

Local Coastal Plan (LCP) Ad Hoc Committee Board Presentation

MARCH 15, 2021

Charter

Responsibilities

- The Local Coastal Plan Committee is an advisory committee to the Board of Directors. The Committee shall provide recommendations of options that add to or change the current LCP proposal submitted by the County of Sonoma.

Tasks of the committee

- The Committee will represent the interests of the Homeowners and constructively collaborate with the Board of Directors and General Manager to support the goals of the community pursuant to the BHHA Governing Documents, CC&R's, Bylaws and Rules and Regulations duly adopted by the Board.
- The Committee will review the draft Local Coastal Plan and make recommendations of options that will add to or amend the current LCP proposal submitted by the County of Sonoma.

REMINDER—We encourage everyone to participate as an individual in this process through the County

Committee Members/Assignment and Advisors

Members:

- Allen Rice - Experience: Commercial Development managed several residential developments.
Assignment: Public Facilities
- Chris Stoessel – Experience: Engineer worked with CERT and Community Rules and LCP Project.
Assignment: Public Safety and Public Access
- Ellen Robb - Experience: Retired California Attorney (JD Yale, LLM NYU). Assignment: Open Space
- Greg Kirsch – Experience: Commercial Real Estate Law and Development worked with transit.
Assignment: Transit and Noise.
- Neal Gutterson – Experience: PhD Molecular Biologist and C-Level experience at Ag companies.
Assignment: Agriculture and Water
- Tracy Amiral – Experience: MBA and Current BBHA Vice President. Assignment: Land Use.

Advisors:

- Caroline “Cea” Higgins – Expert on LCP and Executive Director of Coastwalk California
- Dana Kueffner – Design Review Committee
- Kate Hecht – BHHA Board Liaison
- Anna Taylor –BHHA General Manager

Background: Bodega Harbour Early Development

- The Bodega Harbour Community is a Planned Unit Development originally planned by TRANSCENTURY Properties.
- The original Master Plan was approved in 1974.
- After the Coastal Act was enacted in 1976, TRANSCENTURY and the Coastal Commission reworked the Plan:
 - The number of residential units was reduced by about 500 to a maximum of 725 single-family homes, of which up to 134 are permitted in North Harbour, remainder in South Harbour
 - Multiple unit structures were eliminated; also, no detached structures are allowed
 - Public access trails and facilities were added
 - Requirements regarding height, massing, ground coverage, grading, and appearance were added; waivers of these requirements are not permitted
- In 1977, a Settlement Agreement and Stipulated Judgment (“Stipulated Judgment”) incorporating the above terms and others was approved by the court.

Background: Public Access and Public Use

The Stipulated Judgment includes terms for public access and public use:

- All ocean front land plus other specified acreage formerly owned by TRANSCENTURY was transferred to Sonoma County
- Two public pedestrian easements were created --
 - Mockingbird Road through Pinnacle Gulch to the ocean, together with a parking lot on the north side of Mockingbird for approximately 20 vehicles
 - Off Osprey Drive, to connect with the Short Tail Gulch trail

The Sonoma County Parks and Recreation Department is responsible for ongoing maintenance of these pedestrian easements

- The 18-hole golf course is required to be open for public use subject to reasonable fees

Background: Bodega Harbour Today

- More than 90% complete -- fewer than 60 lots remain undeveloped
- The community is formally overseen and managed by the BHHA (homeowners' association)
- BHHA and members are subject to:
 - 1986/2014 California Davis-Stirling Act
 - Federal laws such as Fair Housing, ADA and IRC, and various local regulations and ordinances
 - Covenants, Conditions and Regulations (CC&Rs) which are publicly recorded and amended by vote of the association members, as necessary.
 - Community Rules dealing with rights, obligations, expectations of owners
- Residents work in the local community, and serve on local boards and within local organizations and view themselves as part of the greater Bodega Bay community
- Homes are occupied by a full-time owner-residents, part-time owner-residents and renters, under both long-term and short-term leases.

LCP Elements

- Land Use
- Agricultural Resources
- Open Space and Resource Conservation
- Public Access
- Water Resources
- Public Safety
- Circulation and Transit
- Public Facilities and Services
- Noise

LCP Element: Land Use

- **Recommended BHHA input to County – Primary Focus Points:**
 - Importance of the Introduction and History to set understanding of our identity and rights
 - Water Permits
 - Accessory and Junior Dwelling Units
 - Vacation Rentals
- **Notes for BHHA Review**
 - Request consideration for water prior to issuing new permits
 - Request exclusion from ADU and JDU
 - Request inclusion of Community Rules and participation in all decisions on VR in Harbour
- **Missing Elements**
 - Workshop and proposed County request regarding Vacation Rentals

LCP Element: Agriculture

- **Recommended BHHA input to County – Primary Focus Points**

- The draft LCP would impose constraints on the conversion of agricultural land use near Bodega Bay into aquaculture use for aquaculture processing facilities.
- These proposed constraints focus largely on preventing negative impact for agricultural uses, and only one constraint speaks to potential residential impacts, in general terms.
- A specific review mechanism should be added to assess the potential impact of any new fish processing facility on surrounding residential neighborhoods. This review mechanism should take into account input from local residents and homeowner associations in a transparent process.

LCP Element: Open Space and Natural Resources

- **Recommended BHHA Input to County – Primary Focus Points:**

Review of any permit applications for mining in Cheney Gulch should take into account noise, traffic and environmental pollution and possible infringement of a conservation easement held by Sonoma County in this area.

- **Notes for BHHA Review:**

The draft LCP has numerous provisions pertaining to protection of wildlife and encouragement of alternative energy sources. The Ad Hoc Committee is not aware of any existing wildlife issues within BHHA territory. The Ad Hoc Committee suggests that as an internal matter BHHA may want to plan for greater use of alternative energy sources as emergency or back-up power in our various locations.

LCP Element: Public Access

- **Recommended BHHA input to County - Primary Focus Points:**
 - Increase LCP's focus on the impact of "Public Access" on "Public Safety" and Disaster preparedness
 - Proper resourcing & access of local first responders base
 - Update statistics for peak tourism visitor numbers and use patterns
 - Residential Conflicts and Visual Intrusions
- **Notes for BHHA Review**
 - Obtain legal review of existing signage on BHHA-owed private trails and the adequacy of the signs/other actions to protect against prescriptive easements. Suggest updating this review on an ongoing basis every 2-3 years in light of possible changes in law and facts.
- **Missing Elements:**
 - possibly input from postponed County LCP Workshop on Short-Term Vacation Rentals
- **Draft status:** largely complete, pending detailed Committee review

LCP Element: Water Resources

- **Recommended BHHA input to County – Primary Focus Points**
 - The draft LCP introduces new policies regarding run-off and management of pollution from sites as well as during development of a new site. This will impose some new requirements on developers at Bodega Harbour.
 - To facilitate permitting and the necessary studies, the board should call for Permit Sonoma to establish web resources for BMPs and to facilitate identification of qualified organizations for conduct of studies.

LCP Element: Public Safety

- **Recommended BHHA input to County - Primary Focus Points:**
 - LCP “Safety” Focus is on “built environment”, but lacks on disaster preparedness
 - Increase LCP’s focus on the impact of “Public Safety” ...
 - From “Public Access” and Tourism – “Residential Load” vs. “Peak Holiday Visitation Load”
 - On proper resourcing of local first responders base
 - Encourage establishing a Medical Clinic in Bodega Bay
 - Wildfire prevention: Value of grazing / ranching as an open space fuel mitigation technique
- **Notes for BHHA Review:**
 - Does BHHA have a “Community Wildfire Protection Plan” (CWPP)? If so, consider reviewing for alignment with County / LCP policy
- **Missing Elements:** None (input from CERT and BBFPD has been received and integrated)
- **Draft Status:** Largely complete

LCP Element: Circulation and Transit

- **Recommended BHHA input to County - Primary Focus Points:**
 - The draft LCP states that:
 - Hwy 1 operates below capacity and has no congestion issue except in ... Bodega Bay and Jenner, where ... capacity improvements are "generally not feasible..."
 - "Providing turning lanes ... is the most effective approach to improving capacity ... and this also has considerable safety benefit."
 - "Minor road improvements in Bodega Bay will not relieve traffic congestion, and establishing a bypass route has proven infeasible."
 - Capacity in Bodega Bay will remain inadequate, but there are opportunities to improve pedestrian safety and reduce dependency on cars for local trips
 - BHHA should indicate support for such improvements generally, and at specific intersections such as South and North Harbor entrances
 - BHHA should call for changes in the text where references are made to weekend periods and summer or fall months, to language simply referencing congestion during "peak use periods."

LCP Element: Public Facilities and Services

- Describes current status, projects future needs and sets policy for the following public facilities and services:
- **Water:** *Water scarcity in Bodega Bay requires careful management of resources.*
- **Wastewater Treatment:** *BBPUD sewer system in need of major renovations.*
- **Parks and Recreation:** *Impact of increased tourism requires upgraded support.*
- **Public Education:** *Bodega Bay Elementary School*
- **Fire Protection/Emergency Medical:** *Impact of increased visitor demand is creating a crisis in services*
- **Law Enforcement:** *Current law enforcement inadequate due to impact of increased tourism.*
- **Solid Waste Management:** *No known issues with trash collection*
- **Public Utilities:** *Electricity, natural gas, broadband, and telephone services*
- **Youth/Family Services:** *Housing, recreation, childcare and other support services*

Noise

- **Recommended BHHA Input to County – Primary Focus Points**
 - The draft LCP calls for encouraging the California Highway Patrol to actively enforce sections of the California Vehicle Code relating to adequate vehicle mufflers and modified exhaust systems.
 - The Board should express strong support for this initiative, as loud motorcycles and other vehicles without adequate noise control on State Highway 1 are a significant source of noise pollution affecting BHHA.