

CALIFORNIA COASTAL COMMISSION
 NORTH COAST AREA
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 SAN FRANCISCO, CA 94105-2219
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Page 1 of 6
 Date July 26, 1996
 Permit Application No. 1-95-46

ADMINISTRATIVE PERMIT

APPLICANT: MERRY ELIZABETH BLUESTONE

PROJECT DESCRIPTION: Construct a 681-square-foot addition to a two-story, 700-square-foot single-family home, elevate the home above flood level, and install a new septic system.

PROJECT LOCATION: 26690 Highway 116, Duncans Mills, Sonoma County, (APN 096-090-01 & -02)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:
 Date: Thursday, August 15, 1996 Tel. No. (310) 642-7500
 Time: Meeting begins at 9:00 a.m., Item 10a
 Place: Crowne Plaza-Holiday Inn
 5985 West Century Boulevard, Los Angeles

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
 Executive Director

By: Robert S. McPherson
 ROBERT S. MCPHELLEN *RSK*

Title: Coastal Planner

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, is in conformity with the public access and recreation policies of Chapter 3, is in conformity with the provisions of the certified Sonoma County Local Coastal Program, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:1. Permit Required.

Section 30610(a) of the Coastal Act exempts improvements to single-family residences from coastal development permit requirements, except those kinds of developments which involve a risk of adverse environmental effect, as set forth in the California Code of Regulations, Title 14, Section 13250. The proposed project, on the Russian River, considered to be an arm of the sea, is one of those kinds of development identified in the regulations that involve a risk of adverse environmental effect, as it is between the first public road and the sea, and it involves an increase of more than 10 percent of interior floor area of an existing structure and an increase in height by more than 10 percent of an existing structure (subsection b.4.). Thus a coastal development permit is required.

2. Project/Site Description.

The 25,700-square-foot subject property is located on the north bank of the Russian River approximately one mile west of the town of Duncans Mills. See Exhibit 1. The property, which contains a two-story, 700-square-foot, single-family home, is in a one-lot-deep row of properties along the river. Most of these properties are similarly developed with small single-family homes. The proposed development is to elevate the home above the river's flood level, construct a 681-square-foot addition to the home, and install a new septic system on the site's upland area. The existing structure is shielded from view from the road by a wood fence.

3. New Development.

Section 30250(a) of the Coastal Act states that new development shall be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The project site is in an unincorporated area of Sonoma County that is developed with single-family homes along the Russian River. Water service for the subject residence is available from an existing, on-site well. The Sonoma County Permit and Resource Management Department has approved the installation of a new, replacement septic system to serve the expanded residence. The approved system is not necessarily designed to accommodate a more intense use than the enlarged single-family residence described in this coastal development permit. For example, an even larger residence with more bedrooms or a division of the residence into two or more separate residential units could create demands for sewage treatment greater than the capacity of the approved system. Therefore, Special Condition 1 requires that any change in the intensity or density of use such as creating a second residential unit or guest cottage will require additional authorization from the Commission. This condition reflects existing requirements of the Coastal Act, as a change in the intensity or density of use is a development as defined in Section 30106

of the Act, and any development in the coastal zone requires a coastal development permit pursuant to Section 30600 of the Act. The condition will serve to notify the applicant that such changes in use require Commission authorization and help ensure that the Commission will have the opportunity to evaluate the proposed change for consistency with Section 30250 of the Act. Therefore, the project as conditioned is consistent with Section 30250(a) requirements that new development be located in an area with adequate services to accommodate it.

4. Environmentally Sensitive Habitat Areas.

Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and that development near such sensitive habitat areas shall be sited and designed to prevent significant adverse impacts to these areas. Section 30231 requires protection of coastal waters by maintaining natural vegetation buffer areas that protect riparian habitats.

Most of the subject property is landscaped, predominantly with an extensive lawn that slopes to the river. While there are no environmentally sensitive habitats where the residential addition and septic system are proposed, the site contains riverbank willows adjacent to the lawn, and a wooded drainage swale along the north property line. As the proposed developments are separated from these areas by the lawn, at distances of at least 30 feet, there will be no adverse impacts on these habitats. Standard Condition 3 requires that any deviation from the approved plans, such as any change that would involve the removal or disturbance of any of the riverbank or drainage swale vegetation, must be reviewed as an amendment or separate coastal development permit. This condition reflects existing requirements of the Coastal Act, as the removal of riparian vegetation is a development as defined in Section 30106 of the Act, and any development in the coastal zone requires a coastal development permit pursuant to Section 30600 of the Act. The condition helps ensure that the Commission will have the opportunity to evaluate for Coastal Act consistency any future proposal to remove riparian vegetation, even if unrelated to the addition currently proposed. Therefore, the project as conditioned is consistent with the requirements of Coastal Act Sections 30240 and 30231 in that environmentally sensitive habitat areas on the property will be protected against any significant disruption of habitat values, that development near such sensitive habitat will be sited and designed to prevent significant adverse impacts to these areas, and that riparian habitats will be protected.

5. Geologic Hazards.

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high flood hazard.

The subject property's existing structure is situated with floor elevations slightly below the Russian River's 100-year flood elevation, estimated to be, on the subject property, at 21.9 feet NGVD. Sonoma County Water Agency regulations require the remodelled residence to have a finished floor

elevation at least 1-foot above that flood level. The project plans approved by the County, and the FEMA "Elevation Certificate" accompanying the approved plans submitted to the Commission, meet that requirement by elevating the existing structure by 3 feet so that its floor will be approximately 2 feet above (at 24.0-foot NGVD elevation) the 100-year flood level. The proposed development will therefore minimize risks to life and property in flood hazard areas, and is consistent with Section 30253 of the Coastal Act.

6. Public Access.

Coastal Act Section 30212 requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Sections 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

Although the project is located between the first public road and the Russian River, an arm of the sea, it will not adversely affect public access. The project only involves improvements to an existing residence in a manner that will not change the nature or intensity of use, and thus will not create an increased demand for public access. No public access exists on the site that could potentially be affected by the project. The project therefore is consistent with Coastal Act Sections 30211 and 30212 policy requirements regarding the provision of public coastal access.

7. Alleged Violation

The addition that is the subject of this application was actually constructed in the spring of 1994, without benefit of a coastal development permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

8. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The project as conditioned does not have a significant adverse effect on the environment within the meaning of CEQA. For purposes of CEQA, the lead agency for the project is the County of Sonoma. The County determined that the project is categorically exempt from the need to prepare an environmental impact report.

SPECIAL CONDITIONS:

1. Project Modifications.

Any change in the density, or intensity of use of the residential property, such as, but not limited to, creating a second residential unit or guest cottage shall require an amendment to this permit or a separate coastal development permit.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

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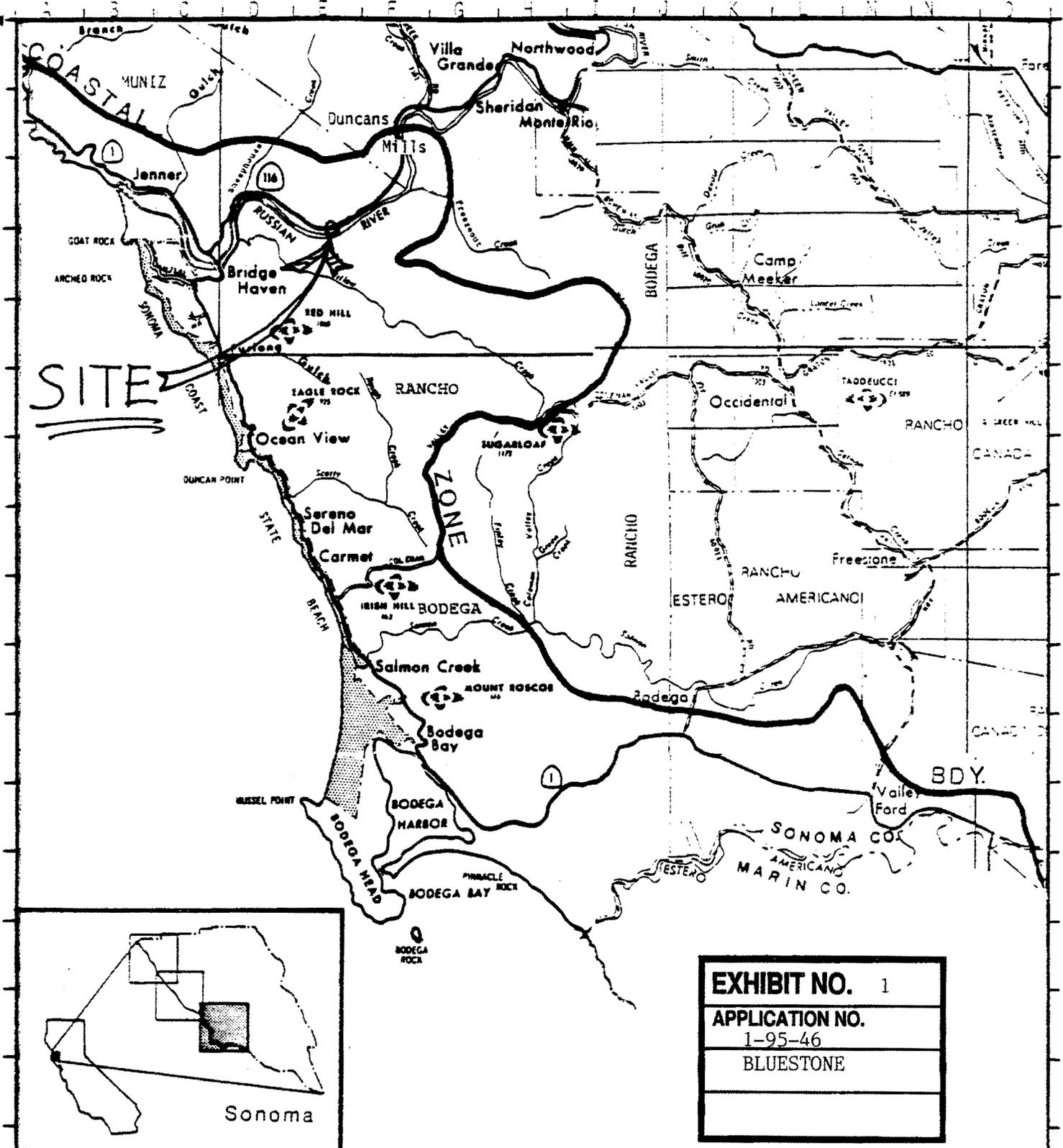


EXHIBIT NO. 1
APPLICATION NO. 1-95-46
BLUESTONE