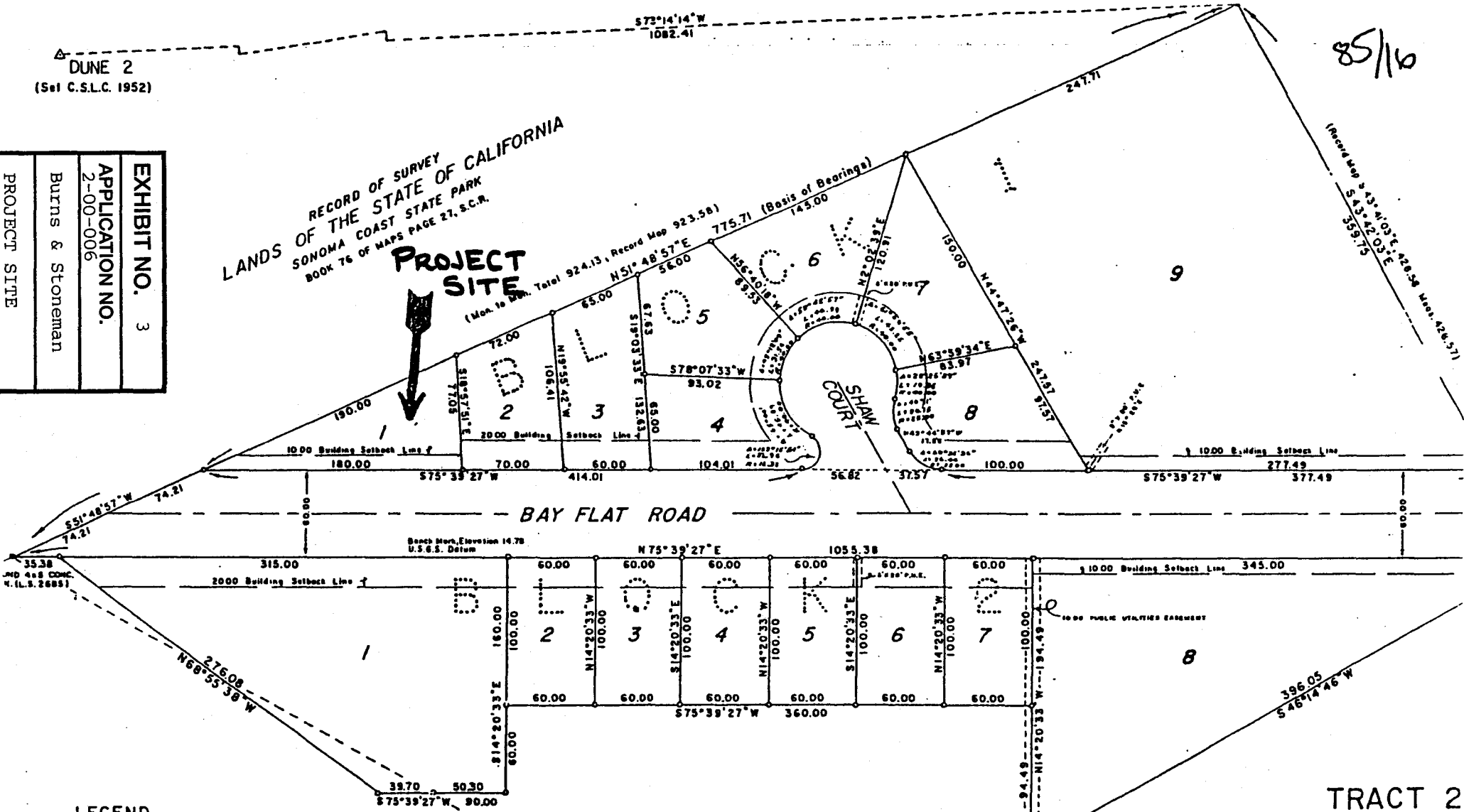
85/16

DUNE 2
(S&I C.S.L.C. 1952)

RECORD OF SURVEY
LANDS OF THE STATE OF CALIFORNIA
SONOMA COAST STATE PARK
BOOK 76 OF MAPS PAGE 27, S.C.R.

EXHIBIT NO.	3
APPLICATION NO.	2-00-006
Burns & Stoneman	
PROJECT SITE	

PROJECT SITE



LEGEND

- - FOUND CONCRETE MONUMENT
- - FOUND IRON PIPE
- - SET 3/4" x 8" DRILL STEEL PIN
- - SET 6" x 4" x 36" CONCRETE MONUMENT
- O.R. - OFFICIAL RECORDS, SONOMA COUNTY
- A - DELTA ANGLE
- T - TANGENT DISTANCE OF CURVE
- L - LENGTH
- B - BADIUS
- S.C.R. - SONOMA COUNTY RECORDS

THE RED BORDER INDICATES THE BOUNDARIES OF THIS SUBDIVISION

BASIS OF BEARING: Southeastery line of Sonoma Coast State Park holding NS1°48'37"E from found monument of record. Distances and dimensions are shown in feet.



RAY SHAW et ux
1489 O.R. 135

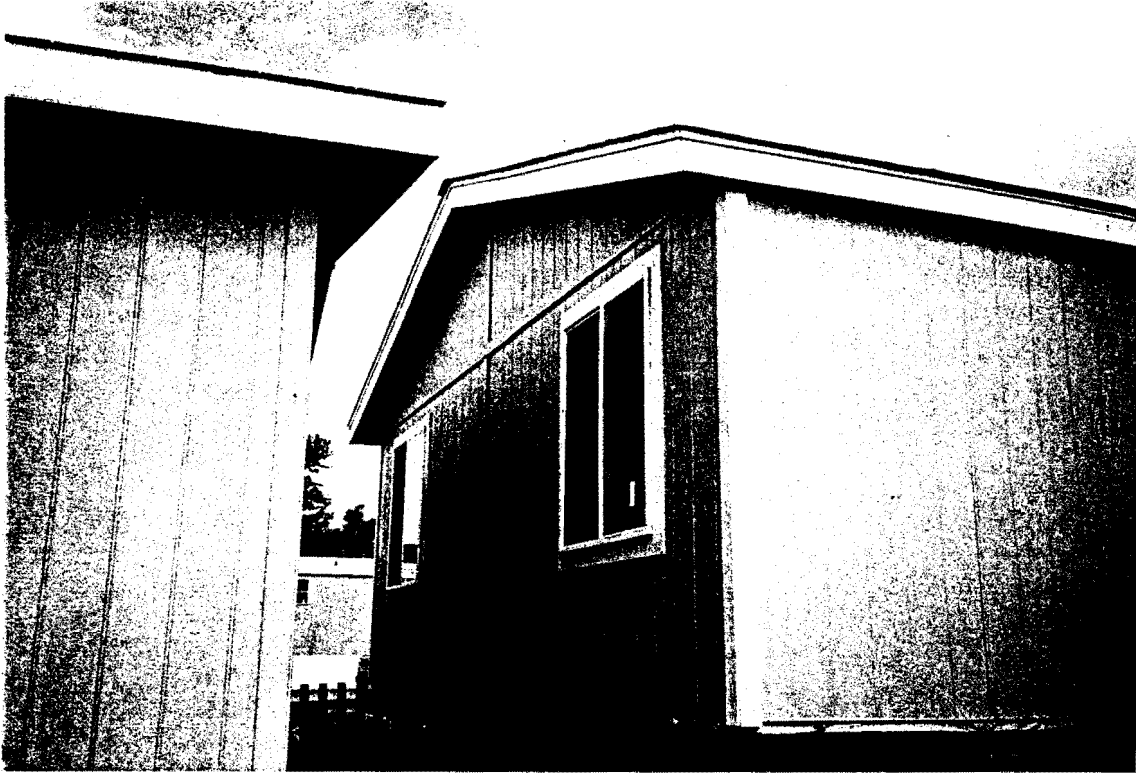
"This map may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. First American Expressly disclaims any liability for any loss or damage which may result from reliance on this map."

**TRACT 2
VILLA MARINA SUBDIVISION**

LYING WITHIN BODEGA RANCHO BAY, BEING A PORTION OF TRACT 1489, OFFICIAL RECORDS, PAGE 135, SONOMA COUNTY RECORDS.

County of Sonoma, State of California
Scale: 1" = 50'

Starcrest manufactured home
Model SC-3



Side view



Side view

(This side to be modified
to be a fire wall)

EXHIBIT NO. 5

APPLICATION NO.

2-00-006

Pg. 1 of 2

Burns & Stoneman

HOME TO BE

INSTALLED

— Starcrest manufactured home —
Model SC-3



— Front view —



— Rear view —

EXHIBIT NO. 5
APPLICATION NO. 2-00-006
Pg. 2 of 2
Burns & Stoneman
HOME TO BE INSTALLED

