



Sonoma County Planning Commission STAFF MEMO

FILE: Sonoma County Local Coastal Plan Update (PLP13-0014)
DATE: January 13, 2021 continued from July 26, 2021
TIME: At or after 1:05 PM
STAFF: Gary Helfrich, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

BACKGROUND

On July 26, 2021, the Planning Commission opened the public hearing to recommend the Revised Public Review Draft of the Local Coastal Plan ("Draft LCP") to the Board of Supervisors. Three hours of public comment was received and Commissioner Koenigshofer moved to continue the hearing to October 7, 2021 and the public comment period to remain open. On October 7, 2021, the Planning Commission reopened the hearing and motioned on a 4-0-1-0 vote for a scheduled review once a month of individual element of the Local Coastal Plan with a final review tentatively scheduled for April 7, 2022.

Chronology of Review by the Planning Commission:

November 10, 2021: Noise, Vibration, and Light Policy, Public Safety Element, Public Facilities and Service Element.

December 9, 2021: Circulation and Transit Element, Water Resources Element, Agricultural Resources Element.

January 13, 2022 (current meeting): Cultural and Historic Resourced Element, Land Use Element.

February 3 and March 3, 2022 (future): Public Access Element, Open Space & Resource Conservation Element

April 7, 2022 (future): Final Review and Recommendation to Board of Supervisors

The Commission directed staff to work with California Coastal Commission staff to complete a line-by-line review of the Draft LCP that includes consistency with the California Coastal Act and consideration of public input received on the Draft LCP to date. Appendices and maps associated with each element will be reviewed concurrently.

At the December 9, 2021 reopened hearing, the Planning Commission conducted an initial review of the recommended draft Circulation and Transit Element, Water Resources, and Agricultural Resources Elements. This meeting will review the Land Use and Cultural & Historic Resources Elements, including a policy option to include the previously reviewed noise, vibration, and lighting standards into the Land Use Element. It is



anticipated that the Public Access Element will be reviewed at the reopened hearing on February 3, 2022 and the Open Space & Resource Conservation Element will be reviewed at the reopened hearing on March 3, 2022, completing initial review of all elements of the Local Coastal Plan. Final review of the complete Local Coastal Plan and recommendation to the Board of Supervisors is anticipated for the reopened hearing on April 7, 2022.

COASTAL COMMISSION REVIEW AND RECOMMENDATIONS

Permit Sonoma and Coastal Commission staff have completed a line-by-line review of the Cultural and Historic Resources Element and the Land Use Element to assure consistency with the California Coastal Act and incorporate public input on each element. Coastal Commission markup and general comment letter for each element is contained in the Planning Commission packet for this hearing. In addition to related maps and appendices, the following is provided for each element under review:

- Policy comparison table showing associated existing LCP policies and changes made to the 2019 Public Review Draft LCP
- Element markup showing Coastal Commission recommendations
- General comments on the element provided by Coastal Commission staff.

The major staff recommendations and comments are summarized below:

General Comments on All Elements:

- 1) Use exact text from the Coastal Act rather than paraphrasing when referencing the Act.
- 2) Move programs and incentives from the end of each element to a location close to related policies.
- 3) Reference sea level rise by a height above current sea level rather than a date in the future. A 100-year life span should be used for permanent development, and a sea level rise of 10 feet within the next 100 years is recommended by Coastal Commission staff for this standard. Policies and mapping should reflect this change.
- 4) Terms defined by the Coastal Act, such as “redevelopment” must use the Coastal Act definition verbatim.
- 5) Delete policies that require that projects conform to existing codes, such as the building code and fire code.
- 6) Use actionable language in policies.
- 7) Combine redundant policies.
- 8) Provide a definition of important terms.

Cultural and Historic Resources Element:

Permit Sonoma staff requests that the Planning Commission consider the following recommendations and responses for the Cultural and Historic Resources Element:

1. **(Comment A1)** Add the following new policy:



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“Policy C-CH-1xx: Require all ground disturbing activities to be suspended if subsurface archaeological or paleontological resources are discovered during the development process and Permit Sonoma Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff may consult and/or notify the appropriate Tribal representative. Permit Sonoma Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma Project Review staff and the appropriate Tribal authority has determined that adequate measures are in place to protect, preserve, and/or recover the resource.”

2. (Comment A2) Add Coastal Act Section 30244 Coastal Act Policies to the introduction.

3. (Comment A3) In mid-December 2019, Permit Sonoma provided the 2019 Public Review Draft Local Coastal Plan to the following Tribal governments for review, comment, and request for consultation:

- Federated Indians of Graton Rancheria
- Kashia Pomos of Stewarts Point Rancheria
- Middletown Rancheria Band of Pomo Indians
- Lytton Rancheria of California
- Dry Creek Rancheria Band of Pomo Indians
- Cloverdale Rancheria Band of Pomo Indians
- Mishewal Wappo Tribe of Alexander Valley

The Tribes were also provided with the updated Cultural and Historic Resources Element and invited to comment and provide direction to the Planning Commission. As of this meeting, no comments or requests for consultation have been received from the Tribes.

4. (Comment A4, A5) In partnership with the Tribes, provide additional background on Tribal history and description of archeological resources that are associated with this history.

5. (Comments A6, A7) Add the following new policy below Policy C-CH-1a. The new policy and Policy C-CH-1d is recommended to be moved to follow Policy C-CH-1a as these policies deal with related resource protection:

“Policy C-CH-1xx: When a cultural resources study identifies the potential to affect known or newly discovered archaeological, Native American, or paleontological resources, require submittal of a monitoring and reporting plan that identifies methods and describes the procedures for selecting archeological and Native American monitors and procedures to protect resources. Procedures to protect resources shall include, but are not limited to, stopping construction and ground disturbing activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural resources in the area of the discovery until measures to protect the resources are identified and incorporated into the project.”

6. (Comment A8, A9) Include a side window outlining the role and resources of the Northwest Information Center at Sonoma State University.

“The Northwest Information Center (NWIC) of the California Historical Resources Information System is one of nine information centers affiliated with the State of California Office of Historic Preservation in Sacramento. NWIC staff regularly assist Cultural Resources Consultants undertaking research in history and archaeology as well as providing information to landowners, scholars, and the general public about archaeology, history, architecture, and cultural resources legislation. NWIC research and information is provided to more than 100 federal, state, or local government agencies, as well as over one thousand private cultural resource consultants, environmental, planning, engineering, and development firms. Approximately 2000 requests for information are fulfilled each year.”

7. (Comment A10, A11) Standards for archeological studies are included in the Sonoma County Local Coastal Plan Administrative Manual. Change text of last sentence in Policy C-CH-1d to

“This policy ~~may~~ **does** not apply to sites where an adequate study was previously prepared and is determined to adequately evaluate cultural and historic resources that may be affected by the project. **As part of determining adequacy**, previous studies ~~shall~~ **will** be referred to Tribes for ~~early and frequent~~ comment and confirmation of adequacy.”

8. (Comment A12) Revise text of part 3 of Policy C-Ch-1e as follows:

“(3) **Establish ongoing government-to-government communication with the** ~~Provide~~ Tribes **in order to identify and develop** with meaningful opportunities to respond and participate in County decision-making processes that affect Tribal **rights and** Interests.

9. (Comment A13) Revise text as noted. Specific standards will be included in the Administrative Manual.

10. (Comment A14) Add the following new policy below Policy C-CH-1a.

“**Policy C-CH-1xx:** Identify archaeological and paleontological resources, including Tribal artifacts and sacred sites, at risk from hazards such as erosion, wildfire, inundation, and sea level rise. Work with Tribal Historic Preservation Officers and the State Historic Preservation Office to identify mitigation and monitoring programs that will protect and preserve these resources consistent with the applicable provisions of the Coastal Act. Protection of Tribal resources shall done in a manner that respects the Tribes sovereign rights and confidentiality with respect to these resources.

Land Use Element:

Permit Sonoma staff requests that the Planning Commission consider the following recommendations and responses for the Land Use Element. Permit Sonoma staff is not recommending inclusion of Coastal Commission standards for non-conforming uses as they are less restrictive than those found in the current Coastal Zoning Code (Chapter 26C):



1. **(Comment A1):** Consistent with Planning Commission direction and Coastal Commission staff input, add the following General Land Use Policies between Section 1.2 “Priority of Land Uses” and Section 1.3 “Coastal Land Use Categories”

“1.X NEW SECTION “General Land Use Policies”

“The following policies apply to implementation of this Plan as well as development in all land use categories and uses associated with that development:

Policy C-LU-1.X1: The Coastal Zoning Code and the Coastal Administrative Manual shall be consistent with Goals, Objectives, Policies, Programs, and Other Incentives of the Local Coastal Plan.

Policy C-LU-1.X1: New development, as defined by the Coastal Act, shall comply with the policies of the Local Coastal Plan. New development means any project for which a coastal development permit is required. Flexibility in land use standards is limited to that allowed by the Local Coastal Plan.

Policy C-LU-1.X1: With the exception of development excluded from the permit requirements of the Coastal Act under Title 14, Division 5.5, Chapter 6 of the California Code of Regulations, by a Coastal Commission Exclusion Order, and/or development excluded by Attachment B of the certified Coastal Administrative Manual, Coastal Development Permits shall be required for any project that meets the definition of development pursuant to Coastal Act Section 30106. A waiver may be considered for small-scale agricultural uses, smaller structures, and temporary uses where it can be demonstrated that the project will not adverse impact to coastal resources or coastal access.

Policy C-LU-1.X1: Noise generated by coastal development or any use associated with coastal development shall not exceed the following standards as measured at the property line or nearest noise-sensitive resource, whichever is more restrictive:

Average noise for 30 minutes in any hour:	45 decibels
Average noise for 15 minutes in any hour:	50 decibels
Average noise for 5 minutes in any hour:	55 decibels
Average noise for 72 seconds in any hour:	60 decibels

Where impacts are limited to people, these measurements shall be adjusted human perception of noise by applying the International Organization of Standards “A” weighting to measurements.

These standard are subject to the following adjustments:

Daytime noise emitted between 7:00 am and 10:00 pm may be increased by 5 decibels.

Where natural ambient sound is significantly below the standards, noise shall be limited to no more than 1.5 decibels above the ambient sound level.

Where natural ambient sound is significantly above the standards, maximum noise generation may be adjusted upward to match ambient levels to a maximum of 5 decibels.



Policy C-LU-1.X2: Projects shall evaluate potential for project noise to have an adverse impact on biological resources. If noise levels allowed by C-LU-1.X1 have potential to have an adverse impact on biological resources, noise emissions shall be further limited to prevent creating any significant adverse impact on biological resources.

Policy C-LU-1.X3: Standards found in policies C-LU-1.X1 and C-LU-1.X2 may be exceeded for emergency operations, operation of existing roads, and agricultural operations as well as temporary noise generation from solid waste collection, school functions, and property maintenance.

Policy C-LU-1.X3: Special events may exceed standards found in policies C-LU-1.X1 and C-LU-1.X2 on a temporary basis if noise generated by the event is found to have no significant impact on biological resources. Events that expose people and wildlife to loud impulsive sounds in excess of 85 decibels, such as fireworks, are prohibited.

Policy C-LU-1.X4: Vibration generated by coastal development or any use associated with coastal development shall not exceed a PPV of 0.01 at the project boundaries in developed areas. In undeveloped and agricultural areas, PPV cannot exceed 1.00. In all cases, PPV cannot exceed values that will result in damage to coastal resources

This policy does not apply to the following activities:

1. Geotechnical borings necessary to determine site stability and suitability for development.
2. Emergency repairs for which a Coastal Emergency Permit has been issued.
3. Installation of road signs, guardrails, and safety-related road equipment such as call boxes or traffic signals.

Policy C-LU-1.X5: The following standards apply to all exterior lighting with the exception of temporary lighting associated with emergency response and emergency infrastructure repair:

1. Lighting shall be fully shielded to prevent nighttime light pollution
2. Lighting shall be downward facing, located at the lowest possible point to the ground to prevent spill over onto adjacent properties, glare, nighttime light pollution and unnecessary glow in the rural night sky.
3. Light fixtures shall not be located at the periphery of the property and shall not wash out structures on any portions of the project site. Security lighting shall be put on motion sensors.
4. Flood lights and uplights are not permitted except in agricultural operations and commercial fishing facilities.
5. Signs that emit light are prohibited and lights used to illuminate signs shall be shielded to prevent light spill beyond the sign and not exceed a total light output of 1000 lumens
6. Light fixtures emitting over 1000 lumens are prohibited except where needed for agriculture, commercial fishing, and first responders.
7. Total illuminance beyond the property line, created by simultaneous operation of all exterior lighting, shall not exceed 1.0 lux. Color temperature of exterior light sources shall be 3000 Kelvin or lower.

2. (Comment A2): Include complete text of relevant Coastal Act policies at beginning of element.

3. (Comment A3): Add a row in Figure C-LU-1 between “Visitor Serving commercial recreation, lower cost” and “Visitor-serving commercial recreation, higher cost” that contains the following text:

“Local Priority Uses: Affordable dwelling units and workforce housing for extremely low, very low, and low-income households.”

4. (Comments A4): Land Use and Zoning table corrections have been made and are shown in **bold** in the draft element.

4. (Comments A5, A6): Text added to clarify that farmworker housing must support onsite agricultural uses.

5. (Comment A7): Permit Sonoma staff recommends not separating designation criteria from land use categories.

6. (Comment A8): Mapping of zoning districts that correspond to Local Coastal Plan land uses will be part of implementing the Local Coastal Plan by updating the Coastal Zoning Ordinance.

7. (Comment A9): Add the following definition to the glossary:

“Residential Accessory Structures are all structures other than the primary residence that are located on a residentially developed parcel”

8. (Comment A10, A15): Add reference to Sonoma County Ordinance 6085, adopted Oct. 7, 2014, which enacts the provisions of California Government Code Section 65915, allowing residential density bonus for qualifying low and extremely low income projects.

9. (Comments A11-A13): Add the following policy to “3.2 Affordable Housing”:

Policy C-LU-5.X1 Identify affordable housing as a Local Priority Use and second tier priority to support the local workforce, with the intent of facilitating a range of housing types for those who live and work on the coast. Affordable housing as a Local Priority Use will support Coastal Act Priority Uses by providing housing for people employed by coastal parks, visitor serving uses, and agriculture as well as reduce transportation based carbon emissions.

10. (Comment A14): Add footnote or side panel explaining the role of HCD in housing policy.

11. (Comment A16, A17): Delete policies C-LU-5e and C-LU-5f as the County’s mobile home rent stabilization ordinance and state housing law protecting mobile home parks from conversion are outside of the scope of the Coastal Act and apply countywide.

12. (Comment A19): Two types of Housing Opportunity Areas are defined in the policy text (“Type A” and “Type C”)

13. (Comment A20): Replace “Encourage diverse unit design including visitability and universal design” in Policy C-LU-5i with “Encourage barrier-free design that creates homes that are safe and accessible for everyone, regardless of age, physical ability, or stature.”

14. (Comment A22): Revise Policy C-LU-5m as follows:



“Policy C-LU-5m: Concentrate housing production efforts in areas where public sewer and water service are available and **require service providers to retain adequate sewer and water service capacities for housing units affordable to Moderate and Low Income households.**”

This policy is also recommended to be referenced in the Public Facilities and Services Element.

15. (Comment A24) Revise Policy C-LU-5p as follows:

“Policy C-LU-5p: Prohibit conversion of rental units currently providing low and moderate income housing opportunities **to market rate housing, short term rentals, or non-residential uses** unless the conversion provides a greater affordable housing opportunity.”

16. (Comment A28): Add the definition of “visitor-serving commercial facilities” found in Section 3.3 “Visitor Serving Commercial Facilities” to the glossary.

17. (Comment A29, A30): Combine policies C-LU-6b and C-LU-6d to clarify policy within and outside of Urban Service Areas.

18. (Comment A31): Policy C-LU-6h has text added in bold to clarify context of allowable expansion at Ocean Cove. Consideration of sea level rise applies along the entire coast, not to just one specific location.

19. (Comment A35) Policy C-LU-2b is revised as follows to clarify the requirement for increasing density within an Urban Service Area:

“Policy C-LU-2b: Encourage construction of new housing for low and moderate income households under the Density Bonus or Housing Opportunity Area Programs outlined in the Coastal Zoning Ordinance. Achieving a density higher than 4 units per acre under either Program **is permitted where higher density will not impact coastal resources or reduce public access.** ~~may not require a Local Coastal Plan Amendment.~~

20. (Comment A37): Reference Policy C-LU-2m in the Public Facilities and Services Element.

21. (Comment A40): Revise Program C-LU-3 as follows:

“Program C-LU-3: ~~Consider~~ Develop a parking management program for Bodega Bay commercial areas **consistent with maintaining coastal access and protection of coastal resources.**

RECOMMENDATIONS

Incorporate changes recommended in the Coastal Commission review with Permit Sonoma staff recommended changes.





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