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Prepared July 29, 2016 for August 11, 2016 Hearing

To: Commissioners and Interested Persons
From: Nancy Cave, North Central Coast District Manager
Stephanie Rexing, North Central Coast District Supervisor
Subject: Sonoma County LCP Amendment Number LCP-2-SON-15-0025-1 Part B
(Duncans Mills Historic District)

SUMMARY OF STAFF RECOMMENDATION

Sonoma County proposes to amend the certified LCP Implementation Plan (IP) in order to clarify that approval by the County Landmarks Commission is required in historic resource areas, except that minor alterations can be reviewed and approved by County staff in conformance with the standards set forth for that resource district. Further, the proposed amendment would require that all alterations to existing structures and construction of new structures within the Duncans Mills historic resource district must be consistent with the Design Guidelines as adopted by the County's Board of Supervisors.

The Sonoma County LUP requires that development within Duncans Mills preserve the district's historic character, that new buildings be designed with similar character to existing buildings to establish a strong sense of place in Duncans Mills, and requires that coastal permits in such historic resource districts be referred to the Sonoma County Landmarks Commission for comments and recommendations. The IP amendments, as proposed, would assure that LCP requirements regarding existing and newly proposed structures in the Duncans Mills historic resource district are consistent with these zoning requirements that preserve the historic character of the district. However, the amendments as proposed require clarifying edits to explain the scope of the design review consideration. Specifically, clarification is required to make clear that a coastal development permit (CDP) may still be required for newly proposed development in Duncans Mills, including for proposed minor alterations, and that the requirement for a CDP works in concert with the County Landmarks Commission requirements. This assures that the newly amended section is consistent with LCP requirements for development proposed in Duncans Mills, that all CDP applications for this area are considered via the existing process, in addition to their referral to the Sonoma County Landmarks Commission. With this suggested modification, the proposed IP amendment can be found consistent with and adequate to carry out

the certified LUP.

Therefore, staff recommends that the Commission deny the proposed LCP amendment as submitted, and approve it only if modified as suggested below. There are two motions and actions necessary to effect that recommendation, and they begin on page 3 of this report.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on June 16, 2016. The proposed amendment includes IP changes only, and the original 60-day action deadline is August 15, 2016. Thus, unless the Commission extends the action deadline (it may extend the deadline by up to one year), the Commission has until August 15, 2016 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit 1: Proposed Sonoma County Code Amendment

Exhibit 2: Board of Supervisors Ordinance 6021

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment only as modified. The Commission needs to take two votes on the proposed amendment in order to act on this recommendation.

A. Reject the IP Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in rejection of the IP amendment and the adoption of the following resolution and findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (1 of 2): *I move that the Commission reject Implementation Plan Amendment LCP-2-SON-15-0025-1 Part B as submitted by the County of Sonoma, and I recommend a yes vote.*

Resolution (1 of 2): *The Commission hereby denies certification of the Implementation Plan Amendment Number LCP-2-SON-15-0025-1 Part B as submitted by the County of Sonoma and adopts the findings set forth below on the grounds that, as submitted, the Implementation Plan Amendment does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives or mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.*

B. Certify the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the IP amendment with a suggested modification and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Motion (2 of 2): *I move that the Commission certify Implementation Plan Amendment LCP-2-SON-15-0025-1 Part B if it is modified as suggested in this staff report, and I recommend a yes vote.*

Resolution (2 of 2): *The Commission hereby certifies Implementation Plan Amendment LCP-2-SON-15-0025-1 Part B for the County of Sonoma Local Coastal Program, if modified as suggested, and adopts the findings set forth below on the grounds that the Implementation Plan Amendment with the suggested modification conforms with and is adequate to carry out the certified Land Use Plan as amended. Certification of the Implementation Plan Amendment, if modified as suggested, 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 Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

II. SUGGESTED MODIFICATION

The Commission hereby suggests the following modifications to the proposed LCP amendment, which is necessary to make the requisite Coastal Act and LUP consistency findings. If the County of Sonoma accepts the suggested modifications within six months of Commission action (i.e., by February 11, 2017), by formal resolution of the Board of Supervisors, and submits that acceptance to the Commission, the modified LCP amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text that the County proposes to delete and text in underline format denotes text that the County proposes to add. Text in ~~double cross-out~~ format denotes text to be deleted through the Commission's suggested modification and text in double underline format denotes text to be added through the Commission's suggested modification.

- 1. Modify Proposed Amendment to Section Sec 26C-241 "Alterations of designated historic structures and new construction within a historic district" as follows:** No zoning permit authorizing alterations (including demolition) in the exterior of a structure within the boundaries of a historic district and no zoning permits authorizing construction of a new building within the boundaries of a historic district shall be granted unless approval has been granted by the County Landmarks Commission, except that minor ~~Minor~~ alterations may be reviewed and approved by staff in conformance with the County Landmark Commission standards. In all cases where the request for a zoning permit involves demolition alone, however, the County Landmarks Commission shall take action on such request within six (6) months of the date of application for the permit. It is not intended by this chapter to grant the county landmarks commission jurisdiction over zoning or use permit matters other than in the area of design review.

Alterations to existing structures and construction of new structures within the following designated historic districts must be consistent with the design guidelines adopted by the board of supervisors:

1. Duncans Mills Historic District Design Guidelines.

III. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

Sonoma County is proposing to amend its IP Section 26C-241, titled "Alterations of designated historic structures and new construction within a historic district" in the chapter which discusses the Historic Combining Districts. The amendment proposes to clarify that approval by the County Landmarks Commission is required in such areas, except that minor alterations may be reviewed and approved by staff in conformance with the Landmarks Commission standards. Further, the proposed amendment would require that all alterations to existing structures and construction of new structures within the Duncans Mills historic district, must be consistent with the Design Guidelines as adopted by the County's Board of Supervisors. Please see **Exhibit 1** for the full text of the proposed amendment and **Exhibit 2** for the Board of Supervisors Ordinances approving the amendment.

B. CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects the IP components of the County of Sonoma LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

Applicable Land Use Plan Policies

The County's LUP states that the coastal community of Duncans Mills is a Historic District to which zoning designation as a historic district will help to preserve its historic character. The Historic Resources Inventory chapter of the County LUP further refines that the historic character of Duncans Mills is established by the existing buildings in the district, which represent the early lumbering, shipping and railroad origins of the community, and that new buildings must be designed with similar character to maintain a strong sense of place in Duncans Mills. The LCP recommends that coastal permit applications in such historic resource districts be referred to the Sonoma County Landmarks Commission for comments and recommendations.

LUP Page 6, Historic Resources:

The historic resources section provides and overall background to present coastal development. The origins and growth of coastal communities are presented. Four coastal communities are proposed for Historic District Zoning to help preserve their historic character: Stewarts Point, Plantation, Fort Ross and Duncans Mills. An inventory of historic sites was also prepared for possible designations as individual historic landmarks.

LUP Page 14-15, Duncans Mills:

This community is primarily a lumbering community which was connected with shipping points in the San Francisco Bay by means of a narrow-gauge railroad system which serviced communities such as Occidental, Freestone, Valley Ford, Tomales, and Point Reyes Station. All of the buildings in the Duncans Mills area represent the early origins of the town, and the new buildings which have been built have picked up that character to maintain a strong sense of place.

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Recommendations

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3. Refer all coastal permits within the Stewarts Point, Plantation, Fort Ross, and Duncans Mills areas to the Sonoma County Landmarks Commission for their comments and recommendations.

4. Refer all coastal permits on historic resource sites listed in the historic resources inventory to the Sonoma County Landmarks Commission for their comments and recommendations.

Analysis

The proposed IP amendment would establish that approval of coastal permit projects by the County Landmarks Commission is required in the Duncans Mills Historic District and would clarify that minor alterations can still be reviewed and approved by County staff in conformance

with the Landmarks Commission standards. Further, the proposed amendment would require that all alterations to existing structures and construction of new structures proposed to take place within Duncans Mills, must be consistent with the Design Guidelines as adopted by the County's Board of Supervisors. Please see **Exhibit 1** for full text of the proposed amendment.

The LCP requires that development proposed within Duncans Mills preserve the district's historic character established by the existing buildings in the district, which represent the early lumbering, shipping and railroad origins of the community. The LCP requires that new buildings be designed consistent with existing structures' design in order to maintain a strong sense of place in Duncans Mills. The LCP further requires that coastal permits in such historic resource districts be referred to the Sonoma County Landmarks Commission for comments and recommendations. The IP amendment, as proposed, intends to ensure that LCP requirements regarding existing and newly proposed structures in the Duncans Mills historic resource district are consistent with the requirements of this zoning designation, which in turn ensures the historic character of the district is upheld. However, the amendments as proposed require edits to clarify that a coastal development permit may still be required for newly proposed development in this historic district, even for minor alterations, and that review of a CDP application works in concert with the requirements for County Landmarks Commission approval. This ensures that the newly amended section is consistent with LCP requirements for Duncans Mills, and that all CDP applications for this area are considered through existing processes, in addition to their required referral to the Sonoma County Landmarks Commission. Therefore, in order for the proposed amendment to remain consistent with the requirement of the LCP that CDPs may still be required for development proposed in Duncans Mills, even for minor alterations, **Suggested Modification #1** is required. With this suggested modification, the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Specifically, Section 21080.9 of the California Public Resources Code – within CEQA – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. The Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment.

The County of Sonoma, acting as lead CEQA agency, determined that the proposed LCP amendments were categorically exempt from the requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and concludes that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

Sec. 26C-241. Alterations of designated historic structures and new construction within a historic district.

No zoning permit authorizing alterations (including demolition) in the exterior of a structure within the boundaries of a historic district and no zoning permits authorizing construction of a new building within the boundaries of a historic district shall be granted unless approval has been granted by the County Landmarks Commission. Minor alterations may be reviewed and approved by staff in conformance with standards. In all cases where the request for a zoning permit involves demolition alone, however, the County Landmarks Commission shall take action on such request within six (6) months of the date of application for the permit. It is not intended by this chapter to grant the county landmarks commission jurisdiction over zoning or use permit matters other than in the area of design review.

Alterations to existing structures and construction of new structures within the following designated historic districts must be consistent with the design guidelines adopted by the board of supervisors:

1. Duncans Mills Historic District Design Guidelines.

ORDINANCE NO. 6021

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26C OF THE SONOMA COUNTY CODE TO INCORPORATE DESIGN GUIDELINES FOR THE DUNCANS MILLS HISTORIC DISTRICT BY REFERENCE (ZCE11-0011).

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

SECTION I: Section 26C-241 (Coastal Zoning) of the Sonoma County Code is amended to include reference to the adopted Duncans Mills Historic District Design Guidelines. Section 26C-241 is amended to read as follows:

Section 26C-241. Alterations of Designated Historic Structures and New Construction within a Historic District.

No zoning permit authorizing alterations (including demolition) in the exterior of a structure within the boundaries of a historic district and no zoning permits authorizing construction of a new building within the boundaries of a historic district shall be granted unless approval has been granted by the County Landmarks Commission. **Minor alterations may be reviewed and approved by staff in conformance with standards.** In all cases where the request for a zoning permit involves demolition alone, however, the county landmarks commission shall take action on such request within six months of the date of application for the permit. It is not intended by this chapter to grant the county landmarks commission jurisdiction over zoning or use permit matters other than in the area of design review.

Alterations to existing structures and construction of new structures within the following designated Historic Districts must be consistent with the Design Guidelines adopted by the Board of Supervisors:

1. Duncans Mills Historic District Design Guidelines.

SECTION II: Environmental Determination: The adoption of the above reference to the Duncans Mills Historic District Design Guidelines is considered exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) because it does not have the potential to cause a significant direct or indirect effect on the environment.

SECTION III: Severability: 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: Effective Date: This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and 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 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 12th day of March, 2013, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Zane: Aye McGuire: Aye Carrillo: Aye Rabbitt: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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
Clerk of the Board of Supervisors