



## MEMORANDUM

DATE: NOVEMBER 16, 2016  
TO: COASTAL PERMIT ADMINISTRATOR  
FROM: JULIA ACKER, PLANNER III  
RE: CDP\_2005-0067, 2016 RENEWAL (CDPR\_2016-0003) ADDITIONAL CONDITIONS

The subject permit was approved by the Coastal Permit Administrator on April 26, 2007, which authorized the construction of a 2,271 square foot single-family residence with a detached 576 square foot garage, installation of a driveway, septic system, and removal of approximately 24 trees. The staff report and Coastal Permit Administrator Action Sheet are attached for reference. The applicant is requesting a one year renewal of the subject Coastal Development Permit and proposes no changes to the original request. The renewal would result in a new expiration date of May 25, 2017.

Due to the length of time since the original approval of the Coastal Development Permit, the applicant was asked to update the biological and botanical studies for the site to determine if site conditions have changed and whether the original approval is still supported by on-site conditions. A Botanical Survey Update (SNRC 2016a) and June 15, 2016 Summary Letter (SNRC 2016b) was submitted for the project. Staff has reviewed the documents and distributed them to the appropriate resource agencies for review and comment. Several additional conditions of approval are recommended within the Update and Summary Letter and have been agreed upon with the appropriate resource agencies. Therefore, Staff is recommending the addition of three conditions of approval to insure that resources with the potential to occur on the parcel are adequately protected during construction activities. In accordance with MCC Section 20.536.025, should a Renewal impose additional conditions of approval it shall be referred back to the approving authority (in this case it's the Coastal Permit Administrator) for consideration.

As a result of the 2016 Renewal, Staff recommends addition of the following Special Conditions:

14. Two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog. A letter shall be provided to this office prior to construction activities demonstrating training by a qualified professional. During ground disturbing or materials moving activities, construction crews shall begin each day with a visual search around the area of disturbance to detect the presence of frogs. During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs. If a rain event occurs, all ground disturbing activities shall cease for a period of 48 hours. Prior to resuming construction, trained crew members will examine the site for presence of frogs. If no frogs are found, activities can resume. If frogs are found, construction crews shall stop work and contact the US Fish and Wildlife Service or a qualified biologist. Work may only resume with clearance from US Fish and Wildlife Service.
15. In order to provide for the protection of special status birds and bats, clearing of vegetation and ground disturbing activities shall be conducted between September 1 and October 31. If this cannot be accomplished, the recommendations of the Botanical Survey Update (SNRC 2016) shall be followed requiring pre-construction bird and/or bat surveys, as necessary, dependent on the time of year.

16. All trees to be removed shall be flagged or otherwise clearly marked prior to removal. Within two weeks prior to tree removal activities, Douglas fir, grand fir, and Bishop pine to be removed shall be surveyed for Sonoma tree vole presence, per the most current and relevant protocols available. The survey report shall be submitted to Planning and Building Services and California Department of Fish and Wildlife for review and approval. Written clearance shall be obtained from California Department of Fish and Wildlife prior to conducting the removal.

**Attachments:**

- A. Location Map
- B. Aerial Map
- C. Zoning Map
- D. General Plan Map
- E. LCP Map
- F. Adjacent Parcels
- G. Fire Hazard Map
- H. Groundwater Map
- I. Highly Scenic Areas

**References:**

(SNRC 2016a) Spade Natural Resources Consulting, *Botanical Survey Update*, April 12, 2016.

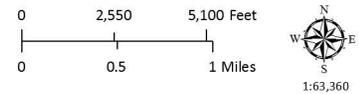
(SNRC 2016b) Spade Natural Resources Consulting, Summary Letter, June 15, 2016.



**SUBJECT PARCEL/S**

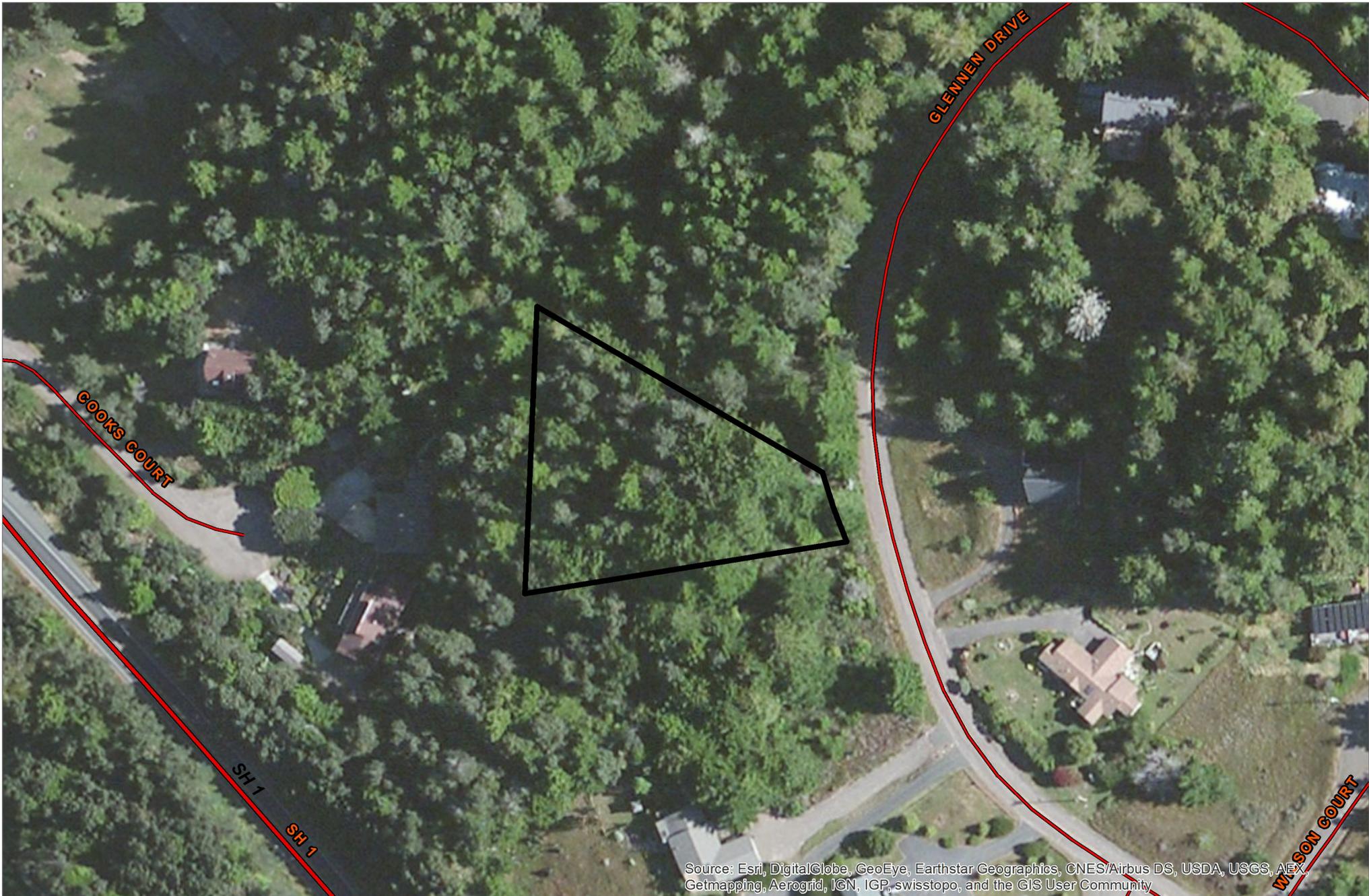
CASE: CDPR 2016-0003  
 OWNER: McVICAR, Mary & John  
 APN: 144-300-03  
 APLCT: John McVicar  
 AGENT:  
 ADDRESS: 36830 Glennen Dr., GU

- Major Towns & Places
- Highways
- Major Roads



**Attachment A LOCATION MAP**

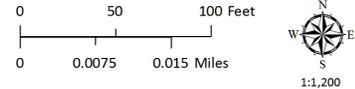
Map produced by the Mendocino County Planning & Building Services, April, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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ADDRESS: **36830 Glennen Dr., GU**

-  Highways
-  Public Roads

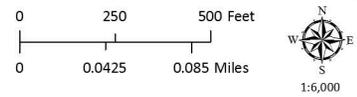


### Attachment B ESRI IMAGE MOSAIC

Map produced by the Mendocino County Planning & Building Services, April, 2016  
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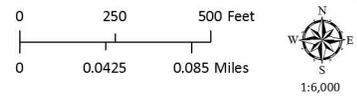


**Attachment C ZONING DISPLAY MAP**

Map produced by the Mendocino County Planning & Building Services, April, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.

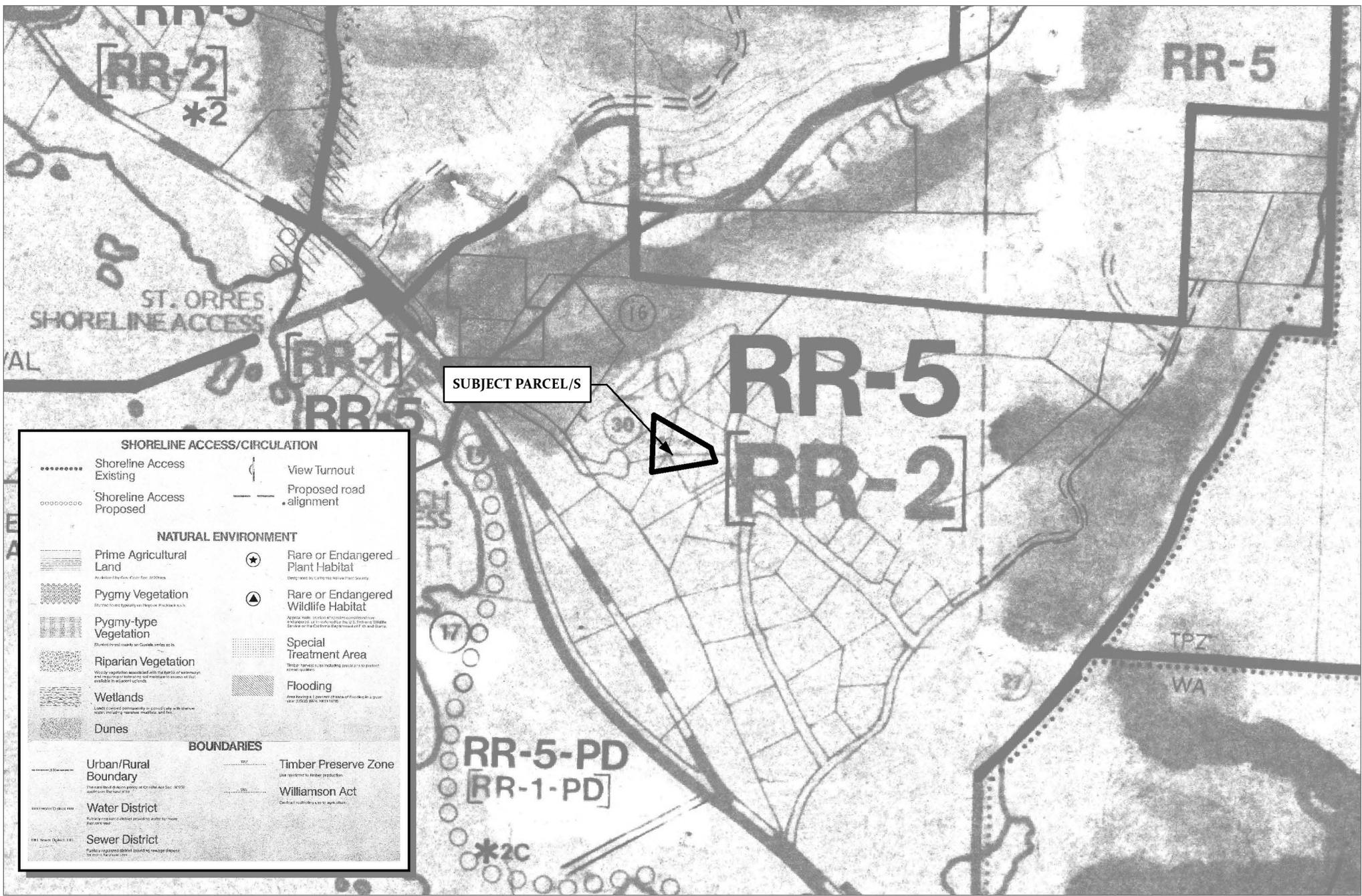


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**Attachment D GENERAL PLAN CLASSIFICATIONS**

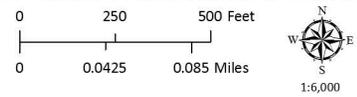
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**SUBJECT PARCEL/S**

SHORELINE ACCESS/CIRCULATION	
	Shoreline Access Existing
	Shoreline Access Proposed
	View Turnout
	Proposed road alignment
NATURAL ENVIRONMENT	
	Prime Agricultural Land <small>As defined by the Code of Ordinances</small>
	Pygmy Vegetation <small>Occurs in riparian areas and riparian fringes</small>
	Pygmy-type Vegetation <small>Occurs in riparian areas and riparian fringes</small>
	Riparian Vegetation <small>Wetland vegetation associated with the banks of streams and rivers, including riparian meadows, and the</small>
	Wetlands <small>Land covered permanently or periodically with shallow water, including riparian meadows, and the</small>
	Dunes
	Rare or Endangered Plant Habitat <small>Designated by California Native Plant Society</small>
	Rare or Endangered Wildlife Habitat <small>Designated by California Native Plant Society</small>
	Special Treatment Area <small>These areas are subject to special provisions to protect riparian systems</small>
	Flooding <small>Area having a 1% annual chance of flooding in a given year (2002 FEMA 1981-1976)</small>
BOUNDARIES	
	Urban/Rural Boundary <small>Final and final decision policy of California Act No. 8070, effective January 1, 1992</small>
	Water District <small>Publicly organized district providing water for "house and farm use"</small>
	Sewer District <small>Publicly organized district providing sewerage disposal services for residents</small>
	Timber Preserve Zone <small>Land reserved to timber production</small>
	Williamson Act <small>Contractual restriction on use to agriculture</small>

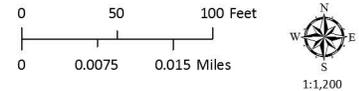
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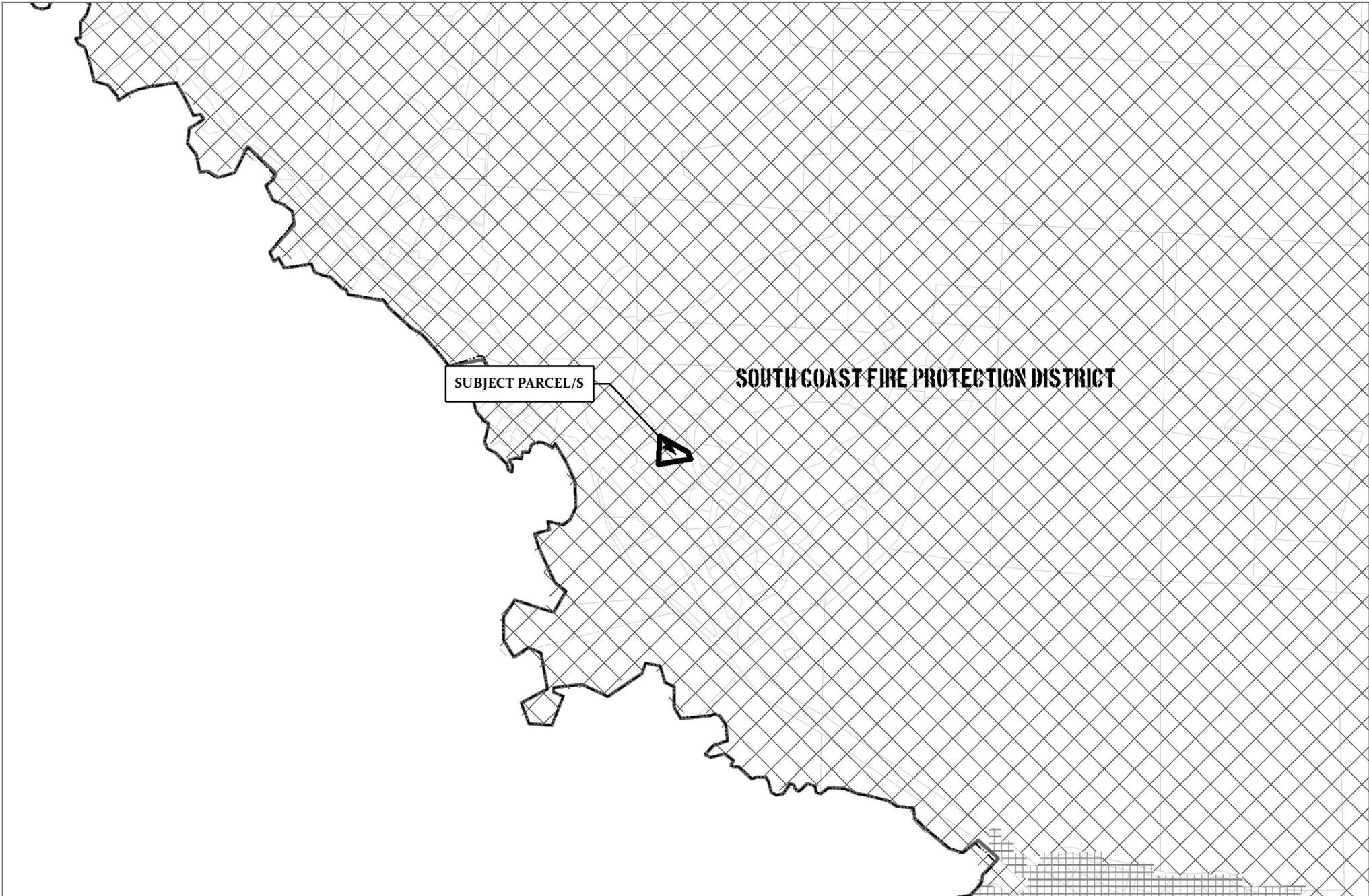


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**Attachment F** ADJACENT PARCELS

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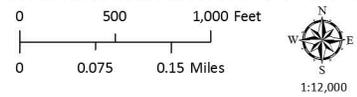


SUBJECT PARCEL/S

**SOUTH COAST FIRE PROTECTION DISTRICT**

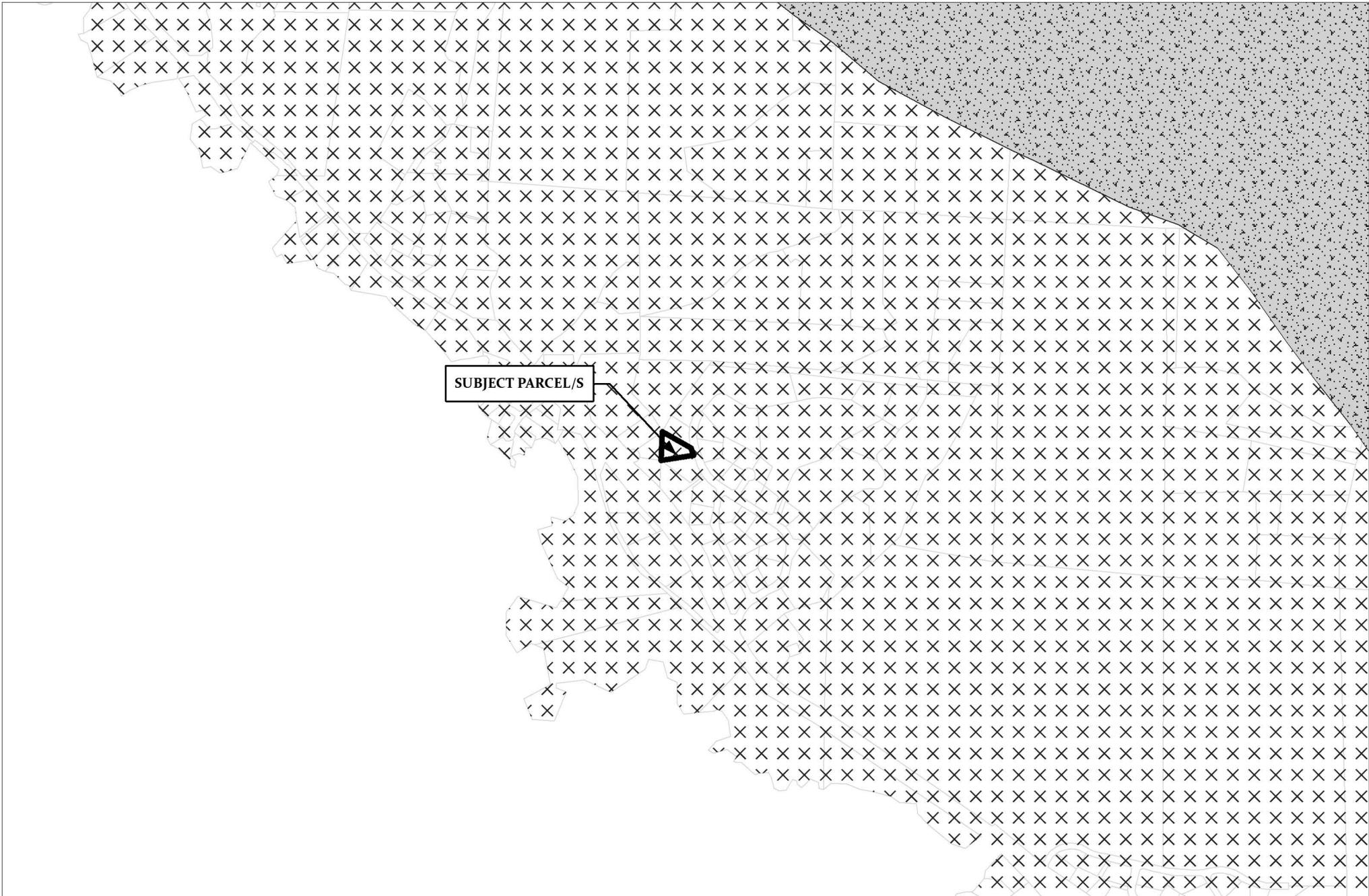
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-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



**Attachment G FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

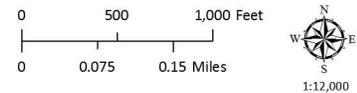
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-  Critical Water Areas
-  Critical Water Resources Bedrock



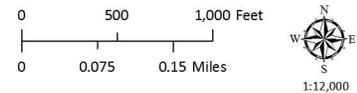
**Attachment H** GROUND WATER RESOURCES

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 Tree Removal Area  
 Highly Scenic Area



## Attachment I HIGHLY SCENIC & TREE REMOVAL AREAS

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
November 16, 2016

CDPR\_2016-0003 MCVICAR MARY ANN & JOHN D TTEE

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,  
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A  
15303 CLASS 3(A) CATEGORICAL EXEMPTION AND GRANTING A  
STANDARD COASTAL DEVELOPMENT PERMIT RENEWAL FOR  
CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AND  
ASSOCIATED IMPROVEMENTS.

WHEREAS, the applicant, Mary Ann and John McVicar, filed an application for Standard Coastal Development Permit Renewal with the Mendocino County Department of Planning and Building Services to construct a single-family residence and associated improvements. The site is located in the Coastal Zone, approximately 1.5 miles north of Gualala, on the west side of Glennen Drive (CR 534), approximately 1,800 feet northwest of its intersection with Highway 1, at 36830 Glennen Drive (APN: 144-300-03). General Plan RR5(2); Zoning RR:5; Supervisorial District 5; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, 11/16/2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 3(a) Categorical Exemption and the Project. All interested persons were given an opportunity to hear and be heard regarding the Class 3(a) Categorical Exemption and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Coastal Permit Administrator regarding the Class 3(a) Categorical Exemption and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings;

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.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 3(a) Categorical Exemption. The Coastal Permit Administrator certifies that the Class 3(a) Categorical Exemption has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Class 3(a) Categorical Exemption reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Standard Coastal Development Permit Renewal, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11th day after the date of the Resolution unless an appeal is taken. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST: ADRIENNE THOMPSON  
Commission Services Supervisor

By: \_\_\_\_\_

BY: STEVE DUNNICLIFF  
Director

ANDY GUSTAVSON  
Coastal Permit Administrator

\_\_\_\_\_

\_\_\_\_\_

## EXHIBIT A

### CONDITIONS OF APPROVAL CDPR\_2016-0003 - MCVICAR November 16, 2016

Standard Coastal Development Permit Renewal of Coastal Development Permit #CDP 2005-0067, which authorized the construction of a 2,271 square foot single family residence with a detached 576 square foot garage, installation of a driveway, septic system, and removal of approximately 24 trees. No changes to the original request. Staff is recommending the addition of several conditions of approval as a result of the proposed renewal. The renewal will result in a new expiration date of May 25, 2017.

**APPROVED PROJECT DESCRIPTION:** Standard Coastal Development Permit Renewal of Coastal Development Permit #CDP 2005-0067, which authorized the construction of a 2,271 square foot single family residence with a detached 576 square foot garage, installation of a driveway, septic system, and removal of approximately 24 trees. No changes to the original request. Staff is recommending the addition of several conditions of approval as a result of the proposed renewal. The renewal will result in a new expiration date of May 25, 2017.

#### **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 (10) 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 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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 Planning Commission.
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. All foundation and grading plans as recommended by Mr. Paoli are to be implemented in the construction of the project. All foundation and grading plans as recommended by Mr. Paoli are to be implemented in the construction of the project. Prior to the issuance of the Coastal Development Permit, an accurate grading plan and tree removal and revegetation schematic shall be provided to the Planning Department for their review and approval. The revegetation plan shall provide assurance that significant soil erosion will not result from the project. The revegetation plan shall provide for a vegetative screen on the western side of the residence, in order to soften the view of the structure from State Highway One.
10. Prior to final inspection of the building permit, the building inspector shall verify that the exterior lighting fixtures are as proposed and approved in this Coastal Development Permit. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Section 20.504.035 of the MCC.
11. All recommendations made by Jon Thompson in his August 2006 report and his November 26, 2006 report amendment, including the protection of buffer areas and all mitigation measures shall be incorporated into the project. Prior to issuance of the building permit and construction activities, the applicant shall provide proof to the Planning Division that temporary exclusionary/construction and permanent fencing as shown on the site plan and outlined in the survey report, has been installed in a manner appropriate to protect coastal bluff morning glory (*Calystegia purpurata* ssp. *saxicola*) individuals and habitat. All construction related activities must be contained by the fencing, which shall remain undisturbed during all phases of construction.
12. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that the upland extent of the creek, and the habitat area for the swamp harebell and the coastal bluff morning glory, shall be protected from development and disturbance in perpetuity. Exhibit G, which outlines the area labeled "Rare Plant Habitat Area" and shows the boundaries of this area, shall be attached to the deed restriction.

The contractor shall follow industry best management practices for erosion control.

A copy of the staff report and coastal permit for CDP 67-2005 must be provided to the contractor and all sub-contractors conducting the work, and must be in their possession at the work site. This requirement is intended to ensure that the project construction is done in a manner consistent with the submitted application and all other supplemental information contained in the staff report.

13. Prior to commencement of construction activities for the residence, applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road during the construction phase of the project. Prior to final occupancy, applicant shall complete, to the satisfaction of the Department of Transportation, a standard private driveway approach onto Glennen Drive (CR 534), to a minimum width often (10) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with surfacing comparable to that on the County road.
14. Two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the California red-legged frog. A letter shall be provided to this office prior to construction activities demonstrating training by a qualified professional. During ground disturbing or materials moving activities, construction crews shall begin each day with a visual search around the area of disturbance to detect the presence of frogs. During construction and debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to frogs. If a rain event occurs, all ground disturbing activities shall cease for a period of 48 hours. Prior to resuming construction, trained crew members will examine the site for presence of frogs. If no frogs are found, activities can resume. If frogs are found, construction crews shall stop work and contact the US Fish and Wildlife Service or a qualified biologist. Work may only resume with clearance from US Fish and Wildlife Service.
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