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# F13a

Appeal Filed: 8/4/2020  
49th Day: 10/12/20  
Staff: Abigail Black - SF  
Staff Report: 9/25/2020  
Hearing Date: 10/9/2020

## STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

**Appeal Number:** A-2-SON-20-0042

**Applicants:** Julie and Alan Chapman

**Appellants:** Katherine Wong, Daniel Wong, Anthony Ridgeway, Martha Ruddell, and Perry Marker (i.e., all as part of one appeal, where each is a co-appellant)

**Local Government:** Sonoma County

**Local Decision:** County Coastal Development Permit Application Number CPH16-0009, approved by the Sonoma County Board of Supervisors on July 14, 2020.

**Location:** 1020 Highway 1, Bodega Bay, Sonoma County (APN 100-100-005)

**Project Description:** Construction of a 1,616 square-foot, two-story single-family residence with a 200 square-foot attached garage and associated residential development.

**Staff Recommendation:** No Substantial Issue

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### IMPORTANT HEARING PROCEDURAL NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the

appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony.

#### SUMMARY OF STAFF RECOMMENDATION

On July 14, 2020, the Sonoma County Board of Supervisors approved a coastal development permit (CDP) for the construction of a new single-family residence and related development on a site situated inland of Bodega Bay, and adjacent to and inland of Highway 1, within Bodega Bay's core residential area. The project site is surrounded on three sides by adjacent residential development and is currently undeveloped apart from a portion of an existing driveway, which provides access to the property as well as neighboring properties from Highway 1 through a shared easement.

The Appellants contend that the approved project is inconsistent with Sonoma County Local Coastal Program (LCP) policies related to required lot size and lot legality, allowed coverage, height, setbacks, emergency vehicle accessibility, and neighborhood compatibility. After reviewing the local record in light of the appeal contentions, staff does not believe that County's approval of a CDP for the project raises a substantial LCP issue.

Specifically, in terms of the lot size contentions, while the lot does not meet the minimum lot size requirements, the lot is not being created anew here and rather represents a legal, non-conforming (with respect to lot size) lot. In terms of lot coverage, although the County-approved project exceeds maximum lot coverage by 4% (or roughly 146 square feet), the effect of such increased coverage on coastal resources is insignificant. Similarly, with regard to the contentions raised about height and emergency access, although the building is proposed to be six feet taller than the height limit within the Bodega Core Area, and the driveway is two feet narrower than the width required within scenic corridors, the impact of these features on coastal resources is insignificant, especially considering the surrounding development, owned by the Appellants, is of similar height and relies on this same common driveway. With regard to side yard setbacks and neighborhood compatibility, the proposed residence is designed to be consistent with the size and scale of surrounding development and, therefore, is compatible with other development in the immediate vicinity.

As a result, although the project includes some inconsistencies with the certified LCP, the coastal resource impact of these inconsistencies in this case are insignificant, and therefore staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue and that the Commission decline to take jurisdiction over the CDP application for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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**EXHIBITS**

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Exhibit 4 – County-Approved Project Plans

Exhibit 5 – County Final Local CDP Action Notice

Exhibit 6 – Appeal to the Coastal Commission

Exhibit 7 – Applicable LCP Provisions

## I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local CDP action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of No Substantial Issue, and the local action will become final and effective. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:*** *I move that the Commission determine that Appeal Number A-2-SON-20-0042 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603, and I recommend a yes vote.*

***Resolution to Find No Substantial Issue:*** *The Commission finds that Appeal Number A-2-SON-20-0042 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and the public access and recreation policies of the Coastal Act.*

## II. FINDINGS AND DECLARATIONS

### A. Project Location and Description

The County-approved project is located at 1020 Highway 1 in Bodega Bay in unincorporated Sonoma County. The project site is located inland of Bodega Bay, adjacent and inland of Highway 1, and within Bodega Bay's core residential area. The site is designated for residential use and zoned UR (Urban Residential), R1 (Low Density Residential District), CC (Coastal Combining), G (Geologic Hazard Combining), and SR (Scenic Resources), which allows for the construction of low-density single-family residential development. The three surrounding and adjacent properties (i.e., 1010 Highway 1 to the southeast, 1030 Highway 1 to the northeast, and 1040 Highway 1 to the northwest) are all developed with single-family residences and associated development. Relevant to the appeal contentions, the LCP discusses plans for a Highway 1 bypass that would have looped around the town of Bodega Bay, connected back to Highway 1 south of the subject property, that would have encompassed the cluster of homes immediately surrounding the proposed development. However, this bypass was never constructed, and the plans for it were abandoned by the County.

Currently, the project site is undeveloped apart from a 5-foot wide portion of a 10-foot wide driveway that is located along the eastern property boundary, where the other half of the driveway is located on the adjacent property to the east. This driveway as a whole provides access to Highway 1 for the Applicant as well as the property owners (also Appellants) to the southeast through a shared right-of-way easement (see **Exhibit 2**). The property owners (and Appellants) to the northeast also use this same shared driveway. As proposed, the County-approved project would allow for construction of a

new 1,616 square foot single-family residence, a 200 square-foot attached garage, a 50-square foot paved driveway apron, as well as other associated residential development including a fenced in propane tank, gravel parking and front porch area, and landscaping.

See **Exhibit 1** for a location map; see **Exhibit 3** for photographs of the site and surrounding area, as well as photo-simulations of the proposed residence; and see **Exhibit 4** for the County-approved project plans.

### **B. Sonoma County CDP Approval**

On December 20, 2018, the Sonoma County Board of Zoning Adjustments (BZA) approved a CDP for the proposed single-family residence, attached garage, and associated development. The BZA's decision was appealed by the current Appellants to the County Board of Supervisors on December 28, 2018, raising issues of public hearing comment procedures, maximum lot coverage, easements, LCP consistency, height limits, and lot accessibility for larger vehicles. After deliberation the Board upheld the approval and denied the appeal on July 14, 2020, thus finalizing the BZA's original CDP decision. See **Exhibit 5** for the County's Final Local CDP Action Notice.

The County's Final Local CDP Action Notice was received in the Coastal Commission's North Central Coast District Office on Thursday, July 23, 2020. The Coastal Commission's ten-working-day appeal period for this action began on Friday, July 24, 2020 and concluded at 5 p.m. on Thursday, August 6, 2020. One valid appeal submitted by multiple co-appellants was received during the appeal period (see **Exhibit 6**).

### **C. Appeal Procedures**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located within 300 feet (approximately 75 feet) of the mean high tide line of Bodega Bay, and because it is not identified in the LCP as the principally permitted use (i.e., there are five principally permitted uses in this case).

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b)(2) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission

finds that “no substantial issue” is raised by such allegations.<sup>1</sup> Under Section 30604(b), if the Commission conducts the de novo portion of an appeals hearing (upon making a determination of “substantial issue”) and finds that the proposed development is in conformity with the certified LCP, the Commission may issue a CDP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is *not* located between the nearest public road and the sea and thus this additional finding does not need to be made if the Commission were to approve the project following the de novo portion of the hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons opposed to the project who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding the substantial issue question must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal (if applicable).

#### **D. Summary of Appeal Contentions**

The Appellants contend that the County-approved project raises LCP consistency issues relating to required lot size and lot legality, allowed coverage, height, setbacks, emergency vehicle accessibility, and neighborhood compatibility. Specifically, the Appellants contend that the approved development is inconsistent with applicable LCP policies because: 1) the lot does not meet the minimum LCP lot size for this zoning district and is not a legal lot; 2) the development exceeds the maximum allowable lot coverage (i.e., alleging that coverage is greater than 40%); 3) the development exceeds the maximum allowable height limit for development located within the Bodega Core Area (i.e., alleging that the height is greater than 16 feet); 4) the development does not meet LCP required side-yard setbacks; 5) the driveway does not meet the required 12-foot width and does not provide for adequate emergency access; and 6) the development would not be compatible with the character of the neighborhood. Please see **Exhibit 6** for the appeal contentions.

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<sup>1</sup> The Coastal Act requires that the Commission shall hear an appeal unless no substantial issue exists with respect to the grounds on which the appeal was filed under Section 30603 (see Section 30625(b)(2)). Section 13115(c) of the Commission’s regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue: 1) the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP; 2) the extent and scope of the development as approved or denied by the local government; 3) the significance of the coastal resources affected by the decision; 4) the precedential value of the local government’s decision for future interpretations of its LCP; and 5) whether the appeal raises only local issues, or those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

## E. Substantial Issue Determination

### Lot Size

The Appellants contend that the subject lot does not meet the LCP's minimum lot size requirements for the R1 zoning district, including alleging that the County incorrectly calculated the total lot size by including a common right-of-way easement located on the adjacent neighbor's property. The LCP's minimum lot size for the applicable R1 zoning district is 6,000 square feet, where a "lot" is defined as a legally defined parcel or contiguous group of parcels in single ownership or under single control, usually considered a unit for purposes of development (LCP Section 26C-12). Please see **Exhibit 7** for the full text of the relevant LCP provisions.

According to the grant deed for the subject property (see **Exhibit 2**), the Applicant's lot is 3,644 square feet, on which a 5-foot easement applies for the shared driveway. The Applicant also holds a 5-foot easement over a portion of the neighbor's property to the southeast). In determining the total lot size, the County incorrectly included the 5-foot wide common right-of-way easement on the *neighbor's* property. Thus, the County found that the total lot size was 4,138 square feet when it is actually 3,644 square feet.

Because the lot is 3,644 square feet when the minimum lot size is 6,000 square feet, the appeal allegation is true. However, the LCP's minimum lot size requirements are applied when lots are *created* and are not explicitly applicable to single-family residential development on existing legal (see also below) lots. Here, no new lot is being created, rather the proposal is for a residence on an existing legal lot, even if substandard.<sup>2</sup> Further, to the extent an argument is made that the substandard lot size here means that a residence should not be developed, the lot is designated by the LCP for such residential use, and the proposed development does not otherwise have significant coastal resource impacts. Thus, in this particular case, this allegation does not rise to the level of a substantial issue.

### Lot Legality

The Appellants assert that the subject lot is not a legal lot because the original 1902 deed that describes the land including 1010, 1020, and 1030 Highway 1 as one large parcel and not four smaller ones (see **Exhibit 6**).<sup>3</sup> In support of this claim, the Appellants assert that property distribution documents from 1951 are the first time the four parcels were called out separately. They further assert that the actual 4-lot division occurred as a result of then landowner Perry F. DeBolt leaving the property to his four heirs in 1946, who executed deeds of conveyance and apportioned the property amongst themselves in 1951. In short, the argument is that the properties, both the

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<sup>2</sup> Not every substandard legal residential lot could necessarily be developed with a residence though, including as very small lots may be simply incapable of accommodating such residence. That is not the case here. In such cases, however, the question would likely entail consideration of whether disallowing the residence might constitute a takings, and steps that the decision-making body might need to take to avoid such an outcome.

<sup>3</sup> 1030 Highway 1 is comprised of two of the four parcels.

Applicant's lot that is the subject of this appeal as well as the Appellants' adjacent lots, were created in the 1940s and 1950s. Further, it appears that at least one of the Appellant's neighboring lots is less than 6,000 square feet (1010 Highway 1 is 4,356 square feet) and thus, similarly substandard. The County asserts that the Applicant's lot is legal, and available evidence does not show that it is not.<sup>4</sup> As such, the County considers the lot to be a legal lot, albeit one that is non-conforming with respect to lot size. Thus, this allegation does not rise to the level of a substantial issue.

### Lot Coverage

The Appellants contend that the proposed development exceeds the LCP's maximum allowable lot coverage, which, as applicable here, is 40% (LCP Section 26C-102(e)), and where "lot coverage" is defined as the portion of a lot encumbered by structures and impermeable vehicular traffic/parking areas (where permeable driveways, uncovered decks less than 30 inches in height, and roof overhangs less than one-foot wide are excluded) (LCP Section 26C-12). Please see **Exhibit 7** for the full text of the relevant LCP provisions.

The County approved project includes a residence and attached garage with a total footprint of 1,056 square feet, in addition to the existing approximately 498 square-foot portion of the paved driveway, plus a 50 square-foot concrete apron to connect the driveway to the garage, for a total coverage of 1,604 square feet.<sup>5</sup> Therefore, the proposed lot coverage is 44%, or 146 square feet more than is allowed by the LCP's 40% maximum coverage limit.<sup>6</sup>

However, in this case, this minor area of additional lot coverage does not result in any kind of significant impacts to coastal resources. In fact, the distinction, especially for a relatively small in-fill lot such as this, is insignificant, and any increase in lot coverage is offset by the inclusion of a setback from Highway 1 in line with the surrounding development and incorporation of native landscaping surrounding the residence. Further, a part of the reason that there is additional coverage on this lot is to provide paved driveway for the inland and neighboring Appellant, and not to serve the Applicant's proposed residence. Thus, while the additional 146 square feet of coverage is not fully consistent with the LCP, it doesn't lead to coastal resource impacts in this particular case and does rise to the level of a substantial issue.

### Height Limit

The Appellants contend that the County-approved structure's height of 22 feet exceeds what is allowed for properties within the LCP-designated Bodega Bay Core Area/Taylor

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<sup>4</sup> And if it did, then presumably all of the lot's legality, both Applicant and Appellant, would be called into question. This would presumably raise a whole series of legal questions related to the four properties overall, and not just the Applicant's lot.

<sup>5</sup> The County determined that total lot coverage was 1,616 square feet (or 12 square feet more) where the difference appears to be due to rounding or other approximations.

<sup>6</sup> The 40% maximum when applied to a 3,644 square foot lot equals 1,458 square feet.



Tract Area. LCP Section 26C-103(b)(4) limits allowable height for residential structures in the R1 zoning district to 24 feet, but the LCP also limits allowable heights in the Bodega Bay Core Area to a maximum of 16 feet. Please see **Exhibit 7** for the full text of the relevant LCP provisions.

According to the LCP, the Bodega Bay Core Area includes Taylor Tract and the residential area between Taylor Tract and Highway 1 and the proposed Highway 1 bypass. Figure VII-7 of the LCP shows a map of the proposed bypass alternatives, all of which would have encompassed the subject property within the Bodega Core (see **Exhibit 1**). Therefore, the LCP “Bodega Core” 16-foot height limit *does* apply to the subject property. However, the proposed Highway 1 Bypass was long ago abandoned by the County and is an artifact of an old LCP, which the County is currently in the process of updating. In addition, the County-approved project, which has a maximum height of 22 feet, does not cause impacts to visual resources, nor does it exceed the allowable height limit of 24 feet for properties on the east side of Highway 1, which, absent the Bodega Core designation, would be the actual height limit here. And lastly, the surrounding houses in this immediate vicinity, including those of the adjacent Appellants’ homes, are largely of similar height to the County-approved project, and therefore, this appeal contention does not rise to the level of a substantial issue.

#### Setbacks

The Appellants contend that the easterly side yard does not meet the minimum setback required for properties with side entrances. Specifically, LCP Section 26C-102(f)(2) requires a 10-foot side yard setback where an entrance to a building faces the side yard. Please see **Exhibit 7** for the full text of the relevant LCP provisions.

In this case, the entrance to the County-approved residence faces the easterly side of the lot, and, therefore, the proposed entrance to the house would be through the eastern side yard (see **Exhibit 4**). There is a distance of 10 feet from the proposed entrance of the house to the eastern edge of the lot. Therefore, the applicable LCP minimum side yard setback requirement would be met, and this appeal contention does not raise a substantial issue of LCP conformance.

#### Emergency Vehicle Access

The Appellants contend that the site is located within a scenic corridor, that all required roads and driveways in such areas are required to be at least twelve feet wide with an all-weather surface for fire and emergency purposes (per LCP Section 26C-382), and that the County-approved project includes a 10-foot driveway that does not meet these tests. In addition, this LCP Section requires turnaround areas sufficient to accommodate fire and emergency equipment adjacent to each residential structure via a circular turnaround (minimum diameter of 90 feet) or a hammerhead turnaround (minimum centerline radii curvature of 50 feet).

In this case, the subject property is located immediately adjacent to Highway 1 within the Highway 1 scenic corridor, and thus the referenced requirements are applicable here. The County-approved project’s driveway is all-weather but only a little over 10 feet in width (with additional clearance space of a few feet on either side) and without any

dedicated turnaround features (although the project does include a gravel parking area at the end of the driveway adjacent to the residence with a width of approximately 15 feet which would provide some space for vehicles to turn around). As such, it doesn't technically meet the requirements specified. However, the plans for the County-approved project were submitted to County Fire which had no objection to the proposed use of the existing 10-foot wide driveway or adjacent 15-foot wide turn around area. And in fact, this condition is what already exists and is relied upon by the two adjacent neighbors who share the driveway, including the Appellants' homes that are also within the Highway 1 scenic corridor. In addition, there is also a larger paved parking area adjacent to the northeast property boundary on the adjacent parcel which also could be potentially used as a fire turnaround in the event of an emergency. And finally, the objective of LCP scenic corridor section is to protect the scenic corridor, and the corridor is better protected by the County-approved project than by a project that sought to provide a 12-foot driveway and a 90 to 100-foot diameter emergency turnaround. Therefore, this appeal contention does not rise to the level of a substantial issue.

#### Neighborhood Compatibility

The Appellants contend that the general appearance of the proposed residence would not be compatible with the character of the neighborhood, with a particular emphasis on the setback and height issues discussed above. The LCP protects community character and neighborhood compatibility through several policies which apply certain design criteria and require visual compatibility with surrounding areas. For example, LCP Visual Resource Protection Policies 10 and 11 recommend that structures be designed compatible with existing community characteristics; relate in size and scale to adjacent buildings; and be located and designed to minimize the impacts of noise, light, glare, and odors on adjacent properties and the community at large. Please see **Exhibit 7** for the full text of the relevant LCP provisions.

The proposed development site is surrounded to the west and east by two-story, single-family residential development constructed of natural colors and materials, with pitched roofs. As shown in the photo simulation in **Exhibit 3**, the County-approved project would also be a two-story single-family residence with a pitched roof similar in size and scale to the surrounding residential development as seen from Highway 1. The residence would be surfaced with natural materials and colors compatible with the surrounding development and would also meet LCP required side yard setbacks as discussed above. Additionally, the project will not create any additional noise, light, glare, or odors not associated with normal residential development on adjacent properties or the community at large and, therefore, does not appear to be inconsistent with LCP requirements for neighborhood compatibility.

In summary, as sited and designed the project would blend appropriately into the established community character of this particular part of the Bodega Bay area. The project is sited and designed to be visually compatible and integrated with the character of surrounding neighborhoods and areas, as required by the LCP. For all the above reasons, this contention does not raise a substantial issue of LCP conformance.

### Other Contentions

The Appellants also raise contentions related to process and adequate noticing. For example, one contention raised was that a neighbor (now Appellant) did not receive notice of the project. However, the County's records indicate that proper notice for the item was mailed consistent with LCP provisions. These contentions do not raise a substantial issue of LCP conformance.

### Five Factors

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction 'de novo' over the CDP application for such development. At this stage, the Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As set forth in the Commission's regulations at 14 CCR 13115(c), the Commission may consider the following five factors in its decision of whether the issues raised in a given case are "substantial": the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance. First, there are some issues for which the County did not have adequate factual support. For example, the County erred in calculating the lot size and subsequent lot coverage percentage, as well as when it determined that the site is not within the Bodega Core.

For other issues, however, the County's record does include adequate factual support. For example, the County's record includes information on the neighboring house sizes, photographs of the site and surrounding neighborhood, and photographic simulations of the proposed new residence, all supporting the finding that the project would be consistent with surrounding community character. In sum, there is adequate factual and legal support for some, but not all, of the County's findings. Thus, although this factor weighs in favor of a finding of substantial issue, it does not strongly weigh in favor of such a finding.

The second factor is the extent and scope of the development approved by the County. In terms of lot coverage, although the development is 4% larger than is allowed by the LCP, the development in this case is quite limited, and this increase will have minimal impacts to coastal resources, including visual resources. Similarly, although the project does not meet the required 16-foot height limit for the Bodega Bay Core Area (an area encompassed by the Highway Bypass that is no longer proposed), the additional 6 feet do not create any significant impacts to coastal resources, including visual resources, including as the neighboring buildings are also two-stories. And lastly, although the driveway does not meet the minimum required width or emergency turnaround size

requirements, this driveway is already relied upon by two other surrounding developments currently, there is ample turnaround space on the property just north of the subject site, and County Fire did not object to its continued use. Finally, the County-approved project meets the required side-yard setbacks here. Thus, the project is limited to construction of a small single-family house in an urban area of Bodega Bay. This second factor, therefore, weighs in favor of a finding of no substantial issue.

The third factor is the significance of the coastal resources affected. The County's findings demonstrate that the primary coastal resources that may be affected by the proposed project are visual resources and community character. While the County-approved project is slightly inconsistent with the strictly applied LCP zoning requirements, the size and scale of the design matches that of the surrounding neighboring houses and would fit in with the character of the area. Additionally, the project would be adequately set back from Highway 1 and would include significant landscaping to help soften visual transition and would be constructed of natural colors and materials. Thus, while the resources at issue are important, the project is not expected to result in significant impacts to them. Thus, this factor weighs in favor of a finding of no substantial issue.

Likewise, with regard to precedent, the County's decision sets no particular precedent for LCP interpretation, as the project does not differ in any significant way from the surrounding developments. Because the project does not result in any significant adverse coastal resource impacts, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP. The fourth factor therefore supports a finding of no substantial issue.

And finally, the appeal raises particularly local issues that do not appear to extend past the immediate neighborhood, so the project does not rise to the level of statewide significance, and the fifth factor supports a no substantial issue determination.

In sum, while the first substantial issue factor could support a finding of substantial issue, the remaining four factors weigh in favor of a determination of no substantial issue. Taken together, particularly because the proposed project is expected to have minimal, if any, impacts on coastal resources, these factors support a determination that the appeal does not raise a substantial issue.

## **F. Conclusion**

For the reasons stated above, the Commission finds that Appeal Number A-2-SON-20-0042 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and the Commission declines to take jurisdiction over the CDP application for this project.

**Appendix A – Substantive File Documents<sup>7</sup>**

- Sonoma County CDP Application CPH16-0009
- Sonoma County Board of Zoning Adjustments Staff Report regarding CDP Application CPH16-0009 (December 20, 2018 hearing)
- Sonoma County Board of Supervisors Staff Report regarding CDP Application CPH16-0009 (July 14, 2020 hearing)

**Appendix B – Staff Contact with Agencies and Groups**

- Sonoma County Permit and Resource Management Department

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<sup>7</sup> These documents are available for review from the Commission's North Central Coast District office.