

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Filed: November 26, 1997
 49th Day: January 14, 1998
 180th Day: May 25, 1998
 Staff: Robert Merrill-E
 Staff Report: January 16, 1998
 Hearing Date: February 5, 1998
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: **1-97-86**

APPLICANTS: **MERRY ELIZABETH BLUESTONE**

PROJECT LOCATION: Adjacent to the Russian River, at 26690 Highway 116, Duncans Mills, Sonoma County. APN 096-090-01 and 02.

PROJECT DESCRIPTION: Merge two parcels into one 25,700-square-foot parcel and remodel and expand an existing two-story, single-family home on the property to add 390 square feet of additional floor area and 153 square feet of additional deck area.

Lot Areas:	Existing: Lot 1:	13,000 sq. ft (.30 acres)
	Lot 2:	12,700 sq. ft (.29 acres)
	Proposed:	25,700 sq. ft (.59 acres)
Building Coverage:	Existing:	1,400 sq. ft
	Proposed:	1,900 sq. ft
Ht abv fin grade:	Existing:	25.5 ft
	Proposed:	27.1 ft
Plan designation:	Rural Residential, 2-acre density	
Zoning:	RRCC-B5, 2-acre density	

LOCAL APPROVALS RECEIVED: Sonoma County Parcel Merger approved July 9, 1997.

SUBSTANTIVE FILE DOCUMENTS: Sonoma County Local Coastal Program

STAFF NOTES

1. Standard of Review.

The proposed project is located within the Duncans Mills area of Sonoma County. Sonoma County has a certified LCP, but the subject property is within the Commission's retained jurisdictional area along the Russian River. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

Merry Elizabeth Bluestone

1-97-86

Page 2

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed lot merger and single family house expansion and remodelling. The proposed project is within an existing rural residential area and is served by a water well and a recently installed replacement septic system that are adequate to service the enlarged home. As the proposed lot merger will reduce the potential density of development on the property in half, the project will result in less demand on coastal resources than allowable under the LCP. The development will not affect flood hazards associated with the property as the house was raised pursuant to a previous permit to bring it safely above flood levels and the new construction proposed only involves expanding and remodelling the second story of the building. In addition, the proposed development is set back more than 130 feet from the Russian River and will not adversely affect environmentally sensitive habitat areas. Furthermore, the development will not block views to and along the river and is consistent with the visual character of the area and will have no effect on public access. Therefore, staff believes the proposed project is consistent with the Coastal Act and recommends approval.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will be in conformity with the Sonoma County Local Coastal Program, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached

III. 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.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project and Site Description:

The applicant proposes to merge two lots into one 25,700-square-foot parcel and remodel and expand an existing two-story, single-family home along the north bank of the Russian River, at 26690 Highway 116, approximately one mile west of the unincorporated community of Duncans Mills. See Exhibits 1-2.

The property, which contains a two-story, approximately 1,400-square-foot single-family home, is in a one-lot-deep row of properties along the river. See Exhibits 2-3. Most of these properties are similarly developed with small single-family homes. The house on the subject property is built close to the highway on APN 096-090-02, but is shielded from view from the road by a wood fence. Most of the balance 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 is proposed, the south end of the property contains riverbank willows and a wooded drainage swale runs along the north property line.

In 1996, the Executive Director granted Administrative Permit No. 1-95-46 to allow an earlier expansion of the house. The project included elevating the home above the river's flood level, constructing a 681-square-foot addition to the home, and installing a new septic system on the site's upland area.

The two parcels to be merged are separate legal parcels. Assessor's Parcel Number APN 096-090-01 is approximately 13,000 square feet in area and Assessor's Parcel Number APN 096-090-02 is approximately 12,700 square feet in area (see Exhibit 2).

The proposed remodeling and expansion of the house involves making changes to the upper story only (see Exhibits 3-8). The approximately 390-square-foot second story addition would occupy area that is now primarily a second story deck, and would contain a new master bedroom suite. Portions of the existing second story adjacent to the proposed addition would be remodeled. To make up for the loss of deck space to be occupied by the addition, the deck would be expanded southward from approximately four to eight feet and a 12-foot-wide deck extension would be added along the east side of the second story. This deck extension would be built around an existing 30-foot-tall redwood tree growing along the east side of the house. The changes to the decking would result in a net gain of 153 square feet of additional deck space.

As part of the remodeling, the roof lines would be changed. As approved under the previous permit, the roof line is disjointed, with two separate peaks. The proposed remodeling would raise the middle part of the roof in a manner that would create one main ridgeline running across the middle of the house. As a result, the maximum height of the structure increases from 25.5 feet to 27.1 feet.

2. 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.

Water service for the subject residence is available from an existing, on-site well. A new replacement septic system has recently been installed as part of a previous addition authorized by Coastal Development Permit No. 1-95-46. The Sonoma County Permit and Resource Management Department approved the septic system. The septic system has the capacity to serve the entire house as expanded to include the proposed addition. However, 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, the Commission attaches Special Condition 1 which 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.

The proposed lot merger will combine two existing parcels into one. The subject parcels are located in a developed subdivision. The area is zoned as Rural Residential with a 20,000-square-foot minimum parcel size. The proposed lot merger will take two legal nonconforming lots with respect to lot size and form one 25,700-square-foot parcel that conforms with the 20,000-square-foot minimum parcel size.

As currently configured, the two subject parcels contain the potential for two primary residential units and two secondary dwelling units. As merged, there will only be one parcel with one primary residence and the potential for one secondary residence. Therefore, the parcel merger would not result in an increase in the potential residential development allowable, and, in fact, would reduce the number of parcels by one and the potential number of residential units (including both primary and secondary) by two.

As the proposed lot merger will not allow for increased density, the project will not result in a greater demand on coastal resources. As discussed in the findings below, the project will also not adversely affect coastal access. Therefore, as the development will be located in an existing developed area able to accommodate it and will have no impact on coastal resources, the Commission finds the proposed project to be consistent with Coastal Act Section 30250(a).

3. Visual Resources:

Coastal Act Section 30251 requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas; that the development minimize the alteration of natural land forms; that the development be visually compatible with the character of the surrounding area, and that new development in highly scenic areas be subordinate to the character of its setting.

The proposed development is consistent with the applicable requirements of Section 30251. The Sonoma County Land Use Plan designates Highway 116 in this area as a scenic corridor. However, the proposed addition will not adversely affect views to and along the river. The principal public views in the river valley in which the development is located are of the river from the highway. At the subject property, an existing fence runs along the highway frontage of the property, and although the house is visible above the fence along the highway, no views to and along the river would be appreciably affected by the development. The proposed addition will add mass to the rear of the house but will not expand the sides of the house east or west along the highway. Thus, even if the fence were removed, the addition would not block any additional view of the river from the highway than the existing structure does. The proposed construction includes raising the maximum height of the structure from 25.5 feet to 27.1 feet. This minor gain in elevation will not adversely affect views as motorists already cannot see over the top of the existing house from the highway.

In addition, no grading is required and the proposed project would not result in any significant alteration of the property's natural land forms. Furthermore, the project is visually compatible with the character of the surrounding area as other one and two story single-family residences are located next to or near the site and the proposed architectural style with wood siding and a peaked shingle roof is consistent with the style of other homes in the area. The Commission therefore finds that the project is consistent with Section 30251.

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 is proposed, the site contains riverbank willows adjacent to the lawn, and a wooded drainage swale along the north property line. As the proposed house addition is separated from the drainage swale by a distance of at least 30 feet and from the river bank by a distance of at least 130 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 geologic, flood, and fire hazard and neither create nor contribute significantly to erosion or geologic instability.

The primary natural hazard affecting development of the subject property is flooding from the Russian River. On the subject property, the Russian River's 100-year flood elevation is estimated to be at 21.9 feet NGVD. Sonoma County Water Agency regulations require new or remodelled residences to have a finished floor elevation at least 1-foot above flood level. As part of the previous expansion and remodeling of the house approved by the Executive Director in 1996 under Administrative Permit 1-95-46, the applicant raised the

structure by 3 feet so that the lower floor is approximately 2 feet above (at 24.0-foot NGVD elevation) the 100-year flood level. The plans for this previous addition were reviewed and approved by the Sonoma County Water Agency and were granted a FEMA "Elevation Certificate." All of the currently proposed house expansion and remodeling development involves work on the second story of the structure. Therefore, the proposed development will not increase, or be affected by the flood hazards associated with the property and is consistent with Section 30253 of the Coastal Act.

6. Public Access.

Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e. potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety.

In applying Sections 30210, 30211, and 30212, the Commission is limited by the need to show that any denial of a permit application based on those 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 public 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. No evidence has been presented to suggest that an implied dedication of a public access easement to or along the shoreline of the property has occurred. Therefore, the proposed project will not adversely affect any existing rights of access that may have been acquired through use. In addition, the project will not block any existing public access. Furthermore, as the project only involves improvements to an existing residence in a manner that will not change the nature or intensity of use, the development will not create an increased demand for public access.

Therefore, the Commission finds that public access is not warranted for the proposed development and the project, which does not include public access, is consistent with the public access policies of the Coastal Act.

7. Alleged Violation

The parcel map for the parcel merger proposed under this application has already been recorded 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 California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned 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 does not have a significant adverse effect on the environment, within the meaning of CEQA, as it is located in an area able to accommodate it, and as there will be no significant adverse impacts on coastal resources. Therefore, the proposed development is consistent with the requirements of CEQA.

ATTACHMENT A

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 on which the Commission voted on the application. 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 development during construction, 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.

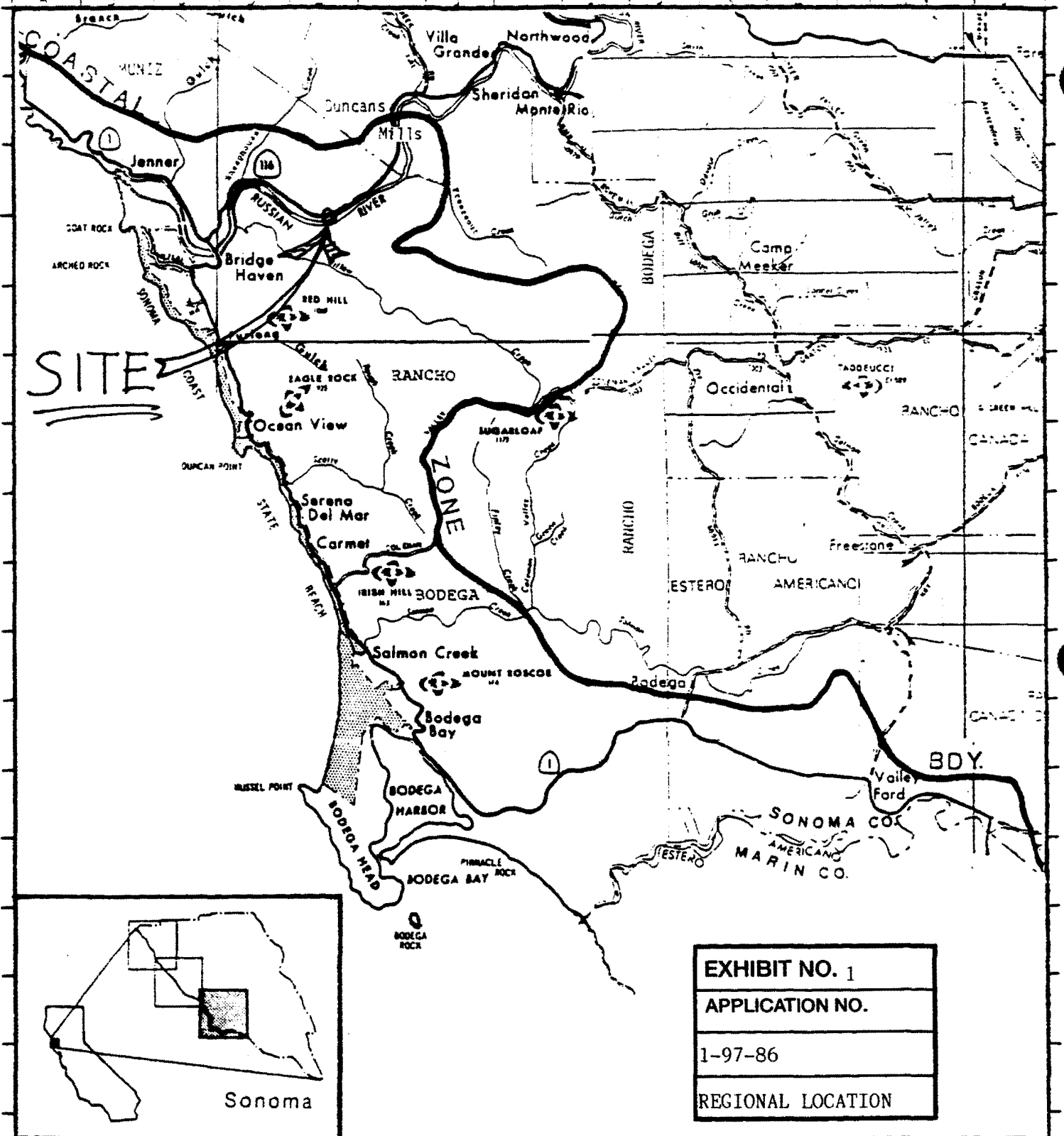
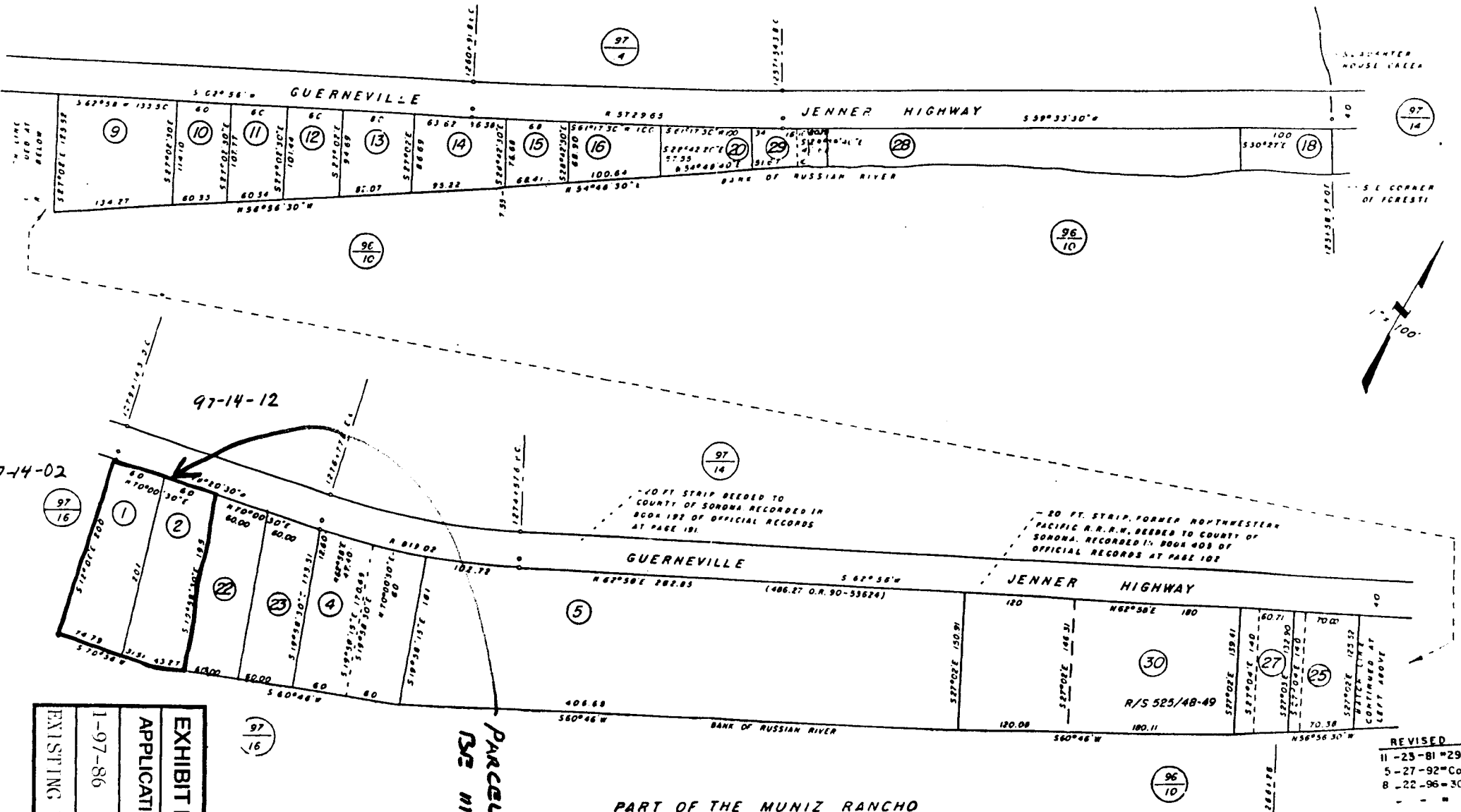


EXHIBIT NO. 1
APPLICATION NO.
1-97-86
REGIONAL LOCATION

COUNTY ASSESSOR'S PARCEL MAP

TAX RATE AREA
156-037

96-09



EXISTING PARCELS
1-97-86
APPLICATION NO.
EXHIBIT NO. 2

PARCELS TO
BE MERGED

PART OF THE MUNIZ RANCHO

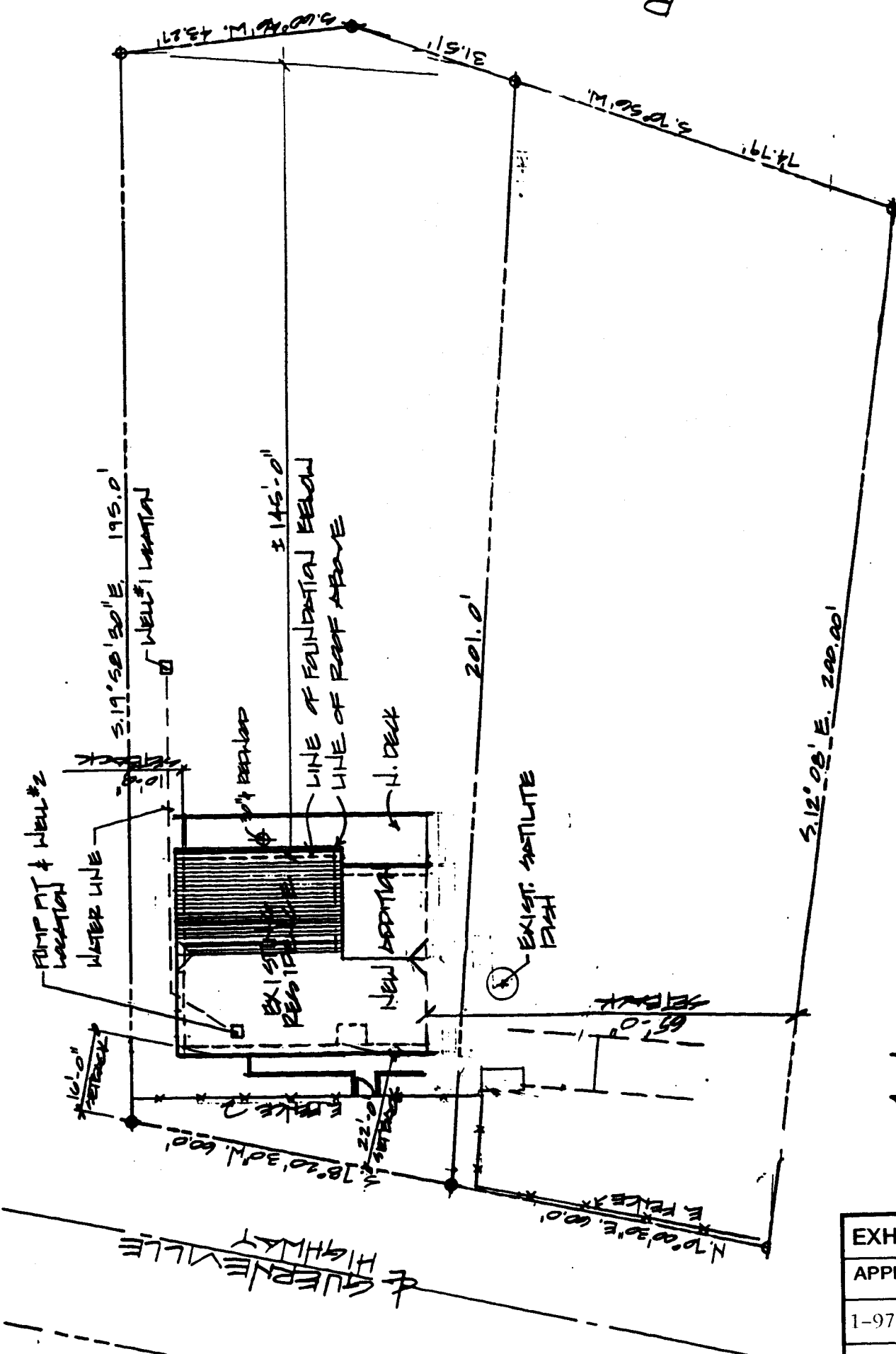
NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY, NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

REVISED

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8-22-96	-30
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Assessor's Map Bk. 96 pg. 0
Sonoma County, Calif.

P I L



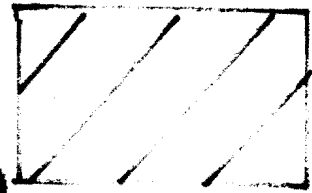
GUERNEVILLE HIGHWAY

A.P.N. 096-090-002

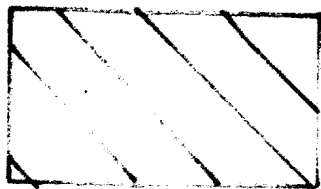
SITE PLAN
SCALE 1"=20'-0"



EXHIBIT NO. 3
APPLICATION NO.
1-97-86
SITE PLAN



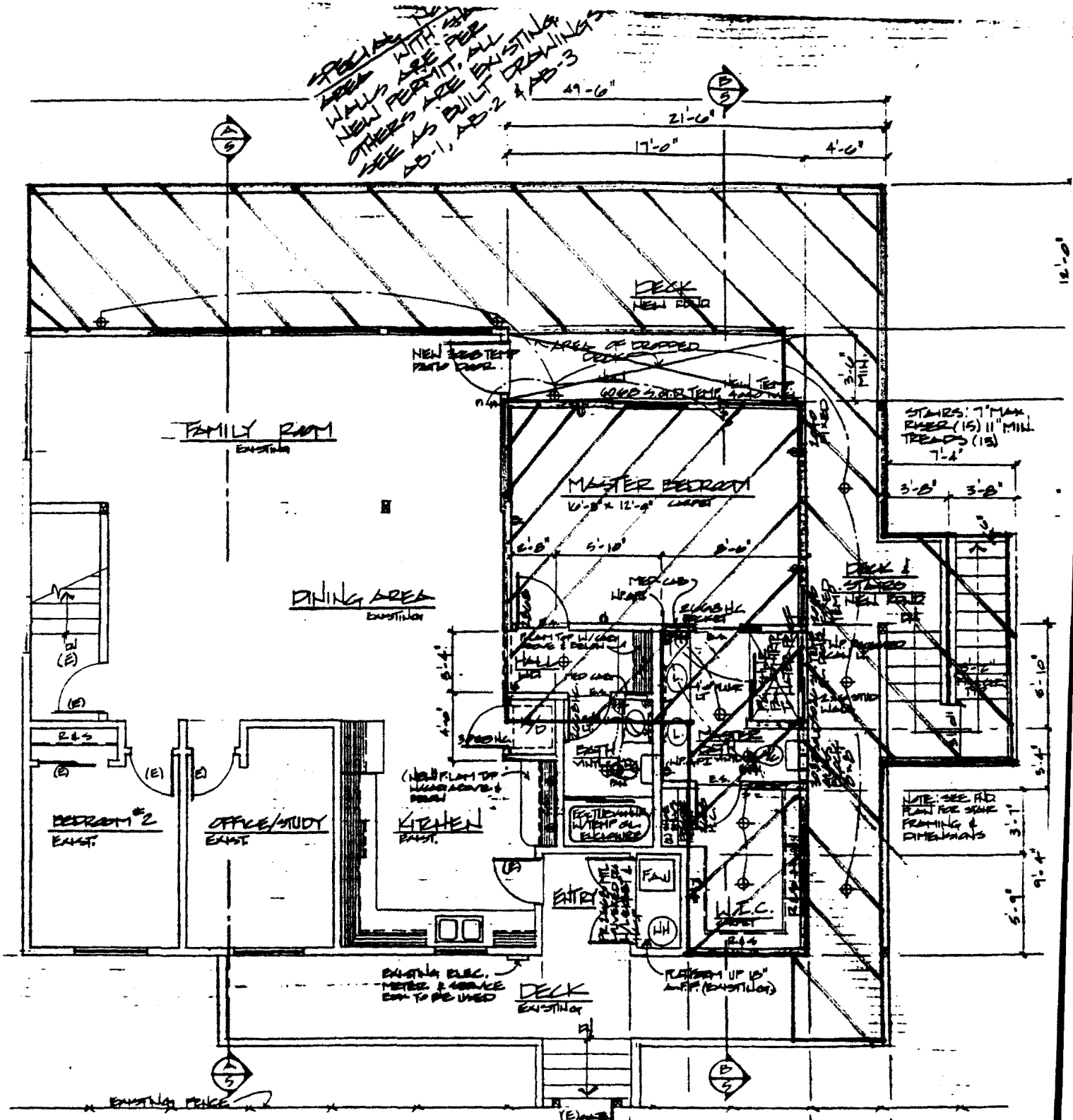
SECOND STORY
ADDITION



DECK ADDITION

EXHIBIT NO. 4
APPLICATION NO.
1-97-86
FLOOR PLAN

SPECIAL WITH
WALLS ARE PER
NEW PERMIT, ALL
OTHERS ARE EXISTING
SEE AS BUILT DRAWINGS
AS-1, AS-2 & AS-3

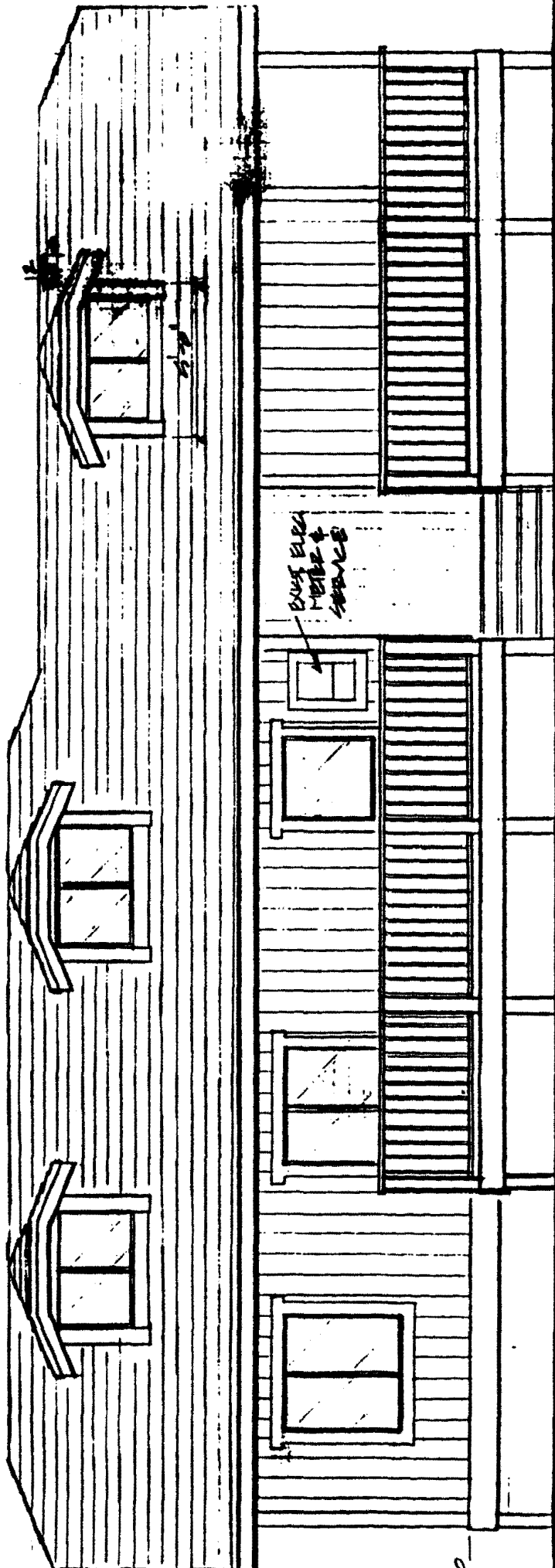


12'-0"

EXISTING PORCH

EXISTING STAIRS

APN: 096-090-002
SITE ADDRESS: 6690 HIGHWAY
DALLAS MILLS



NORTH SIDE ELEVATION
SCALE 1/4"=1'-0"

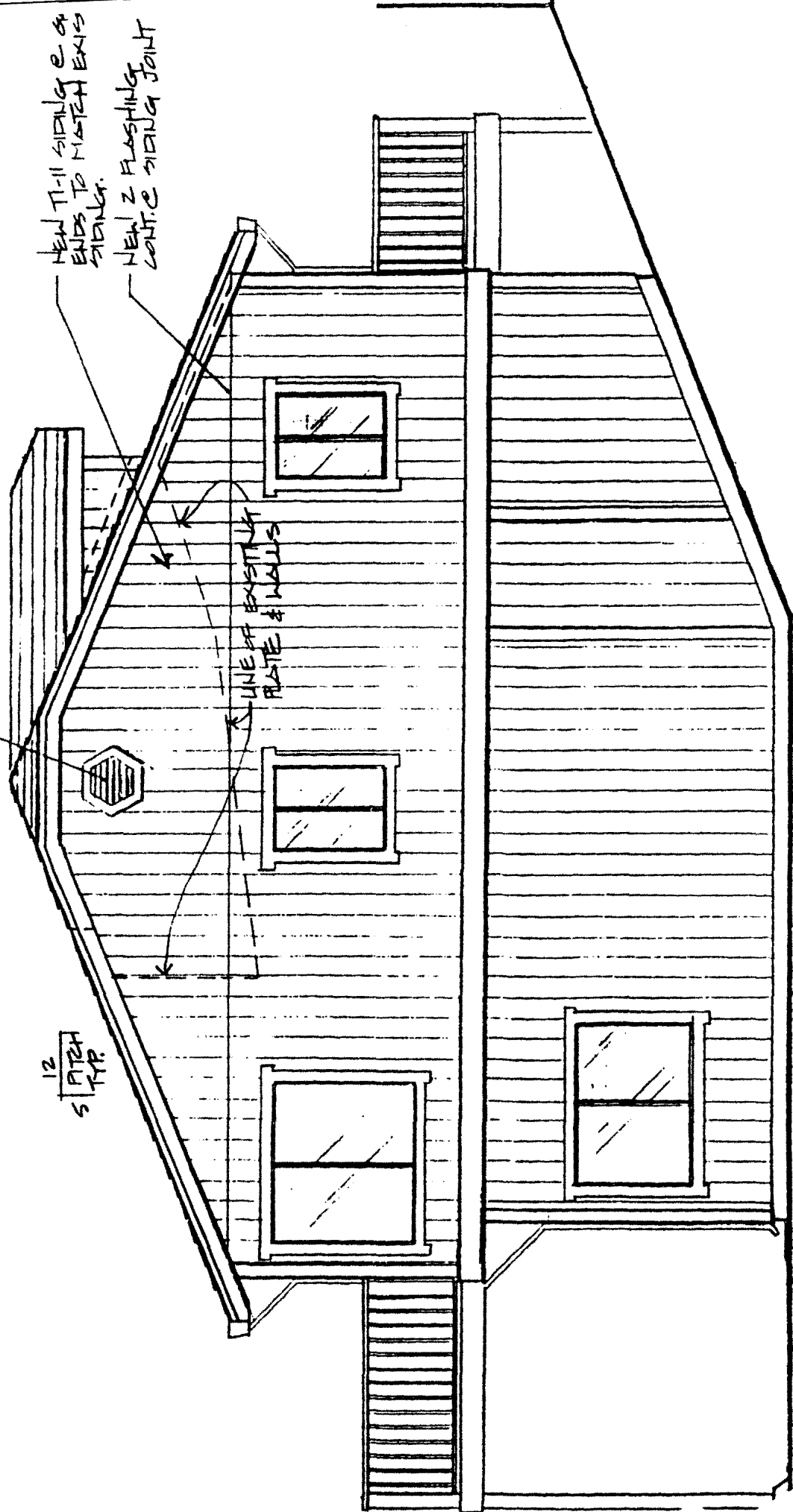
EXHIBIT NO. 5
APPLICATION NO.
1-97-86
NORTH ELEVATION

PROVIDE NEW GABLE
END VENTS PER NOTE #1
TYP. @ GABLE ENDS.

NEW T-11 SIDING @ 5'
ENDS TO MATCH EXIST
SIDING.
NEW Z FLASHING @
CENTRE SIDING JOINT

LINE OF EXISTING
PLASTER & WALLS

12
5 PITCH
TYP.

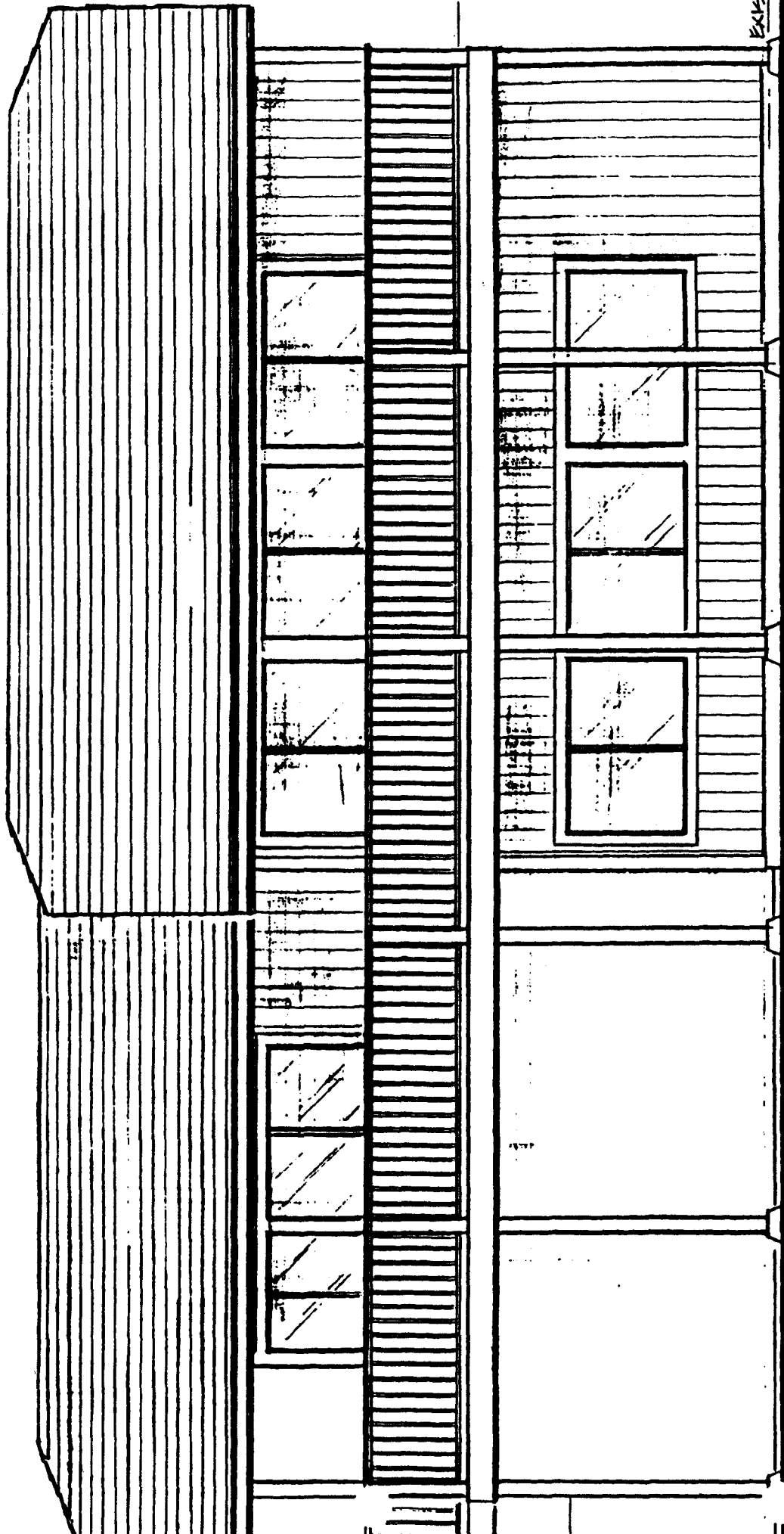


EAST SIDE ELEVATION
SCALE 1/4" = 1'-0"

EXHIBIT NO. 6
APPLICATION NO.
1-97-86
EAST ELEVATION

12

EXIST. FI



SOUTH SIDE ELEVATION
 SCALE 1/2"=1'-0"

EXHIBIT NO. 7
APPLICATION NO.
1-97-86
SOUTH ELEVATION

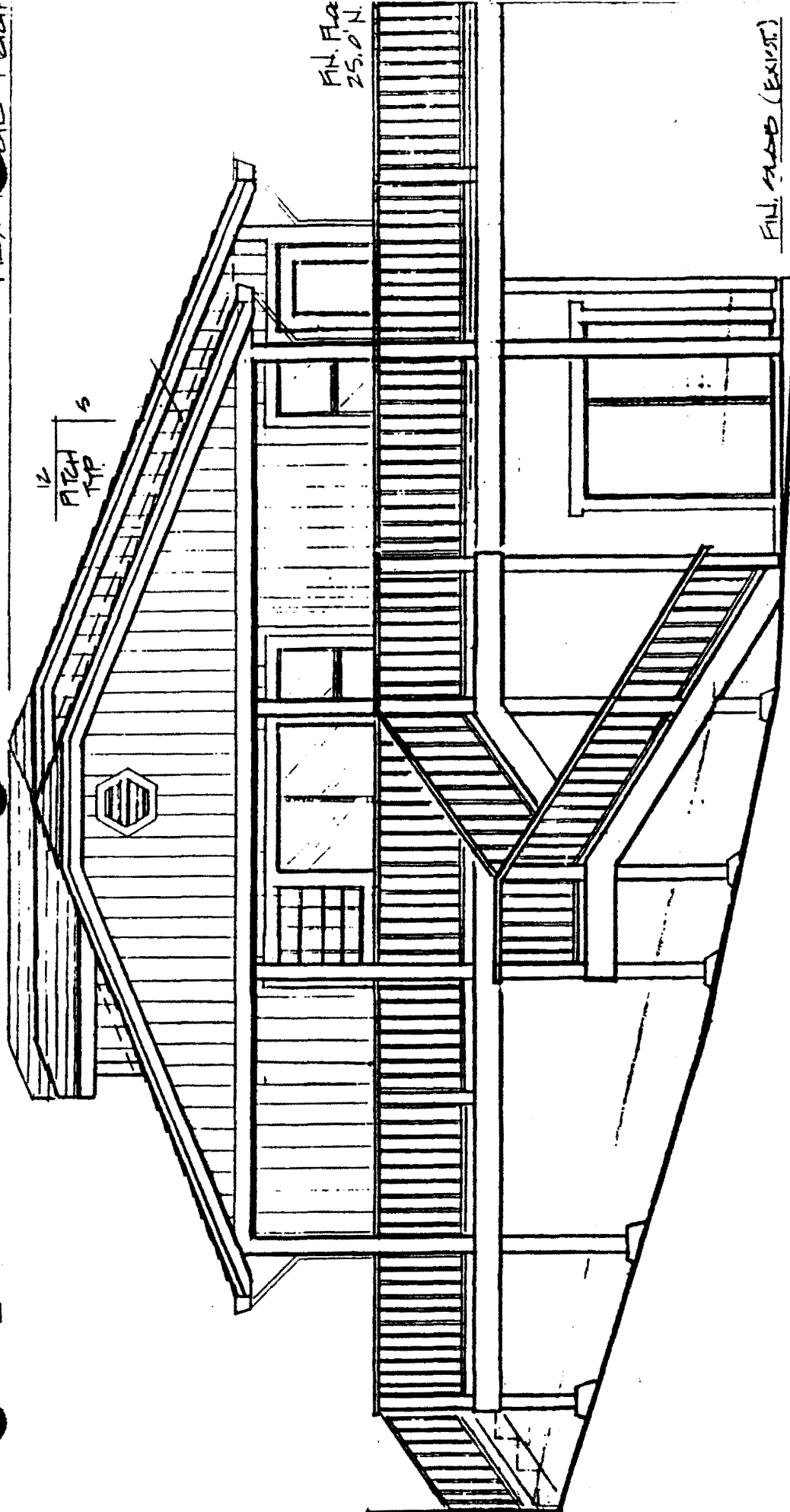
MAX GATE HEIGHT

1/2
PITCH
TYP.

FIN. FLOOR
25.0' N.

FIN. FLOOR (EXIST.)

11



WEST SIDE ELEVATION
SCALE 1/4" = 1'-0"

EXHIBIT NO. 8
APPLICATION NO.
1-97-86
WEST ELEVATION

