

From: [Anna Taylor](#)
To: [Tennis Wick](#); [Chelsea Holup](#); [Gary Helfrich](#)
Cc: jalexich.bhha@gmail.com; cestrada.bhha@gmail.com
Subject: Coastal Zoning Updates and Coastal Plan/Policy Phase
Date: June 27, 2022 5:11:30 PM
Attachments: [Permit Sonoma.pdf](#)

EXTERNAL

Please see attached and letter below sent on behalf of Jennie Alexich, President of BHHA Board of Directors.

June 27, 2022

VIA EMAIL

Tennis.Wick@sonoma-county.org
Chelsea.Holup@sonoma-county.org
Gary.Helfrich@sonoma-county.org

Tennis Wick, Director
Permit Sonoma

With Copy to:
Sonoma County Planning Commission

Re: Coastal Zoning Updates and Coastal Plan/Policy Phase

Dear Mr. Wick, and Members of the Commission:

Thank you for the opportunity to again address the County's ongoing efforts to update its Local Coastal Plan ("LCP") and associated zoning regulations. Bodega Harbour Homeowners Association (BHHA) previously submitted LCP comments on March 23, August 25, and November 16, 2021. Many of the comments contained in our March 23, 2021 correspondence were incorporated in subsequent LCP revisions, for which we are appreciative.

However, a single critical issue addressed in all three of our comment letters has yet to be addressed.

Our continued concern is that the draft LCP does not address the effect of the Judgment of the Superior Court of the State of California for the County of Sonoma dated June 1, 1977 (*Transcentury Properties, Inc. and California Coastal Zone Conservation Commission NO. 73865*) incorporating the November 4, 1976 Settlement Agreement between Transcentury Properties, Inc. and California Coastal Zone Conservation Commission.

This Judgment resolved litigation between BHHA's predecessor-in-interest (Transcentury Properties, Inc.) and the Coastal Commission concerning the applicability of the then newly enacted Coastal Act to the Bodega Harbour Precise Development Plan. Transcentury Properties, Inc. and the Coastal Commission agreed on a significantly revised development plan.

The revised development plan as incorporated in the Judgment and Settlement Agreement

imposed many restrictions on BHHA properties. It significantly downsized the previously approved plan, restricted height, massing, lot coverage, grading and design, prohibited detached structures, imposed greater open space dedication requirements, and required coastal access easements. The Judgment and Settlement Agreement required that its provisions be incorporated into BHHA's Governing Documents (CC&Rs).

BHHA has faithfully complied with all these provisions of the Judgment and Settlement Agreement for 45 years. The community has been almost fully built-out in reliance on the continued applicability and enforcement of the Judgment and Settlement Agreement.

The Judgment and Settlement Agreement expressly states its provision inures to the benefit of and is binding upon the parties and their successors and assigns (BHHA and the Coastal Commission). It, therefore, continues to bind BHHA and the Coastal Commission.

IN LIGHT OF THIS CRITICAL HISTORY, WE REQUEST THAT THE LCP INCLUDE A PROVISION ACKNOWLEDGING THE JUDGMENT AND SETTLEMENT AGREEMENT AS FOLLOWS:

“Objective: Regulate land use and approve development at Bodega Harbour consistent with the June 1, 1977, Judgment of the Superior Court of the State of California for the County of Sonoma dated June 1, 1977 (Transcentury Properties, Inc. and California Coastal Zone Conservation Commission NO. 73865) incorporating the November 4, 1976 Settlement Agreement between Transcentury Properties, Inc. and California Coastal Zone Conservation Commission.”

THE SEA RANCH PRECEDENT: The existing and proposed LCP's treatment of The Sea Ranch provides a clear and relevant precedent.

The Sea Ranch was entitled at the same time as Bodega Harbour. Like Bodega Harbour, The Sea Ranch's approvals were the subject of litigation with the Coastal Commission concerning the applicability of the newly enacted Coastal Act to The Sea Ranch Precise Development Plan.

For several years Coastal Commission and developer tried unsuccessfully to reach a mutually acceptable development program for The Sea Ranch. It was left to the California State Legislature to break the stalemate by passing the Bane Bill, which allowed building to resume on the developed part of The Sea Ranch. The Sea Ranch Association received a settlement of \$500,000 in exchange for easements to five public accesses across The Sea Ranch property to publicly owned tidelands, 15 view corridors from Highway 1 to the ocean, and other concessions. Following the Bane Bill settlement, the developer and the Coastal Commission agreed on a development plan. In exchange for permission to complete a development greatly reduced in size, the developer agreed to donate 30 acres of land to the Coastal Conservancy.

The existing version of the LCP and the proposed revision acknowledge the Bane Bill by including the following provision:

“Objective C-LU-2.7: Regulate land use and approve development at Sea Ranch consistent with Public Resource Code Section 30610.6. (Bane Bill), adopted Exclusion Orders, and the Sea Ranch Precise Development Plan Policy Statement.”

The BHHA requests that the Bodega Harbour Precise Development Plan be treated the same as The Sea Ranch Precise Development Plan.

Sincerely,

Jennie Alexich
President, Bodega Harbour Homeowners Association

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June 27, 2022

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