

CALIFORNIA COASTAL COMMISSION

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W15a

Prepared March 25, 2016 (for April 13, 2016 hearing)

To: Coastal Commissioners and Interested Persons

From: Nancy Cave, District Manager
Stephanie Rexing, District Supervisor

**Subject: De Minimis Amendment Determination for Sonoma County LCP Amendment
Number LCP-2-SON-16-0007-1 Part A (Coastal Combining Zone Designations)**

Sonoma County's Proposed Amendment

Sonoma County proposes to amend its Local Coastal Program (LCP) Implementation Plan (IP) to accurately reflect the Coastal Zone in the application of Coastal Combining zones affecting 38 parcels. The proposed changes solely affect the application of the Coastal Combining zone and do not affect either the LCP's Land Use Plan's or the Implementation Plan's base zoning. The current Coastal Combining (CC) Zone would be removed from 24 parcels and the CC zone would be added to 14 parcels where it had been incorrectly applied or not applied, respectively, as a result of a technical mapping errors occurring in the County's process of transferring paper maps to a digital form. See **Exhibit 1** for the County Ordinance approving the amendment and for a list of parcels with proposed changes.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis." In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must

be reported to the Commission. If three or more Commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on April 23, 2016).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The proposed amendment would alter the application of the Coastal Combining zone on 38 parcels in order to achieve consistency with the parcels' locations within or outside of the Coastal Zone. The Coastal Combining (CC) Zone is a zoning designation applied to parcels within areas that are in the Coastal Zone. The Coastal Combining zoning requires that any development proposed on parcels within that designation require coastal development permits. Therefore, since the application or removal of the CC zone for the affected parcels will correct the combining zones applied to the affected parcels and assure accurate application of the certified LCP, the proposed amendment will not adversely affect coastal resources and is consistent with the Chapter 3 policies of the Coastal Act.
- 2. Provision of public notice:** The County provided public notice in advance of the January 5, 2016 Board of Supervisors hearing where the proposed LCP amendment was considered. A newspaper advertisement notice of the hearing was printed in the Press Democrat on December 16, 2015. In addition, notice was posted in the Press Democrat and mailed to interested parties, affected property owners, and to each owner of record within 300 feet of the affected properties on October 1, 2015 in advance of the October 15, 2015 Planning Commission meeting. The amendment submittal was subsequently received by the Commission on February 16, 2016, thus satisfying the 21-day requirement.
- 3. No change in use of land or allowable use of property:** The proposed changes affect the application of combining zones and do not affect either the LCP's Land Use Plan or the Implementation Plan's base zoning. Since the base zone determines permitted and conditional uses of a property and no change is proposed that would change the base zoning of the affected parcels, no change is proposed to the uses that are principally permitted, permitted, or permitted with a use permit in base zones. Therefore, the amendment does not propose a change in the use of land or allowable use of the property.

California Environmental Quality Act (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its Local Coastal Program. The Commission's LCP review and approval process has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP and/or amendment.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for such impacts which have not been explored and the de minimis LCP amendment, as submitted, can be supported.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its April 13, 2016 meeting in Santa Rosa at Veteran’s Memorial Auditorium. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Stephanie Rexing at the North Central Coast District Office in San Francisco. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by April 13, 2016.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on March 1, 2016. It amends the IP only and the 60-day action deadline is April 30, 2016. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until April 30, 2016 to take a final action on this LCP amendment.

Exhibits

Exhibit 1: County Ordinance

ORDINANCE NO. 6141

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE FOR THE COASTAL ZONE ("COASTAL ZONING DATABASE") TO CORRECT TECHNICAL ERRORS AND TO IMPLEMENT MINOR ZONE CHANGES REQUIRED AS CONDITIONS OF PRIOR PROJECT APPROVALS.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database for the Coastal Zone ("Coastal Zoning Database") of the County, adopted by the Board of Supervisors on June 12, 2007, is amended by reclassifying certain real property from the existing zoning designations to the zoning designations set forth in Exhibit "A" attached hereto and incorporated herein by this reference. The Board hereby finds these changes to be consistent with the Sonoma County General Plan and Local Coastal Plan. The Director of the Permit and Resource Management Department is directed to reflect these amendments to the Coastal Zoning Database as shown in attached Exhibit "A" (ZCE13-0016).

SECTION II: This project is exempt from the California Environmental Quality Act under the General Rule, Section 15061(b)(3), as it can be seen with certainty that the project will not have a significant effect on the environment because the proposed changes to the Coastal Zoning Database are proposed to correct errors and inaccuracies, resolve inconsistencies, and make other minor corrections needed to ensure the accuracy and reliability of the County's zoning information. Zone changes proposed to satisfy conditions of previously approved projects will not result in any physical change to land or increase development potential and have been imposed to ensure compliance with the Sonoma County Subdivision Ordinance (Sonoma County Code, Chapter 25).

SECTION III: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV. This Ordinance shall be and the same is hereby declared to be in full force and effect automatically on the date following California Coastal Commission certification, and shall be carried out in a manner fully consistent with the California Coastal Act. This item involves an amendment to the Local Coastal Program and is not effective until and unless approved by the California Coastal Commission.

SECTION V. This ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in The Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 5th day of January 2016, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Rabbitt: Aye Zane: Aye Gore: Aye Carrillo: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

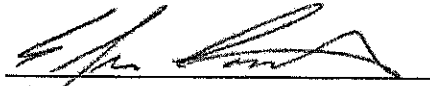
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Exhibit 1

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WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED



Chair, Board of Supervisors
County of Sonoma

ATTEST: *Veronica A. Ferguson*

by Roxanne Epstein

Veronica A. Ferguson
Clerk of the Board of Supervisors

**Proposed Coastal Zone Changes
 Coastal Ordinance Exhibit A
 Technical Corrections - Round 5**

	Address	APN	Existing Zoning	Proposed Zoning
1	No Street Address	097-280-007	TP B6 160, TP CC B6 160/640 (Ac/DU)/Ac MIN, LG/116, RC50/50 RC100/50 SR	TP B6 160, TP B6 160/640 (Ac/DU)/Ac MIN, LG/116 RC50/50 RC100/50 SR
2	No Street Address	097-290-004	TP CC B6 160/640 (Ac/DU)/Ac MIN, LG/116 RC50/50 SR	TP B6 160/640 (Ac/DU)/Ac MIN, LG/116 RC50/50 SR
3	No Street Address	101-090-006	LEA B6 160, SR	LEA CC B6 160, SR
4	No Street Address	109-240-005	TP B6 160, G RC50/50 SR	TP CC B6 160, G RC50/50 SR
5	No Street Address	109-480-019	RRD B6 160, RRD CC B6 160/640 (Ac/DU)/Ac MIN	RRD B6 160, RRD B6 160/640 (Ac/DU)/Ac MIN
6	No Street Address	122-270-010	TP B6 240, TP CC B6 160/640 (Ac/DU)/Ac MIN Z, G RC50/50 SR	TP B6 240, TP B6 160/640 (Ac/DU)/Ac MIN Z, G RC50/50 SR
7	No Street Address	123-170-001	TP B6 240, TP CC B6 240, G RC50/50	TP B6 240, G RC50/50
8	No Street Address	155-110-008	PC CC, G	PC, G
9	No Street Address	155-110-015	PC CC, G	PC, G
10	No Street Address	155-110-019	PC CC, G	PC, G
11	No Street Address	155-110-036	PC CC, G	PC, G
12	No Street Address	155-110-037	PC CC	PC
13	No Street Address	155-120-004	PC CC, G	PC, G
14	No Street Address	155-120-011	PC CC, G	PC, G
15	No Street Address	155-120-012	PC B6 1, G	PC CC B6 1, G
16	No Street Address	155-120-022	PC CC	PC
17	No Street Address	155-130-007	PC B6 1, PC CC	PC B6 1, PC
18	No Street Address	155-450-019	PC B6 1, PC CC, G	PC B6 1, PC, G
19	No Street Address	155-450-020	PC CC	PC
20	919 Annapolis Rd	155-470-004	PF CC	PF
21	40733 Annapolis Rd	122-170-022	RRD B6 160, G	RRD CC B6 160, G

	Address	APN	Existing Zoning	Proposed Zoning
22	700 Bay Hill Rd	103-060-025	LEA B6 160, RC50/50 SR	LEA CC B6 160, RC50/50 SR
23	1428 Bay Hill Rd	103-060-023	LEA B6 160 Z, RC50/50 SR	LEA CC B6 160 Z, RC50/50 SR
24	1450 and 1434 Bay Hill Rd	109-160-022	TP B6 160	TP CC B6 160
25	1730 Hwy 1 Bodega Bay	100-210-064	RR CC B8, RC50/50 RC100/50 SR	RR CC B7, RC50/50 RC100/50 SR
26	1760 Hwy 1 Bodega Bay	100-200-049	R1 CC B6 4 DU RR CC B8 SR	R1 CC B6 4 DU, SR
27	1790 Hwy 1 Bodega Bay	100-200-048	R1 CC B6 4 DU RR CC B8 SR	R1 CC B6 4 DU, SR
28	19111 Coleman Valley Rd	101-090-014	LEA B6 160, RC50/50 SR	LEA CC B6 160, RC50/50 SR
29	19999 and 19100 Coleman Valley Rd	101-090-015	RRD B6 160, RC50/50 RC100/50 SR	RRD CC B6 160, RC50/50 RC100/50 SR
30	20020 Coleman Valley Rd	101-080-004	LEA B6 160 Z, RC50/50 SR	LEA CC B6 160 Z, RC50/50 SR
31	20501 Coleman Valley Rd	101-090-008	LEA B6 160 Z, RC50/50 SR	LEA CC B6 160 Z, RC50/50 SR
32	21000 Coleman Valley Rd	101-080-001	LEA B6 160, RC50/50 SR	LEA CC B6 160, RC50/50 SR
33	22000 Coleman Valley Rd	101-080-002	LEA B6 160, RC50/50 RC100/50 SR	LEA CC B6 160, RC50/50 RC100/50 SR
34	857 River Beach Rd	155-440-005	PC CC	PC
35	31405 Seaview Rd	109-530-006	RRD B6 40, RRD CC B6 40	RRD B6 40
36	32890 Seaview Rd	109-220-010	RRD B6 160, RC50/50	RRD CC B6 160, RC50/50
37	33880 Seaview Rd	109-230-014	PF CC, TP B6 160	PF, TP B6 160
38	Skaggs Springs Rd	122-270-006	TP B6 160, TP CC B6 160/640 (Ac/DU)/Ac MIN, G RC50/50 SR	TP B6 160, TP B6 160/640 (Ac/DU)/Ac MIN, G RC50/50 SR
39	33012 Timber Ridge The Sea Ranch	122-200-034	PF CC, SR RRD CC B6 160/640, SR	PF CC, SR
40	36029 Timber Ridge Rd	155-130-006	PC B6 1, PC CC	PC B6 1, PC
41	36552 Timber Ridge Rd	155-110-029	PC CC	PC
42	18544 Willow Crk Rd	074-330-001	AR B6 10 AR CC B6 10	AR B6 10
43	1050 Windy Lane Bodega Bay	100-100-001	PC CC, G, SR	R1 CC B6 4 DU, G, SR