

## **CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: [WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



# **F10a**

**A-2-SON-22-0015 (Chang SFD)**  
**June 10, 2022**

**CORRESPONDENCE**

**From:** [Margaret Briare](#)  
**To:** [Ainsworth, John@Coastal](#)  
**Cc:** [Benham, Peter@Coastal](#); [Rexing, Stephanie@Coastal](#); [JoGinsberg@coastal.ca.gov](#)  
**Subject:** Hearing on Commission Appeal No. A-2-SON-22-0015 scheduled for June 10, 2022  
**Date:** Friday, June 3, 2022 10:47:50 AM  
**Attachments:** [Permit CPH18 Sub. Issues.pdf](#)  
[wetland map01062022.pdf](#)

---

Dear Director Ainsworth,

The appellants of this hearing are asking for your help in seeing that a fair and honest hearing on the above appeal be held at a later date. Staff's recommendation of "no substantial issues" has brought out much new and important information that cannot be brought out in three minutes of testimony allowed for the hearing scheduled in San Diego. A Waiver of the 49 Working Day Rule was signed and completed by the Appellants for consideration at the next possible Commission meeting in Northern California and was returned to the Commission in a timely manner.

We are also attaching a three-page list of just some (12) of the important substantial issues that are adherent to our appeal, along with relevant material. We have been hampered by the hacking of our various computers and the difficulty this has caused in getting information to you. We would appreciate an acknowledgement from staff that the attachments were properly received.

We would like to make you aware that Sonoma County Board of Supervisors and County Administrator's Office have signed an Agreement (2022-0512) for Management Services with Berry Dunn McNeil & Parker LLC (dba Berry Dunn) with regard to an evaluation of Permit Sonoma's programs and operational and organizational effectiveness in dealing with Coastal permitting issues, etc. Information regarding the handling of our appeal is being sent to them for their consideration. This will play a significant role in exposing Permit Sonoma's questionable actions in dealing with coastal issues in the unincorporated areas of Sonoma County.

We thank you for your time and effort. A reply would be appreciated.

Sincerely,

Margaret Briare  
On behalf of Bodega Bay Concerned Citizens and Save the Sonoma Coast

## SUBSTANTIAL ISSUES EXISTING WITHIN APPEAL NO. A-2-SON-22-0015

1. Permit CPH18-0009 issued on 2/02/2016 has expired. Starting date of 3/26/18 not achieved.
2. Original application and permit was for 900 Hwy. 1, Bodega Bay, the actual address for the gas station at the Inn At The Tides. The address change was penciled in by Planner Jennifer Faso, but it was not changed on deeds, reports, studies, etc.
3. No necessary EIR or MND, traffic study, etc. was ever prepared for the project.
4. No permits from other agencies were sought nor received. Any construction project that drains into the bay must have permitting approval from U. S. Corps of Engineers. U. S. Fish and Wildlife and North Coast Regional Water Quality Control Board before a project can be approved. Agencies are being contacted by appellants.
5. No filtration system was ever installed for Harbor View development as called for in Coastal Commission Exhibit No. 8, Application No. A-1-SON-94-120 . Construction wastes, herbicides, pesticides, petroleum products, contaminated soil, etc. are allowed to enter bay waters unabated. The Chang project will become a part of the pollution problem as it will be hooked up to the Harbor View drainage system and will drain into the bay due to the natural slope of the land.
6. Permit Sonoma erred in altering the original Ryan (Bodega Bay Sunset Property) parcel by changing the zoning from Commercial to PC, CC, G, SR to allow for a larger project to be constructed. The APN was also changed to 100-100-031. This was accomplished without the approval of the Board of Zoning. Information as to when and why these changes were made is not contained in the public files. The need to generate the permit history for this parcel was wrongfully eliminated.
7. The deed issued by Bodega Bay Sunset Property to Vincent Chang still carries the incorrect address of 900 Hwy. 1, the gas station at the neighboring Inn At The Tides. It was issued and signed on April 17, 2017 after the Coastal Permit had already been issued by Permit Sonoma. Actual ownership of the property at 153 Harbor View Way is unknown at this time. Sonoma County Code, section 26C-250A through 26C-252 states that no structure intended for human occupancy can be placed across the trace of an active fault or within 50 ft. of the surface trace of any fault. The property lies within the Alquist-Priolo Special Studies Zone and special geologic reports are required for any development carrying a “G”

zoning designation. The study that was a part of the application did not contain all necessary information with regard to the Geologic Hazard Area Combining District. A geological study can only be reviewed and approved by a licensed geologist working with the USGS. Early reviews by the State Department of Mines and Geology questioned the stability of the site. While most of the information from Mines and Geology has been removed from the public files, we have all the information in our files and it is available upon request.

8. The designation “SR” was given to the project. Sonoma County Code Sections 26C-220A through 26C-222 describe maximum building heights, minimum lot setbacks, lot areas, lot widths, yard requirements, maximum percentages of lot coverage and setbacks in order to preserve the visual character and scenic resources of lands within the County. The project in question does not meet most of the requirements for approval.
9. The Coastal Zone requirements for this area specifically state that the use must be necessary or desirable. The Coastal Act contains policies that encourage the protection of, and continued biological productivity of marine resources and environmentally sensitive habitat areas. Section 3023, Item 8 (c) (attached) is of specific interest as it pertains to this area and project and states: **In addition to other provisions of this section, diking, filling or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including but not limited to the 19 coastal wetlands identified in its report entitled “Acquisition Priorities for the Coastal Wetlands of California” shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay...**The wetland in Parcel A, with a portion that is within and adjacent to this project is one of the 19 coastal wetlands listed in this statute. It is under the jurisdiction of the U. S. Department of the Interior and is to be protected at all costs, as were the trees that were removed earlier this year and sold to woodworkers to be made into coffee tables, etc. The wetland was once an important part of the Pacific Flyway before development of Harbor View. Mitigation has yet to take place.
10. Applicant does not have an independent contract for water and sewer from the Bodega Bay Public Utility District. Instead, he plans water and sewer to be hooked up to the system



adopted for the Harbor View development. Hooking up to the Harbor View system will require a special permit before permission can be granted for all necessary easements. As to propane delivery, the remainder parcel set aside for a possible bypass needed because of traffic restrictions has been given over to Blue Star Gas by R. J. Battaglia. Ten large underground tanks have been installed without proper permitting for use in Harbor View Development. This issue will be brought up in a future review as the tanks were installed within a major fault area and pose a danger to the environment, residents and the public in general should an earthquake or natural disaster occur. Any leakage or damage would go directly into bay waters and a special permit is needed but was not obtained. In addition, ownership of this remainder parcel is in question. It was originally a part of the Open Space District acquisition to be preserved for future use for a bypass.

11. Construction of a 3,754 square foot house for a widower who lives alone, that contains 4 bedrooms each with an individual full bath and separate entrance, one half bath within the main entrance area, a two-story 600 square foot barn/garage with no details shown on the plans brings up the possibility that the project is for commercial use as a bed and breakfast inn. This “residence” would become the largest “residence” of its kind in the area of Bodega Bay and does not meet the standards for allowable individual residences.
12. The attached map of the Federal wetland in Parcel A is the official map that was a part of the Harbor View EIR. It shows the true location and size of the wetland and its intrusion into Parcel 100-100-031. The plans submitted by the applicant for this project contain false and misleading information, some of which generated by Permit Sonoma. We find this to be especially egregious and unacceptable.

## Benham, Peter@Coastal

---

**From:** vincent chang <vincentchang26@gmail.com>  
**Sent:** Thursday, June 2, 2022 10:55 AM  
**To:** Benham, Peter@Coastal  
**Subject:** Fwd: topic 10a. for coastal commisssoners to review. Chang residence. 153 harbor view way. bodega bay ca.

----- Forwarded message -----

From: **vincent chang** <[vincentchang26@gmail.com](mailto:vincentchang26@gmail.com)>  
Date: Thu, Jun 2, 2022 at 10:53 AM  
Subject: topic 10a. for coastal commisssoners to review. Chang residence. 153 harbor view way. bodega bay ca.  
To: <[osw@coastal.ca.gov](mailto:osw@coastal.ca.gov)>

I need Briard to submit my three page response to coastal commissioners for my meeting on June 10th friday 9 am. topic 10a. vincent changs residence proposal. The 3200 s.f house on one and a half acres has been approved by board of supervisors sonoma county my unanimous approval on april 5th of this year. We had a community review meeting a year before that and nobody showed up. Now they want to complain. The concerned citizens of bodega bay spearheaded by Maggie Briars. For the record. I have tried to reach out to maggie and her supporters to see what they want, I have had zero response, I called and emailed. My phone number is 415 524-9413. you can call if any questions or problems. I will try to attend the meeting on friday, but dont do zoom and will try to call in etc. I would like the commissioners to approve my house plans and oversee the sonoma county planning process. I dont see why it takes six years to get to this stage. I dont think anyone wants to develop anything if it takes that long. It is a simple house and there are 70 new homes for sale right next to me. I dont think any of the objections are reasonable. I am well out of the half acre wetland. I believe Maggie is just a racist old karen. She objects to me building a nice house. I think she just wants people to buy her properties. She owns a big house down the road. Restrict the supply, and her house price goes up. I think she is motivated by greed and racism. I think minorities have right to use the coast too. I am hoping this message reaches the commissioners. The same thing that happened to the bruce family in redondo beach is happening to me now. different century. same thing. each hearing delays my plans for a year to several months. justice delayed is justice denied. It cost me over 4000 dollars for the last hearing. the county charges me 160 an hour just to prepare for the hearing. She lost, she should pay my fees. I am taking her to small claims court for wasting my time and money. I cant show up in san diego. 600 miles away. I am hoping to appear by zoom or phone. I can answer any objections, call me at 415 524-9413. but I doubt anyone will even show up. Vincent Chang. concerned land owner. 153 harbor view way. resident of california coast for 62 years. Maggie wants to call fish and game and army corps of engineers. please help intervention needed. She needs to get a life. Look forward to speaking to you by phone on friday. please distribute to commissioners.



MEMO

DATE: June 7, 2022

TO: Peter Benham, North Central Coastal Planner  
FROM: Jennifer Faso, Project Planner

SUBJECT: A-2-SON-22-0015 CC File No.  
CPH18-0009 Permit Sonoma File No.  
153 Harbor View Way, Bodega Bay  
APN 100-100-031

---

1. **Permit Sonoma Coastal Permit application CPH18-0009 has not been issued and therefore has not expired.** The appellants have stated that the permit was issued on 2/02/2016 and that it has expired. This is not a correct statement. The following is a list of dates relative to this application. Please note that the protocol for naming Permit Sonoma Project Review files to note the file type and the year it is submitted followed the number of applications received. In this case CPH18-0009, Coastal Permit submitted in 2018 and it is the 9<sup>th</sup> coastal permit submitted that year.
  - 04/24/2018 Application Submitted.
  - 01/4/2021 Application deemed complete.
  - 04/22/2021 Application Approved by Board of Zoning Adjustments.
  - 04/29/2021 Appeal of Board of Zoning Adjustments approval filed by Margaret Briare.
  - 04/05/2022 County of Sonoma Board of Supervisor upheld the Board of Zoning Adjustments approval.
2. **Address changed to accommodate proposed project.** The assigned address for Mr. Chang's property is 153 Harbor View Way, Bodega Bay (APN 100-100-031). When the application was submitted it indicated an address of 900 Highway 1, Bodega Bay. Given that the property in question was vacant when the application was submitted there was not an official address assigned yet to the parcel. With the submittal of the application the addressing of the parcel was initiated and assigned in accordance with the existing addresses in the surrounding area. The parcel number has always been APN 100-100-031 and did not change as a result of the address assignment and is reflected in all studies and reports prepared for this application.
3. **Project exempt from CEQA.** The proposed project is a single-family residence and therefore is exempt from the California Environmental Coastal Act (CEQA) per Section 15303 Class 3(a) and



no exceptions listed under Section 15300.2 apply to this project. For this reason an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) was not required.

4. **No permits from other agencies were required.** The proposed single-family residence located within the Coastal Zone is under the jurisdiction of Permit Sonoma. Given the project type and the location of the development area approval from U.S. Corps of Engineer, U.S Fish and Wildlife, and North Coast Regional Water Quality Control Board was not required because the project did not involve Waters of the State or Waters of the United States. Furthermore the project does not involve impacts to sensitive habitat or does not involve work within or adjacent to streambeds or lakes.
5. **Subject parcel not part of the Harbor View Subdivision or development.** The subject parcel APN 100-100-031/153 Harbor View Way, Bodega Bay, was created by grant deed in 1962 (Book 1930, Page 140), and is not part of and has never been part of the previously approved Harbor View Subdivision. Therefore that approval has no relevance on this application. In regards to construction erosion concerns, building permit approval will be required prior to construction and all required County Best Management Practices related to erosion and sediment control will be required and followed.
6. **Project Site Zoning and Assessor's Parcel Number (APN).** The subject parcel was created in 1962 and has not been reconfigured since its creation, except for a right of way acquisition by Caltrans (March 27, 2000 Document #2000-028754) that resulted in a new assessor parcel number parcel was previously owned by the developer of Harbor View Subdivision. However this parcel was never part of that approved subdivision or project.
7. **A street address is not a legal description.** The subject parcel APN 100-100-031/ 153 Harbor View Way is owned by Vincent Chang. The Coastal Permit in question was submitted in 2018 after Mr. Chang purchased the legal lot created in 1962. The fact that the deed references the previous address does not change the validity of the deed. The deed describes the property based on the legal description, not on the address assigned to the property. A street address is not a legal description. The Sonoma County Recorder's Office does not allow other County departments to provide copies of recorded documents. You would need to contact the County Recorder and request a copy of Grant Deed to Lawrence Colombo and Pauline Colombo Recorded in Book 1930, Page 140.
8. **Proposed development outside of Scenic Corridor.** The zoning for the subject parcel does include a Scenic Resource Combining zone designation however the Scenic Corridor only runs along the front section of the parcel that runs adjacent to State Highway 1. The portion of the project site where the single-family residence and associated development will be located is outside of the scenic corridor. However to ensure the proposed project is compatible with the surrounding natural and built environment the project was analyzed based on the design standards provided in the Local Coastal Plan and the Coastal Zoning Ordinance. The proposed project is consistent with the development standards as shown in the Summary Report given to the Sonoma County Board of Supervisors.
9. **Development site outside of sensitive environmental resources.** The Local Coastal Plan identifies areas along the Sonoma County Coast that contain sensitive environmental resources. This project site is not located within one of the Local Coastal Plan's identified sensitive area. A biological assessment prepared by WRA Environmental Consultants, was submitted with the application. The assessment concluded that no portion of the project area that includes the single-family residence and associated development is within designated critical habitat for any



species and no sensitive plant communities were identified. The far western portion of the project site contains seasonal wetlands however the proposed project building area will be more than 200 feet from this area.

10. **Water and Sewer to be provided by Bodega Bay Public Utility District.** The new single-family residence will be provided water and sewer from the Bodega Bay Public Utility District. In a letter dated November 26, 2019 the Bodega Bay Public Utility District indicated that the subject parcel is within their water and sewer service boundary and that water and sewer service is available. This project is not part of the previously approved Harbor View Subdivision and the approved Harbor View associated building and grading permits.
11. **Project consistent with Coastal Zoning Code development standards.** The proposed single-family residence meets the development standards allowed by the Coastal Zoning Code.
12. **Subject parcel not part of Harbor View Subdivision.** The application submitted for CPH18-0009 included a biological assessment prepared by WRA Environmental. The assessment identified a sensitive biological community in the western corner and at the lowest elevation of the project site. This area is more than 200 feet from the construction site of the single-family residence and associated development. Avoidance of this habitat by the proposed development will result in no impacts.



---

**From:** Laura Morgan <[thesquig@yahoo.com](mailto:thesquig@yahoo.com)>  
**Sent:** Tuesday, June 7, 2022 5:05:44 PM  
**To:** Ainsworth, John@Coastal <[John.Ainsworth@coastal.ca.gov](mailto:John.Ainsworth@coastal.ca.gov)>  
**Cc:** Margaret Briare <[briarepach@aol.com](mailto:briarepach@aol.com)>  
**Subject:** Fwd: Wetland & Hazards Maps for Bodega Bay permit appeal

Dear Mr Ainsworth,  
We hope that you and yours are well.

Due to technical difficulties, Margaret Briare has asked that I send you the documents she has gathered in support of our continued efforts to appeal the permit for construction at 153 Harbor View Way. There is one more to follow.

Thanks so much for your consideration,

Laura Morgan  
Save the Sonoma Coast

Begin forwarded message:

**From:** Margaret Briare <[briarepach@aol.com](mailto:briarepach@aol.com)>  
**Date:** April 22, 2022 at 12:25:19 PM PDT  
**To:** [thesquig@yahoo.com](mailto:thesquig@yahoo.com)  
**Subject:** Wetland & Hazards Maps  
**Reply-To:** Margaret Briare <[briarepach@aol.com](mailto:briarepach@aol.com)>



This letter was written by a Registered Certified Geologist on behalf of the State of California Division of Mines and Geology regarding geologic approvals given by the County of Sonoma. The facts outlined in this letter pertain to all building within Sonoma County and especially within the Alquist-Priolo Fault Zone and involving the San Andreas Fault.

The application of Vincent Chang is especially impacted by records contained within the files of the California Division of Mines and Geology. We have full and complete records from the CDMC regarding Harbor View Development and the surrounding area you probably will not find in the County records due to the conflict going on at the time of approval.

Subject: **Preliminary Review of Earthquake Fault Hazard Investigations, Harbor View Subdivision, Bodega Bay California.**

#### INTRODUCTION

In accordance with your request, I have reviewed information in your files concerning prior investigations of the earthquake fault hazard affecting the proposed Harbor View Subdivision. The purpose of the review was to determine whether prior investigations of the earthquake fault hazard affecting the proposed project conform to the statewide standards of care for geologic practice required by documents referenced in this report.

The review incorporated my 11 1/2 years of experience as an Engineering Geologic reviewer in the Los Angeles County Department of Public Works and subsequent approximately 26 years as a geologic consultant on a variety of projects, including several like proposed Harbor View. The scope of the review consisted of the following:

- 1) Review of documents in your files.
- 2) Preparation of this report.

#### REVIEW FINDINGS

A portion of the proposed project is located within an active fault zone, as designated on the Bodega Head Quadrangle of the State of California Earthquake Fault Zones Map. The Alquist-Priolo Earthquake Fault Zoning Act was signed into law on December 22, 1972 and prevents construction of habitable structures over the traces of active faults. The detection of active faults in a Alquist-Priolo Zone requires extensive investigation by a qualified geologist.

The Act (Section 3603.5) "Requires cities and counties to review geologic reports for adequacy" (Reference 1). The qualifications of city and county personnel performing



the reviews and the required content of the reports being reviewed are specified in References 2 and 3 respectively. Reference 2 states "In California, the reviewer must be licensed by the State Board of Registration for Geologists and Geophysicists in order to practice".

Any geologic approvals by Sonoma County of the proposed Harbor View project which do not conform to the requirements of References 2 and 3 are meaningless. Unfortunately, Sonoma County personnel chronically disregard the requirements of References 2 and 3. An example is the attached letter of warning regarding unlicensed practice of geology by Planner Segrid Swedenborg, issued by the State Board of Registration for Geologists and Geophysicists in 2005. The impetus for this letter was Swedenborg's intentional misrepresentation of the landslide hazard affecting a proposed winery site under Planning Department review.

The proposed Harbor View project has been the subject of fault hazard investigations by various geologic consultants since the early 1990's. State level reviews of these consultant reports indicate serious reservations by the state geologists about the quality of the consultant reports. Some examples are provided below:

California Division of Mines and Geology Memorandum dated December 16, 1992

In this memo from Trinda Bedrossian, CDMG Supervising Geologist to Dave Beebe, CDMG Principal Geologist, Bedrossian states "Study of the trench logs reveals tensional features that could be of recent tectonic origin, or more likely, evidence of lateral spreading that could recur under strong seismic shaking and mild liquefaction. These and associated sag pond-like features were not analyzed by the consultants. ERP believes that the attached updated letter should be sent to Sonoma County, for it is in their and DMG's best interest to avoid potential liability problems that could result in the next major earthquake".

California Division of Mines and Geology Letter dated December 16, 1992

In this letter from Roger C. Martin, CDMG Senior Engineering Geologist to Melanie Perry, Sonoma County Planning Department, Martin states "The geologic and geotechnical reports reviewed for this project may not provide full feasibility assessment of geologic conditions on the site. They do not clearly explain the above named features, and they do not contain the additional exploration or soil testing needed to assess the liquefaction potential".

California Division of Mines and Geology Memorandum dated March 8, 1993

In this memo from Roger C. Martin, CDMG Senior Engineering Geologist to Trinda Bedrossian, CDMG Supervising Geologist, Martin states, in reference to the geologic consultant's fault trench log, "Analysis of the trench log indicates poor quality, i.e., lack



of geologic and soils details, and virtual absence of geologic interpretation and analysis of features, notably the sand-filled fractures that were logged".

California Division of Mines and Geology Letter dated July 20, 1993

In this draft letter from Stephen E. Oliva, CDMG Acting Environmental Program Coordinator to Melanie Perry, Sonoma County Planning Department, Oliva states "We feel that the fault rupture trench study was **primitive and inconclusive** (emphasis added) and that a new Special Studies Zones investigation, preferably by a registered geologist experienced in Quaternary geology, is appropriate to explain the significance of the sand filled fractures and also the geomorphic depressions at the site".

### CONCLUSION

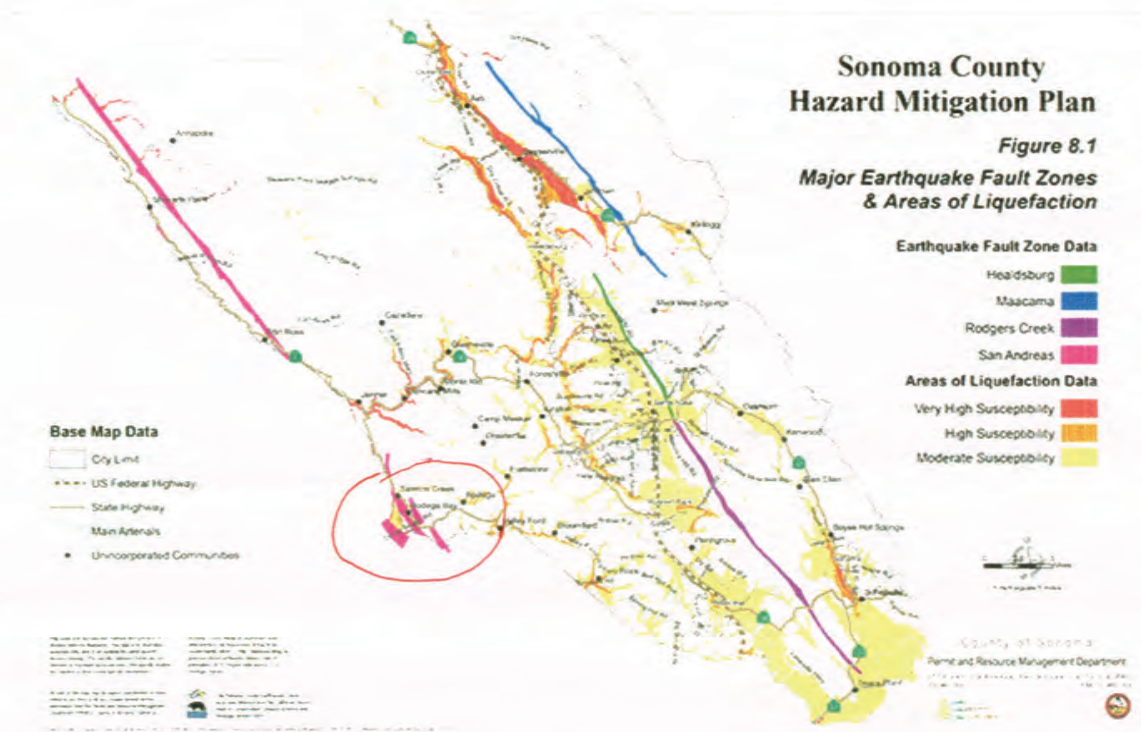
The California Division of Mines and Geology has raised some major red flags concerning the potential earthquake fault and stability hazards affecting the site. As stated above, any geologic approvals by Sonoma County of the proposed Harbor Vista project which do not conform to the requirements of References 2 and 3 are meaningless.

### RECOMMENDATION

It is recommended that the services of a geologist, highly skilled and experienced in fault investigations, be obtained by the County to review all geologic reports submitted by the applicant. That geologist should be from outside of Sonoma County to avoid any conflict of interest. This is explained in Reference 2 as follows: "A different type of conflict commonly exists in a jurisdiction where the geologic review is performed by a consulting geologist who also is practicing commercially (performing geological investigations) with the same jurisdictional area. Such situations should be avoided, if at all possible". It is simply not possible to avoid a conflict of interest or an apparent conflict of interest in performing a peer review of a competitor's work done for an entity that is also the reviewer's client or potential client.

## REFERENCES

1. *Fault-Rupture Hazard Zones in California*, California Division of Mines and Geology Special Publication 42.
2. *General Guidelines for Reviewing Geological Reports*, by State of California Mining and Geology Board, May 9, 1996.
3. *Geologic Guidelines for Earthquake and/or Fault Hazard Reports*, Board of Registration for Geologists and Geophysicists, July 1998



**From:** [NorthCentralCoast@Coastal](mailto:NorthCentralCoast@Coastal)  
**To:** [Benham, Peter@Coastal](mailto:Benham.Peter@Coastal)  
**Subject:** FW: Public Comment on June 2022 Agenda Item Friday 10a - Appeal No. A-2-SON-22-0015 (Chang SFD, Bodega Bay)  
**Date:** Wednesday, June 8, 2022 11:31:42 AM

---

**From:** Greater Cherry Neighborhood Association <greatercherry@gmail.com>  
**Sent:** Wednesday, June 8, 2022 11:25 AM  
**To:** NorthCentralCoast@Coastal <NorthCentralCoast@coastal.ca.gov>  
**Subject:** Public Comment on June 2022 Agenda Item Friday 10a - Appeal No. A-2-SON-22-0015 (Chang SFD, Bodega Bay)

We support the approval of Mr. Chang's permit. It went through all due process requirements. It's highly unlikely the Commission overlooked any issue that would be contrary to the Commission's responsibilities. Maybe he will be able to build his home soon.

Eric Fraser  
TRUTH IN TOURISM  
707.479-8247