



# Sonoma County Board of Zoning Adjustments STAFF REPORT

Sonoma County Permit and Resource Management Department  
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**FILE:** PLP08-0011  
**DATE:** July 23, 2009  
**TIME:** 1:35 p.m.  
**STAFF:** David Hardy

Appeal Period: 10 calendar days

## SUMMARY

**Applicant:** Olmsted and Associates

**Owner:** Sea Ranch Inn LLC

**Location:** 60 Sea Walk Drive, Sea Ranch  
APN 122-200-009 Supervisorial District No. 5

**Subject:** Use Permit, Coastal Permit, and Variance

**PROPOSAL:** Request for a Use Permit, Coastal Permit, and a Variance to exceed height limits for several buildings for the proposed expansion at the Sea Ranch Lodge to include 60 lodging units, reuse of original Post Office building (8,504 square feet) with retail and commercial uses, and a new 23,882 square foot administration building, restaurant and lounge, on a 52 acre parcel.

**Environmental Determination:** Mitigated Negative Declaration

**General Plan:** Recreation and Visitor Serving Commercial

**Specific/Area Plan:** Local Coastal Plan  
**Land Use:** Visitor Serving Commercial

**Ord. Reference:** Coastal Zoning Ordinance Sec. 26C-141 (b)(6)

**Zoning:** CT (Commercial Tourist), CC (Coastal Combining)

**Application Complete** March 29, 2009  
**for Processing:**

**RECOMMENDATION:** Approve the request for the Use Permit, Coastal Permit, and Variance subject to Findings and Conditions of Approval.

## ANALYSIS

### Background:

In 1964, the Sonoma County Board of Supervisors approved a request by Oceanic Properties for a Precise Development Plan (PDP) for the southern third of The Sea Ranch development. The PDP allowed for a lodging facility and restaurant at the current location of the Sea Ranch Lodge. The first structure at the lodge site was a building of several thousand square feet containing offices, a store, and a

post office. In 1968, Oceanic added an extension to the building that included a new restaurant and real estate sales office, and a 20-room lodging facility was constructed next door on the same property. The property is served by The Sea Ranch Water Company and a private septic system located between the lodge and the bluffs.

In 1972, California voters approved Proposition 20, the Coastal Initiative, which created the California Coastal Commission and Regional Commissions to implement the initiative. In 1976, the state Legislature passed the Coastal Act, which replaced Proposition 20 and mandated local governments to prepare a Local Coastal Plan (LCP) to regulate new development in the newly established Coastal Zone. The County then set out to prepare its first LCP. Studies were prepared to address traffic impacts on Highway 1, biotic resources, etc., and these were incorporated into the LCP.

The Coastal Commission did not adopt the Coastal Plan provision with regard to The Sea Ranch due to on-going issues between the developer, The Sea Ranch Association, and the Coastal Commission related to view corridors, public access and water supply. Therefore, the Coastal Commission retained jurisdiction over The Sea Ranch area. In 1980, the Bane Bill was passed by the State Legislature, intended to resolve these on-going issues. Such resolution required that the Coastal Commission, The Sea Ranch Association and the Coastal Conservancy take certain actions prior to July 1, 1981 in order to resolve the land use dispute. The Bane Bill provided that homes built on then-existing lots at The Sea Ranch would not require Coastal Permits, that Oceanic would deed five public access points to the Coastal Conservancy, that scenic view easements would be created to protect significant views from Highway 1, and that guidelines regarding the height, siting, and bulk of future residences would be implemented, with specific criteria for each lot in The Sea Ranch. The updated LCP reflecting the Bane Bill provisions was certified by the Coastal Commission in December 1980.

One of the five specified Bane Bill beach access points is located on the Lodge property approximately a quarter-mile north of the existing Lodge entry. This easement was granted to the Coastal Conservancy, which in turn granted an easement to Sonoma County so that the Regional Parks Department could develop the existing parking lot, restroom, and trail to Black Point Beach. The easements stipulate that the location of the access could be moved at the request of the Lodge owner with the consent of the Coastal Conservancy. The parking lot is within the 100-foot wetland buffer area and portions of the trail go through the wetland.

In 1982, Sonoma County re-submitted amended Sea Ranch Coastal Plan regulations incorporating Bane Bill provisions including designation of public access provisions and the Height, Site and Bulk Guidelines adopted by the Coastal Commission. The amended Coastal Plan provisions were certified by the Coastal Commission in October 1982. Also included in that action was adoption of the amended Precise Development Plan for The Sea Ranch to implement the Planned Community zoning. That plan limited residential development to 2,329 dwelling units, and allowed for expansion of the lodge, stating:

*"An existing commercial area exists adjacent to and in conjunction with The Sea Ranch Lodge. As shown on the plan, the area northerly of the existing facilities is earmarked for future commercial expansion which may include expansion of the Lodge to 120 units and possible related expansion of the restaurant."*

Since then, there have been several different proposals to expand the lodge. In 1990, File ZC 90-785 included a request to build 60 new lodge units, a restaurant/bar, retail stores, art galleries, offices, and renovation of the existing lodge into a conference center, new access road north of the existing one, and increased parking. The proposed structures totaled 61,000 square feet. The architects were Charles Moore, Donlyn Lyndon, and Lawrence Halprin, who were part of the team that created some of the first buildings at The Sea Ranch, including Condominium 1 on Sea Walk Drive, a complex that is now a nationally designated historic landmark for its contribution to modern architecture. This proposal never got beyond the environmental review phase and was withdrawn in 1993.

In 1998, a more ambitious project was proposed, including 100 additional lodge rooms for a total of 120, 70 new restaurant seats, a 9,800 square foot commercial component with a delicatessen and art galleries, a new recreation center with tennis courts and spa and fitness center, and a new main entrance approximately 1,350 feet north of the existing entry that is shared with Condominium 1 and Condominium 2. The project included an expanded septic system, but issues related to wastewater volumes, location,

and impact on bluff erosion could not be resolved to the satisfaction of regulators. The project was finally withdrawn in 2007.

The property was sold to an affiliate of Passport Resorts in 2007, and the applicant commenced Conceptual Design Review with The Sea Ranch Association (TSRA) Design Committee in April 2007. The present project was submitted to PRMD in February 2008. An incomplete letter was sent in March 2008. Over the past year, the applicant focused primarily on working with TSRA to resolve certain issues. While the Lodge property is not a part of the formal TSRA membership, the Lodge property owners in 1991 agreed to settle certain litigation with TSRA, giving TSRA Design Committee review authority over future development and setting aside Black Point and Bihler Point as no-build areas. In October 2008, the applicant placed story poles on the existing Lodge and in the meadow to show what the proposed project would look like. The story poles indicated that the project would have substantial impacts on the view from the Black Point Beach parking lot, and the applicants subsequently redesigned the project to open up a view corridor and to remove three units from the meadow and set them on the top floor of the new restaurant/spa building, raising the height of that proposed structure. The redesigned project obtained the approval of TSRA's Design Committee in a letter dated February 25, 2009, (Please see Exhibit K of this Staff Report) with a caveat that the Design Committee was not satisfied with the orientation of some of the units in the North Cluster, the area closest to the homes along Black Point Reach. In a July 11, 2009, letter, the Design Committee indicated its approval of the re-oriented North Cluster and gave preliminary approval with no further Conditions of Approval (Exhibit L). The project still must return to the TSRA Design Committee for final approval.

On March 25, 2009, the applicant submitted the revised TSRA Design Committee-approved project to PRMD, and on March 29, 2009, the Variance application was submitted. Staff took the project to the Sonoma County Design Review Committee on April 22, 2009. Courtesy notices for the preliminary design review were posted at The Sea Ranch and emailed to interested parties. At the applicant's request, the DRC meeting was expedited to a third DRC meeting in April rather than waiting until the first meeting in May when the applicant was unavailable. That time slot was limited because of DRC members other time commitments and room availability. At the April 22, 2009, Preliminary Design Review meeting, the County DRC listened to the applicant's presentation for more than an hour, followed by the testimony of 10 citizens, including two members of The Sea Ranch Design Committee (SRDC) who said they spoke for themselves and not for the SRDC. Given the time constraint of the meeting, the applicant had limited opportunity to respond to oral comments. The County DRC requested changes to the project, noting that:

*"Building height and mass are an issue for the lodge, fire side room, south cluster as viewed from the ocean bluff trails, and the meadow cluster due to its potential to impede ocean views. Building heights should be more compatible with existing building heights and the 24 foot height limit. The south building cluster appears out of scale with the existing historic post office building as viewed from the ocean side."*

The DRC also suggested that the meadow cluster view corridor should be opened up further by relocating the three-unit cluster immediately south of the proposed view corridor. Having spent considerable time working with TSRA's Design Committee to obtain approval, the applicant did not want to redesign the project and instead requested that PRMD take the project directly to the Board of Zoning Adjustments for consideration of the Use Permit, Coastal Permit, Variance, and site design issues. In this regard, the Board of Zoning Adjustments (BZA) is now being asked to approve the preliminary Design Review in lieu of the Design Review Committee.

It should be noted that the applicant is extremely reluctant to make significant design changes because of concerns that delays or additional costs could jeopardize project financing. Part of that reluctance stems from a desire to avoid having the County impose conditions that might not be acceptable to TSRA's Design Committee.

**Project Description:**

The applicant proposes to expand the Sea Ranch Lodge from the existing 20 rooms to a new, expanded Lodge with 60 units, some located where the existing lodge is and the balance located in the meadow north of the Lodge. The permits involved are a Coastal Permit, a Use Permit, a Variance to exceed the height limits, and Design Review. The comments in this staff report are based upon the drawings dated

March 24, 2009, prepared by BSA Architects/ Bull Stockwell Allen.

The proposal is to demolish a portion of the building that houses the restaurant, leaving the original post office and general store, but with more offices for lodge administration in a 8,504 square foot building. The portion with the restaurant, bar, and prior real estate office would be replaced with an open deck courtyard of approximately 300 square feet linked by boardwalk to the general store/post office building, enabling site visitors to see the ocean from the parking lot and entry areas. The restaurant would be located on the main floor of a new three-story, 23,882 square foot lodge building, which would also house a spa on the lower floor and three guest rooms/suites on the 4,171 square foot upper floor. The restaurant consists of three dining rooms totaling 2,865 square feet and a bar with 1,024 square feet of seating area.

Connected to the lodge in a separate building, located approximately where the 20-lodging units exist, is what the applicant calls the Fireside Room, which consists of four meeting rooms on three levels with a total of 2,760 square feet, and 1,456 square feet of lobby space. Total size of the building is 6,034 square feet. The largest meeting area combines two rooms for a total of 1,438 square feet, which would handle a group of approximately 96 people with tables and chairs, or more in a standing only setting. These three buildings are located within the existing hedgerow area of the current lodge complex and are screened from Highway 1 by Monterey cypress trees.

According to the applicant, the height of the current post office/restaurant building, constructed in the mid-1960s, is approximately 32' 4", based upon the County's methodology of an average of the high and low points of natural grade under the building. The existing lodge, to be replaced, is approximately 31' 10". These heights exceed the 24-foot commercial height limit for buildings west of Highway 1. The applicant has requested a Variance to allow a taller lodge building of approximately 46' 5" and a Fireside Room of 48' 8", increases in height of 15 to 17 feet above the existing lodge and 22 to 24 feet taller than the 24-foot height limit.

At the south end of the property, between the post office building and within 80 feet of the bluff, and closest to Condominium 1, the applicant proposes to construct 13 more units in a two-story building called the South Cluster. In the meadow north of the lodge, the applicant proposes 44 sleeping units in roughly four clusters dubbed the North Cluster (11 units), the Meadow Cluster (13 units), the Pool Cluster (with 9 units, lockers, spa, pool, and laundry), and the Hedgerow Cluster (11 units). The 44 units in the meadow are typical of The Sea Ranch architectural vernacular with shed roofs, and in some cases, sod roofs. These units are accessed by carts on paths that will support fire trucks. Guest cars are not permitted in the meadow, nor is guest parking provided there. Within the meadow and adjacent to Highway 1, the County of Sonoma Regional Parks Department has a beach access parking lot and restroom, identified in the Coastal Act as one of the five beach access points at The Sea Ranch. As configured in the February 2008 plans, the meadow units blocked the view of the ocean; the reconfigured 2009 project has created a view corridor of approximately 55 feet between the units closest to the parking lot, so that a person standing in the parking lot can see Black Point and the ocean beyond.

The applicant proposes to rely on native plants for most of the landscaping. In the vicinity of the main lodge complex, the applicant proposes to remove 13 trees and to add 61 trees, to preserve the existing hedgerow.

The project relies upon water service from The Sea Ranch Water Company, a subsidiary of The Sea Ranch Association. The wastewater is to be processed using a new multi-stage advance wastewater treatment system (or package plant) with treated effluent to be disposed into shallow (four foot deep) leachfield trenches (27 total) within the primary field which will be installed between Highway 1 and the wetland. An expansion field will be located immediately west of the primary field in the meadow. During the non-rainy season, treated effluent will be reused as landscape irrigation around the buildings by means of a shallow drip dispersal system. New primary and expansion leachfield trenches will be located at least 700 feet from the bluff, which is a significantly greater setback from the bluff frontage above Black Point Beach than the existing disposal system below the lodge. The existing leachfield, currently located below the existing lodge, will be abandoned.

#### **Site Characteristics:**

The 52-acre property is located west of Highway 1 and extends gradually downhill to the ocean bluffs.

The southerly portion of the property consists of the existing developed lodge complex with the post office/restaurant building and the 20-unit lodging structure, parking lot, and septic system, all substantially screened from the highway and adjacent properties by hedgerows of mature Monterey cypress. From the restaurant or lodging units, one views lawn, coastal terrace, and the Pacific Ocean beyond. North of the lodge complex is a large meadow bisected by a PG&E underground easement. At the northeast corner of the meadow, by the intersection of Moonraker Road and Highway 1, is a scenic view easement in which trees are to be cut down to preserve views of the ocean from the highway (a Bane Bill provision). A wetland of several acres in size (and connected to additional wetland on the east side of the highway) covers a portion of the northeasterly area of the property. Additional small wetlands are located along the blufftop west of the complex's lawn and leach field and at the northwest area of the meadow near the stairs to Black Point Beach.

Access to the property is from the south via Sea Walk Drive, a two-lane private road owned by TSRA that also serves the Condominium One and Condominium Two projects built in the 1960s. The intersection of Sea Walk Drive with the highway is controlled by a stop sign for traffic entering the highway. There is no left turn lane on Highway 1 at this intersection, located on a straight stretch of the highway.

The property is not located in a flood zone, or an Alquist-Priolo seismic hazard zone, or in a Scenic Landscape Unit, although Highway 1 is a County-designated scenic corridor and a candidate for state designation as a scenic highway.

#### **Surrounding Land Use and Zoning:**

The Lodge property is surrounded on three sides by residential and open space uses, all zoned PC-Planned Community and subject to The Sea Ranch Precise Development Plan. To the north of the property are single family residences on Black Point Reach. To the east is Highway 1 and uphill from that is a TSRA common area with meadow and wetland, and further east are single family hillside homes. To the south is Condominium 1, at the end of Sea Walk Drive, consisting of eight residential units. West of the Lodge property is the Pacific Ocean.

### **DISCUSSION OF ISSUES**

#### **Issue #1:** \_\_\_\_\_ General Plan Consistency

The General Plan land use designation for the Lodge property is Recreation/Visitor Serving Commercial, and the existing and proposed operations are consistent with that designation. The property is located within The Sea Ranch Urban Service Area on the Land Use Maps, and Highway 1 is designated as a Rural Minor Arterial on the Circulation and Transit Element Map Figures. Permitted in this designation include outdoor recreation facilities and tourist commercial uses, including golf courses, tennis and racquet clubs, marinas, race tracks, shooting ranges, and similar uses in private ownership. Other uses include campgrounds, recreational vehicle parks, indoor lodging, indoor recreation facilities, visitor information centers, museums, restaurants, and other uses oriented to the needs of visitors. The Permitted Development Intensities and Criteria for this General Plan designation state:

*"Lots shall not be smaller than 1.5 acres on individual wells and septic systems or 1.0 acre on public water, but may be smaller in Urban Service Areas. Structures and parking generally are not expected to cover more than 50 percent of the site or exceed thirty-five feet in height. Additional height may be considered if a reduction in coverage is provided that results in no overall increase in building intensity.*

*Lodging facilities may not exceed 50 rooms per site in rural areas and 200 rooms per site in Urban Service Areas. Lodging facilities with up to 100 rooms per site in rural areas may be permitted where serviced by public sewer provided, however, that such use is compatible with and does not adversely affect adjacent agricultural, resource and rural residential uses."*

**COMMENT:** The project is located in an Urban Service Area related to the Sea Ranch Water Company, a regulated public utility that provides water service to the property, and therefore conforms to the 200-unit provision. Project structures cover approximately five acres of the 52-acre parcel, thus conforming to the

Lot Coverage requirement. Additional height is being requested in conformance with this policy and related language in the Local Coastal Plan. Building intensity, according to the Coastal Zoning Ordinance is determined by "multiplying the maximum building height limit and the maximum lot coverage." The height limit is 24 feet, and the maximum lot coverage is 50 percent in the General Plan and 60 percent in the Coastal Zoning Ordinance. Given that this formula would allow buildings 24 feet tall covering 25 to 30 acres of land, and the project only covers approximately five acres of land, the requested height increases will not increase the overall building intensity and can be found consistent with the General Plan.

The following policies apply to this project.

**Policy LU-4b:** *Use the levels of service in Objectives CT-3.1, CT-3.2, and CT-3.3 of the Circulation and Transit Element to determine whether or not congestion is exceeding the desired level of service on County roadway segments. Use area and/or project traffic analyses to determine whether intersection impacts or other localized congestion may also affect these desired levels of service.*

**Policy LU-4c:** *Assure that new development occurs only when it conforms to Policies CT-5f and CT-5g of the Circulation and Transit Element.*

**COMMENT:** As noted in the traffic report for this project, the intersection of Highway 1 and Sea Walk Drive operates at Level of Service A at all times; with the proposed project and future growth at The Sea Ranch, the LOS for peak periods would drop to LOS B on the eastbound approach of Sea Walk Drive to Highway 1. This is within the County and Caltrans standard to maintain LOS C or D. Therefore, the project is consistent with these policies.

**Objective LU-12.3:** *Designate Bodega Bay the major retail and service center for the Coast. Permit limited opportunities for new commercial activities in Bodega, Occidental, Cazadero, The Sea Ranch, Annapolis, Duncans Mills, Jenner, Stewarts Point and Camp Meeker in keeping with their size and character.*

**Objective LU-12.4:** *In the Coastal Zone, limit the scale of any new visitor and tourist oriented uses and confine them to existing communities and locations that are designated for such uses. Assure that they are compatible with and protect the area's natural, undeveloped scenic character. Avoid these uses outside of the Coastal Zone except in the RVSC and Agricultural designations.*

**Policy LU-12g:** *Design discretionary projects in any commercial or industrial categories in harmony with the natural and scenic qualities of the local area. Give natural landscapes precedence over man made features.*

**COMMENT:** The project is a commercial activity at The Sea Ranch in an area designated for such a use in the General Plan, the Coastal Plan Land Use Map and the CT-Commercial Tourist zoning district. The project has been designed to harmonize with the local area by incorporating sod roofs, avoiding significant portions of the meadow, and locating structures on the property so as to minimize impacts on views from Highway 1.

**GOAL OSRC-3:** *Identify and preserve roadside landscapes that have a high visual quality as they contribute to the living environment of local residents and to the County's tourism economy.*

**Policy OSRC-3c:** *Establish a rural Scenic Corridor setback of 30 percent of the depth of the lot to a maximum of 200 feet from the centerline of the road unless a different setback is provided in the Land Use Policies for the Planning Areas. Prohibit development within the setback with the following exceptions...(5) Other new structures if they are subject to design review and*

- (a) they are associated with existing structures,*
- (b) there is no other reasonable location for the structure,*
- (c) the location within the setback is necessary for the use, or*
- (d) existing vegetation and topography screen the use.*

**COMMENT:** As noted above, the project has been designed to harmonize with the local area by incorporating sod roofs, avoiding significant portions of the meadow, and locating structures on the property so as to minimize impacts on views from Highway 1. The only structure encroaching into the 200' setback, which the Coastal Zoning Ordinance allows in Urban Service Areas, is the wastewater treatment building, which is screened by vegetation and located where it needs to be to avoid other impacts.

**Policy OSRC-4a:** *Require that all new development projects, County projects, and signage utilize light fixtures that shield the light source so that light is cast downward and that are no more than the minimum height and power necessary to adequately light the proposed use.*

**COMMENT:** Downcast and shielded lights are specified in the project description, and in the Conditions of Approval.

**Policy OSRC-7b:** *Rezone to the Biotic Resources combining district all lands designated as Biotic Habitat Areas. Prepare and adopt an ordinance that provides for protection of designated Biotic Habitat Areas in conformance with the following principles. Until the ordinance is adopted, require that land use and development in designated areas comply with these principles:*

*(1) For discretionary projects, notify applicants of protected habitats and species and possible requirements of Federal and State regulatory agencies, request identification of known protected habitats and species, and:*

*(a) In designated Biotic Habitat Areas, require site assessment and adequate mitigation. The priorities for adequate mitigation are, in order of highest to lowest priority:*

- Avoid the habitat.*
- Mitigate on site to achieve no net loss.*
- Mitigate off site to achieve no net loss.*
- Create replacement habitat off site to achieve no net loss.*

*To the extent feasible, the mitigation required by the County should be consistent with permit requirements of Federal and State regulatory agencies.*

*(b) In designated Marshes and Wetlands, require a setback of 100 feet from delineated edges of wetlands. The setback may be reduced based upon site assessment and appropriate mitigation.*

**COMMENT:** A Biotic Study was prepared for the project and includes recommendations to avoid habitat and mitigate impacts by relocating plants and avoiding roosting birds and butterflies. In order to compensate for impacts to short-leaved evax and coastal bluff morning glory from the proposed project, an approximately 7.08 acre preserve ("Black Point and Bihler Point Preserve Areas") will be established on the west side of the project site, generally west of the north-south sheep fence in the meadow. This preserve is intended to support several colonies of short-leaved evax which would remain protected within the preserve. The Black Point and Bihler Point Preserve Areas will be established and preserved through a recorded document on the title of the property. The recorded document for the preserve area shall run with the land.

Prior to grading the portions of the project site where these plant species have been found, a qualified botanist shall collect the top soils and seeds of the short-leaved evax at the appropriate time of the year from areas supporting short-leaved evax that are proposed to be disturbed. The seeds and topsoil shall be scattered for re-seeding at a suitable location within the Black Point and Bihler Point Preserve Areas. Orange construction fencing will be installed around all non-impacted short-leaved evax plants within the site development plan to protect this species. The applicant shall conduct annual monitoring surveys of the transplanted short-leaved evax population for a five year period, and shall prepare annual monitoring reports. These reports shall be submitted to Sonoma County and to California Department of Fish and Game (CDFG) no later than December 1st each monitoring year.

In order to avoid impacting roosting monarch butterflies, a preconstruction survey shall be conducted prior

to any tree removal in the fall and/or winter months to ensure that this butterfly remains unaffected by the project. If any roost is found, it shall be preserved within a 300-foot protection buffer through the end of the spring of the year the site is developed.

Since raptor nests, eggs and young are protected pursuant to State Fish and Game Code, nesting surveys will be conducted 30 days prior to commencing any earth-moving activity or tree removal if this work would commence between February 15th and August 31st. The raptor nesting surveys shall include examination of all trees on the project site and within 500 feet of the entire project site, if possible, and not just trees slated for removal.

In addition to these concerns, there are wetlands on the site, and the project has been designed to maintain a 100-foot setback from the delineated wetlands located near the Black Point beach access, the northwest area of the meadow, and the wetland between the existing restaurant and the bluff.

***Policy OSRC-14f:*** Use the latest green building certification standards, such as the Leadership in Energy and Environmental Design (LEED) standards, for new development.

**COMMENT:** The project is designed to qualify for LEED platinum or gold designation. Among the measures proposed by the applicant is retention of the weathered wood siding for re-use as fencing and re-use of the undamaged interior wood paneling for use in the new buildings.

***Policy OSRC-17d:*** The trails on Figure OSRC-3 make up the County's designated plan for trails. Trail locations are approximate and are described below. Roadways may be used where access cannot be obtained through private property...

*Sonoma Coast Trail. The trail extends from Black Point southward to the Estero Americano, is consistent with California State Coastal Plan Policy 145 that calls for establishment of a coastal trail system statewide.*

**COMMENT:** While this policy suggests designation of the California Coastal Trail through a portion of the project site, which contains Black Point, the Bane Bill states: "With respect to any other development for which a coastal development permit is required within legally existing lots at the Sea Ranch, no conditions may ... impose additional public access requirements..." The lodge parcel was a legal lot at the time the legislation was passed in 1980, and is therefore subject to this provision.

***Policy OSRC-19k:*** Refer applications for discretionary permits to the Northwest Information Center to determine if the project site might contain archaeological or historical resources. If a site is likely to have these resources, require a field survey and preparation of an archaeological report containing the results of the survey and include mitigation measures if needed.

***Policy OSRC-19l:*** If a project site is determined to contain Native American cultural resources, such as sacred sites, places, features, or objects, including historic or prehistoric ruins, burial grounds, cemeteries, and ceremonial sites, notify and offer to consult with the tribe or tribes that have been identified as having cultural ties and affiliation with that geographic area.

**COMMENT:** The project was referred to the Northwest Information Center, and a cultural resources study was prepared indicating that some impacts may occur to unknown buried cultural resources during excavation and construction. The project applicant has worked with the Kashia Pomo tribe to avoid sensitive areas. Project conditions include monitoring of earth-disturbing activities by representatives of the Kashia Pomo tribe and measures to halt construction and evaluate any cultural resources that may be discovered.

***Policy PS-1f:*** Require and review geologic reports prior to decisions on any project which would subject property or persons to significant risks from the geologic hazards shown on Figures PS-1a through PS-1i and related file maps and source documents. Geologic reports shall describe the hazards and include mitigation measures to reduce risks to acceptable levels. Where appropriate, require an engineer's or geologist's certification that risks have been mitigated to an acceptable level and, if indicated, obtain indemnification or insurance from the engineer, geologist, or developer to

*minimize County exposure to liability.*

**COMMENT:** A preliminary Geotechnical Report was included with the application and identifies measures to reduce potential impacts from earthquakes and landslides. Those measures are included as project mitigations in the Initial Study for the project and as Conditions of Approval.

**Policy CT-1a:** *Design, construct, and maintain the planned improvements for the circulation and transit system as shown on Figures CT-1a through 1i in order to serve the planned travel demand of 546,030 residents and about 289,260 jobs by year 2020.*

**COMMENT:** Figure CT-1a does not identify any improvements for the section of Highway 1 in the vicinity of the project.

**Policy CT-1j:** *Where practical, locate and design improvements and new circulation and transit facilities to minimize disruption of neighborhoods and communities, disturbance of biotic resource areas, destruction of trees, and noise impacts.*

**Objective CT-3.1:** *Maintain LOS C or better on roadway segments unless a lower LOS has been adopted as shown on Figure CT-3. Objective CT-3.2: Maintain LOS D or better at roadway intersections.*

**COMMENT:** No new improvements are proposed by the applicant, although Caltrans has requested highway improvements consisting of lengthened tapers at the intersection of Sea Walk Drive and Highway 1 and widening the shoulder on the east side of Highway 1. Retaining the existing access will avoid disturbance of a wetland that would occur if the driveway were re-located to the north end of the Lodge parking lot. The traffic study for the project indicates that even with the project and future conditions, the intersection of Highway 1 and Sea Walk Drive would not fall below LOS B.

**Policy CT-3h:** *Designate and design Urban and Rural Principal and Minor Arterial Roads as highway routes that carry large volumes of intercity traffic and that place priority on the flow of traffic rather than on access to property. Utilize the Arterial Road system to provide back up capacity for Highway 101, connector routes between urban areas, and east/west routes that provide access to and from the Highway 101 and SMART passenger rail corridor. The following policies apply to Urban and Rural Arterials:*

*(1) Work with Caltrans to modify Caltrans design standards (i.e. Design Exceptions) for Arterial Roads that are part of the State highway system where necessary to address neighborhood and community compatibility when conflicts arise.*

*(2) Design Principal and Minor Arterial Roads to discourage access from abutting parcels and to prohibit such access if reasonable access is available elsewhere, to encourage driveway consolidations, to avoid parking during peak travel periods and to provide turn deceleration and acceleration lanes at intersections where warranted. Operate traffic signals so that they favor the Arterial Roads.*

**COMMENT:** Highway 1 is designated as a Minor Rural Arterial on Figure CT-4a of the Circulation and Transit Element. The proposed project retains the existing driveway access, thereby avoiding additional access to Highway 1 and thus consolidating facilities. Caltrans has requested, and recommended Conditions of Approval require, extended deceleration and acceleration lanes at Sea Walk Drive and a broadened shoulder on the east side of Highway 1. The Traffic Study for the project concludes that a left turn lane is not warranted for this project, and Caltrans concurs. The Traffic Study for the previous 120-unit project also concluded that a left-turn lane would not be required.

**Policy CT-6a:** *A bypass route for Highway 1 around the community of Bodega Bay is not planned at this time. Amend the Local Coastal Plan to delete the Bodega Bay bypass.*

**Policy CT-6b:** *Consider traffic calming improvements in the unincorporated communities of Bodega, Bodega Bay, Freestone, Jenner, and Occidental.*

**COMMENT:** These are the only references to improvements recommended in GP 2020, and they do not include any projects at The Sea Ranch, nor do they mention left turn lanes anywhere on the coast. Therefore, the project is consistent with these policies.

**Policy PF-11:** *Avoid new privately owned package treatment plants which serve multiple uses or serve separate parcels. Allow use of package treatment plants to serve affordable housing or other projects on a single parcel under one ownership provided that they comply with the following criteria:*

*(1) The package treatment plan must comply with water quality and health standards and protect water resources,*

*(2) The design and appearance of package treatment plants located in agricultural and other rural areas must be compatible with the rural area's character, and*

*(3) The project must include provisions for the operation, maintenance, and eventual replacement and/or removal of the package treatment plant, and include adequate financing for these provisions through bonds, sinking funds, or other mechanisms, for the long term.*

**COMMENT:** The project includes a privately owned package treatment plant that serves only this single-owner project on this one property. The package plant has been reviewed and preliminarily approved by the North Coast Regional Water Quality Control Board, and provisions regarding operation, maintenance, eventual removal, and financing have been established by PRMD and will be applied as Conditions of Approval on the project. As conditioned, the proposed package treatment plant is therefore consistent with this General Plan policy.

**Issue #2:** Local Coastal Plan and Zoning Consistency

The County's Local Coastal Plan (LCP) provides, in part, at page 196, Section 17, for the addition of "up to 100 lodge units" (i.e., up to a total of 120 units) on the Sea Ranch Lodge property.

Individual projects in the Coastal Zone are measured against the policies of the LCP. The Coastal Plan's Visual Resources section describes Sonoma County's coast as:

*"beautiful, rugged and varied. A typical coastal cross-section west to east would show ocean with a rocky intertidal zone, steep vertical bluff, coastal terrace, hillside, and ridge. The landscape is divided by the Gualala and Russian Rivers, and by numerous creeks and gullies with riparian vegetation, and by coastal villages and independent subdivisions.*

*The beauty and accessibility of Sonoma County's coast have made it a heavily used tourist and recreational area. A survey of travelers prepared as part of the Highway 1 Capacity Study revealed that for the majority of travelers, sight-seeing is the primary purpose of the trip to the Sonoma Coast. The goal of the Visual Resources section is to prevent blockage or degradation of scenic views and to assure that development is compatible with the existing natural and man-made landscape."*

There are numerous policies in the LCP that apply to the project, and they are listed below. In general, the standard is that set forth above: prevent blockage of scenic views and assure compatibility of development with the existing natural and man-made landscape. To that end, the project as currently configured substantially complies with the policies set forth below. The original February 2008 submittal did not, and the story poles placed in the fall of 2008 showed that from the Black Point beach access parking lot, the buildings in the meadow completely blocked any view of the water. The applicant reconfigured those units, set lower roof lines, and created a view corridor 70-feet wide (between buildings) that allows a view of Black Point, the destination of the beach access. However, trail users walking towards the ocean would also be viewing some sod roofs and lodging units in the meadow and north clusters, which will block the southwesterly view of the ocean. (See further discussion below.)

Applicable text and policies of the LCP follow with their 2001 LCP Part I document page numbers in parentheses.

**Visual Resources** (p. 167)

*“Scenic Corridors. The primary impression of any area comes from what is seen while driving, cycling, or hiking along a roadway. One of the most effective methods of protecting visual resources is to protect scenic corridors along a system of scenic roads.*

*“Major Views. Major views are long views of unique visual interest, focus, or variety. Major views are abundant along Sonoma County's coast and include islands, rock headlands, coves, lagoons, estuaries, riverways, expansive beaches, white water, and historic settings.*

*“Vista Points. Vista Points are roadside areas suitable for parking with exceptional views. Designated vista points should be developed with safe ingress and egress, parking areas, interpretive signs, and restrooms where appropriate. The view shed from a vista point is even more sensitive than a major view since the viewer is stopped and can take full advantage of the visual experience.”*

**COMMENT:** The Lodge property is a designated Major View site on the Coastal Plan Open Space Map. Although not formally designated as such, the Black Point beach access is considered a Vista Point for purposes of this analysis because it fits the definition of one. It has parking for ten cars, interpretive and warning signs, safe ingress and egress, and a restroom.

As discussed in the Aesthetics section of the Mitigated Negative Declaration, the impact of the proposed development on the overall site is considered to be “subordinate,” although the impact on the scenic views from the Black Point parking lot and trail is considered to be less than significant with mitigation. The applicant has offered to provide an alternate viewpoint by extending the public access to the western end of Black Point to compensate for the impairment of the view from the trail by the new structures. This alternate viewpoint is illustrated on Exhibit P to this Staff Report.

An alternative to this mitigation is suggested by the Design Review Committee—relocate some of the buildings in the Meadow Cluster and relocate the Pool Cluster to further open up the view from the Black Point parking lot. In evaluating the project's consistency with these policies, staff considers the project as submitted to the Design Review Committee and the Board of Zoning Adjustments to be in substantial compliance with the policies.

**Landforms** (p. 168)

*“Terraces. Terraces are the broad, level areas between coastal hills and bluffs. They are generally covered with grasses and sometimes dotted with trees or divided by windbreaks. Lines are horizontal except where trees create a vertical influence and break up the open landscape. Terraces are particularly visually sensitive. Appropriate terrace uses are agriculture and recreation.”*

**COMMENT:** The entire project site is on the terrace, and the proposed use is to serve the recreational needs of the Lodge customers. A substantial portion of the terrace is left in open space to be used for passive recreation such as hiking, bird watching, etc.

**Structural and Community Features** (p. 169)

*“The Sea Ranch. For over 100 years this spectacular ten mile stretch of the Coast was used by sheep ranchers who added to it only the cypress windbreaks on the lower meadows west of Highway 1. Oceanic Properties bought the 5,200 acre Del Mar Ranch in 1963, intending to create a low density residential community where development would have a minimum impact on the natural environment and would blend harmoniously with it. To some extent these goals have been achieved under the design guidance of The Sea Ranch Review Committee.*

*“Design review guidelines apply to all development at The Sea Ranch and include the following provisions:*

1. Homes are sited to take advantage of natural landforms and vegetation while preserving views from neighboring lots.

2. *Buildings are clustered in some areas to achieve screening and greater open space.*
3. *Landscaping is informal and utilizes indigenous plant materials.*
4. *Roof slopes are governed by a roof slope direction plan to achieve building to building unity.*
5. *Sea Ranch homes tend to be simple and dramatic with no roof eaves.*
6. *Natural wood exteriors and shake roofs or suitably colored asphalt shingles are strongly encouraged.*
7. *Property line fences are discouraged; fences are used primarily for screening parking areas, service yards and trash areas.*

*The overall effect is of subdued, modern structures at times very well integrated with the existing landforms and vegetation. The strict design approach will be even more important as The Sea Ranch builds out."*

**COMMENT:** The project is designed to take advantage of landforms by using the windrows to screen Lodge buildings, using the existing post office building and hedgerow to screen the South Cluster, locating the Pool Cluster and North Cluster away from the highway to minimize the impact on the traveller's vista. The landscaping draws on native plants and involves little ornamental plant materials. The roof slopes are coordinated to achieve unity, and have no eaves. The buildings use wood siding, some of to be re-used from the existing Lodge, and composition shingles are proposed for roofing material. Other than the boundary with Condominium 1, the project has no property line fencing. The fencing by Condominium 1 is intended to screen a service yard and to preserve the privacy of the residents.

The project has been reviewed by The Sea Ranch Design Committee (SRDC), which has indicated its preliminary and qualified approval of the design in a letter dated July 11, 2009 (Exhibit L). The SRDC finds that the project revisions "are substantially compliant" with the design embodied in a negotiated settlement about the project. The SRDC letter is discussed further in Issue No. 3 below, as are the comments of the County Design Review Committee.

### **VISUAL RESOURCE POLICIES**

#### **View Protections (p. 173)**

1. *Prevent development (including buildings, structures, fences, paved areas, signs, and landscaping) from obstructing views of the shoreline from coastal roads, vista points, recreation areas, and beaches.*
2. *Prohibit development which will significantly degrade the scenic qualities of major views and vista points.*
3. *Except in rural community and urban service areas, require a minimum setback of 100 feet from the right-of-way along scenic corridors and greater where possible. However, permit a 50 foot setback when sufficient screening exists to shield the structure from public view. Where the General Plan policies and standards are more restrictive than the above standards, development shall comply with the General Plan or Coastal Plan policies, whichever are more restrictive, provided that no development shall be approved which does not comply with Coastal Plan policies."*

**COMMENT:** Located within an Urban Service Area, the project is designed to avoid fully obstructing views by keeping rooftops low enough that travelers along Highway 1 can see over them to the ocean and the horizon. Given the location of the site on a terrace atop a coastal bluff, the shoreline is effectively the top of the bluff, since that is where the eye sees the meeting of water and land. The redesign of the project to open up a view corridor from the Black Point parking lot reduces the impact on that view to less than significant. Nevertheless, the impact on the Black Point trail itself is considered to be potentially

significant, and the applicant has agreed to provide extended public access to the west end of Black Point to compensate for the impacts of structures on views from the trail.

The Mitigation Measure provides that prior to the issuance of building permits for the Meadow Cluster or North Cluster, the applicant shall make an Offer of Dedication to the Sonoma County Regional Parks Department for a Black Point loop trail easement. The general location of the Black Point loop trail is conceptually depicted in Exhibit "P" of this Staff Report. The Offer of Dedication shall be placed in escrow and released to Regional Parks simultaneously with the issuance of Certificates of Occupancy for the Meadow Cluster or North Cluster.

**Landform Guidelines** (p. 174)

6. *Minimize the visual impacts of development on terraces by:*

*Prohibiting development in open fields in rural areas,*

*Minimizing the number of structures and clustering them near existing natural or man-made vertical features.*

*Designing structures to be in scale with the rural character of the region.*

COMMENT: As mentioned in the General Plan consistency analysis above, the Lodge property is in an Urban Service Area, and therefore not considered "rural" for purposes of this analysis. The project contains fewer units than allowed by the Local Coastal Plan, thereby minimizing the number of structures, which are grouped into clusters. The bulk and height of the structures in the meadow are in keeping with other residential units in The Sea Ranch, which vary from 16 feet to 24 feet on the west side of the highway, and the lodge/restaurant and Fireside Building are consistent with the height of neighboring structures (particularly the "tower" of Condominium 1) and the original lodge itself, which is now non-conforming as to height. It should be noted that the tallest buildings of the project are screened by existing trees or buildings.

**Natural Landscape Compatibility** (p. 175)

*"9. Locate and design development to fit the setting and to be subordinate to the pre-existing character of the site."*

COMMENT: As discussed in the Initial Study section on Aesthetics, the project's buildings can be considered to be subordinate to the pre-existing character of the site because of the heights relative to Highway 1, the sod roofs of the Meadow Cluster, and the screening of the new lodge building by existing hedgerows. Exhibits presented by the applicant, and field checked by PRMD staff when the story poles were up, show that the project is designed to avoid fully obstructing views by keeping rooftops low enough that travelers along Highway 1 can see over them to the ocean and the horizon. The redesign of the project to open up a view corridor from the Black Point parking lot reduces the impact on that view to less than significant.

**Community Compatibility** (p. 175)

*"10. Design structures to be compatible with existing community characteristics.*

*11. Relate structures in size and scale to adjacent buildings.*

*12. Locate and design all development to minimize the impacts of noise, light, glare, and odors on adjacent properties and the community at large."*

COMMENT: This is a general policy, and as noted above in the discussion about conformance with the Sea Ranch design guidelines, the project substantially conforms. The Sea Ranch Association's Design Committee has given its preliminary qualified approval to the project, indicating general consistency and compatibility with The Sea Ranch standards, which define the community. This process is discussed further in Issue No. 4 below.

**Utilities** (p. 175)

*"13. Require that all new distribution line extensions be placed underground."*

COMMENT: All utilities are proposed to be underground, therefore the project is consistent with this policy.

**Vegetation** (p. 175)

*"14. Discourage the removal of significant trees except through legitimate logging operations.*

*15. Locate and design new development to minimize tree removal.*

*16. Prohibit removal of windbreaks unless required because of the disease.*

*17. Prohibit the planting of vegetation west of Highway 1 which could block coastal views.*

*18. Encourage the use of appropriate native plants for landscaping. A Native Plant List for the Sonoma County Coast will be made available at Sonoma County PRMD.*

COMMENT: The project incorporates native plants, retains and enhances the hedgerows, and does not include landscaping that would block coastal views except to reinforce existing hedgerows that screen the main lodge buildings from the highway.

**Design Guidelines** (p 178)

*"21. Require compliance with community design guidelines, when applicable, or the overall Coastal Zone Design Guidelines.*

*"22. Apply Coastal Zone Design Guidelines to all new coastal zone development in areas described in 19. and 20. except Bodega Harbour subdivision and The Sea Ranch. The guidelines apply to Bodega Bay town with the amendments described in 26."*

*"25. Coastal Zone Design Guidelines*

*General. Design and site structures to preserve unobstructed broad views of the ocean from Highway 1 and to minimize visual impacts. Cluster structures to the maximum extent feasible.*

*Height. Limit residential building height to 16 feet west of Highway 1. However, an increase in height, to a maximum of 24 feet, is permissible if (1) the structure is no higher than 16 feet above the corridor route grade directly across from the building site, and (2) the structure will not affect views to the ocean or be out of character with surrounding structures.*

*Limit building height to 24 feet east of Highway 1. However, an increase in height to a maximum of 35 feet is permissible if (1) the structure is no higher than 24 feet above the corridor route grade directly across from the building site, and (2) the structure will not affect water views, or be out of character with surrounding structures.*

*Height for residential structures is measured as the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof. (See Figure VII-11.) Where these requirements conflict with the height, site, and bulk criteria of Appendix B (Bane Bill), for those properties listed, the requirements of Appendix B shall be followed.*

*Bulk. Keep buildings in scale with their natural and man-made setting.*

*Siting. Utilize natural landforms and vegetation for screening. Minimize the alteration of natural landforms caused by grading, cutting, or filling. Prescribe building envelopes for lots west of Highway 1 in Timber Cove and other appropriate areas.*

*Building Materials and Color. Use natural materials and earth colors which blend with the vegetative cover of the site unless the building is a historic reproduction, in which case colors should be in keeping with the historic style. Encourage use of non-reflective exterior surfaces. Encourage composition shingle and shake roofs in harmonizing colors with the building exterior. Dark colors are preferred. Discourage tar and gravel roofs. Discourage metal window frames unless they are bronze anodized aluminum or baked enamel. Encourage dark and non-reflective driveway materials. To maintain natural drainage flows, the use of impervious material should be minimized.*

*Architectural Form. Encourage traditional architectural styles of the coast in older development areas and contemporary styles in newer subdivisions. Encourage pitched roofs and relate roof slopes to existing nearby buildings. Relate the architectural shape and style of new buildings to existing nearby structures and natural features. Design accessory buildings to be consistent with the main building architectural character, materials, and finishes.*

*Landscaping. Use indigenous plant materials in areas visible from public roads. Protect existing vegetation where possible. Utilize plant materials to integrate the man-made and natural environments and to screen and soften the visual impact of new development. Use landscaping to screen parking areas from public view. Landscape, grade, and fill areas as soon as possible to minimize soil erosion.*

*Fences. Discourage property line fences to minimize visual disruption of the natural terrain. Design fences as extensions of the main house. Materials should be the same as, or complimentary to, the building. Six foot fences are intended to be used only for screening of service yards, etc., and for privacy purposes.*

*Commercial. Design buildings which are compatible with the predominant design of existing buildings in the area and are of wood or shingle siding. Buildings should employ natural or earth colors, and use pitched, non-reflective roofs unless they are historic reproductions. Require that exterior lighting be functional, subtle, and architecturally integrated with the building style, materials, and colors. Limit maximum height to 24 feet **unless the greater height will not have effect on coastal views and there are overriding considerations.**[Emphasis added] Height for commercial structures is measured as the vertical distance between the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof. Screen parking areas from view through use of plantings, design, and siting.*

28. *The Sea Ranch. Continue to enforce The Sea Ranch Design Guidelines, incorporating the specified Height, Site, and Bulk Criteria provided for in Section 30610.6 (d) of the Public Resources Code. If a proposed residence does not meet the Height, Site and Bulk Criteria, the County may issue a variance as allowed in the adopted Height, Site and Bulk Criteria."*

COMMENT: The project has received preliminary approval from The Sea Ranch Design Committee, thus indicating conformance with The Sea Ranch design standards and community character. The project proposes to use wood siding and other physical aspects specified in the guidelines. The policy noted above also indicates that height for commercial structures can exceed the 24-foot limit, and the applicant has applied for a Variance to do so. The Variance is discussed further in Issue No. 4 below.

LCP policies related to site access are discussed in the Traffic and Access section below.

The property's zoning designation is CT (Commercial Tourist), CC (Coastal Combining). The purpose of the district is to "encourage a compatible blend of recreation and tourist-commercial uses in such a way as to perpetuate Sonoma County's Coastal recreational resources...."

Hotels of 16 or more units are allowed with a Use Permit, which is the subject of this application. The development criteria of the zoning set a height limit of 24 feet west of Highway 1, but the text of the LCP allows this to be exceeded as noted above in the "Commercial" section.

**Issue #3:** Design Review

The Coastal Zoning Ordinance requires design review approval for all permitted uses and conformance with the LCP visual resource policies. The typical procedure is that an applicant goes to the Sonoma County Design Review Committee first for Preliminary Design Review to consider the basic architectural design, landscape design, and site layout issues. When those are resolved, the project proceeds to the BZA or Planning Commission for a decision on the fundamental entitlements. In this case, the entitlements would be the Coastal Permit and Use Permit. After these permits are approved, a project would then go back to the Design Review Committee for Final Design Review to address the remaining issues, which typically are the make and model of lighting fixtures, adjustments to landscape plant selection, review of the irrigation system, etc. Before building permits are issued, staff reviews the construction drawings for conformance to the Conditions of Approval from the DRC and BZA.

With single family residential projects, the Sea Ranch Design Committee (SRDC) is authorized by the LCP to act as a review body for Design Review. Homes at The Sea Ranch are exempt from Coastal Permits pursuant to the Bane Bill. For commercial projects, the Coastal Zoning Ordinance provides for SRDC review of projects, but does not require SRDC approval of them. The County Design Review Committee is the review authority for commercial projects. Nevertheless, the Lodge project must ultimately receive approval from the SRDC because of the 1991 agreement between the TSRA and the lodge owner.

In the case of the Lodge application, the SRDC spent considerable time working on this project, resulting in a mediated session resulting in certain agreements. The SRDC, in their February 25, 2009, letter (Exhibit "K" to this Staff Report) also suggested reconsideration of some project elements while providing general assent to the project. This letter was provided to the County DRC.

In the February 25, 2009, letter to applicant, the SRDC expressed the following concerns:

1. *"The meadow north of the existing Lodge buildings represents a major part of the imagery that established the character of The Sea Ranch. The measure of success in maintaining this character depends heavily on the degree to which buildings respond to the nature of this landscape and terrain. This is not just about being about to see the horizon over the building roofs; the emphasis should be on reinforcing the sense of the open meadow as it stretches from the highway at Black Point and the ocean bluffs. Limiting the height of the buildings (most notably at the Meadow, North and Pool Clusters) and fitting the buildings "into", not just "on", the ground, will help achieve this goal.*
2. *"Massing of the South Cluster and its relationship to the post office and hedgerow beyond. A sketch from the Draft Final Report of the Wind Analysis...indicates a massing and roof pitch strategy that allows the South Cluster to relate better to prevailing NW winds, the hedgerow and ground planes, and the Post Office. Given that your design team had previously developed this strategy, the Committee encourages a restudy of those earlier ideas, which will enhance the South Cluster's relationship to its setting."*

The SRDC letter concludes, saying *"The items noted in this section and previous review letters are not conditions of the approval; rather they are further consideration to ensure the development on this site does indeed "live lightly" on the land and respects the architectural vernacular of The Sea Ranch."*

In their July 11, 2009 letter, (Exhibit L) the SRDC offered its unconditional preliminary approval of the project, having resolved the issue of North Cluster orientation relative to homes at Black Point Reach. The letter states:

*"The Design Committee concluded that the proposal satisfactorily addresses the condition pertaining to the relationship of the North Cluster with the existing Hedgerow Homes. With this resolution, The Sea Ranch Design Committee hereby issues Preliminary Approval without conditions for all plans submitted to date for The Sea Ranch Lodge Expansion Project."*

In the memo dated April 22, 2009, to the County DRC, staff discussed the LCP Visual Resource policies above and observed that the project as submitted substantially complies with the general design guidelines of the Local Coastal Plan relative to The Sea Ranch. At the end of April 22, 2009, Preliminary

Design Review meeting, the County DRC concluded that the architectural and site design could be enhanced and needs revision after listening to the applicant's presentation for more than an hour, followed by the testimony of 10 citizens, including two members of the SRDC who said they spoke for themselves and not for the SRDC. The County DRC Record of Action (i.e. the minutes) contains conclusions and recommendations that are discussed below.

The applicant requested that the design issues be appealed to the BZA due to time constraints on the project financing. As mentioned above, the applicant is extremely reluctant to make significant design changes because of concerns that delays or additional costs could jeopardize project financing. Part of that reluctance stems from a desire to avoid County-imposed conditions that might not be acceptable to TSRA's Design Committee. The applicant responded to the DRC comments in a letter dated May 13, 2009 (Exhibit H), and the responses to each DRC item are quoted or paraphrased in the "Response" section below. Staff comments follow the applicant's response, and include some draft Conditions of Approval to implement the DRC comments, should the BZA elect to do so.

The BZA has several options:

1. Approve the project as proposed. The DRC would conduct Final Design Review of the details, but would not be authorized to modify the site plan or the height of the buildings.
2. Take no action now and refer the project back to the County DRC to consider project modifications pursuant to the April 22 comments. This hearing would be continued until the DRC acts on the project. Project revisions may have to be reconsidered by the SRDC also.
3. Approve the project with conditions. The DRC would conduct Final Design Review of conformance to the BZA's approved site design conditions and lighting, landscaping, and architectural details. To that end, staff can provide draft conditions in addition to those that staff recommends under the heading of Design Review Committee in the Conditions of Approval attached to this Staff Report. Significant revisions may require additional review and approval by the SRDC.

Comments from the DRC Record of Action are in *italics* followed by the applicant's response in *italics* and staff discussion and recommendation.

## **SITE PLAN**

1. *Existing access to the lodge feels like a back entry. Consider aesthetic improvements at this entry, including concerns with regard to the prominence of the service area.*

Applicant Response: *"The revised concept improves the appearance of the existing service area and parking corral in their existing locations while significantly improving the arrival experience for both community members and guests...We feel it is an important community building response to have the community and lodge members share the same entry road as opposed to creating a separate, "exclusive" entry for lodge guests....the entry is composed as a sequence of events moving from more public to private in contradistinction to a "back entry."...Currently all of the lodge's deliveries are brought in and out of the existing service yard, including trash to and from the existing restaurant. Under the proposed project, deliveries will be split between the improved service yard and the new service corral adjacent to the new lodge building.*

*"Perhaps as importantly, the current entry location proves to be the only workable entry to the Sea Ranch Lodge once environmental, wetland, applicable governmental traffic regulations, public access (including the potential need to relocate the public access parking lot, septic system areas and other consideration are taken into account."*

Staff Comment: The existing access to the lodge is from Sea Walk Drive, a private road owned by The Sea Ranch Association which was originally constructed to provide access to Condominium 1. To reach the Lodge, one makes a right turn from Sea Walk Drive followed by another right turn to avoid one-way exit traffic. The right turn leads into a parking lot for the post office and restaurant followed by a fork in the road with one direction being a right turn to get to the existing lodging units and the left turn being the one-

way site exit. The proposed project eliminates the one-way exit and loop configuration, making the entrance to the Lodge more direct. The first existing easterly parking lot becomes a parking lot instead of a parking lot that doubles as a through-way. The applicant has indicated that better signage is in order to direct Lodge guests away from the portion of Sea Walk Drive that leads to Condominium 1.

Some Condominium 1 residents have also expressed concern about the location of the service area and have suggested modifications to improve neighborhood compatibility.

Staff recommends the following Condition of Approval No. 49 to implement this DRC comment:

49. Prior to issuance of building or grading permits, the applicant shall provide Improvement Plans, subject of Final Design Review, that show a clearly defined two-way entry to the Lodge site, with enhanced landscaping and signage that directs lodge patrons away from Condominium 1 and 2. Deliveries to the Post Office building service and delivery area shall not include food and beverage deliveries or food and beverage garbage and recycling pickup. If access to the southern service area comes directly from the portion of Sea Walk Drive west of the Lodge entry, the service area entry shall be concealed by a sliding door with siding materials to match the building. Any door to the fire and emergency access to the South Cluster shall also be concealed by a sliding door with siding materials to match the building.

2. *Provide a Site Plan detail of the existing Highway 1 access and any vehicular improvements as warranted or proposed.*

Applicant Response: *"The traffic studies indicate that the small, incremental nature of the proposed development does not result in significant traffic impacts and does not warrant access improvements."*

Staff Comment: As discussed in Issue No. 5 below, staff concurs with the applicant that a new entrance from Highway 1 is not warranted. The applicant notes also that consideration was given to relocating the access to the north, but that such a design would require reconfiguring the entire project because the leach field would have to be relocated, causing relocation of the meadow units. Furthermore, if the entry were moved to the north, site distance visibility would change and with either left turn lanes or new acceleration and deceleration tapers, the new entrance would impact the wetlands on both sides of Highway 1. Nevertheless, Caltrans recommends, and staff has made a Condition of Approval, provision of new acceleration and deceleration tapers at Sea Walk Drive and corresponding shoulder improvements on the east side of Highway 1. Staff recommends the following Condition of Approval No. 50 to implement this DRC comment:

50. Prior to issuance of building or grading permits, the applicant shall provide Improvement Plans subject to Final Design Review showing the location of required acceleration and deceleration tapers at Sea Walk Drive and Highway 1 and appurtenant landscaping. The revised Site Plan shall include the location of entry signage, including signs to divert Lodge patrons away from the Sea Walk Drive entry to Condominium 2. Any landscaping enhancements or adjustments, including extension of the sheep fence from the Condominium 2 north to where Sea Walk Drive serves the Condominium 1 exclusively (beyond the Lodge entry from Sea Walk) shall also be shown.

3. *Does pool complex need to be where it is?*

Applicant Response: *"The proposed pool location has been carefully considered to minimize neighborhood, noise, and visibility issues from Highway 1 and the adjacent hillsides, while efficiently serving the needs of lodge guests. Importantly, the buildings are approximately 500 feet from Highway 1, further mitigating their visual impacts. The pool itself has been "surrounded" by several of the guest units in order to: 1) shield the pool from North and Northwesterly winds; 2) hide the pool from visibility by the neighbors and Highway 1; and 3) draw on the Sea Ranch tradition of surrounding pools with architecture (e.g. the Olsen and Moonraker pools). The site strategy of enclosing the pool with the residential units additionally eliminates the need for a separate pool facility footprint, thereby eliminating the need to disturb other areas of the site."*

Staff Comment: This issue was raised also by the SRDC. The County DRC comment was made relative

to the view impact from the Black Point parking lot. To the extent that units on the north side of the pool cluster could be relocated to the east side, the view corridor from the public parking could be widened if the 70-foot separation between Meadow Cluster units is widened as suggested in Comment No. 7 below. Modifying the location of the Pool Cluster should not affect the neighbors of Black Point Reach because of the intervening North Cluster. However, it could affect the views from some of the Meadow Cluster lodging units or from the Hedgerow Cluster. The applicant strongly opposes any condition that would cause a re-design of the project, including relocation of buildings.

4. *Look at County guidelines for parking lot design and add landscape islands in the parking lots.*

Applicant Response: *"Our approach to site design maximizes the preservation of existing healthy trees. As a result, the parking patterns stays very similar to the current layout due to the large number of extant trees in the commercial corridor...Furthermore, adding parking islands or peninsulas would detract from the rural character of the site and give the parking lots an inappropriate suburban feel...Fundamentally, our approach to the design builds on what is there and follows the strong landscape forms of the Sea Ranch vernacular."*

Staff Comment: County guidelines call for a landscape island or peninsula at a rate of one for each eight parking places. The existing parking and driveway configuration is somewhat awkward, and the proposed layout appears to be an improvement. Given that the proposed parking lot is already under parked and contains mature, drought-tolerant landscaping, staff does not support a condition to add landscape islands, peninsulas, or fingers that would diminish the amount of existing or proposed parking at the site. Nevertheless, if the BZA believes that more parking lot landscaping is desirable, staff can provide a Draft Condition of Approval. This condition would have the effect of removing four parking spaces from the proposed parking lot.

5. *Provide a detailed parking analysis explaining whether proposed parking will be sufficient for the mix of uses and activities.*

Applicant Response: *"Parking areas are sectioned into "corrals" with fences, grade changes, and plantings. Parking areas function as independent segments which serve to maintain parking on a smaller scale and relate functionally with nearby building programs. Individual parking areas, however, are not designated for a specific portion of the commercial core, but rather utilize shared parking spaces. Valet parking in the north parking lot increases the flexibility of overall parking and provides efficient and high density parking."*

Staff Comment: The DRC comment is a request for more information, but reflects a staff concern identified in the Initial Study. As discussed on Pages 2 and 3 on the memo to the DRC, staff calculated the project's required parking needs at 168 spaces, employing County standards. The applicant's traffic consultant also calculated parking demand but used an Urban Land Institute formula, concluding that the 130 spaces on-site plus valet parking would be sufficient. Staff identified the parking deficiency in the Mitigated Negative Declaration and the applicant agreed to the following mitigation measure, which is a condition of project approval: "The applicant shall provide valet parking for restaurant and lodge patrons during the weekend hours of 6:00 p.m. to 11:00 p.m., and during day time hours when the lodge property is being used for conferences, weddings, events, or similar activities involving large numbers of people." This condition does not specify how many valet parking places are to be provided; only that they shall provide it. Staff also observes that the traffic consultant's formula assumes that only 54 lodge units will be occupied by those driving their own car. This assumption might be appropriate in a city setting with ample mass transit and taxi service, but seems inappropriate at this location. Staff also notes that formula also assumes only 18 employees onsite, whereas the drawings indicate offices in the Lodge and Post Office buildings for more than 12 people, not to mention seven spa treatment stations and various reception areas.

The DRC concern is addressed with staff-recommended Condition of Approval No. 74 that supplements the Mitigated Negative Declaration mitigation.

## **ARCHITECTURE**

6. *Building height and mass are an issue for the lodge, fire side room, south cluster as viewed from the*

*ocean bluff trails, and the meadow cluster due to its potential to impede ocean views. Building heights should be more compatible with existing building heights and the 24 foot height limit. The south building cluster appears out of scale with the existing historic post office building as viewed from the ocean side.*

Applicant Response: *"The current land plan works to delicately balance density within the Sea Ranch Lodges existing Commercial Core, while maintaining as much openness in the meadow as possible....All of our proposed buildings are comparable to the existing buildings and are lower than the precedent set by Condominium 1....Importantly, views from Highway 1 of the existing and proposed commercial buildings at The Sea Ranch are hidden from view by the site's natural topography and mature vegetation....using the highway as the datum of measurement, the proposed buildings fall below the 24'-0" height threshold and are again compatible with the pre-existing buildings.*

*"The proposed South Cluster steps with the landscape whose ridgeline from Highway 1 will continued to be defined by the Post Office building. There will be no additional impact from Highway 1 beyond what exists today. Based on early discussion with TSRA's Design Review Committee members and given the commercial precedent and secluded nature of the site (it is separated from Condominium 1 by two mature hedgerows), it was determined this was the one are of the site that could handle multi-storied development."*

Staff Comment: The DRC comment about the Meadow Cluster will be addressed under Comment No. 7 below. The DRC comment about building height and mass addresses the architectural impact of the view of the project from the bluff side of the project, while the applicant's response refers to view impacts on and from Highway 1. The proposed Fireside Room at 48' 8" tall is more than twice the allowed height for commercial buildings west of Highway 1 and the proposed Lodge building is 46' 5". These are 15 to 18 feet taller than the existing buildings, which are non-conforming as to height.

Staff understands the DRC concern about scale but observes that from the bluffs, the building masses have as a backdrop the hedgerow cypress trees that range from 40 to 60 feet tall, or more. As the applicant has noted, hedgerows screen the project's commercial core, which is one of the reason that the Initial Study concluded that the project as a whole would not result in significant adverse aesthetic impacts. The applicant's architectural renderings illustrate this point, and the accuracy of the renderings is confirmed by looking at the photographs of the story poles. (See photos attached to this Staff Report.) Nevertheless, as staff noted in its oral comments to the County DRC, the Lodge building's shed roof contains enormous amounts of dead air space on the eastern elevation facing the parking lot. The roof could be lowered without significantly affecting functionality and thus improving the architectural variation by reducing the broad facial mass and altering the roofing design as seen from the parking lot. Inasmuch as construction drawings have not commenced, and the applicant does not plan to commence construction until the spring of 2010, some of these modifications can be undertaken without unreasonably delaying the project.

Staff concurs that the South Cluster does appear somewhat out of scale with the existing Post Office building from the bluff side. The architectural cross-section shows roof ridge heights approximately the same height as the existing building. It is true that under this circumstance, the Post Office building will screen the South Cluster from Highway 1, as will existing trees along the highway, but the series of shed roofs at the same height are somewhat reminiscent of warehouses or industrial buildings. This effect could be avoided by stepping the roof ridges down sequentially, so that the overall effect is a series of buildings that appear to go lower in elevation along with the native topography. The Sea Ranch Design Committee also expressed concerns about the South Cluster massing, and suggested a different orientation for the South Cluster. Should the BZA desire to implement the DRC comment, staff can provide Draft Conditions of Approval for these buildings. As noted above, the applicant strongly opposes such conditions.

7. *Existing views from the public parking lot need to be better protected. The view corridor needs to be opened up by relocating the three-unit cluster situated south of the proposed view corridor.*

Applicant Response: *"This comment does not take into account multiple natural and man-made constraints on the site. Essentially, there is no other viable location on the property to relocate units without either shifting density to more environmentally sensitive (or no-build) locations or adding height to*

*the project. Currently, all of the proposed cottages north of the Commercial Core are below the county's 24'-0" height limit."*

**Staff Comment:** Staff concurs that there are numerous constraints to development of this site, and these provide a basis for findings to approve a Variance as discussed below in Issue No. 4. This particular DRC comment, in addition to the comments in items No. 3 and No. 6 above, concern the placement of buildings in the meadow and the effect on views from the public parking lot. Staff's primary concern about all development at The Sea Ranch is focused on the impact on views from Highway 1 and the vista points along the way. This concern reflects the high priority placed by the Coastal Act on preserving the scenic quality of Highway 1.

If the distance between Meadow Cluster units is opened up, there will be a better view of the ocean, if the Pool Cluster units are relocated. The distance for the view corridor between Meadow Cluster Buildings 17 and 18 is 70 feet wide as shown on the Meadow Cluster Site Plan (Sheet A1.33). The aperture of the opening between the buildings is approximately 19 degrees. Moving Building 17 to the south will not necessarily expose a better view of the bluffs and the ocean; it will expose a better view of the Pool Cluster and the ocean beyond. To fully expand the uncluttered ocean view from the Black Point parking lot would entail an integrated action modifying the Meadow Cluster in conjunction with the Pool Cluster reconfiguration. There are two physical constraints to relocating the Meadow Cluster buildings—the PG&E easement through the meadow and the wetland to the north. Nevertheless, there appears to be some room to adjust Building 18 approximately five feet to the southwest; likewise, on the other side of the corridor, there appears to be some room to adjust Building 17 approximately five feet to the northeast. An 80-foot distance between buildings would open the view corridor to approximately 21 degrees.

Should the BZA want to implement the DRC comments, staff can provide Draft Conditions of Approval. As noted above, such a condition would be strongly opposed by the applicant.

## **LANDSCAPE ARCHITECTURE**

### *8. Need to provide visual screening of parking lot from Highway 1.*

**Applicant Response:** *"Since the Commercial Core is already screened by significant planting, we assume this comment is related to the public parking lot and beach access point off of Highway 1. As previously noted, the Meadow Cluster is comprised of low, sod-roofed buildings that are hunkered into the ground and serve as an extension of the foreground vegetation.... Additional planting, berming, and the Project's innovative "flora-filter" system will provide further landscape screening from Highway 1."*

**Staff Comment:** It is unclear which parking lot this comment refers to. Staff concurs that the parking lots around the Lodge and Post Office buildings should be well landscaped to screen the height of the proposed buildings and to eventually replace the Monterey cypress trees once they reach maturity and die. Staff does not support adding additional screening of the Black Point public parking lot because it could interfere with an already open ocean view from the highway. To implement this DRC comment, staff recommends the following Condition of Approval.

51. The final Landscape Plan shall provide thorough screening of the Lodge and Post Office buildings' parking lots from Highway 1 and screening of the South Cluster from Condominium 1. In addition, the applicant shall provide a plan for ongoing enhancement and replacement of the mature and dying Monterey cypress trees in the hedgerows surrounding the Lodge, Post Office, and South Cluster buildings. Such plan shall also identify the means to avoid or replace trees damaged during construction.

### *9. Provide more detail on landscape enhancements.*

**Applicant Response:** *The applicant's response is quite lengthy, beginning at Page 10 of the May 13, 2009, letter (Exhibit H).*

**Staff Comment:** The response provides an extended rationale of the landscape scheme and mentions that landscaping materials will be found or salvaged from the site or will originate locally. Yet, it doesn't specify what materials will be placed where, which would be standard procedure for Final Design Review.

Therefore staff recommends the following Condition of Approval.

52. The final Landscape Plan shall provide details about what landscape materials will be located at all locations of the site, including materials for walkways, mulching, landscape features. The final Landscape Plan shall provide a detailed list of which plants will be located at which locations, specifying plant size and species and the system to irrigate them.

**OTHER**

10. *Improve lodge signing for ease of access.*

Applicant Response: *"The Owner shares the DRC's objective for improved signage at the site. Signage improvements will be further detailed as part of the team's final submission materials."*

Staff Comment: This is a typical DRC condition. Staff recommends the following Condition of Approval.

53. The applicant shall submit a Sign Plan consistent with the LCP requirements to improve access to the site from Highway 1 and to provide clear internal direction from Sea Walk Drive.

11. *Verify what corridor grade is as noted in the Staff Report.*

Applicant Response: *The applicant has observed that the ridge heights of various Meadow Cluster buildings relative to Highway 1 vary from 4' 5" above the road elevation to as much as 8' 7" below the road elevation.*

Staff Comment: The heights of the Meadow Cluster buildings relative to Highway 1 comply with Coastal Zoning guidelines that indicate a residential structure west of Highway 1 may exceed the height limit if it "is no higher than 16 feet above the corridor route grade directly across from the building site..." Staff notes that Table 3 on page 13 of the May 13 letter shows that the Meadow Cluster units easily meet the 16-foot standard, however, Table 2 on page 8 of that letter shows that the Main Lodge Building and the Fireside Room Building exceed the height of the road grade by 23'-11" and 22'-2" respectively, which do not meet the 16-foot above-grade height standard. Should the BZA desire to implement the 16-foot-above grade standard, staff can provide a Draft Condition of Approval to address this concern.

Please note that even this standard would require action on the Variance request since it would only reduce the heights of the Fireside Room and the Lodge by six to seven feet, resulting in building heights in excess of 40 feet tall. The applicant is strongly opposed to conditions that would cause significant re-design. Staff observes that given the hedgerows to screen the Lodge area, the heights of the buildings relative to Highway 1 is not a significant concern.

12. *Will the golf cart transportation work given the often cold, damp, and windy environment?*

Applicant Response: *"Golf cart and resort vehicle transportation systems for guests in resort settings are commonplace and include the ability to "enclose" the car in order to protect guests from wind and rain. In extreme weather conditions, guests may be dropped off at their unit via a more traditional vehicle."*

Staff Comment: The comfort of lodging guests is a business decision of the operator. Staff notes that the cart paths must be constructed so that fire trucks can respond to emergencies at the remote units in the meadow. In general, removing passenger vehicles from having access to the guest units reduces the amount of pervious pavement for roadways and parking lots, greatly reducing associated negative impacts related to aesthetics, biology, storm water, etc. Staff makes no recommendation to answer this DRC question.

**Issue #4:** Variance

As noted in the sections above, the height limit for commercial structures west of Highway 1 is 24 feet. The applicant proposes new structures with heights of 46' 5" (Lodge building), 48' 8" (Fireside Room), and 36' 10" South Cluster. The applicant argues that a Variance is not required because the Local Coastal

Plan Visual Resources Policies allow greater height if it "will not have effect on coastal views and there are overriding considerations." In a letter dated May 19, 2009, Steve Butler, attorney for the applicant, argues that the LCP reference trumps the Coastal Zoning Ordinance in the event of a conflict. Staff concurs that greater height may be allowed by the policy, but that the language merely enables the filing of a Variance as the means to effect the height increase. The Coastal Zoning Ordinance is considered the implementing ordinance for the LCP. In general, whenever there is a conflict between policies and standards, the more restrictive shall apply and thus the project can be found consistent with both the LCP and the Coastal Zoning Ordinance.

Section 26C-333 of the Coastal Zoning Ordinance sets forth the requirements to approve a Variance:

*"Whenever, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings which are unique to the subject property alone, where the strict application of this chapter is bound to deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification, a variance may be granted. Justification for such a variance shall be based solely on comparative information describing the disparities between the subject property and surrounding properties and the burden of demonstrating that the above requirements are met shall be the responsibility of the applicant."*

The applicant makes the following case to approve the Variance, and staff concurs with the applicant's rationale.

#### Unique Conditions and Special Circumstances

"These circumstances include significant wetlands on the northern portion of the property, which have been preserved. There are numerous additional site constraints, including bluff-top setbacks due to geological conditions, view easements and utility easements. The Proposed Project encompasses only five of the fifty-two available acres. Last, the project design...was driven by considerations relating to the retention of coastal views by reducing density in the open meadow adjacent to the public parking lot."

#### Deprivation of Privileges and No Special Benefits

"There are other properties in the coastal zone that have the same zoning as the property (CT CC) and structures that are higher than 24 feet; some of these properties also have higher room densities that the Sea Ranch Lodge is proposing for the new lodge building. Approving the 46' 5" new lodge building, the 48'-8" fireside room building, and the 36' 10" south cluster building will not confer special privileges on the Property because, according to PRMD's online zoning database, there are other properties with identical CT CC zoning and with structures that exceed 24'...."

Structures that exceed the 24-foot height limit cited by the applicant include:

1. The existing Sea Ranch Lodge, which has a height of 32'-6"
2. The Timber Cove Inn, which has a wing with a height of 42'-6"
3. The Stewarts Point General Store, which has a height of 32'
4. The Bodega Coast Inn, which has an existing building height of 28', and an approved expansion with a height of 32'.

Although it is not in the same zoning district now, the Condominium 1 project next door to the Lodge has a section with a height of 52'-6", according to the applicant.

The applicant has argued that given the narrowness of the Coastal Zone and the lack of CT CC zoning at The Sea Ranch, that the "vicinity" referred to in the Variance statute can be expanded to include a broader area. Staff concurs, and notes that in one of the court cases cited by the applicant's attorney, the court allowed comparison of two resorts that were not adjacent to each other. (In *Miller v. County of Santa Barbara*, the case involved the Biltmore Hotel and a comparison with the Miramar Hotel a half-mile south on the coast).

Staff also notes that the increase in height may be considered when the action will not adversely affect coastal views. Given the existing screening around the buildings coupled with a Condition of Approval requiring continued screening through supplementary plantings and tree replacements, the increased height of the South Cluster, the Fireside Room, and the main Lodge/Restaurant building will not adversely affect views of the ocean from the highway.

**Issue #5:** Traffic and Access

The Coastal Act requires that coastal development not reduce the capacity of Highway 1 so that recreational travel is impaired. In preparing the LCP, the County and State authorized a Coastal Plan Traffic Study that was released in January 1980, by JHK & Associates, of Emeryville, CA. The study identified future highway capacity deficiencies at The Sea Ranch, and it recommended intersection improvements along Highway 1 to increase highway capacity. The January 1981 Local Coastal Plan observed that the "current road access to the Lodge is considered temporary and a new entrance to the north is planned."

The 1979-80 Coastal Plan Traffic Study projected an average daily trips (ADT) of The Sea Ranch at build-out at 5,103 to 6,318 ADT if it were predominately a retirement community and 7,400 to 9,160 ADT if it were predominately a resort community. The Sea Ranch is now substantially built out, with perhaps 500 of approximately 2,300 units to be constructed, many with problems finding septic system percolation. Current ADT per Caltrans website for the peak month in summer range from 4,300 to 5,200, a doubling of traffic since 1999 when counts indicated traffic flows of 2,400 to 2,800 trips per day during the peak months.

The LCP on page 195 states:

*"17. Allow Oceanic Properties, Inc. 300 additional residential units and up to 100 lodge units on the conditions that:*

*Fifteen percent of the total 300 are constructed affordable housing units.*

*Intersection improvements at Highway 1 and Halcyon, Deer Trail and the Lodge entrance are constructed as recommended in the Transportation section.*

*Two accessways in Units 34-A and 36 are improved as recommended in the Access section.*

*Sites which would accommodate 100 units for the purpose of transfer programs are designated."*

**COMMENT:** Forty five affordable housing units were constructed by Burbank Housing in 1993 at the north end of The Sea Ranch. While the improvements at Halcyon and Deer Trail have been constructed, the left turn lane at the lodge has not, however, the applicant is not proposing to build the 100 lodge units envisioned in the LCP policy, and a Condition of Approval requires that any expansion beyond the 60 units at the Sea Walk Drive access will require a new Use Permit and the discretion to require the lanes at that time. The Traffic Study prepared for the project concludes that a left turn lane is not warranted at this time (and Caltrans concurs) because traffic volumes have not approached those contemplated in the 1980 study. The accessways in Units 34-A and 36 have been constructed. The Transfer Site (intended to provide a place for density transfer for other parcels) has been designated at Unit 39 of The Sea Ranch.

**POLICIES FROM TRANSPORTATION SECTION:**

*"Highway 1 Safety, Capacity and Access Improvements (p. 164)*

*8. Provide turn lanes at the following Sea Ranch intersections:*

*Priority I (short range 0-5 years): The Stables and North Recreation Center entrance, Annapolis Road, Longmeadow Road, Moonraker and Whalebone Reach.*

*Priority II (Oceanic implementation if and when additional units are constructed in potential development areas and at the Lodge, when Lodge Road is relocated.*

*Some of these roads are not yet constructed): **Lodge entrance**, Deer Trail and Halcyon:*

*Priority III (longer range 5-20 years): Leeward Spur, Deerfield Road, Breaker Reach, Vantage Road, Pine Meadow, Whitebluff Road, Headlands Reach, Navigators Reach, **and Lodge Entrance and Halcyon if developer does not improve.**”[Language highlighted for emphasis]*

**COMMENT:** These are the improvements referred to above in Land Use Policy VII-17 on Page 195. The language of Priority II suggests that installation of the turn lanes would be Oceanic’s responsibility (or its successor in interest, which is this applicant), but the implementation is tied to relocation of the “Lodge Road.” While the LCP language seems to contemplate relocation of the lodge entrance, there is no “Lodge Road” per se, just Sea Walk Drive. Nor does the LCP specify where the Lodge Road should be relocated. If the “Lodge Road” is not proposed for relocation, which is the case with this project, then implementation would not seem required at this time. It should be noted, however, that the septic system may preclude relocation of the access road in the future and thus may limit the potential to add units unless sewers are extended south three miles to the Lodge.

Staff would also note that the LCP says, on page 157, “Along all sections of Highway 1 where turning and parking movements cause significant traffic delays, turning lanes are proposed.” The W-Trans traffic study for this project observes that there are no significant delays to through traffic anticipated with this project. “Based on the analysis of left turning traffic volumes, a left turn pocket on SR 1 is not warranted for the project intersection.” Caltrans has essentially confirmed this assessment. In the November 6, 2008, letter to PRMD, Caltrans does not request turn lanes and instead conditions the project as follows: “The Sea Walk Drive connection to SR 1 has to be upgraded to provide a 150-foot deceleration taper and a 75-foot acceleration taper....Please provide 200 feet of paved shoulder on SR 1 across from Sea Walk Drive as a safety precaution for vehicles turning left into the project site.” (It should also be noted that the Crane Transportation Group study for the 1998-99 lodge expansion to 120 rooms also considered the need for left-turn lanes and concluded they would not be warranted then or in the foreseeable future.)

Inasmuch as traffic volumes are substantially below those envisioned in the Traffic Study of 30 years ago, and two subsequent traffic studies (and Caltrans) have indicated that there is no need for left turn lanes now, then there is not a sufficient basis to require the left-turn lane. The shoulder widening and acceleration and deceleration lane tapers serve to provide for safer turning movements in and out of the project site and to accomplish the LCP and Coastal Act goals of keeping through traffic moving on Highway 1.

#### ACCESS PLAN DESCRIPTION AND POLICIES (p. 73)

##### 9. *Black Point Beach - Proposed*

*Discussion: The public is allowed to park at The Sea Ranch Lodge and walk to the Black Point blufftop across land owned by Oceanic Properties. Access includes a vehicular accessway from Highway 1 to a parking area for 10 cars, a 15-foot pedestrian easement from the parking area to Black Point Beach. The Black Point Beach access could be relocated within the "Lodge parcel" at the landowners option and expense. Use of the existing staircase is recommended. The current road access to the Lodge is considered temporary and a new entrance to the north is planned.*

##### *Policies:*

*County Parks shall negotiate to accept the offer of dedication or otherwise secure the designated accessway. If, within one year from the date of the offer, County Parks has not so acted, the offer shall be available to another appropriate public agency.*

*The new entrance road to the Lodge shall be used for public vehicular access to the pedestrian accessway. Until the new road is constructed, the public shall continue to be allowed to park at the Lodge and use the Oceanic pathway. Such continued public use of present Oceanic facilities and public use of designated future public access facilities shall be a condition of any additional development by Oceanic, including but not limited to the development identified in Policy VII-17. [See above, p. 195]*

*A staircase to Black Point Beach shall be constructed.*

COMMENT: These policies from the 2001 Local Coastal Plan update were carried over substantially verbatim from the 1980 LCP and fail to acknowledge that the Black Point access and staircase to the beach have been constructed with a separate parking lot and access to Highway 1 instead of shared access with the Lodge. Inasmuch as the goals of these policies have been satisfied, they are inapplicable now.

Some residents of Condominium 1 have urged consideration of relocating the Lodge access to the north, as suggested by the LCP policies. Staff does not support this request for several reasons. Relocation of the driveway to the north will involve construction that will impact a wetland. Relocation will not eliminate the Sea Walk Drive access to the site. Given the General Plan policy language preferring consolidation of accesses to highways, relocation to the north would require joining the Black Point access with the Lodge access. This can only be done at or southerly of the existing Black Point access because there is a wetland to the north. A new driveway access to the south would not meet the site-distance requirements of Caltrans, and it is doubtful that the existing Black Point access would meet current site-distance standards without significant earthwork and tree removal. The present access suffices according to the traffic engineers of W-Trans and Caltrans.

#### **STAFF RECOMMENDATION FOR USE PERMIT AND COASTAL PERMIT**

Adopt the Mitigated Negative Declaration and approve the Preliminary Design Review, the Use Permit, and the Coastal Permit, subject to the Findings and Conditions of Approval, including sending the project back to the DRC for Final Design Review of details related to landscaping, lighting, and signage, but not site design or height of the buildings.

#### **ALTERNATIVES**

1. Take no action now and refer the project back to the County DRC to consider project modifications pursuant to the April 22 comments. This hearing would be continued until the DRC acts on the project. Project revisions may have to be reconsidered by The Sea Ranch Design Committee also.
2. Approve the project with additional conditions. To that end, staff would provide draft conditions in addition to those that staff recommends under the heading of Design Review Committee in the Conditions of Approval attached to this Staff Report. Significant revisions may require additional review and approval by The Sea Ranch Design Committee also. The County DRC would conduct Final Design Review of conformance to the BZA's approved site design conditions and lighting, landscaping, and architectural details.

#### **FINDINGS FOR RECOMMENDED ACTION**

1. Based upon the information contained in the Initial Study included in the project file, it has been determined that although there may be potentially significant environmental effects resulting from this project, these impacts will be reduced to a level of insignificance because Mitigation Measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
2. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:

- a. The project is a commercial lodging activity at The Sea Ranch in an area designated for such a use in the General Plan, the Coastal Plan Land Use Map and the CT-Commercial Tourist zoning district, and is consistent with the plans and zoning.
- b. The project has been designed to harmonize with the local area by incorporating sod roofs, avoiding significant portions of the meadow, and locating structures on the property so as to minimize impacts on views from Highway 1.
- c. As noted in the traffic report for this project, the intersection of Highway 1 and Sea Walk Drive operates at Level of Service A at all times; with the proposed project and future growth at The Sea Ranch, the LOS for peak periods would drop to LOS B on the eastbound approach of Sea Walk Drive to Highway 1. This is within the County and Caltrans standard to maintain LOS C or D.
- d. The General Plan Circulation at Figure CT-1a does not identify any improvements for the section of Highway 1 in the vicinity of the project. No new improvements are proposed by the applicant, although the project is conditioned to require lengthened acceleration and deceleration tapers at the intersection of Sea Walk Drive and Highway 1 and widening the shoulder on the east side of Highway 1, as required by Caltrans. Retaining the existing access will avoid disturbance of a wetland that would occur if the driveway were re-located to the north end of the Lodge parking lot. The Traffic Study for the project indicates that even with the project and future conditions, the intersection of Highway 1 and Sea Walk Drive would not fall below LOS B. The Traffic Study for the project also concludes that a left turn lane is not warranted for this project, and Caltrans concurs.
- e. The project includes a privately owned package treatment plant that serves only this single project on this single property. The package plant has been reviewed and preliminarily approved by the North Coast Regional Water Quality Control Board, and provisions regarding operation, maintenance, eventual removal, and financing have been established by PRMD and will be applied as Conditions of Approval on the project.
- f. As discussed in the Aesthetics Section of the Mitigated Negative Declaration, the impact of the proposed development on the overall site is considered to be "subordinate," although the impact on the scenic views from the Black Point parking lot and trail is considered to be less than significant with mitigation. The mitigation includes extending the public access to the western end of Black Point to compensate for the impairment of the view from the trail by the new structures.
- g. The project conforms with the Visual Resource and Design Policies of the Local Coastal Plan for The Sea Ranch. The project has been reviewed by The Sea Ranch Design Committee, which has indicated its preliminary approval of the design in a letter dated July 11, 2009 (Exhibit L of the Staff Report). The project incorporates The Sea Ranch architectural vernacular of shed roofs oriented toward each other, wood siding and shingle roofs with no eaves, clustering of structures, and preservation of meadow space, and is therefore consistent with these policies that are directed toward new houses, not commercial development.
- h. The project is designed to avoid fully obstructing views by keeping rooftops low enough that travelers along Highway 1 can see over them to the ocean and the horizon. The redesign of the project to open up a view corridor from the Black Point parking lot reduces the impact on that view to less than significant.
- i. The lodge property is in an Urban Service Area, and therefore not considered "rural". The project contains fewer units than allowed by the Local Coastal Plan, thereby minimizing the number of structures, which are grouped into clusters. The bulk and height of the structures in the meadow are in keeping with the height of other residential units in The Sea Ranch, and the lodge/restaurant and Fireside Building are consistent with the height of neighboring structures and the original lodge itself, which is now non-conforming as to height.

- j. The project incorporates native plants, retains and enhances the hedgerows, and does not include landscaping that would block coastal views except to reinforce existing hedgerows that screen the main lodge area.
- k. A Biotic Study was prepared for the project and includes recommendations to avoid habitat and mitigate impacts by relocating plants. The project is designed to qualify for LEED platinum or gold designation.
- l. The project was referred to the Northwest Information Center and the Kashia Pomo tribe, and a Cultural Resources Study was prepared indicating that some impacts may occur. A project mitigation includes monitoring of earth-disturbing activities by an archaeologist and representatives of the Kashia Pomo tribe.
- m. A preliminary Geotechnical Report was included with the application and identifies measures to reduce potential impacts from earthquakes and landslides. Those measures are included as Conditions of Approval for the project. The project is not located in an existing or proposed Alquist-Priolo earthquake safety zone.

#### **STAFF RECOMMENDATION FOR VARIANCE**

Approve the Variances as requested by the applicant.

#### **ALTERNATIVES**

Approve the Variances but with heights of the Fireside Room and main Lodge reduced so that they shall not exceed 16 feet above the Highway 1 grade height, or exceed 149 feet above mean sea level (AMSL).

#### **FINDINGS FOR RECOMMENDED OR ALTERNATIVE ACTION**

- 1. The Variance to allow construction of the new lodge building, the Fireside Room building, and the South Cluster at heights exceeding the 24-foot commercial height limit conforms to the requirements of state law in that there are special circumstances that apply to the subject property, including the following:
  - a. Significant wetlands which have been avoided and preserved on the northern portion of the Property, the bluff area, and the northwest corner of the property.
  - b. Bluff-top setbacks due to geological conditions.
  - c. View easements established by state law (the "Bane Bill", section 30610.6 of the Public Resources Code).
  - d. A Pacific Gas and Electric Company easement that bisects the site.
  - e. The public parking lot and trail to the beach on dedicated easements intended to provide beach access consistent with the provisions of the Bane Bill.
- 2. Construction will not confer special privileges on the subject property because there are other properties with identical CT, CC zoning and with structures that exceed the 24-foot height limit cited by the applicant, including:
  - a. The existing Sea Ranch Lodge, which has a height of 32'-6".
  - b. The Timber Cove Inn, which has a wing with a height of 42'-6" in a bluff top setting.
  - c. The Stewarts Point General Store, which has a height of 32'.
  - d. The Bodega Coast Inn, which has an existing building height of 28', and an approved expansion of with a height of 32'.

3. Exceeding the height limit will not have an effect on coastal views because of the existing hedgerows surrounding the buildings and because the South Cluster is also screened from Highway 1 by the Post Office building and because there are overriding considerations as set forth above in the section about special circumstances. Additional considerations include the fact that height of the Lodge building was increased to accommodate three units that otherwise would have been located in the meadow, thereby reducing the scope of land disturbance.

#### **LIST OF ATTACHMENTS**

- EXHIBIT A: Proposal Statement
- EXHIBIT B: Draft Conditions of Approval
- EXHIBIT C: Architectural Drawings
- EXHIBIT D: Site Photos
- EXHIBIT E: PRMD Staff Memo to the Design Review Committee dated April 22, 2009
- EXHIBIT F: Design Review Committee Record of Action dated April 22, 2009
- EXHIBIT G: Applicant's Request to Advance to BZA dated April 27, 2009
- EXHIBIT H: Applicant's Response to Design Review Committee Comments dated May 13, 2009
- EXHIBIT I: Applicant's Letter Supporting Variance dated May 19, 2009
- EXHIBIT J: The Sea Ranch Association Letter (with Attachments) dated April 30, 2009
- EXHIBIT K: The Sea Ranch Association Design Committee Letter dated February 25, 2009
- EXHIBIT L: The Sea Ranch Association Design Committee Letter dated July 11, 2009
- EXHIBIT M: Caltrans Letter dated November 6, 2008
- EXHIBIT N: W-Trans Response to Caltrans Letter dated May 13, 2009
- EXHIBIT O: Caltrans Letter dated June 18, 2009
- EXHIBIT P: Diagram of Proposed Black Point Loop Trail
- EXHIBIT Q: Public Correspondence
- EXHIBIT R: Draft Resolution

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Separate Attachment for Commissioners: Mitigated Negative Declaration