

OWNER/APPLICANT: HANS HEIM
PO BOX 238
APTOS, CA 94001

AGENT: JAMES HAY
PO BOX 762
MENDOCINO, CA 95460

REQUEST: Standard Coastal Development Permit for a new water well, connect the water to the house, and installing a 5,000 gallon partially buried storage tank.

LOCATION: In the Coastal Zone and lying west of Highway 1, approximately one quarter mile west of its intersection with Chapman Road, located at 45250 Chapman Road, Mendocino (APN 119-330-20).

APPEALABLE: Yes. Bluff Top Development. Highly Scenic Area (Tree Removal)

PERMIT TYPE: Standard Coastal Development Permit

TOTAL ACREAGE: 1± acre

GENERAL PLAN: RR-5:PD with Highly Scenic Area

ZONING: RR-5

EXISTING USES: Vacation Home Rental

ADJACENT ZONING: North: ocean
East: RR-5
South: OS
West: RR-5

SURROUNDING LAND USES: North: ocean
East: Vacation Home Rental
South: Open space
West: Residential

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA – Class 3e

OTHER RELATED APPLICATIONS: BL_2008-0552 for Vacation Home Rental

PROJECT DESCRIPTION: The project is to drill a new water well and install a 5,000 gallon storage tank that is partially buried. The storage tank will protrude 2.25 feet above natural grade and a new water line will connect the well to the existing residential structure.

SITE DESCRIPTION AND SETTING: The 1 acre parcel is situated on bluff top lands along the south shore of Mendocino Bay. Residential development exists on-site and a business license has been issued for a Vacation Home Rental, which is a principal permitted land use. The land is fully developed with mature trees, groomed landscaping, driveway, patio, and residential structures. While maps indicate that

the site may have environmentally sensitive habitat, the nature of land development precludes this finding on site. Adjacent lands are designated open space and this may be influencing mapping information. California Department of Fish and Wildlife did review the proposed well and tank; they did not request a biological scoping survey.

The parcel contains bluff top topography, generally sloping down toward the north boundary and shoreline. The proposed improvements will be adjacent to the southern property boundary and situated the greatest available distance from the bluff top edge.

KEY ISSUES: Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Coastal Zoning Code (MCCZC). **APPENDIX A** of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The issues listed below are drawn from **APPENDIX A** and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

➤ Visual Resources

The project site is designated Highly Scenic Area and Tree Removal Area. General Plan policies regarding tree removal in highly scenic areas are outlined in Chapter 3.5 of the Coastal Element, Subsection 3.5-5, “... *trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views. In circumstances in which concentrations of trees unreasonably obstruct views of the ocean, tree thinning or removal shall be made a condition of permit approval. In the enforcement of this requirement, it shall be recognized that trees often enhance views of the ocean area, commonly serve a valuable purpose in screening structures, and in the control of erosion and the undesirable growth of underbrush.*” Findings for development in a Highly Scenic Area and the development criteria of Section 20.504.015(C)(9) are evaluated in Appendix A.

Thinning the trees at this location will not open additional views of the sea or peninsula. While the project site is westerly of Highway 1, views of Mendocino Bay and the sea are obstructed by other landscaped and developed lots between the project site and Highway 1. Conditions requiring the thinning or removal of trees from the project site would not improve views to or from the sea. Staff does not recommend adoption of conditions requiring tree removal or thinning.

Notably, the existing manicured landscape would screen the proposed 2.25 foot protrusion of the proposed water storage tank. Existing shrubs and trees provide screening of the proposed water storage tank.

➤ Bluff Top Development

The property is located along the south shore of Mendocino Bay. The northern property includes a bluff with beach below. Chapter 20.500 *Hazard Areas* development criteria for bluffs have four standards, which are evaluated in Appendix A. The proposed well and water storage tank would be situated the greatest possible distance from the bluff edge. The 250 foot separation is considered sufficiently removed to not contribute to erosion of the bluff face or instability of the bluff. Existing drought tolerant landscaping is provided on site.

RECOMMENDED FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.504, Chapter 20.532, and Chapter 20.536 of the Mendocino County Code, Planning and Building Services recommends the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions:

REQUIRED FINDINGS FOR THIS COASTAL DEVELOPMENT PERMIT:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two (2) years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.

- d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit for approval by Planning and Building Services a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary. Roof down spouts shall be directed to landscaped areas and avoid discharging off the parcel.

Staff Report Prepared By:

DATE

JULIANA CHERRY
PLANNER III

January 15, 2015
JC/hm

Appendix List:

Appendix A Coastal Permit Approval Checklist

Attachment List:

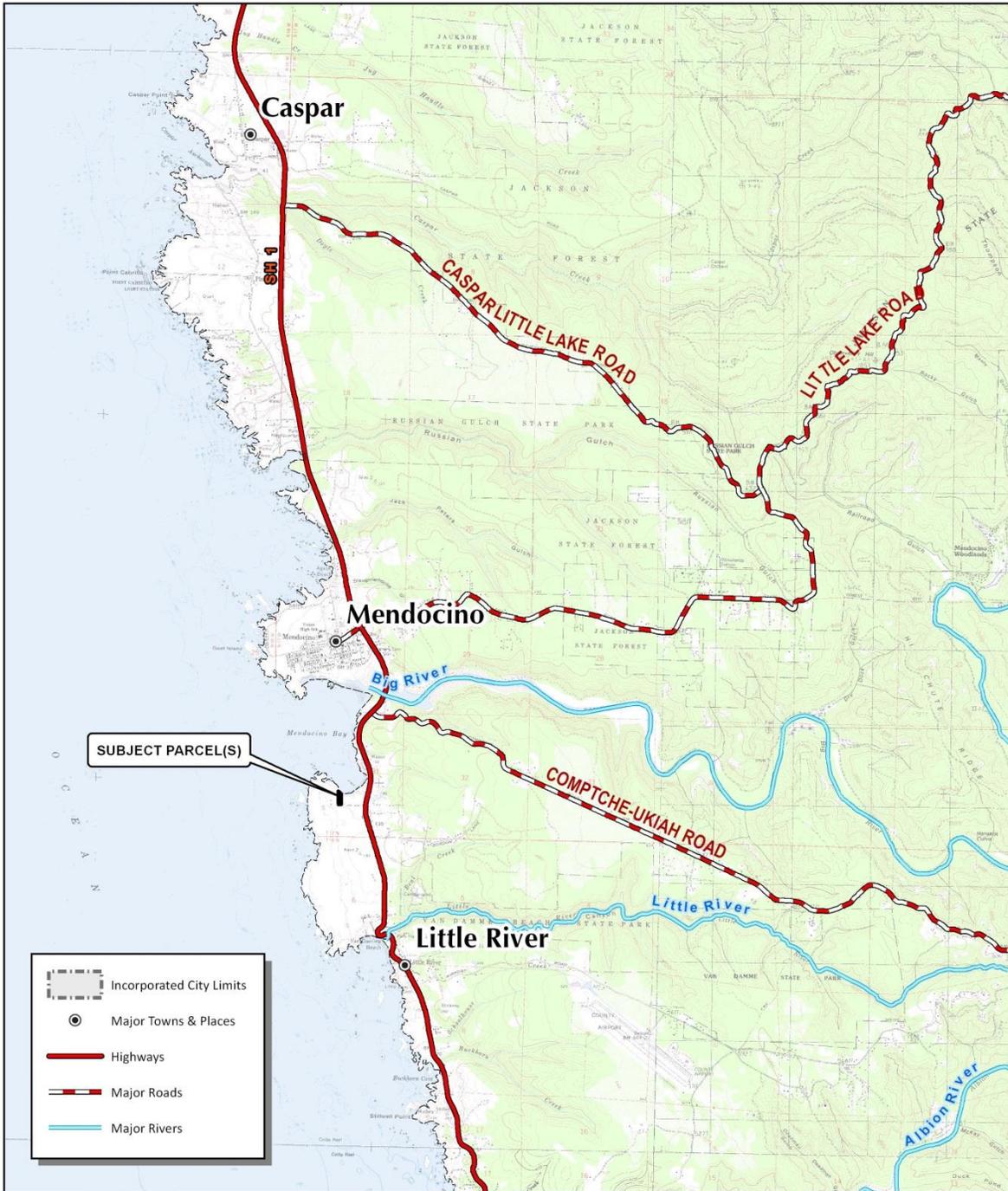
ATTACHMENT A -Location Map
ATTACHMENT B -Topographic Map
ATTACHMENT C -Aerial Map
ATTACHMENT D -Zoning Display Map
ATTACHMENT E -General Plan Designations
ATTACHMENT F -Local Coastal Plan
ATTACHMENT G -Adjacent Parcels
ATTACHMENT H -Fire Hazard Zones & Responsibility Areas
ATTACHMENT I -Coastal Groundwater Resource Areas
ATTACHMENT J -Highly Scenic & Tree Removal Areas
ATTACHMENT K -Estimated Slope
ATTACHMENT L -Local Soil Types

SUMMARY OF REFERRAL AGENCY COMMENTS:

| | |
|--|---------------------------------|
| Planning – Ukiah | No comment |
| Mendocino Department of Transportation | No response |
| Environmental Health – Fort Bragg | Recommends conditional approval |
| Building Inspection – Fort Bragg | No response |
| Assessor | No response |
| U.S. Fish and Wildlife Service | No requirements |
| Native Plant Society | No response |
| Department of Fish and Wildlife | No response |
| Coastal Commission | No response |

ATTACHMENTS

CDP 2014-0030



-  Incorporated City Limits
-  Major Towns & Places
-  Highways
-  Major Roads
-  Major Rivers

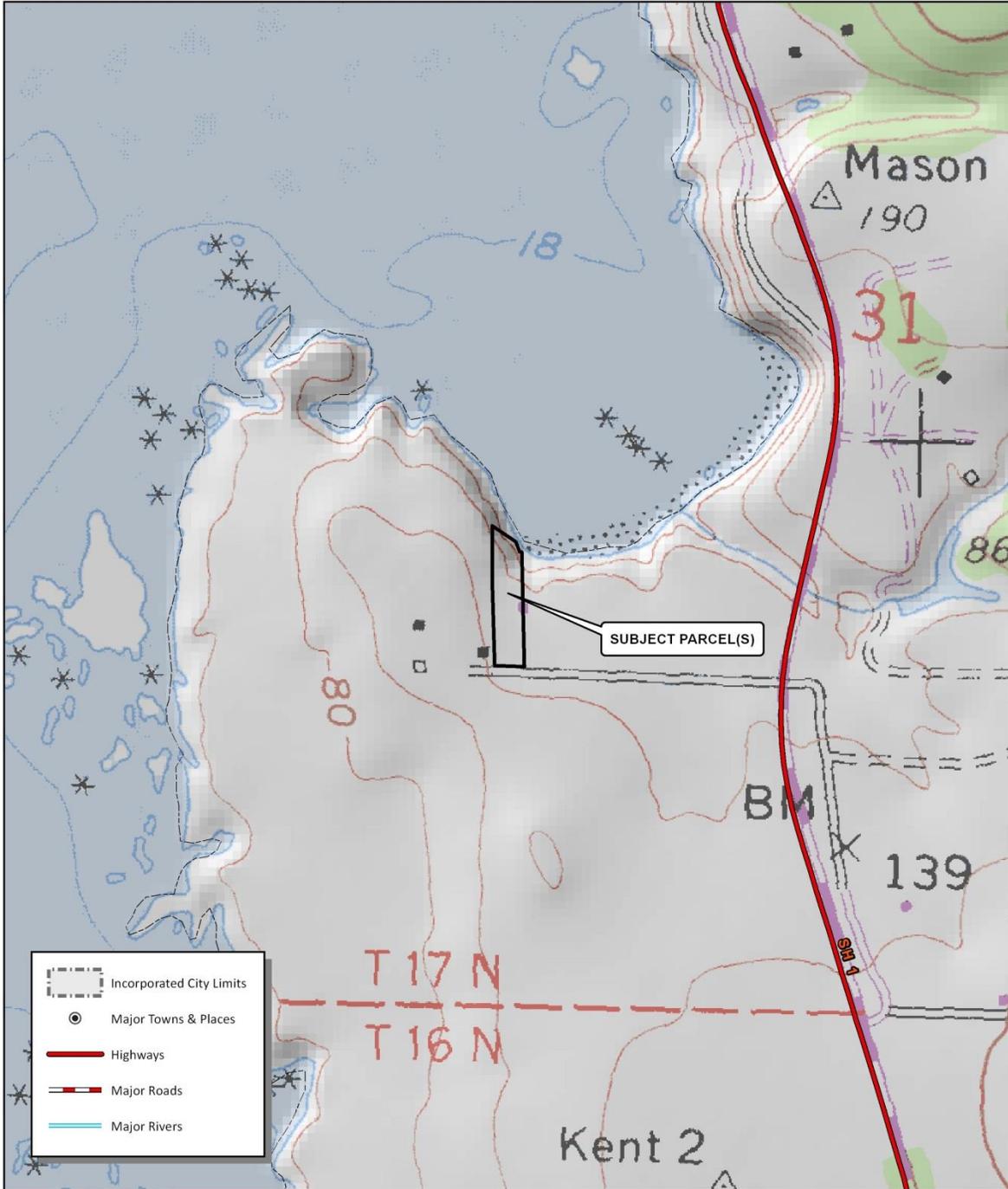
CASE: CDP 30-2014
OWNER: HEIM, Hans & EASTON, Carol
APN: 119-330-02
AGENT: James Hay
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LOCATION MAP

0 2,550 5,100 Feet
0 0.5 1 Miles
1:63,360



EXHIBIT NO: 1



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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

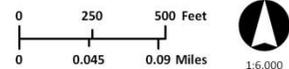


EXHIBIT NO: 2



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GOOGLE EARTH IMAGERY
IMAGERY DATE: 8-17-2013

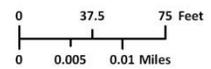
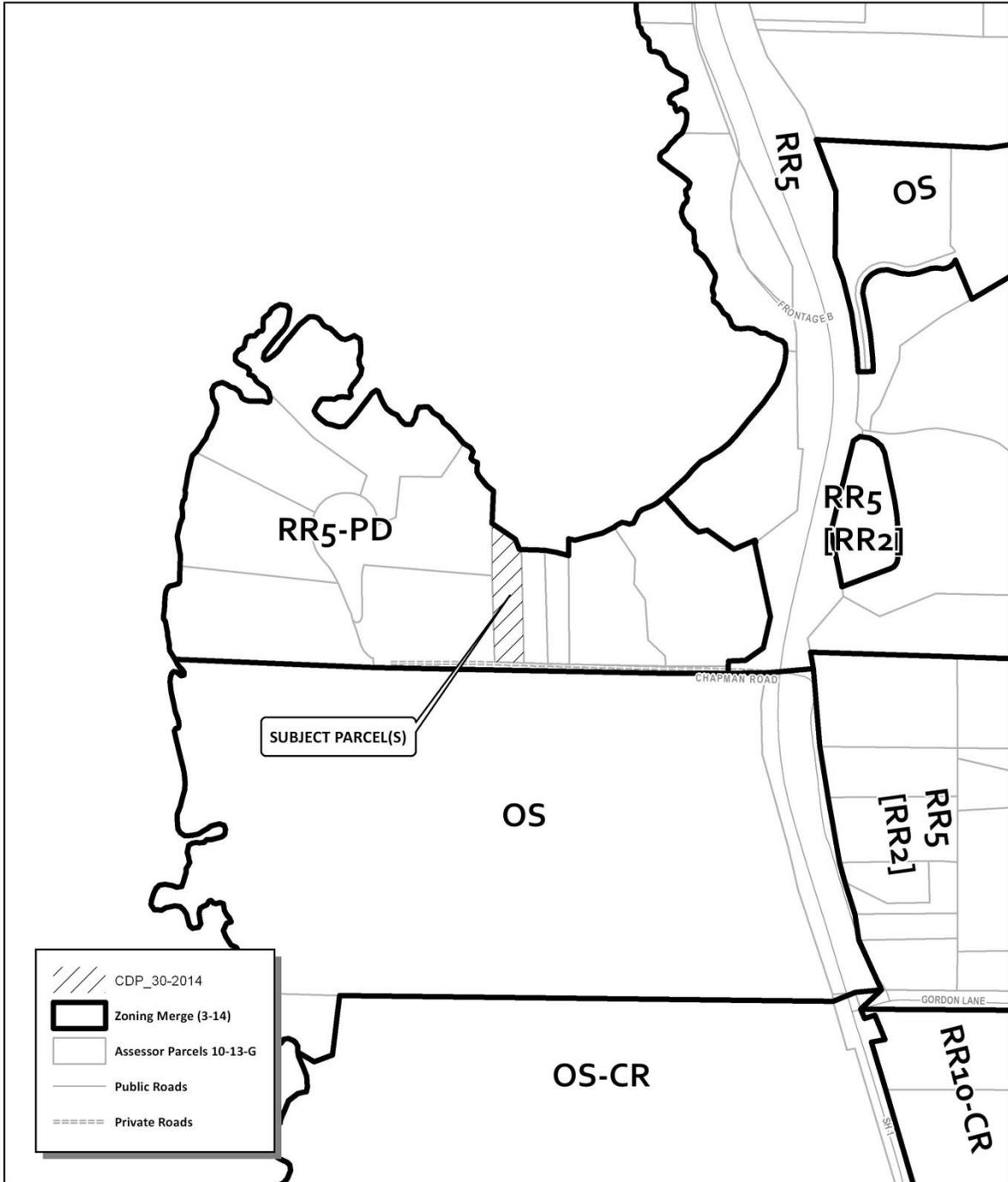


EXHIBIT NO: 3



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GP/ZONE: RR5-PD / RR5-PD
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ZONING DISPLAY MAP

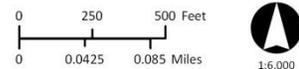
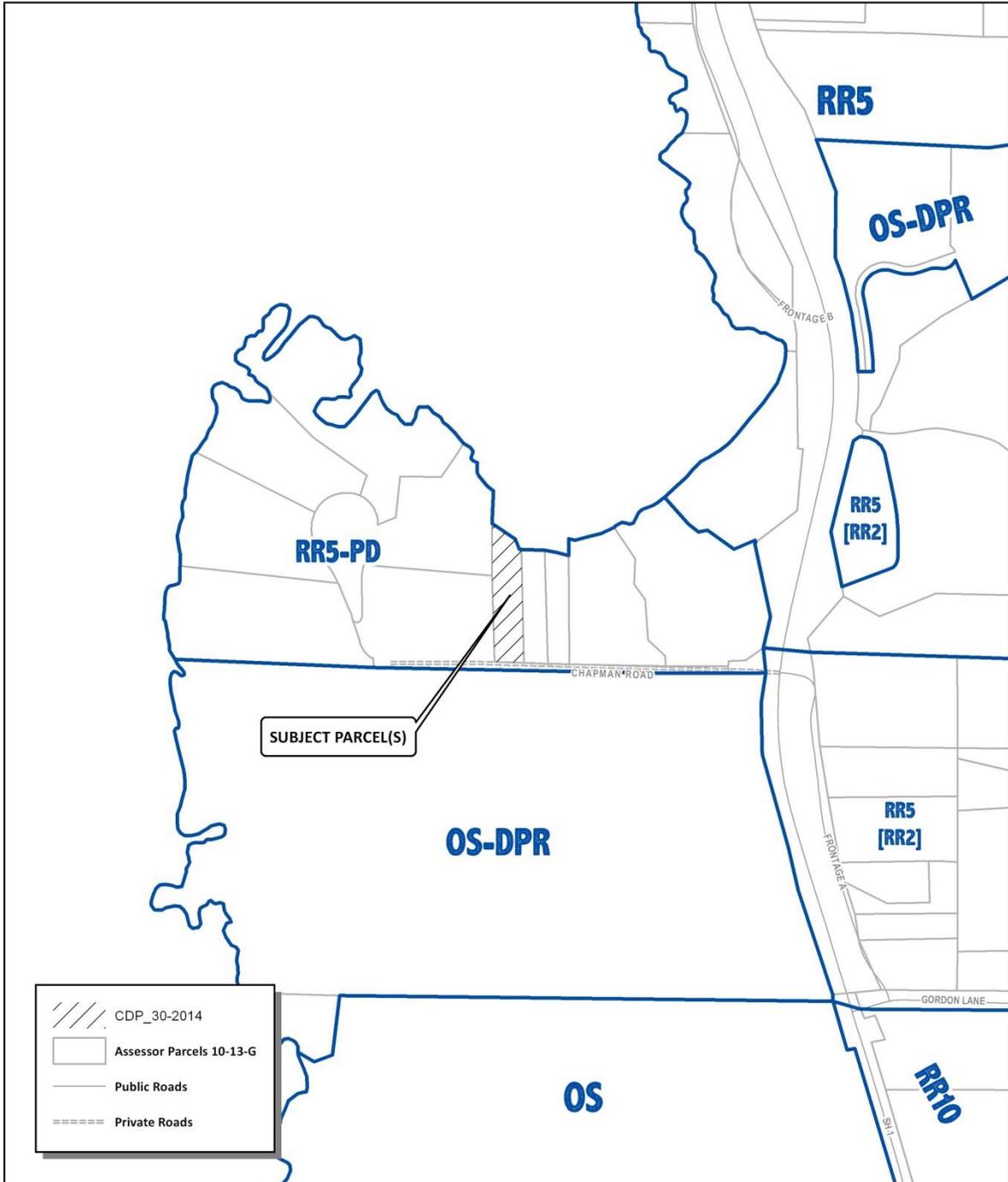


EXHIBIT NO: 4



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GENERAL PLAN DESIGNATIONS

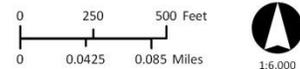
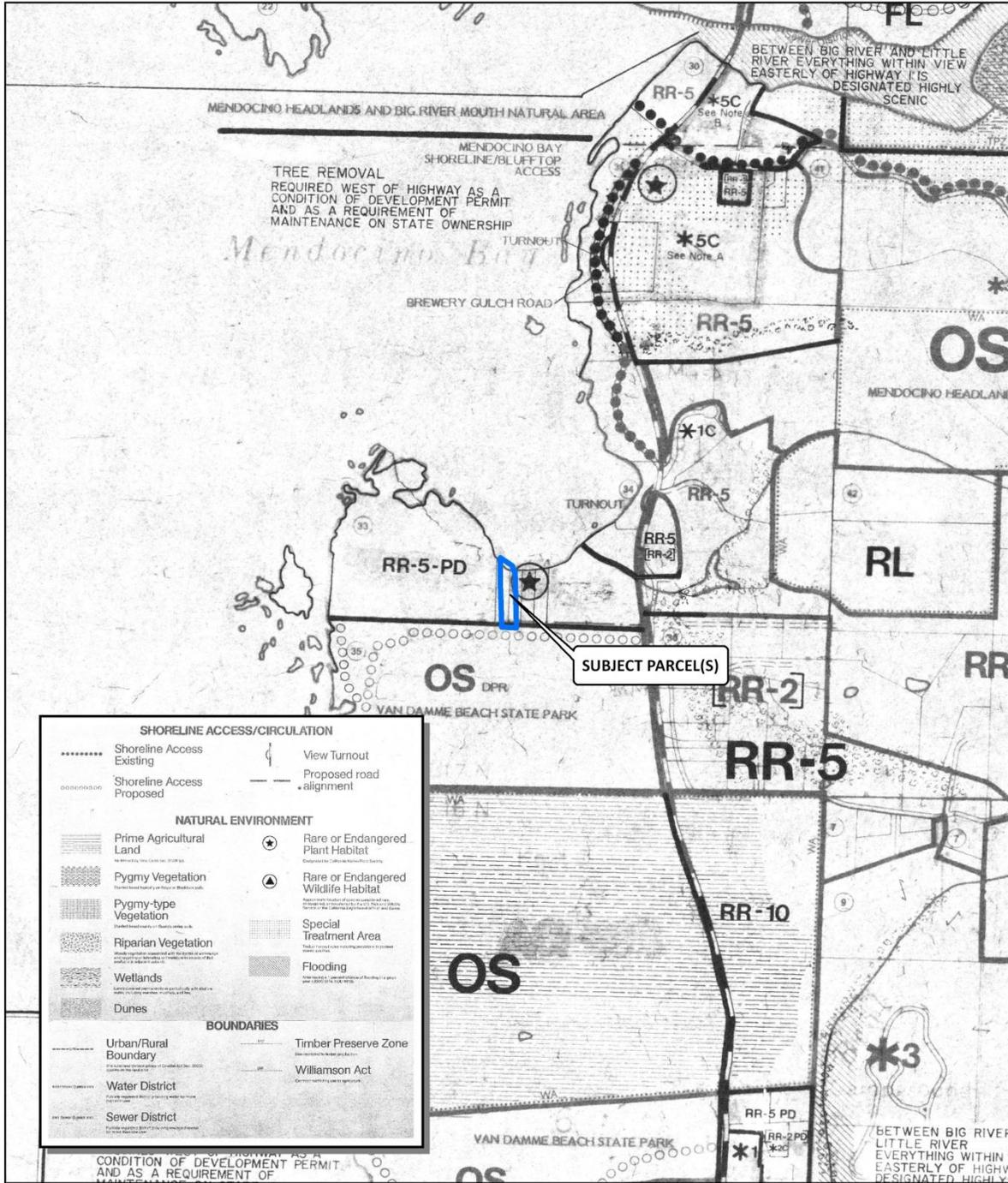


EXHIBIT NO: 5



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 ADDRESS: 45250 Chapman Road, Mendocino

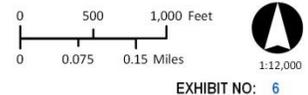
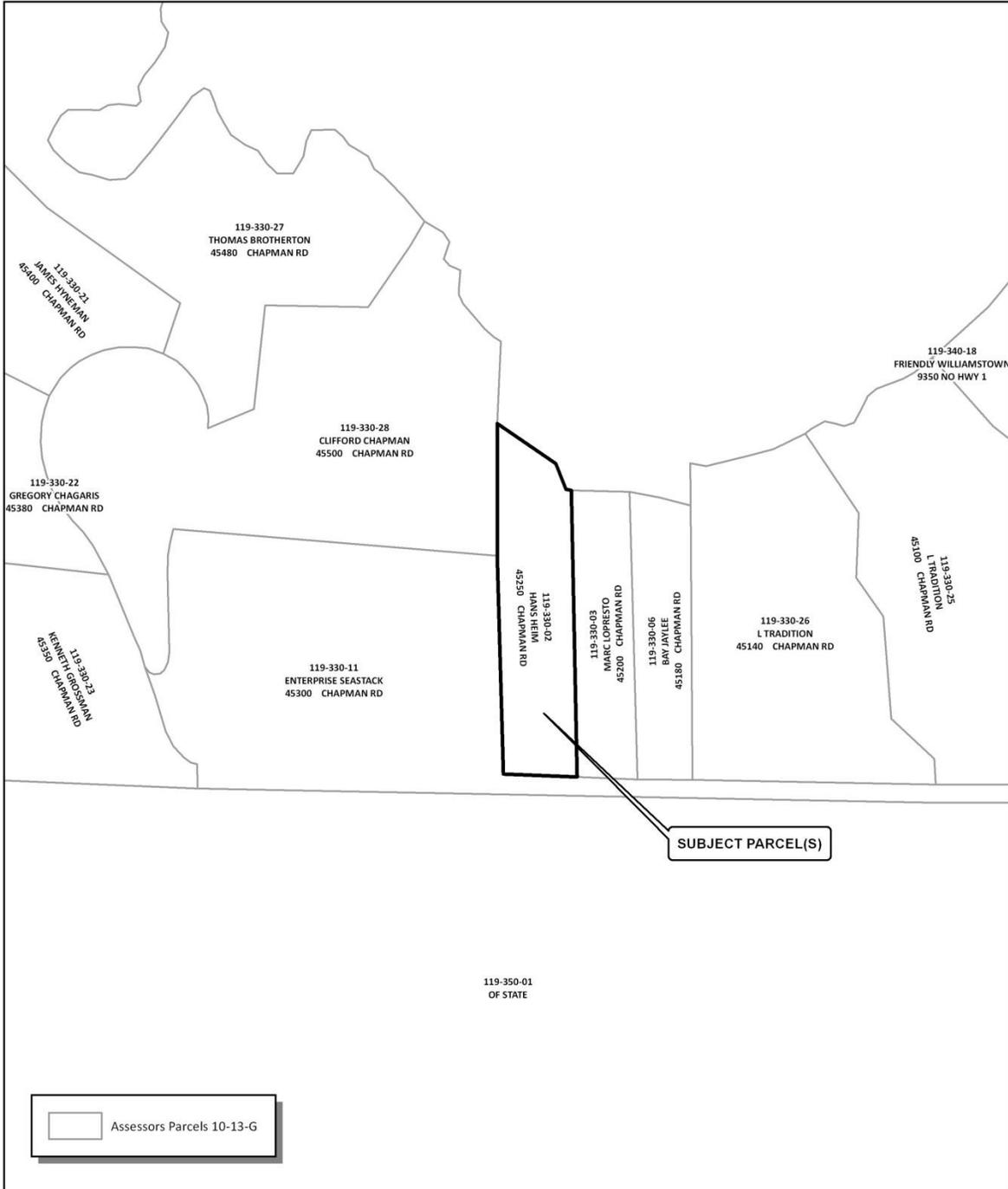


EXHIBIT NO: 6



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ADJACENT PARCELS

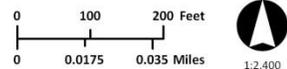
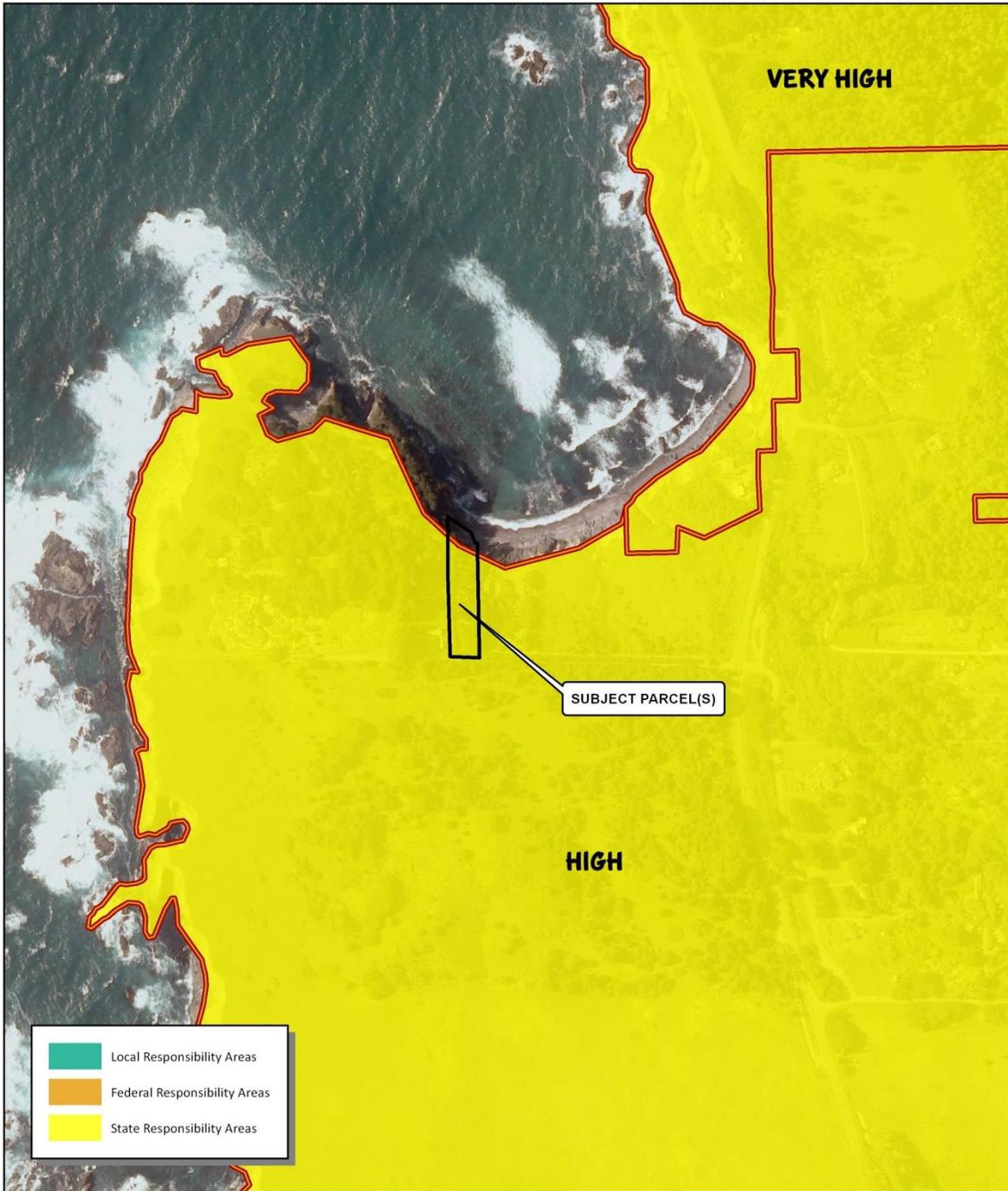


EXHIBIT NO: 7



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FIRE HAZARD ZONES & RESPONSIBILITY AREAS
MENDOCINO FIRE DISTRICT

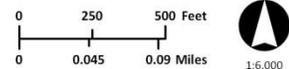
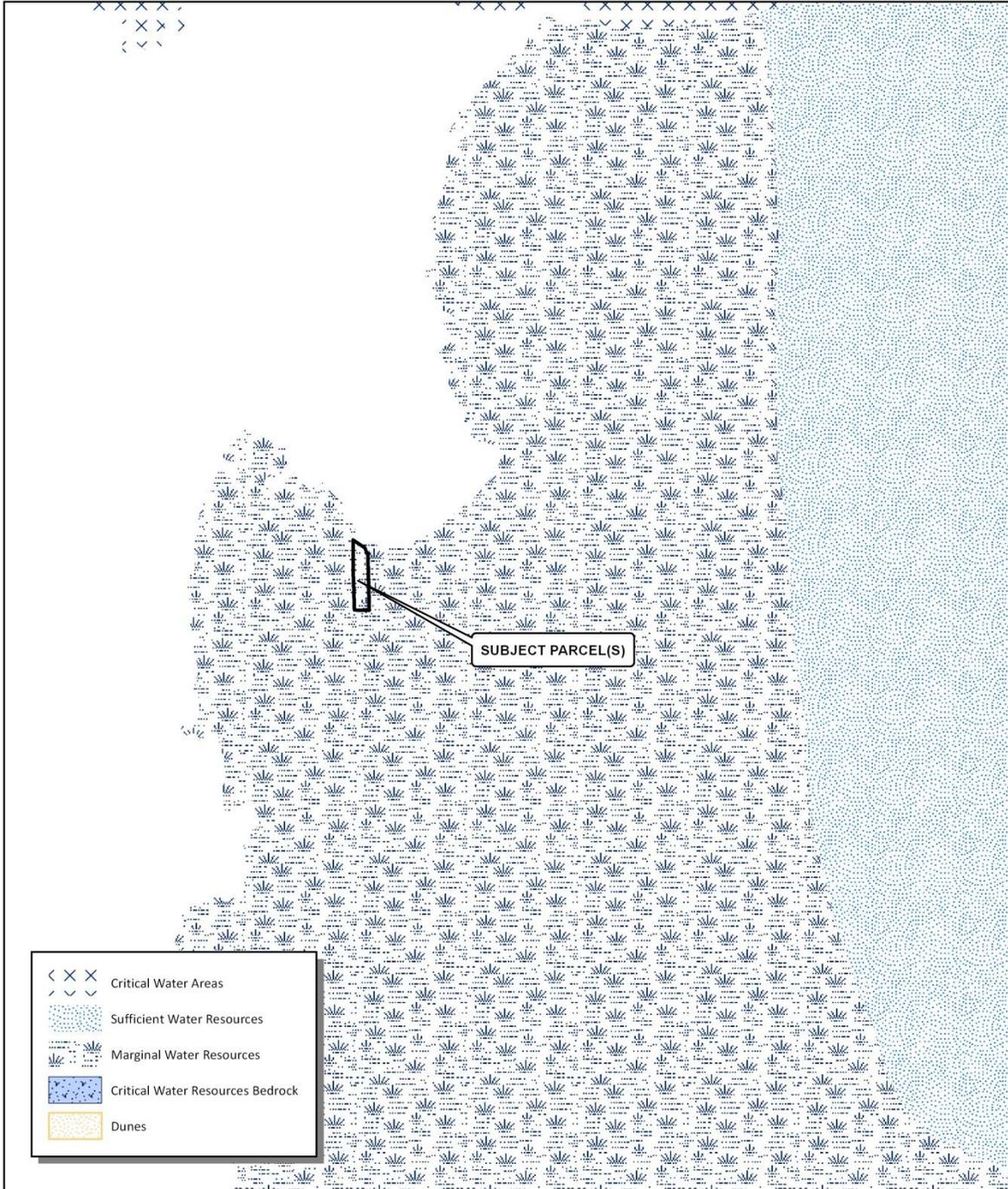


EXHIBIT NO: 8



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COASTAL GROUNDWATER RESOURCE AREAS

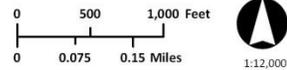
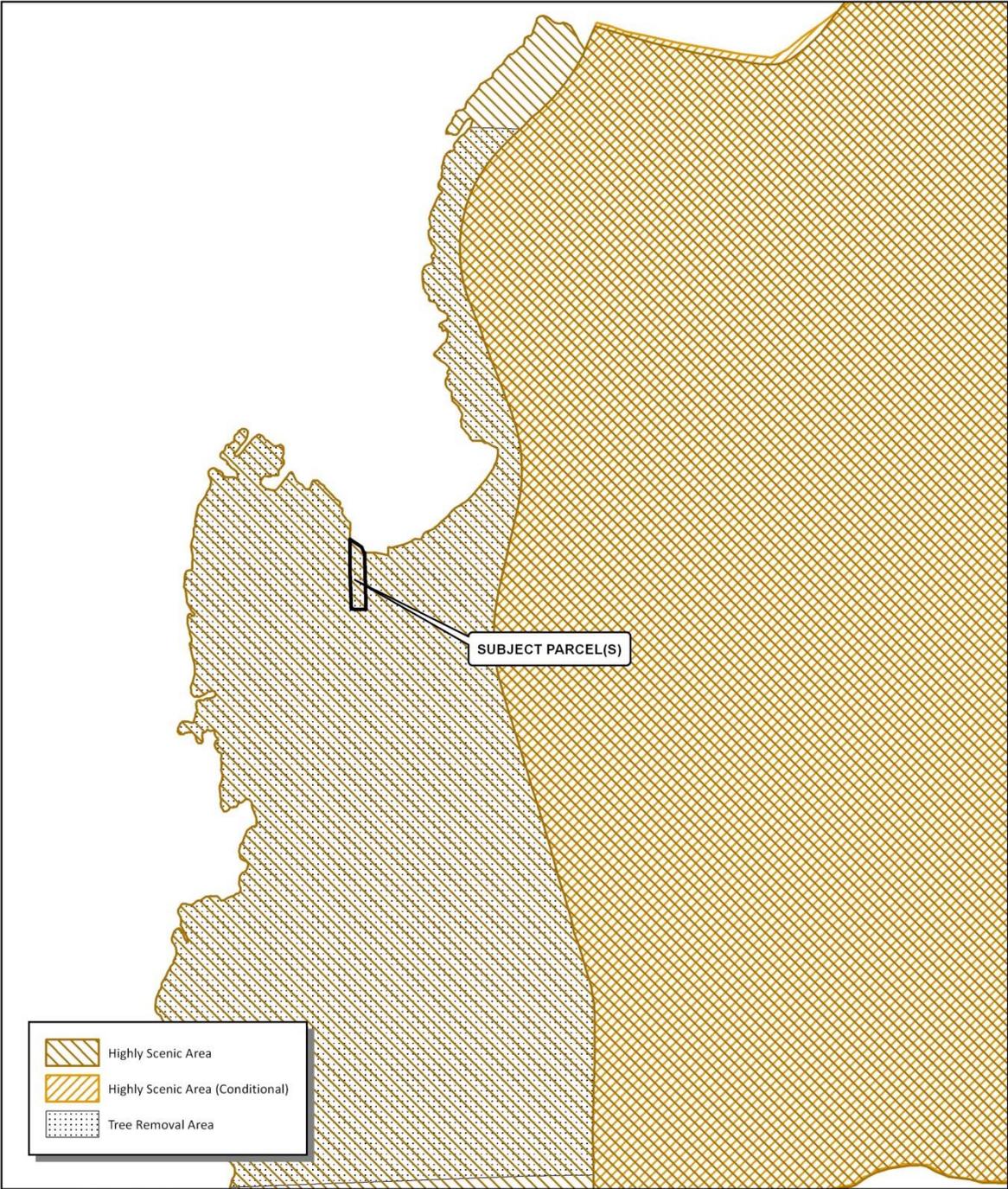
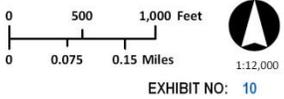


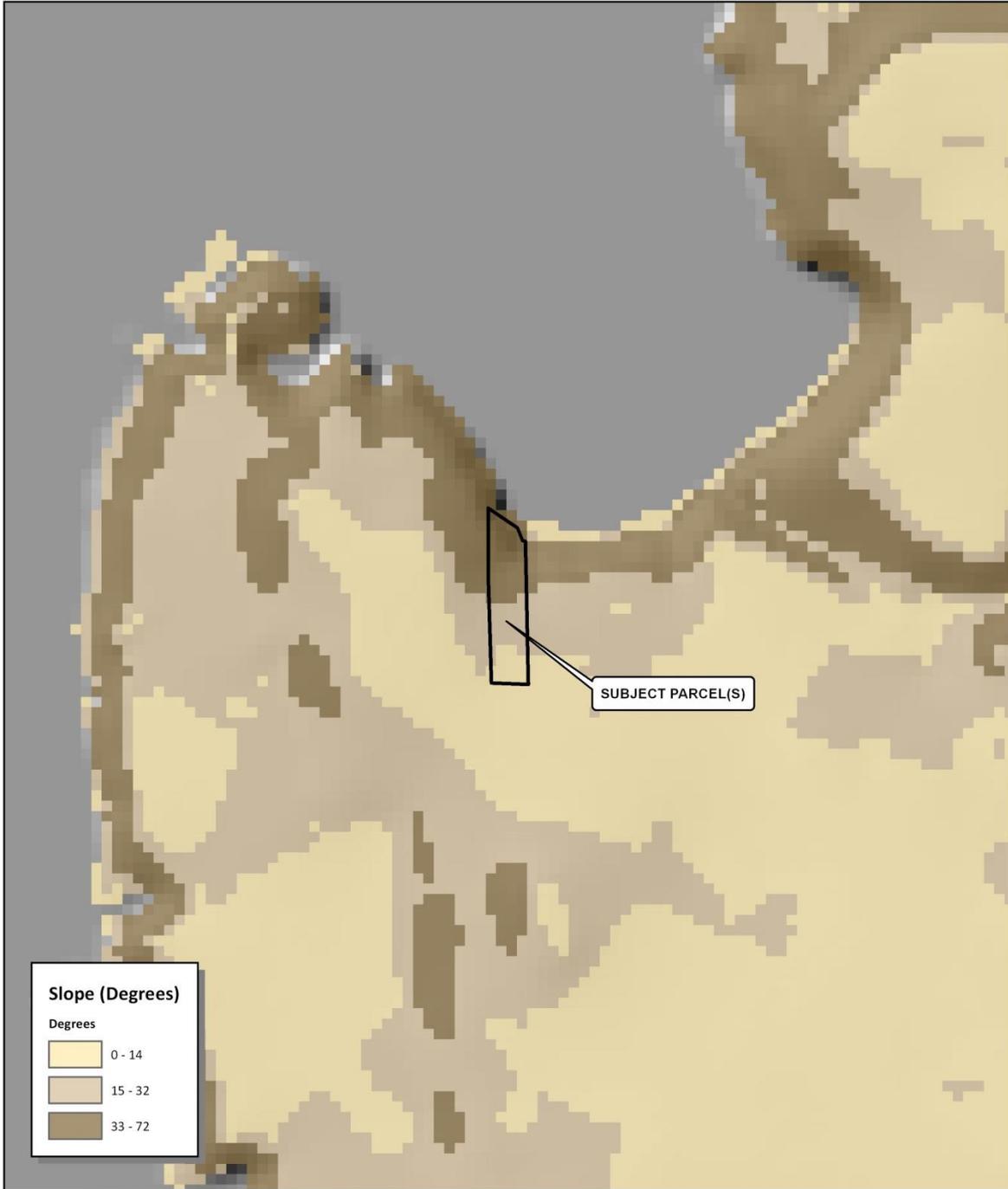
EXHIBIT NO: 9



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HIGHLY SCENIC & TREE REMOVAL AREAS





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ESTIMATED SLOPE

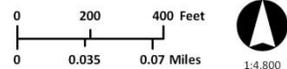
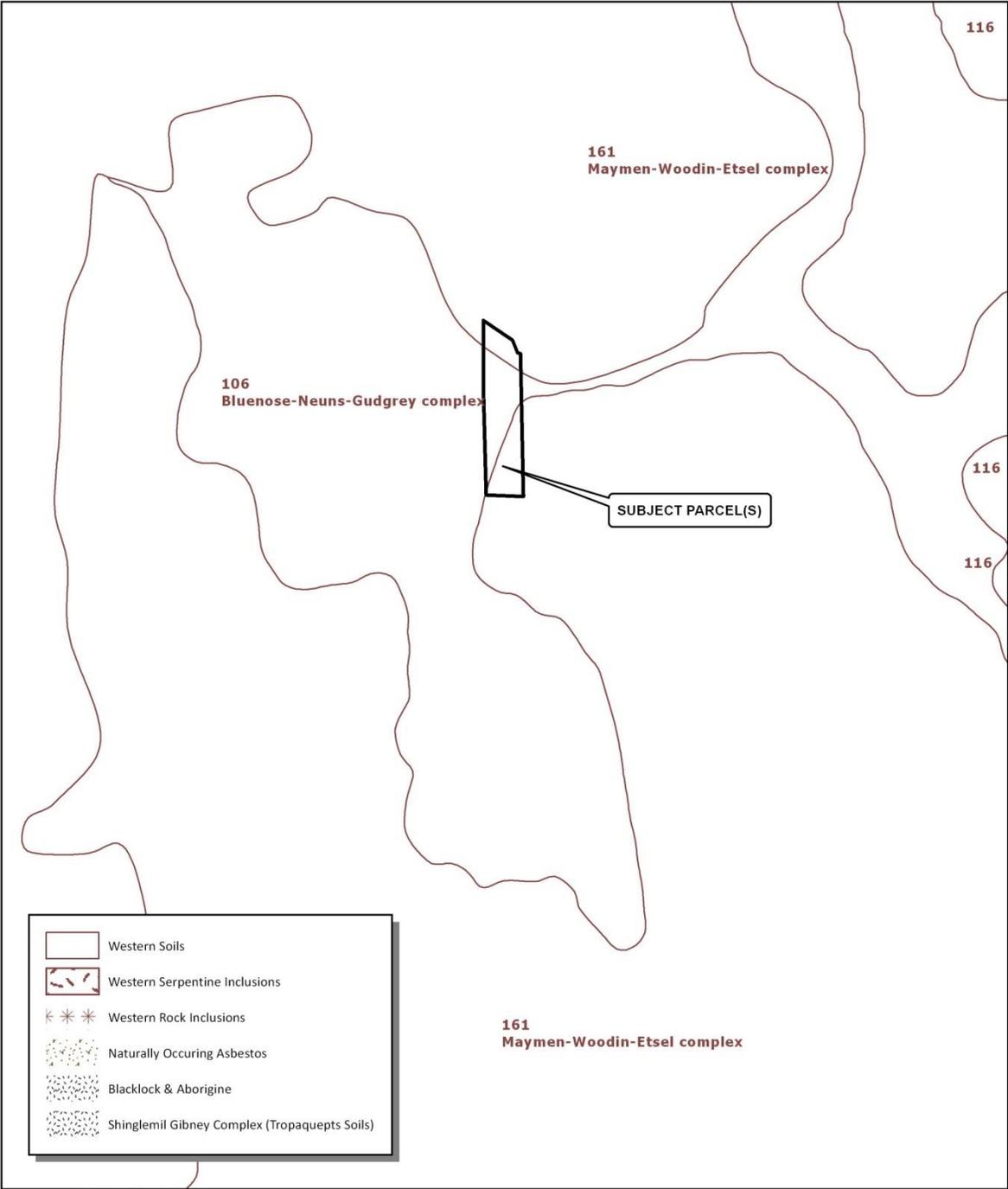


EXHIBIT NO: 11



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LOCAL SOIL TYPES

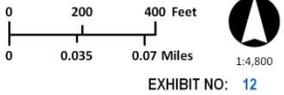


EXHIBIT NO: 12