

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

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NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

May Meeting of the California Coastal Commission

MEMORANDUM

Date: May 9, 2008

TO: Commissioners and Interested Parties
FROM: Charles Lester, North Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the May 9, 2008 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

DE MINIMIS WAIVERS

1. 2-08-009-W Bodega Marine Laboratory, Attn: Dr. Gary Cherr, Acting Director (Bodega Bay, Sonoma County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p>2-08-009-W Bodega Marine Laboratory, Attn: Dr. Gary Cherr, Acting Director</p>	<p>Installation of a 30-foot-high temporary micrometeorological tower on an existing concrete encasement within the development enclave described in the BML's Long Range Development Plan (1987). The tower is a lightweight, telescoping aluminum tower which will hold instruments to measure carbon dioxide, wind speed, temperature, and humidity. Data collected will be used in atmospheric and climate change research. Over the next five years (2008-2013), the tower will be installed for no more than a 6-month period, before it is disassembled and removed. The tower will be mounted on a 4 square foot base and will be anchored with three 1/4" diameter stainless steel guy wires. The base plate and one guy wire will be bolted into existing concrete and two guy wires will be bolted into nearby rock with stainless steel screws. Guy wires will be marked with high visibility tape.</p>	<p>2099 Westside Road, Bodega Bay (Sonoma County)</p>

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NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER

DATE: April 29, 2008
TO: Bodega Marine Laboratory, Attn: Dr. Gary Cherr, Acting Director
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 2-08-009-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: Bodega Marine Laboratory, Attn: Dr. Gary Cherr, Acting Director

LOCATION: 2099 Westside Road, Bodega Bay (Sonoma County) (APN(s) 100-010-08)

DESCRIPTION: Installation of a 30-foot-high temporary micrometeorological tower on an existing concrete encasement within the development enclave described in the BML's Long Range Development Plan (1987). The tower is a lightweight, telescoping aluminum tower which will hold instruments to measure carbon dioxide, wind speed, temperature, and humidity. Data collected will be used in atmospheric and climate change research. Over the next five years (2008-2013), the tower will be installed for no more than a 6-month period, before it is disassembled and removed. The tower will be mounted on a 4 square foot base and will be anchored with three 1/4" diameter stainless steel guy wires. The base plate and one guy wire will be bolted into existing concrete and two guy wires will be bolted into nearby rock with stainless steel screws. Guy wires will be marked with high visibility tape.

RATIONALE: Proposed development involves no significant impacts on visual resources or public access to the shoreline.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, May 9, 2008, in Marina Del Rey. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: RUBY PAP
District Supervisor

cc: Local Planning Dept.
Bodega Marine Laboratory, Attn: Claudia Luke, Asst. Director

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FAX (415) 904-5400

**Memorandum****May 6, 2008****To:** Commissioners and Interested Parties**FROM:** Charles Lester, Deputy Director
North Central Coast District**Re:** **Additional Information for Commission Meeting Friday, May 9, 2008**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, Marcia L. Meyer	1
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, R. & J. Johnson	3
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, Pat Ginochio	5
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, Bruce Olitzky	6
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, Jerry Ditto	8
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, Linda Garb	9
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, Don McEnhill	10
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, R. Brian Hines	12
F7a, A-2-SON-08-010	(Steven Star, Sonoma County)	Correspondence, Clifton Gary	18

Ruby Pap

From: Ladiada@aol.com
Sent: Wednesday, April 30, 2008 9:18 PM
To: Ruby Pap
Subject: 221 Los Santos, Bodega Bay

Ruby Pap:

Re: Coastal Commission Agenda Item F7a, May 5

I believe a substantial issue has been raised which deserves to have a future hearing scheduled because this decision by the County Board of Supervisors sets a very bad precedent.

The "Substantial Issue" is: Should a building that can be redesigned so as not be in the riparian zone be required to be redesigned to try to do so. Particularly if that is the standard that has been used with the other lots along the stream.

The County staff felt the building in this case should be redesigned and moved further out of the Riparian Zone.

The Coastal Commission staff itself said the building could be redesigned to be 100 feet back as required by the LCP in their verbal comments before the BZA in December 2007.

Over 18 of the Sereno Del Mar homeowners have submitted letters commenting that the building should be redesigned to be further out of the riparian zone if that is the standard other lots have been held to.

The Architectural Control Committee opposes this reduction in the setback from 100 feet.

Of the 20 lots along the stream with houses, only 3 are less than 100 feet from the stream. To me this represents a "uniform" distance from the stream in keeping with the 100 riparian setback in the Local Coastal Plan and the same distance should be required as a buffer area for any new development permitted as stated in number 6 in the Criteria for Establishing Buffer Areas in the LCP Administration Manual, Attachment M.

We all know that Riparian Setback were perhaps the most significant issue in the Sonoma County General Plan 2020 Update and this reduction in the riparian

setback sets a bad precedent which could have regional and perhaps Statewide cumulative impacts if applied widely on a case by case basis.

I oppose reducing the set back from 100 feet.

Marcia L. Meyer
5371 La Dia Court
Bodega Bay, CA 94923

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Robert J. and Jean K. Johnson
162 Calle del Sol
Bodega Bay, CA 94923
707-875-3429

RECEIVED

MAY 01 2008

CALIFORNIA
COASTAL COMMISSION

April 29, 2008

California Coastal Commission
North Central Coast District Office
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: **Permit Number: A-2-SON-08-010**
Applicant: Steven Star
Project Location: Lot 221, 221 Los Santos, Drive, Bodega Bay, CA
Hearing Date: May 9, 2008, Item No. F 7a

The owner of 221 Los Santos Drive, Steven Star, is appealing a denied request that a variance be granted to reduce the riparian setback from the top of the creek bank. **WE DO NOT SUPPORT THIS REQUEST!**

We have lived by this creek since 1981 (27 years) and have witnessed the creek flood, the channel change, pollution of the creek, and the continuation of erosion. Lot 221 Los Santos is in the Coastal Zone which requires a 100 foot setback. If this requirement is changed it will create a precedent allowing other properties along this creek to further erode this waterway.

This creek has an ocean outflow and over the years the State has had to construct improvements to the outlet under Highway 1 due to the water flow. This creek also is home to many wild life species and any disturbance to the health of the creek would have a negative impact. This area is also in a flood plain. The creek bed is very deep and provides a wonderful habitat for the wild life.

The owners of this lot were aware of the building setback rules when they purchased the property and to change those rules and requirements now would not be in the best interest of the area.

We respectfully request that you **DO NOT APPROVE** the application and appeal for a reduction of the riparian setback rules as they currently exist.

Sincerely,

Signature on file

Robert J. and Jean K. Johnson

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Page: 1

Date: April 18, 2008

IMPORTANT PUBLIC HEARING NOTICE
NEW APPEAL

PERMIT NUMBER: A-2-SON-08-010

APPLICANT(S): Steven Star

APPELLANT(S): Brian Hines

DECISION BEING APPEALED:

For construction of a 1,208 sq.ft. single family dwelling and 400 sq.ft. detached garage and reduction of riparian corridor setback from 100 feet to 50 feet.

PROJECT LOCATION:

221 Los Santos Drive, Bodega Bay (Sonoma County) (APN(s) 101-173-02)

HEARING DATE AND LOCATION:

DATE: Friday, May 9, 2008

TIME: Meeting begins at 8:00 AM **ITEM NO:** F 7a

PLACE: MARINA DEL REY HOTEL
 13534 Bali Way, Marina Del Rey, CA

HEARING PROCEDURES

People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date. The Coastal Commission is not equipped to receive comments on any official business by electronic mail. Any information relating to official business should be sent to the appropriate Commission office using U.S. Mail or courier service.

AVAILABILITY OF STAFF REPORT

A copy of the staff report on this matter is available on the Coastal Commission's website at <http://www.coastal.ca.gov/mtgcurr.html>. Alternatively, you may request a paper copy of the report from Ruby Pap, District Supervisor, at the North Central Coast District office.

SUBMISSION OF WRITTEN MATERIALS:

If you wish to submit written materials for review by the Commission, please observe the following suggestions:

- We request that you submit your materials to the Commission staff no later than three working days before the hearing (staff will then distribute your materials to the Commission).
- Mark the agenda number of your item, the application number, your name and your position in favor or opposition to the project on the upper right hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission staff person listed on page 2.

Rec'd 4/08

Ruby Pap

From: Pat Ginochio [pgino519@yahoo.com]
Sent: Thursday, May 01, 2008 8:46 AM
To: Ruby Pap
Subject: Appeal No. A-2-SON-08-10 (Star, Sonoma Co.)

I support Brian's appeal that this is a SUBSTANTIAL ISSUE. I am a property owner in this subdivision at 360 Terra Verde Drive, Bodega Bay.

7. NEW APPEALS. See AGENDA CATEGORIES.

a. Appeal No. A-2-SON-08-10 (Star, Sonoma Co.) Appeal by Brian Hines from decision of County of Sonoma granting permit to Steven Star for construction of 1,208 sq. ft. single family home and 400 sq. ft. detached garage and reduction of riparian corridor setback from 100 feet to 50 feet, at 221 Los Santos Drive, Bodega Bay, Sonoma. (RP-SF)

The "Substantial Issue" is: Should a building that CAN BE redesigned to not be in the riparian zone be required to be redesigned to try to do so. Particularly if that is the standard that has been used with the other lots along the stream.

The County staff felt the building in this case should be redesigned and moved further out of the Riparian Zone.

The Coastal Commission staff itself said the building could be redesigned to be 100 feet back as required by the LCP in their verbal comments before the BZA in December 2007.

Over 18 of the Sereno Del Mar homeowners have submitted letters commenting that the building should be redesigned to be further out of the riparian zone if that is the standard other lots have been held to.

The Architectural Control Committee opposes this reduction in the setback from 100 feet.

Of the 20 lots along the stream with houses, only 3 are less than 100 feet from the stream. To me this represents a "uniform" distance from the stream in keeping with the 100 riparian setback in the Local Coastal Plan and the same distance should be required as a buffer area for any new development permitted as stated in number 6 in the Criteria for Establishing Buffer Areas in the LCP Administration Manual, Attachment M.

We all know that Riparian Setback were perhaps THE most SIGNIFICANT ISSUE in the Sonoma County General Plan 2020 Update and this reduction in the riparian setback sets a bad PRECEDENT which could have regional and perhaps Statewide cumulative impacts if applied widely on a case by case basis. Please emphasize that we have raised a SIGNICANT ISSUE and that the County Supervisors decision sets a bad PRECEDENT

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[_ylt=Ahu06i62sR8HdtDypao8Wcj9tAcJ](http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HdtDypao8Wcj9tAcJ)

Ruby Pap

From: Bruce Olitzky [Bruce@grantprosearch.com]
Sent: Thursday, May 01, 2008 10:24 AM
To: Ruby Pap
Cc: Gayle Goldstone; Bruce Olitzky
Subject: Appeal No. A-2-SON-08-10 (Star, Sonoma Co) re: Brian Hines
Importance: High

Mr. Pap, I am a property owner at Sereno Del Mar, Bodega Bay, CA and I oppose the exception that the Coastal Commission is attempting to grant a land owner in our community regarding Riparian Set Back. I don't understand why the Coastal Commission doesn't abide (and want to abide) by the principals established for the Commission. Granting exceptions defeats the intent and spirit of what I believe is the commissions guidelines. Once this decision is done, it sets a poor precedent. Would you please reconsider this decision? All I ask is that you afford each land owner the protections that they believe they are warranted. I have attached correspondence referencing this issues as it speaks clearly to the issues and our concerns. Thank you for listening.

Bruce Olitzky
 5430 El Camino Bella
 Bodega Bay, CA 94923
 707-875-9642

The "Substantial Issue" is: Should a building that CAN BE redesigned to not be in the riparian zone be required to be redesigned to try to do so. Particularly if that is the standard that has been used with the other lots along the stream.

The County staff felt the building in this case should be redesigned and moved further out of the Riparian Zone.

The Coastal Commission staff itself said the building could be redesigned to be 100 feet back as required by the LCP in their verbal comments before the BZA in December 2007.

Over 18 of the Sereno Del Mar homeowners have submitted letters commenting that the building should be redesigned to be further out of the riparian zone if that is the standard other lots have been held to.

The Architectural Control Committee opposes this reduction in the setback from 100 feet.

Of the 20 lots along the stream with houses, only 3 are less than 100 feet from the stream. To me this represents a "uniform" distance from the stream in keeping with the 100 riparian setback in the Local Coastal Plan and the same distance should be required as a buffer area for any new development permitted as stated in number 6 in the Criteria for Establishing Buffer Areas in the LCP Administration Manual, Attachment M.

We all know that Riparian Setback were perhaps THE most SIGNIFICANT ISSUE in the Sonoma County General Plan 2020 Update and this reduction in the riparian setback sets a bad PRECEDENT which could have regional and perhaps Statewide cumulative impacts if applied widely on a case by case basis. Please emphasize that we have raised a SIGNICANT ISSUE and that the County Supervisors decision sets a bad PRECEDENT.

Thank you.

Ruby Pap

From: Jerry Ditto [jditto@eichlerhomes.com]
Sent: Friday, May 02, 2008 11:35 AM
To: Ruby Pap
Cc: jditto@cwnet.com
Subject: 221 Los Santos, Bodega Bay - Agenda Item: F7a

RE: Appeal No. A-2-SON-08-10 (Star, Sonoma Co.)

Gentlepersons on the Coastal Commission,

Mr. Hines appeal from the decision of the County of Sonoma to grant a construction permit in a riparian zone deserves your very serious consideration.

A granted permit raises a substantial issue of ignoring acknowledged standards which have been followed previously, as well as potentiating a dangerous precedent for the region, as well as the state.

Please grant Mr. Hine's appeal.

Thank you,

Jerry Ditto
La Dia Ct.
Sereno del Mar

Ruby Pap

From: LINDA GARB [garbled1@comcast.net]
Sent: Saturday, May 03, 2008 11:56 AM
To: Ruby Pap
Subject: Appeal No. A-2-SON-08-10 (Star, Sonoma Co.)

Dear Ms. Pap:

Re: . Appeal No. A-2-SON-08-10 (Star, Sonoma Co.) Appeal by Brian Hines from decision of County of Sonoma granting permit to Steven Star for construction of 1,208 sq. ft. single family home and 400 sq. ft. detached garage and ***reduction of riparian corridor setback*** from 100 feet to 50 feet, at 221 Los Santos Drive, Bodega Bay, Sonoma. (RP-SF)

We are homeowners in the Sereno del Mar development in Bodega Bay. We are writing to support Brian Hines' appeal. We concur with his assertion that his appeal raises a Substantial Issue. That is: should a building that is able to be redesigned to NOT be in the riparian zone be required to do so. This is particularly compelling given that this is the standard that has been used with the other lots along the stream.

The Sonoma County staff agreed that the building should be redesigned and moved out of the Riparian Zone.

The Coastal Commission staff determined that this building should be redesigned to be 100 feet back as required by the LCP

And the Sereno Del Mar Architectural Control Committee opposes the reduction in the setback from 100 feet riparian setback in the Local Coastal Plan.

Riparian Setback was perhaps the most significant issue in the Sonoma County General Plan 2020 Update. The proposed reduction in the riparian setback for this one home sets a bad precedent.

It is my opinion that Brian Hines has raised a SUBSTANTIAL ISSUE and that the County Supervisors' decision sets a bad precedent.

We hope you will give serious consideration to the opinions of the people who are intimately aware of this location and have determined that this is a SUBSTANTIAL ISSUE.

Thank you for the opportunity to comment.

Linda and Robert Garb

owners of 130 Calle del Sol, Bodega Bay

Ruby Pap

From: rrkeeper@sonic.net
Sent: Monday, May 05, 2008 9:06 AM
To: Ruby Pap
Cc: brian@ncsr.com
Subject: Public Comment on Agenda Item F7A on Friday May 9, 2008

May 5, 2008

Ms. Ruby Pap
California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

Fax = 415-904-5400
Email = rpap@coastal.ca.gov

Via electronic mail to: rpap@coastal.ca.gov

RE: Agenda Item F7A on May 9, 2008 Coastal Commission Meeting

Dear Coastal Commissioners,

I am writing today to support the appeal by Brian Hines of the County of Sonoma's decision to allow a reduced riparian setback from the required 100 feet to 50 feet for a single-family home located at 221 Los Santos Drive, Bodega Bay.

Sonoma County has lost over 90% of its former riparian areas to development in the past 100 years, severely compromising water quality, wildlife habitat and salmon and Steelhead populations. Most water quality impairments in Sonoma County and in Coastal areas are due to elimination or reduction in riparian setbacks. Riparian setbacks are the states greatest tool for improving water quality and are essentially water quality treatment plants at no cost. of course when setbacks are reduced we lose that water quality benefit.

Since my day job is protecting water quality as a Riverkeeper I could go on forever about how valuable riparian setbacks are to our coastal environment but am aware that you know this already. I have over a dozen studies many peer-reviewed that demonstrate that setbacks protect water quality, wildlife habitat and native fish species, many of which were commissioned by the Coastal Conservancy.

I think that the piece-meal destruction of riparian setback areas is a SUBSTANTIAL ISSUE in light of all the riparian areas lost in Sonoma County. We are also greatly dismayed at the potential precedent this building could pose if it is seen as a "taking" especially in light of the intense debate over riparian setbacks in the Sonoma County General Plan Update 2020.

I believe that this is a SUBSTANTIAL ISSUE since the proposed building can be feasibly relocated outside of the 100-foot riparian setback as pointed out by county staff and the Architectural Control Committee. The Coastal Commission staff has said the building can be redesigned to comply with the Local Coastal Plan 100 foot setback requirement.

Since the proposed building can be located outside of the setback zone there is no taking since the building can still be constructed. In light of these facts we urge you to uphold the requirement clearly stated in Number 6 in the Criteria for Establishing Buffer Areas in the LCP Administration Manual, Attachment M.

We encourage you to make a finding that this is a SUBSTANTIAL ISSUE and allow the appeal to proceed in order to adequately protect our Coastal Resources. I appreciate your consideration on this seemingly small matter that will have larger implications if not addressed properly.

Sincerely,

Don McEnhill

Don McEnhill
Russian Riverkeeper
PO Box 1335
Healdsburg, CA 95448
ph: 707-433-1958
fx: 707-433-1989
cel: 707-217-4762
www.russianriverkeeper.org

Member of the worldwide Waterkeeper Alliance & California Coastkeeper Alliance. Learn more at waterkeeper.org or cacoastkeeper.org

"If you can find a path with no obstacles,
it probably doesn't lead anywhere."
-Frank A. Clark

Brian and Jane Hines
1468 Funston Drive
Santa Rosa, CA 95407

May 5, 2008

Ms. Ruby Pap
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

ITEM F7a

Dear **Ruby**:

Thank you for determining that we have "valid" Appeal and for considering at the May 9 Coastal Commission (CC) hearing why our appeal raises a Significant Issue regarding the Sonoma County Board of Supervisor's approval of a reduction in the 100 foot Riparian Setback at 221 Los Santos, Bodega Bay which is a violation of the Local Coastal Plan (LCP).

We request that the Coastal Commission deny this Coastal Permit or schedule a hearing on this appeal at a future Commission meeting scheduled in Marin County which is closer to the Sonoma Coast. Traveling to a meeting in Marina Del Rey is a considerable hardship for residents of Sonoma County who find Riparian Setback Policy to be a very significant issue.

Our appeal raises a number of Significant Issues with the conformity of the proposed project with the Local Coastal Plan and shows why the project should not be issued a Coastal Permit as it is currently designed.

We share this opinion with the Sonoma County planning staff at the Board of Zoning Adjustments (BZA) hearing in December of 2007, the Coastal Commission staff's verbal comments at the BZA hearing in December of 2007, the Sereno Del Mar Architectural Control Committee (ACC) and 18+ residents of Sereno Del Mar (SDM) who support a 100 foot riparian setback as has been required on the other lots along the stream such as ours next door at 225 Los Santos.

Our position has also been supported by those professionally involved with riparian zone health and are concerned about this case's precedent from the Sonoma Ecology Center (WPier), the Russian River Watershed Council (CFernald), and a member of the Sonoma County General Plan 2020 Update Riparian Corridor Subcommittee who is also a Sereno Del Mar resident (GGoldstone).

The following is a list of reasons why our appeal represents a Significant Issue in regards to this project's compliance with the Sonoma County Local Coastal Plan (LCP):

- 1) The Board of Supervisors did not have all the FACTS to make their decision because a simple Alternatives Analysis was not done showing how 221 Los Santos could be redesigned within a 4,183 square foot building site area and be in compliance with the 100-foot riparian setback requirement in the LCP. Attached is a Site Plan showing the potential 4,183 sq. ft. area available if a one bedroom mound septic system were installed. Much testimony has been received about the small size of the lot at 221 Los Santos. And yet, the only septic system design that has been considered is a large 2-bedroom mound system with a 40-foot long gravel bed. A reasonable alternative that should be considered is a smaller 20-foot gravel bed of a one-bedroom mound system more typical on lots of this size on the Coast.

Ms. Ruby Pap

May 5, 2008

Page 2

- 2) The Board of Supervisors action to approve a 50-foot setback was based on a “takings” finding that was incorrect, as we have shown. This takings issue was considered very significant in a letter written by the Coastal Commission regarding our lot on June 6, 2006. The CC staff report does not explain this letter or why such a different standard is being applied at 221 Los Santos compared to 225 Los Santos. The June 6 letter stated:

“Since this proposed development would be in conflict with LCP, the County should deny the development unless it could find that denial of this proposed development would deprive the applicant of all reasonable economic use of his property and result in a regulatory takings. In order for the County to proceed with a takings analysis, the applicant must first demonstrate that no feasible alternatives are available except to locate the proposed development within the 100-foot riparian setback area. However the applicant has not provided an alternatives analysis that shows that no alternative locations or designs for the proposed residence are feasible.”

- 3) This method of incorrectly finding a “takings” to allow development in the riparian zone backed up by a biological report from the landowner’s paid biologist represents a very bad precedent as noted by other commenters. This precedent could be applied throughout the Sonoma County Coastal Zone and beyond as a new method to defeat riparian setbacks. This represents a Significant Issue because of the regional and perhaps statewide significance.
- 4) The concept of “Type and Scale of Development” in Attachment M has been misinterpreted in this case. Both lots are of the same “type and scale”. They are both single-family homes on single-family lots. “Type and scale” has been misapplied here as it actually refers to different types of developments “residential” versus “light industrial” as in the example cited in the LCP. It would be parsimonious to apply this section when comparing two single family homes on two small subdivision lots which could not be more similar in type and scale when compared with a light industrial business park or a new large subdivision. The square footage of the houses is not relevant as long as they comply with the 16-foot height limit, which is a specification in SDM CC&Rs.
- 5) Our appeal represents a significant issue that is supported by the Sonoma County planning staff which originally required a redesign of the home at 221 Los Santos to be further from the riparian zone, 50 – 100 feet. The Board of Supervisors reversed this decision with an incorrect takings finding. Otherwise, the BZA condition to redesign would be required.
- 6) Our appeal represents a significant issue with the Sereno Del Mar ACC who oppose a reduction in the 100-foot setback. The ACC will deal with the 19-foot height issue so we agree with the CC Staff that it may not be a significant issue for the Commission in this case.
- 7) Our appeal represents a significant issue with the over 18 residents of Sereno Del Mar that oppose a reduction in the 100 foot setback requirement that has been required at other homes along the stream. They note the obvious opportunities to redesign as we have done.
- 8) Our appeal is consistent with the Coastal Commission staff’s verbal comments at the BZA hearing in December of 2007 where the staff felt that the home could be redesigned to be 100 feet back from the Riparian. Our attached Site Plan shows this to be true.

Ms. Ruby Pap

May 5, 2008

Page 3

- 9) The other graphic we have attached is an aerial photo of the Sereno Del Mar development. It shows the 20 existing homes along the stream. Only 3 of these homes are not 100 feet back from the stream. These 3 homes were built prior to, or without the approval of the Architectural Control Committee as required by the LCP. This represents a “uniform” distance when 85% of the homes are compliant with the 100-foot setback rule. The CC Staff agrees that Sereno Del Mar is a “relatively built-out subdivision”. So the following section of the LCP Attachment M should be applied in this case as the proper LCP rule:

“Lot configuration and location of existing development. Where an existing subdivision or other development is largely built out and the buildings are a uniform distance from the a habitat area, at least that same distance will be required as a buffer area for any new development permitted.”

This is the rule that should be applied in this case in fairness to the 85% of the homeowners that have complied with the LCP setback along the stream.

- 10) Section 7 of Attachment M also states, “However, if that distance is less than 100 feet, additional mitigation measures (e.g., planting of native vegetation which grows locally) should be provided to ensure additional protection.” No Mitigation Plan has been submitted or conditioned in this case as is required by the LCP in the case of riparian setback reduction.

Riparian setback policy could not be more significant in Sonoma County, which is updating its General Plan 2020. Perhaps no other issue has been more significant in the GP2020 update process. Riparian Corridor hearings filled the east auditorium of the Wells Fargo Center in Santa Rosa. Chairs and loudspeakers had to be set up in the lobby for the overflow crowd. Considerable testimony was received about the importance of riparian zones during the GP2020 process. The Citizen Advisory Committee and the County Staff advocated the need for 100-foot setbacks from blueline streams. This is understandable, as we have now eliminated 90% of the functioning riparian habitat in the State of California. This is an issue of statewide significance.

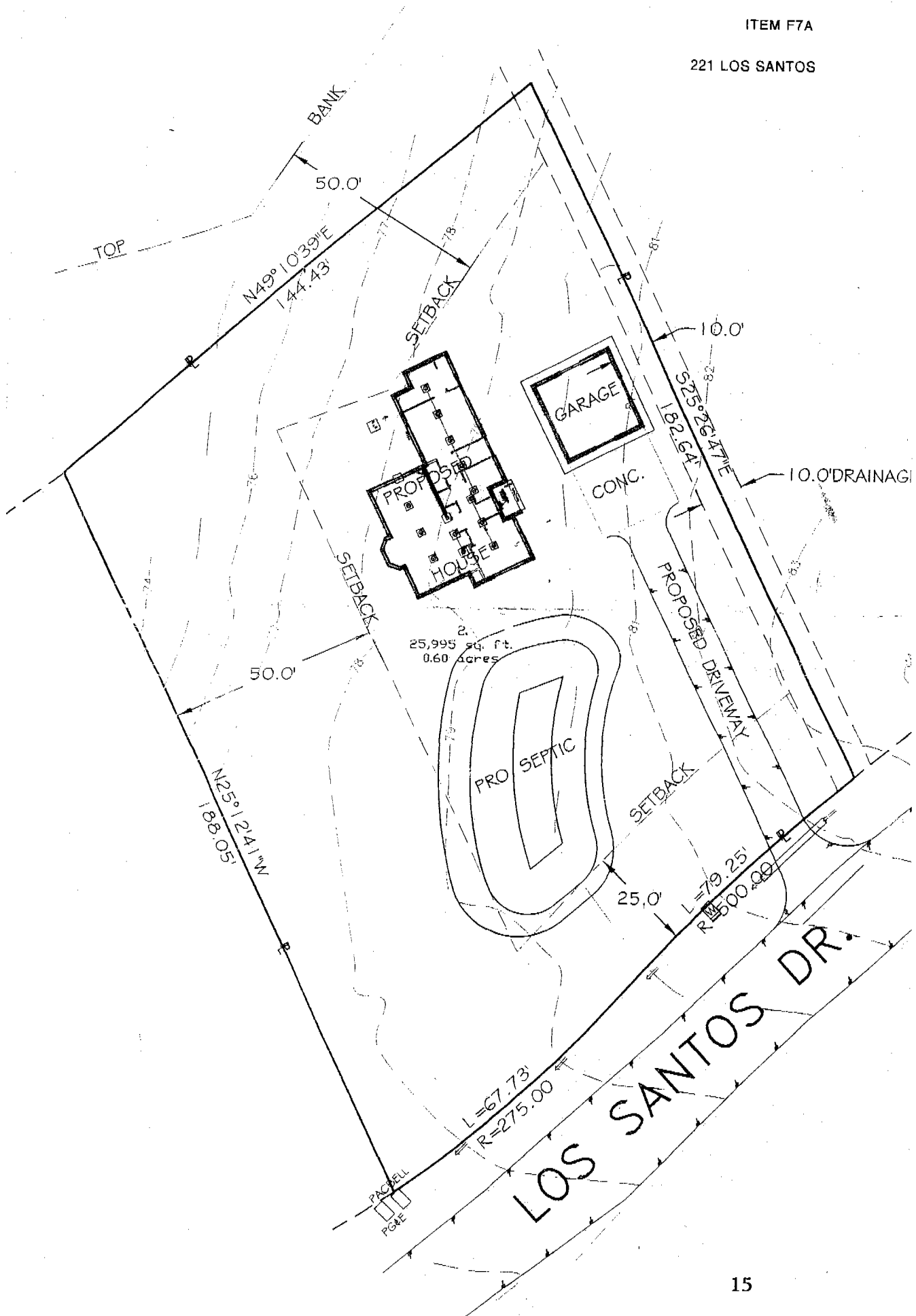
It is clearly very important that riparian zone policy be enforced that will not set a precedent that will allow for further destruction of what riparian habitat is left in California Coastal Zone. This is particularly true given the importance of riparian habitat integrity to the future of the State’s threatened and endangered salmon populations which are currently in collapse off the Sonoma County coast requiring yet another Disaster declaration by the State of California. The destruction of California’s riparian zone habitat is well documented as one of the most important factors in the salmon population’s decline. This is a very Significant Issue on the Sonoma Coast.

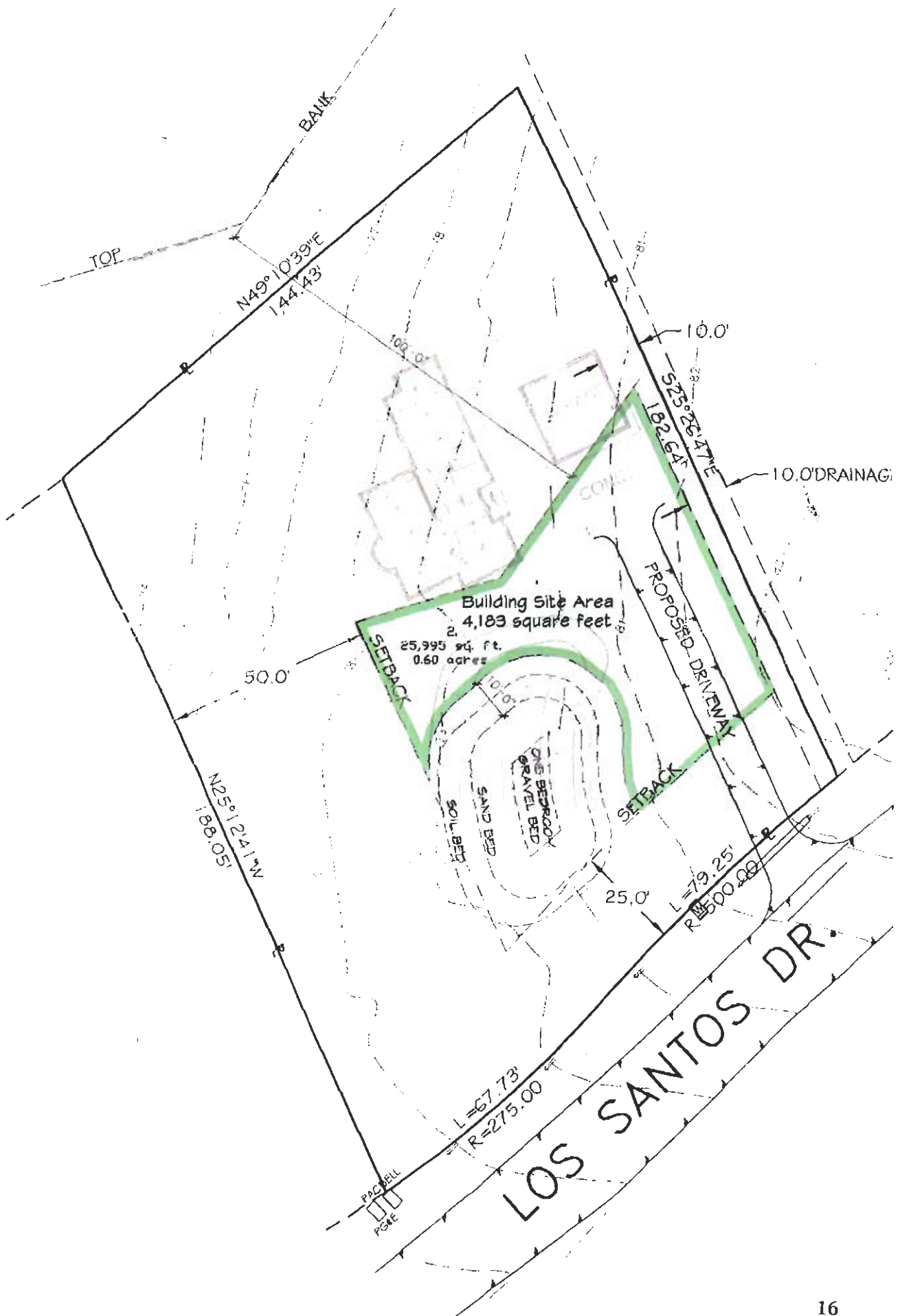
Please deny this Coastal Permit or schedule a future hearing on this riparian zone appeal in Marin County so Sonoma County coastal residents who consider this a very significant issue can comment in person and hopefully prevent a precedent that causes future cumulative impacts and results in a another classic case of the Trajedy of the Commons.

Sincerely,

Signature on File

R. Brian Hines







County of Sonoma
Permit and Resource Management Department



2238 Ventura Avenue, Suite B-101, Cotati, CA 94920
707-548-1000
FAX 707-548-1100

Ruby Pap

From: Clif [cliferry@yahoo.com]
Sent: Monday, May 05, 2008 3:13 PM
To: Ruby Pap
Subject: Appeals F7a -- Please consider our viewpoint

Ruby Pap and members of the Coastal Commission:

Thank you for reading this message. I want to strongly support the appeal listed below:

7. NEW APPEALS.

a. Appeal No. A-2-SON-08-10 (Star, Sonoma Co.) Appeal by Brian Hines from decision of County of Sonoma granting permit to Steven Star for construction of 1,208 sq. ft. single family home and 400 sq. ft. detached garage and reduction of riparian corridor setback from 100 feet to 50 feet, at 221 Los Santos Drive, Bodega Bay, Sonoma. (RP-SF)

We believe that the appeal from Mr. Hines contains several substantial issues. The primary and most obvious one is: Should a building that can easily be redesigned to not encroach into the riparian zone be required to be appropriately redesigned. This standard has been used with all of the other lots along the stream, including our own. This is an issue of style not substance -- the plans can be easily changed to meet the standard and the owners should be required to do so.

We have been informed that the Sonoma County staff reasonably concluded that the proposed home on 221 Los Santos in this case should be redesigned and moved further out of the Riparian Zone. We faced the same issue in 2002 and we made the necessary changes in our architectural plans to meet the existing standard.

The Coastal Commission staff itself said the building could be redesigned to be 100 feet back as required by the LCP in their verbal comments before the BZA in December 2007.

Many of my Sereno Del Mar fellow homeowners have submitted letters requesting that the building at 221 Los Santos should be redesigned to be further out of the riparian zone -- that is the standard other lots have been held to.

The Architectural Control Committee opposes this reduction in the setback from 100 feet. Failure to hold the new builders to this same standard raises a serious, significant issue. By allowing this encroachment into the riparian zone the County Supervisors would be setting a grave precedent.

Please give Appeal No. A-2-SON-08-10 (Star, Sonoma Co.) your strongest consideration and support.

Clifton and Teresa Gary
263 Los Santos
Bodega Bay, CA 94923
707 875-9693

Clif Gary

Old Retired Pondo Person

cliferry@yahoo.com

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