

**CALIFORNIA COASTAL COMMISSION**

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# W 5a

Filed: June 25, 1999  
Hearing Opened: July 15, 1999  
49<sup>th</sup> Day: Waived  
Staff: Jo Ginsberg-SF  
Jim Baskin-E  
Staff Report: Sept. 24, 1999  
Cont. Hearing Date: Oct. 13, 1999  
Commission Action:

REVISED STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: A-1-MEN-99-43

APPLICANTS: CHRISTIAN AND ANITA VAN PEER

PROJECT LOCATION: 32600 Highway 20, south of Fort Bragg,  
Mendocino County; APN 018-260-56

PROJECT DESCRIPTION: Authorization for Cottage Industry to utilize  
existing 4,000-square-foot metal building for metal  
fabrication for boat building.

APPELLANT: Steven Gardner

SUBSTANTIVE FILE  
DOCUMENTS: Mendocino County CDU 30-98/V 1-99; Mendocino  
County Local Coastal Program.

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**SUMMARY OF STAFF RECOMMENDATION:**

**1. SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE**

The Commission continued the public hearing from the September Commission meeting to October and directed the staff to consult with the Regional Water Quality Control Board (RWQCB) concerning the water quality issues raised in the appeal. The staff has consulted with the staff of the RWQCB and continues to recommend that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed.

Mendocino County approved with conditions a coastal development use permit for a Cottage Industry to utilize an existing 4,000-square-foot metal building for metal fabrication for boat building, and a variance to the 640-square-foot limitation for cottage industries so as to utilize the entire 4,000-square-foot structure. The appellant contends that the project is not consistent with the criteria and policies of the County's LCP concerning Cottage Industries, and that the project will have adverse impacts on environmentally sensitive habitat areas. Commission staff analysis indicates that there are significant questions regarding whether the project, as approved by the County, is consistent with the criteria and policies of the County's certified LCP regarding Cottage Industries and with the criteria regarding variances.

The appellant also raises the issue of the project's conformance with the policies of the LCP concerning environmental impacts of industrial development, and with environmentally sensitive habitat areas. In response to the project's application referral from the County of Mendocino, RWQCB staff conducted a site visit and collected well water samples on an adjacent property in January, 1999. The site visit found no evidence of existing conditions which would adversely impact surface and ground waters adjacent to the site. Further, lab analysis of the collected water sample found no contamination in the well attributable to the boat building activities. With respect to the continued use of the facility for boat building, the RWQCB did not expect the proposed use would adversely impact surface or groundwater resources provided the use was conducted in accordance with applicable best management practices (i.e., hazardous materials collection, storage and disposal; equipment maintenance activities). These suggested safeguards were not, however, specifically included by the County of Mendocino as operational conditions in authorizing the project.

The RWQCB recently completed an additional assessment of the pathways of contaminant exposure including soil, groundwater, and surface water pathways, as well as conducting an inspection of the areawide drainage in the vicinity of the subject site. The results of this investigation reaffirmed the agency's previous conclusions that the facility would not result in significant ground or groundwater contamination on or offsite provided preventative operational measures were followed. Staff continues to recommend that the Commission find that a substantial issue exist with respect to the project's conformance with LCP policies regarding industrial siting and protection of Environmentally Sensitive Habitat Areas exist, in that feasible

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measures recommended by the RWQCB to avoid contamination to surface and groundwater resources have not been included with the project.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on Page 5.

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STAFF NOTES:

1. Appeal Process.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments that constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed development is not designated the "principal permitted use" under the certified LCP, but requires a use permit.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the

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Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicants, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

2. Filing of Appeal.

The appellant filed an appeal to the Commission in a timely manner on June 25, 1999, within ten working days of the County's issuance of the Notice of Final Action, which was received in the Commission's offices on June 21, 1999.

3. Continuation of Hearing.

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. The appeal on the above-described decision was filed on June 25, 1999. The 49<sup>th</sup> day occurred on August 13, 1999. The only meeting entirely within the 49-day period was July 13-16, 1999. In accordance with the California Code of Regulations, on June 25, 1999, staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The County permit file information had not been received as of the day of the mailing of staff reports to the Commission and interested parties on items on the Commission's July meeting agenda. Thus, the requested information was not received in time for the staff to review the information for completeness or prepare a recommendation on the substantial issue question. Consistent with Section 12112 of the California Code of Regulations, since the Commission did not timely receive the requested documents and materials, staff requested that the Commission open and continue the hearing open until all relevant materials are received from the local government. On July 15, 1999, the Commission voted to open and continue the public hearing to determine whether substantial issue exists with respect to the grounds on which the appeal has been filed.

At the September 16, 1999 continued hearing, the applicant waived the 49-day decision period deadline. The hearing was further continued to the October Commission meeting

to allow staff to further consult with RWQCB staff regarding hazardous waste contamination concerns.

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I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-99-43 raises NO substantial issue as to conformity with the certified Local Coastal Program with respect to the grounds on which an appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff recommends a NO vote. To pass the motion, a majority vote of Commissioners present is required. Approval of the motion means that the County permit is final.

II. Findings and Declarations.

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS.

The Commission received an appeal from Steven Gardner. The appellant contends that the project is not consistent with the criteria of the LCP for Cottage Industries. The appellant also contends that the project is not consistent with the policies of the LCP concerning industrial development and energy facilities. The appellant further contends that the project is not consistent with the policies of the LCP concerning protection of environmentally sensitive habitat areas.

The appellants' contentions are summarized below, and the full text of the contentions is also included as Exhibit No. 5.

1. Cottage Industries.

The appellant asserts that the construction site does not comply with the LCP policies and guidelines concerning Cottage Industries. The Coastal Guidelines state that the particular uses conducted by the Cottage Industry shall not change or disturb the residential or rural character of the surroundings, that the use shall be environmentally compatible with the project site and region, and that no Cottage Industry permitted shall occupy more than 640

square feet of an area within any building on the same parcel. In addition, the noise generation from within the site shall not exceed 65 decibels at the nearest residence.

2. Industrial Development and Energy Facilities.

The appellant asserts that the proposed project is inconsistent with the County's LUP Section 3.11, which references Coastal Act Section 30232 concerning protection against the spillage of crude oil, gas, petroleum projects, or hazardous substances in relation to any development or transportation of such materials, and Coastal Act Section 30250(b), which states that where feasible, new hazardous industrial development shall be located away from existing developed areas.

The appellant contends that the proposed site for boat building will not allow for the protection of the ground and groundwater because the site will be unprotected, and the potential for future, accidental contamination exists. He further contends that the construction of large ocean-going vessels in the middle of a residential neighborhood and within close proximity to wells poses a health hazard to the public.

3. Environmentally Sensitive Habitat Areas.

The appellant raises the question of consistency of the project with the policies of the LCP concerning protection of environmentally sensitive habitat areas. He asserts that the continued construction of large ocean going vessels, measuring 75 feet and longer and weighing hundreds of tons in the middle of a residential neighborhood and within close proximity to wells, used by private residences as well as Noyo Harbor District water table poses a real threat to the health of the public, not only to drinking water but the air being inhaled by occupants of residences, some as close as 30 yards from the site.

**B. LOCAL GOVERNMENT ACTION.**

On June 3, 1999, the Mendocino County Planning Commission approved the project and the variance with conditions (CDU 30-98/V 1-99). The project was not appealed to the Board of Supervisors. The County then issued a Notice of Final Action on the permit, which was received by Commission staff on June 21, 1999 (see Exhibit No. 6).

The County attached to its coastal permit a number of special conditions (see Exhibit No. 6), including, among others: (1) a requirement that the applicant shall apply for a General Plan Amendment and Rezoning to FV (Fishing Village), and that the use permit and variance shall be subject to renewal in three years and be re-evaluated at that time depending on the status of the General Plan Amendment and Rezoning; (2) a requirement restricting sound levels between certain hours; (3) a requirement limiting hours of

operation; (4) a requirement that all exterior lighting shall be shielded so that it does not shine or glare beyond the limits of the property; and (5) a requirement that all toxic materials used in the boat building operation shall be stored within the building and operations using potentially toxic materials shall be conducted within the building.

C. BACKGROUND, PROJECT, AND SITE DESCRIPTION.

1. Background.

The Commission approved Coastal Permit Waiver No. 1-97-72W on May 12, 1987, authorizing construction of a single-family residence and a 4,000-square-foot garage on the subject parcel.

According to County staff, the property owner has been utilizing the 4,000-square-foot structure for approximately 10 years to conduct boat building operations without benefit of a coastal permit or local use permit for that use.

2. Project and Site Description.

The proposed project consists of authorization for a Cottage Industry to utilize an existing 4,000-square-foot metal building for metal fabrication for boat building, and a variance to the 640-square-foot limitation for cottage industries so as to utilize the entire 4,000-square-foot structure. (See Exhibits 6 and 7).

The subject site is located approximately 1 ½ miles south of central Fort Bragg, on the north site of State Highway 20, near the intersection with South Harbor Drive. The subject property is a .82-acre parcel currently developed with a single family residence, a 576-square-foot detached garage and a 4,000-square-foot metal building that has been used for boat building for a number of years (without a coastal permit). The property is accessed via an existing road approach onto State Highway 20.

The subject property is zoned Rural Residential-5 acre minimum (RR-5), meaning that there may be one parcel for every five acres, and that the parcel is designated for residential use and local, small-scale farming. Surrounding properties are also zoned RR-5, except for one adjacent parcel located immediately northwest of the site that is zoned Fishing Village (FV).

The parcel is not located within a designated Highly Scenic Area. There is no sensitive habitat on the property.

D. SUBSTANTIAL ISSUE ANALYSIS.

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

1. Appellants' Contentions That Raise a Substantial Issue.

All of the contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP.

Public Resources Code section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term substantial issue is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.



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Even where the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County presents a substantial issue with regard to the appellant's contentions concerning the validity of the project meeting the LCP's criteria for Cottage Industries and for a variance.

a. Cottage Industries/Variance.

The appellant asserts that the proposed project, which consists of authorization for a Cottage Industry for boat-building in a 4,000-square-foot metal building on a residential site and a variance to the 640-square-foot limitation for cottage industries to utilize the entire 4,000-square-foot structure, does not comply with the criteria established in the Mendocino County LCP for Cottage Industries and Variances, as described below.

i. Cottage Industry.

Summary of LCP Provisions:

Cottage Industries: General Standards:

- A. *The particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings.*
- B. *The use shall be environmentally compatible with the project site and region.*

*Specific Standards:*

*Cottage Industries shall conform to the following requirements:*

- A. *Not more than one (1) outside person may be employed on the premises in addition to members of the family residing on the premises.*
- C. *No Cottage Industry permitted pursuant to this subsection may occupy more than 640 square feet of area within any building or buildings on the same parcel.*
- H. *Noise generation from within the site shall not exceed 65 dba at the nearest off site residence.*

*Examples of Uses Permitted Upon Securing a Minor Use Permit:*

- A. *The following are examples of conditional uses that may be permitted in the Rural Residential, Remote Residential, Suburban Residential, Rural Village and Fishing Village land use classifications:*

*Administrative and Business Offices*  
*Animal Sales and Services: Household Pets*  
*Automotive and Equipment: Light (Excluding SR)*  
*Building Maintenance Services*  
*Food and Beverage Preparation: Without Consumption*  
*Laundry Services*  
*Medical Services*  
*Personal Improvement Services*  
*Repair Services, Consumer*  
*Research Services*  
*Custom Manufacturing and Repairs*  
*Specialty Shops*

*Zoning Code Section 20.452.005 Declaration.*

*It is the intent of this Chapter to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial or industrial uses are known as Cottage Industries. (Ord.No.3785(part), adopted 1991)*

*Section 20.452.015 General Standard.*

- (A) *The particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings.*
- (B) *The use shall be environmentally compatible with the project site and region.*

*Section 20.452.020 Specific Standards.*

*Cottage Industries shall conform to the following requirements:*

- (A) *Not more than one (1) outside person may be employed on the premises in addition to the members of the family residing on the premises.*

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- (B) *No Cottage Industry permitted pursuant to this Chapter may occupy more than six hundred forty (640) square feet of area within any building or buildings on the same parcel.*
- (H) *Noise generation from within the site shall not exceed sixty-five (65) dBA LDn at the nearest off-site residence. (Ord.No.3785(part), adopted 1991)*

Discussion:

The proposed project consists of establishment of a cottage industry for metal fabrication and boat building in a 4,000-square-foot metal building on a residential lot. According to County staff, the boats that would be built are commercial fishing boats that are 50' x 20' or larger. Once built, the boats are transported to the Noyo River, which is approximately one-quarter mile from the site. This use appears to constitute a coastal-dependent industrial use, as described in Zoning Code Section 20.328.015, which states that "coastal-dependent industrial uses require a maintained navigable channel to function, including, for example: public or private docks, water-borne commercial carrier import and export operations, ship/boat building and repair..." (Emphasis added)

Section 20.452.025(A) of the County's Zoning Code provides for examples of uses as cottage industries permitted in Rural Residential Zoning Districts upon securing a use permit. However, this section does not provide for boat building, which is a Coastal-Dependent Industrial use that would be more consistent with an industrial zone district or the Fishing Village zone district.

In its approval of the proposed project, the County found that the boat-building operations constitute a "Cottage Industry" which is allowable in the Rural Residential Zone District. The LCP sets standards for Cottage Industries, requiring that the particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surroundings. As noted above, Section 20.452.005 states that "it is the intent of this Chapter to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings..."

The proposed boat-building operation involves the use of loud equipment for a coastal-dependent use, would employ two outside persons in addition to the members of the family residing on the premises, and would occupy more than 640 square feet of area on the site, which raises a question of consistency with Zoning Code Section 20.452.020 and the LUP provisions for Cottage Industries. In addition, the proposed project could alter or disturb the residential or rural nature of the premises and its surroundings, and

therefore there is a significant question whether it should be considered a cottage industry.

The Commission thus finds that the project as approved by the County raises a substantial issue with respect to conformance of the approved project with the LCP policies regarding Cottage Industries.

ii. Variance:

Summary of LCP Provisions:

Chapter 20.540.005 of the Zoning Code states that:

*A variance is an exception from zone restrictions granted by the Coastal Permit Administrator upon application when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Variances shall not be granted to authorize uses or activities which are not otherwise expressly authorized by the regulations of this Division.*

Zoning Code Section 20.540.020 states:

*Before any variance may be granted or modified it shall be shown:*

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and*
- (B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and*
- (C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and*
- (D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and*
- (E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and*

- (F) *That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act.*

Discussion.

Zoning Code Section 20.452.020 requires that no Cottage Industry may occupy more than 640 square feet of area within any building or buildings on the same parcel. The proposed project would occupy a 4,000-square-foot metal building on the site. Mendocino County approved a Variance for the proposed project to allow the use of a 4,000-square-foot building for a Cottage Industry. Although the variance was granted by the County as a way of approving the project, there is a question regarding the findings required to be made to grant a variance. It is not clear from the County's action that there are "special circumstances applicable to the subject property, such as size, shape, topography, location, or surroundings" that would suggest that a variance is appropriate for the "preservation and enjoyment or privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances..." Furthermore, the granting of the variance does not appear to be in conformity with the provisions of the LCP, and seems to authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.

The County made findings, such as that "Although the shop building was originally constructed as a private garage and workshop, for which all required building permits were obtained, the proposed use of the building will not cause any visual alteration of the existing setting or any other significant environmental impacts which cannot be adequately mitigated." While that statement may be true, it does not appear to support the "special circumstances" required to justify approval of a variance.

The Commission thus finds that a substantial issue is raised with respect to the conformance of the approved project with the LCP policies and criteria regarding variances.

To concur with the County's decision to consider the project a Cottage Industry, even though it does not meet the standards in the LCP for Cottage Industries, and to grant a variance, even though the project does not seem to meet the criteria for granting a variance, would set a precedent of statewide significance. While the project may have merit, and there may be reasons to justify its approval, the project must still be found consistent with the policies, standards, and criteria of the LCP. In this case, there is a significant question of consistency of the project with the provisions of the LCP.

b. Industrial Development and Energy Facilities.

The appellant contends that the proposed site will not allow for the protection of the ground and ground water because the site will be unprotected and the potential for future, accidental contamination exists. He also contends nearby wells could be affected adversely by the project.

Summary of LCP Provisions:

LUP Policy 3.11-13 states that:

*New industrial development shall be contiguous with, or in close proximity to existing developed areas able to accommodate it or where such areas are not able to accommodate it, in other areas with adequate public service and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Discussion:

The Regional Water Quality Control Board conducted a site visit and well testing on an adjacent property for the County of Mendocino as part of the review referral for the project. The results of the site investigations were included in the Department of Planning & Building Services' staff report to the Mendocino County Planning Commission. The report quoted correspondence from Charles T. Vath of the RWQCB as follows:

I have inspected the site of the proposed use permit several times since 1991. In addition, on January 27, 1999, in response to a citizen's complaint, I collected water samples from a well on an adjacent property to document existing groundwater quality. Enclosed is a copy of the laboratory analysis report for the well samples collected on January 27, 1999. The results indicate that there is no contamination in this well that could be attributed to the boat building activities.

Based upon my site inspection of the Van Peer Boatworks and the lab analysis results from the well sampling on January 27, 1999, I have found no evidence that past boat building activities at the site have adversely impacted the beneficial uses of surface and ground waters adjacent to the site. furthermore, (sic) **if the proposed use permit is approved and future activities are conducted in accordance with appropriate best management practices**, I would not expect the proposal to result in adverse impacts on the beneficial uses of surface and ground waters adjacent to the site. (emphasis added)

While the County of Mendocino project conditions did require that all toxic materials used in the boat building operation shall be stored within the building and operations using potentially toxic materials shall be conducted within the building, the project was not specifically required to

conduct its operations utilizing RWQCB best management practices (BMPs). These measures relate to the collection and proper disposal of sandblasting grit, and the use of spill containment devices during equipment maintenance work (pers. comm., Bonnie Rollindeli, 9/17/99).

As noted above, the California Regional Water Quality Control Board completed a preliminary assessment of the pathways of contaminant exposure including soil, groundwater, and surface water pathways, as well as conducting an inspection of the areawide drainage in the vicinity of the subject site. The results of this assessment reaffirmed the RWQCB's previous findings. As appropriate and feasible best management practices recommended by the RWQCB staff to prevent and avoid onsite accidental hazardous material contamination were not required of the project. The Commission finds that a substantial issue exists whether the proposed industrial development will be sited where it will not have significant adverse individual and cumulative effects on coastal resources as required by LUP Policy 3.11-13.

**b. Environmentally Sensitive Habitat Areas.**

The appellant asserts that the subject development is inconsistent with the Mendocino County LCP policies regarding Environmentally Sensitive Habitat Areas (ESHA).

Summary of LCP Provisions:

Section 3.1 of the LUP references Coastal Act Section 30240, which states that "*development in areas adjacent to environmentally sensitive habitat areas...shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*"

Discussion.

The project consists of authorization for a Cottage Industry for boat building in a 4,000-square-foot metal building on a residential parcel located approximately one-quarter mile from the Noyo River. California Regional Water Quality Control Board staff recently collected and analyzed water samples from a well on an adjacent parcel to document existing ground water quality. The results indicate that there has been no contamination in this well that could be attributed to the boat building activities. Regional Board staff concluded that based upon the site inspection of the Van Peer Boatworks and the lab analysis results from the well sampling on January 27, 1999, there was no evidence that past boat-building activities at the site have adversely impacted the beneficial uses of surface and ground waters adjacent to the site.

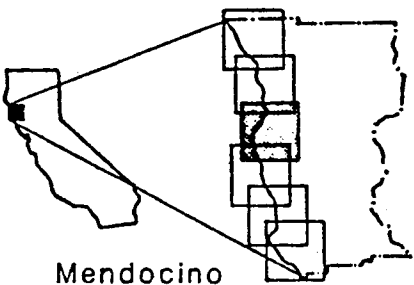
As discussed under the preceding issue analysis, the follow-up assessment conducted by the RWQCB has since been completed. The results of this investigation further supported the agency's previous conclusions regarding the lack of or potential for significant ground or

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groundwater contamination based on the January 27, 1999 site investigation and well water test results.

Similarly, as discussed under the preceding issue analysis, the Commission thus finds that the project as approved raises a substantial issue with respect to conformance of the approved project with the LCP policies regarding protection of environmentally sensitive habitat areas. This finding is based on the County of Mendocino approving the project without inclusion of appropriate and feasible mitigation measures (i.e., hazardous materials disposal and equipment maintenance BMPs) to prevent and avoid accidental releases of hazardous materials into adjacent Environmentally Sensitive Habitat Areas.






Mendocino

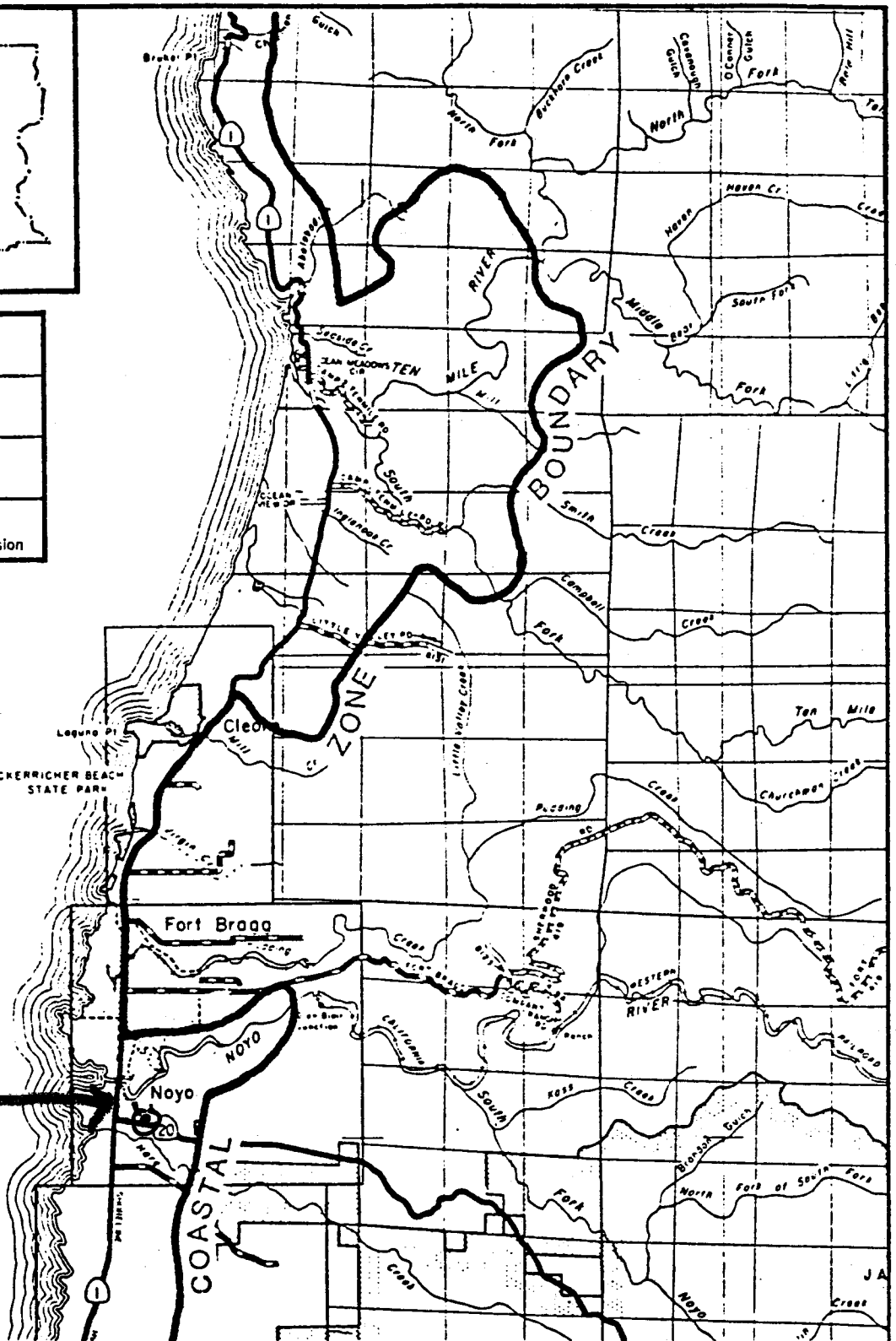
EXHIBIT NO. 1

APPLICATION NO.  
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VAN PEER

 Location Map  
California Coastal Commission

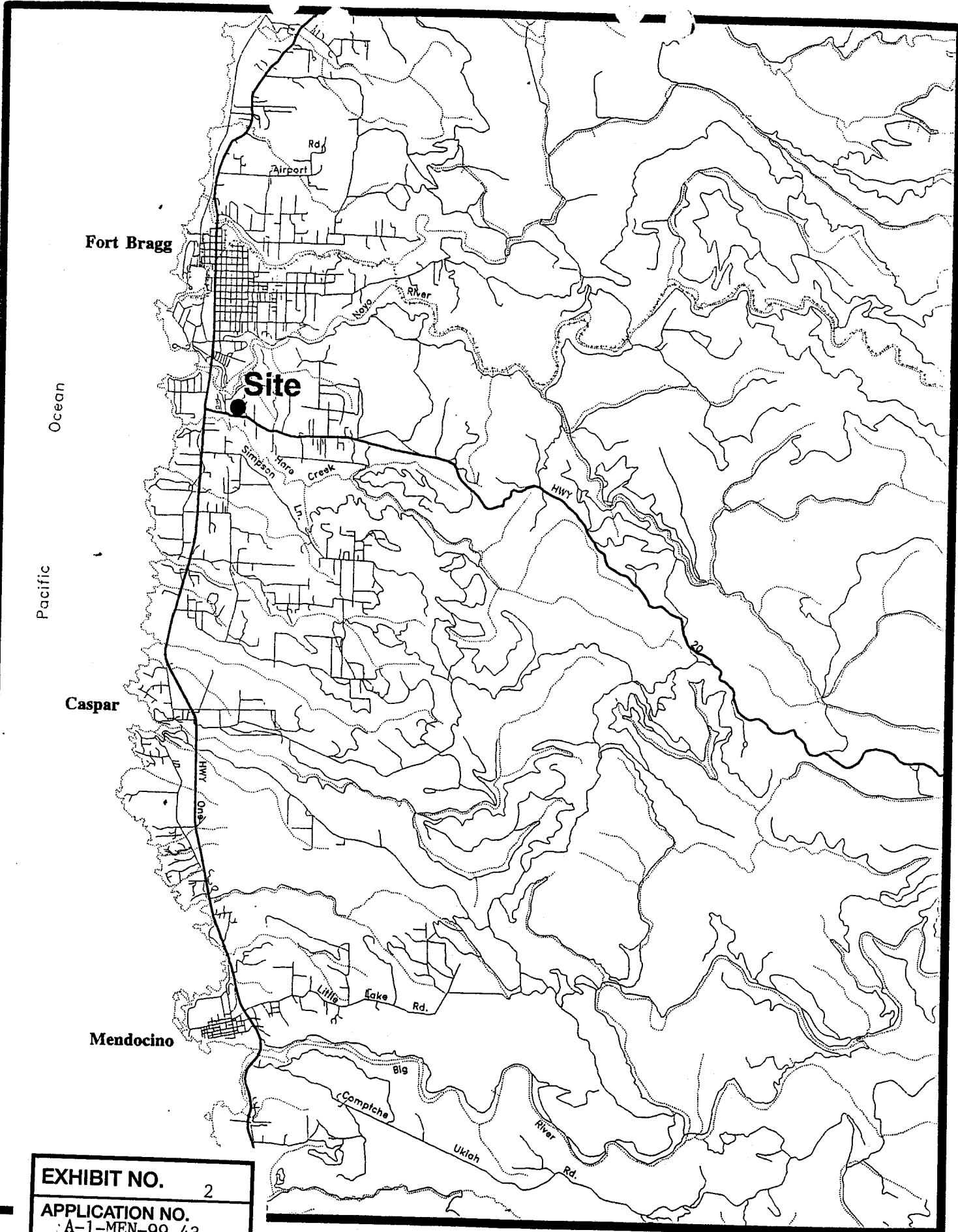
APPROXIMATE  
LOCATION



 California Coastal Commission

LOCATION MAP





Fort Bragg

Site

Ocean

Pacific

Caspar

Mendocino

EXHIBIT NO. 2

APPLICATION NO.  
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Van Peer

Location Map

▲ North

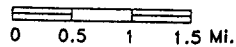
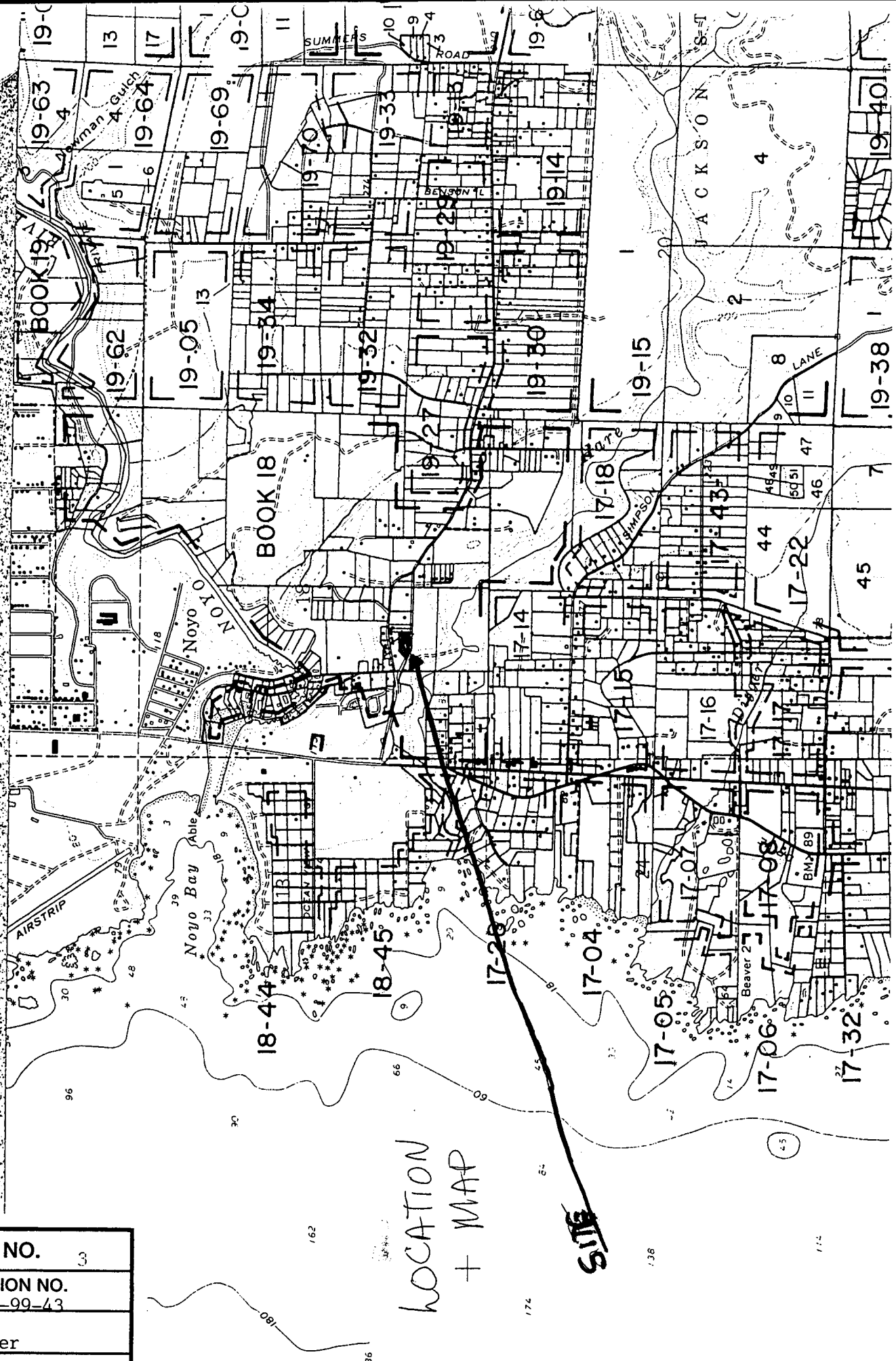
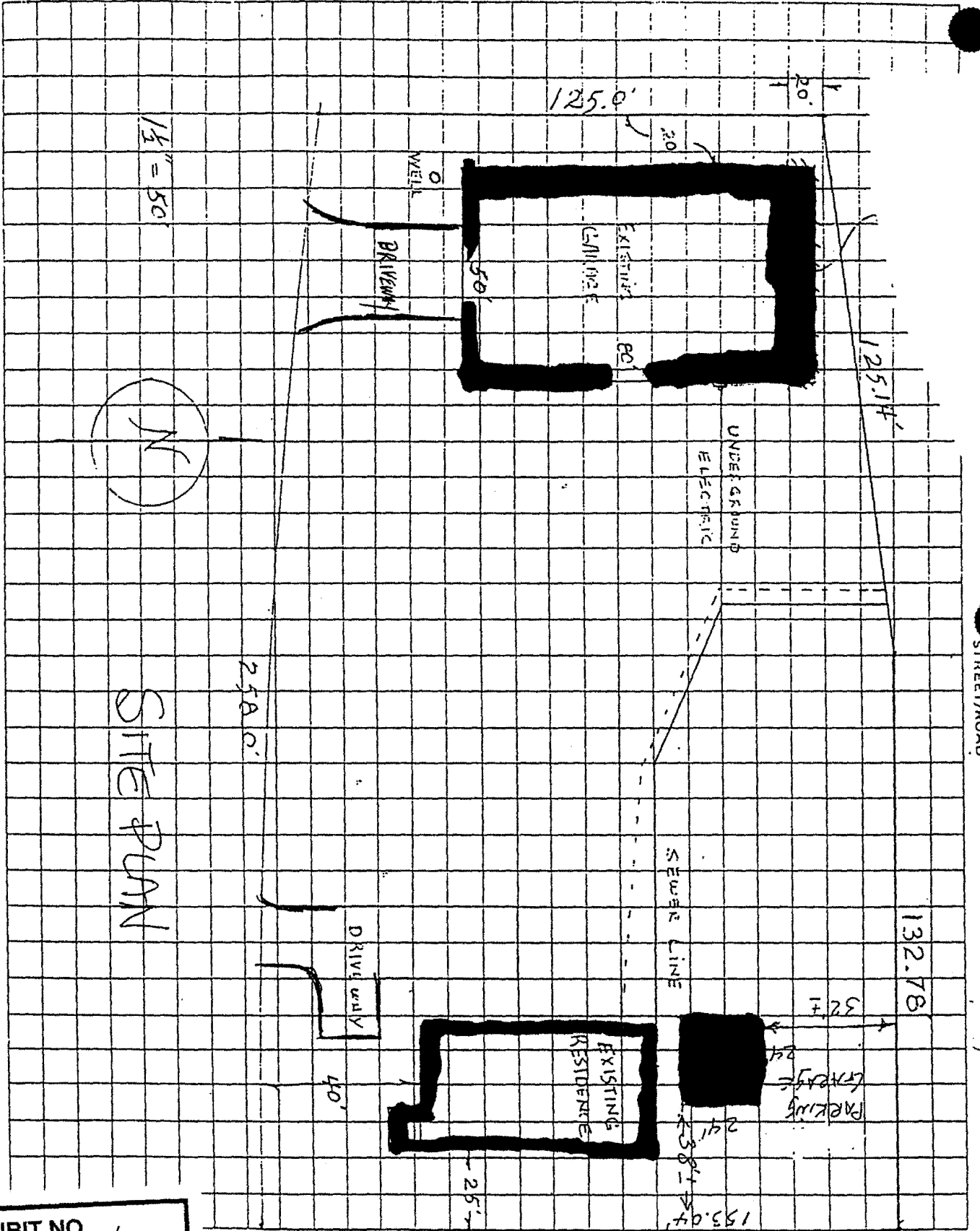


EXHIBIT NO.	3
APPLICATION NO.	A-1-MEN-99-43
Van Peer	
Vicinity Map	



LOCATION  
+ MAP  
SITE



SITE PLAN

EXHIBIT NO. 4
APPLICATION NO. A-1-MEN-99-43
Van Peer
Site Plan

# CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

17 JUL 21 1999  
JUN 23 1999  
CALIFORNIA  
COASTAL COMMISSION



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

### SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Steven A. Gardner 32650 Old Willits Rd. Fort Bragg, Calif.

Zip code 95437 Phone 707-964-1246

	( )	
Zip	Area Code	Phone No.

### SECTION II. Decision Being Appealed

1. Name of local/port government: Mendocino County-outside city limits of Fort Bragg

2. Brief description of development being appealed: Heavy industrial shipbuilding complex with 4200 square foot warehouse.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 32600 Hwy 20 Fort Bragg, California  
Nearest cross street-South Harbor Drive. AP# 18-260-56

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

### TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-MEN-99-043

DATE FILED: 6/23/99

DISTRICT: North

H5: 4/88

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission
- b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: 6/3/99

7. Local government's file number (if any): \_\_\_\_\_

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Under the General Standards for Cottage Industry this construction site does not comply with with Coastal Guidelines-A. The particular uses conducted by the Cottage Industry shall not change or disturb the residential or rural character of the surroundings. B. The use shall be environmentally compatible with the project site and region. Specific Standards-C. No Cottage Industry permitted pursuant to this subsection may occupy more than 640 sq.ft. of an area within any building on the same parcel. (see attached)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

\_\_\_\_\_  
Signature of Appellant(s) or  
Authorized Agent

Date \_\_\_\_\_

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

Specific Standards continued- H. Noise generation from within the site shall not exceed 65 dba at the nearest site of residence.

### 3.11 Industrial Development and Energy Facilities

#### Coastal Act Requirements

Section 30332. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. The proposed site for construction by this shipbuilder will not allow for the protection of the ground and resulting ground water because the site will be unprotected and the potential for future, accidental contamination exists. The proximity to natural occurring wells is approximately 75 yards and directly upgrate from the neighborhood drinking sources. Section 30250 (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

The continued construction of large ocean going vessels, measuring 75 feet and longer and weighing hundreds of tons in the middle of a residential neighborhood and within close proximity to wells, used by private residences as well as Noyo Harbor District water table poses a real threat to the health of the public, not only to drinking water but the air being inhaled by residences, some as close as 30 yards of the site.

My grounds for appeal are legal as well as environmental and public health.

#### Coastal Act Policy

30240 Protect environmentally sensitive habitat areas. Site



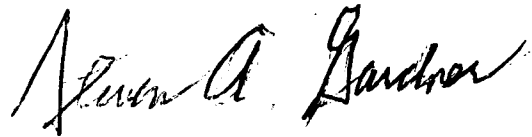
and design new development in areas adjacent to these areas to prevent significant adverse impacts.

I ask that your commission review this matter and consider my appeal.

I truly believe that the real issue here is- what has the higher priority in this society- industry or the health of the public.

Thank you

Steven A. Gardner

A handwritten signature in cursive script that reads "Steven A. Gardner". The signature is written in dark ink and is positioned below the typed name.

CALIFORNIA Coastal Commission

RECEIVED

JUN 14 1999

CALIFORNIA  
COASTAL COMMISSION

June 11, 1999

I am formally writing your offices to appeal the decision made by the Mendocino Planning Commission on June the 3rd, 1999 issuing a temporary permit and variance to the Van Peer Boatworks, owned by Chris Van Peer and located at 326500 Hwy. 20, Fort Bragg California.

I am contesting this decision because I believe that a through investigation of the soil and water on the construction site must be conducted before a decision can be made regarding the safety of past and future contamination by hazardous chemicals used by the shipbuilder.

The owner in the past had no county, state or federal regulation of the business and has openly admitted to storing hazardous chemicals on the bare and unprotected ground.

Please consider my appeal, the wells I and my neighbors use for drinking water are located within 75 yards and directly downhill from this construction site and there exists a legitimate concern.

Steven A. Gardner

Address: 32650 Old Willits Rd.  
Fort Bragg, California  
Phone 707-964-1246<sup>95437</sup>

*Steven A. Gardner*



June 17, 1999

**NOTICE OF FINAL ACTION**

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

**CASE#:** CDU 30-98/V 1-99

**DATE FILED:** December 10, 1998

**OWNER:** CHRISTIAN & ANITA VAN PEER

**AGENT:** BUD KAMB

**REQUEST:** Use Permit for Cottage Industry to utilize existing 4,000 square foot metal building for metal fabrication for boat building and variance to the 640 square foot limitation for cottage industries so as to utilize the entire 4,000 square foot structure.

**LOCATION:** 1 1/2 miles south of central Fort Bragg, situated on the north side of State Highway 20, approximately 400 feet east of its intersection with South Harbor Drive (CR# 415); AP# 18-260-56.

**PROJECT COORDINATOR:** Ignacio Gonzalez

**ACTION TAKEN:**

The Planning Commission, on June 3, 1999, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

**Attachments**

cc: Christina & Anita Van Peer  
 Bud Kamb  
 Steve Gardner  
 Coastal Commission  
 Assessor

**RECEIVED**  
 JUN 21 1999

CALIFORNIA  
 COASTAL COMMISSION

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Mendocino Co. Notice of Final Action	
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**MENDOCINO COUNTY PLANNING COMMISSION  
MINUTES - DRAFT  
JUNE 3, 1999**

**5A. CDU 30-98/CDV 1-99 - VAN PEER - South of Fort Bragg**

Request: Use Permit for Cottage Industry to utilize existing 4,000 square foot metal building for metal fabrication for boat building and variance to the 640 square foot limitation for cottage industries so as to utilize the entire 4,000 square foot structure.

Mr. Falleri summarized the Commission's discussion on this matter at their May 6, 1999 meeting and reviewed an addendum to the staff report dated June 3, 1999. Mr. Falleri responded to questions from Commissioners explaining that the Department's practice is not to pursue enforcement of a violation if an applicant is pursuing administrative remedies unless there is a serious environmental or public safety issue. He estimated that it would take approximately one year to complete a General Plan Amendment application.

Commissioner Barth commented that 14 parking spaces seems excessive, however, Mr. Falleri explained that this is required by the County Code based on square footage.

In response to Commissioner Barth, Mr. Zotter stated that the Commission cannot restrict the use permit to the current owner. A use permit runs with the land.

Commissioner Barth recommended modifications to conditions to require that the applicant apply for a General Plan Amendment and Rezoning and that all toxic materials be stored within the building and operations using toxic materials be conducted within the building.

Commissioner Little suggested that a condition be required, if the General Plan Amendment and Rezoning are not completed within a three year period, that the operation be reduced to 640 square feet to comply with the zoning regulations. Mr. Falleri noted that in previous cases where cottage industries have been proposed in structures larger than the 640 square feet, that staff has required that the building be partitioned. Commissioners and staff discussed the proposal to amortize the size of the operation, however, Mr. Zotter voiced some concern with requiring such a condition and discussed the difficulty in revoking use permits once they have been established. Denial of a General Plan Amendment and Rezoning could not be used as a factor in revoking the use permit once it is established.

In response to Commissioner McCowen, Mr. Zotter stated that he does not believe the applicant is being denied an equitable remedy because the Coastal Element has not been updated. Mr. Zotter briefly discussed case law substantiating his opinion. He stated that the Coastal Commission cannot deny an application because the County has failed to review the Plan; they must review the application based on the merits of the proposal.

Mr. Falleri reported that, based on conversations with Coastal Commission staff, the Commission's policy is that they do not want to see applications that increase densities, particularly residential densities which have the lowest priority in the coastal zone. He stated that this is considered the highest priority since it is a coastal dependent use. This particular use may be considered differently by the Coastal Commission since it is considered a high priority as a coastal dependent use and does not increase densities.

Mr. Falleri reviewed two letters in support of the application from Kerry Merritt and Steve Merritt.

Mr. Falleri reported that old files in the department indicate that there were a lot of commercial uses in this particular area. He also discussed the Board of Supervisors' action approving a variance for a Cottage Industry permit near Willits.

Commissioner McCowen stated that the applicant, not the County, created the present situation. He acknowledged that other businesses were operating in the area but that was not a reason to approve a variance in this case. Commissioner McCowen noted the overwhelming community support, the lack of any evidence of toxic contamination and the proximity to lands zoned Fishing Village. He further stated that he was uncomfortable making the findings for a variance and that it would be more appropriate to pursue a General Plan Amendment. However, the County's failing to update the LCP and the stated position of the Coastal Commission created conditions where the applicant reasonably believed that a General Plan Amendment was not feasible. In fact, staff has indicated as much to applicants. Commissioner McCowen stated that, in view of all of the circumstances, he could support this application if it is limited to three years, the applicant makes a good faith effort to pursue a General Plan Amendment and all operations that might effect air quality or generate heavy industrial noise are conducted inside the building.

In response to Commissioner Calvert, Mr. Falleri stated that, if the Commissioner were to refer this matter to the Board of Supervisors, it would take approximately one month to get on an agenda.

Mr. Fallier reported that staff was contacted by the Regional Water Quality Control Board and was advised that they would be doing additional testing on the site.

The Commission considered several options for conditions. Commissioner McCowen supported limiting operations generating significant noise to inside the building noting that the applicant previously agreed to conduct all operations within the building. Commissioners Barth and Berry felt that proposed Condition B-5 will adequately address noise issues. Mr. VanPeer stated that he would be willing to conduct all feasible operations within the building, however, he could not conduct all operations within the building.

Commissioner Calvert stated that she cannot support approval of the application finding that this use does not fit the cottage industry provisions. She recommended that the Commission recommend that the Board of Supervisors establish this as a priority in order to expedite processing of an application to amend the Coastal Element. Several Commissioners indicated that they would support adoption of a motion supporting Commissioner Calvert's recommendation that an amendment to the Coastal Element for this property be made a priority.

Upon motion by Commissioner Barth, seconded by Commissioner Berry and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #CDU 30-98 and #CDV 1-99 making the following findings and subject to the following conditions of approval:

**Environmental Findings:** The Planning Commission finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

- B. That special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division and applicable policies of the Coastal Element.

Although the shop building was originally constructed as a private garage and workshop, for which all required building permits were obtained, the proposed use of the building will not cause any visual alteration of the existing setting or any other significant environmental impacts which can not be adequately mitigated. The applicant has obtained many of the necessary clearances from the County to operate his business at this site.

- C. That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A).

Although no similar variances have been granted in the project area, there are a number of other businesses in the area, several located on RR-5 zoned property, and one of which ( the nursery business on the south side of Highway 20) utilizes a larger building area than the Van Peer operation. Also, while not in the immediate area, but on Highway 20 near Willits, a similar variance was granted to Lund-Nielsen on 5-10-99 by the Board of Supervisors to legitimize a cottage industry which utilized a 4,800 +- square-foot building.

- D. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

The review of potential adverse environmental impacts concludes that this project will not have any significant impacts on the environment which can not be adequately mitigated through the required conditions of approval.

- E. That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.

The cottage industry provisions for RR-5 zoning within the Coastal Zoning Code, while intended to allow for small scale commerce and industry in conjunction with a residential use of property, do provide for "Custom Manufacturing: Light Industrial" which encompasses the proposed use.

- F. That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable policies of the Coastal Act.

As subject to the mitigating conditions of approval and the other findings discussed in Findings A-E above, the project is consistent with applicable goals and policies of the Coastal Zoning Code, the Coastal Element and the Coastal Act.

**Project Findings:** The Planning Commission, making the above findings, approves #CDU 30-98 and CDV 1-99 subject to the following conditions of approval.

**CONDITIONS OF APPROVAL:**

- A. Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to May 21, 1999. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. That the applicant shall secure all required permits/clearances from the Air Quality Management District for the operation of the facility. The applicant shall submit written verification to the Department of Planning and Building Services from the Air Quality Management District that this condition has been met to the satisfaction of the Air Quality Management District.
3. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
4. The applicant shall comply with those requirements in the California Department of Forestry letter of January 5, 1999, or other alternatives as acceptable to the California Department of Forestry. Written verification shall be submitted from the California Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the California Department of Forestry.
5. That the applicant shall secure all necessary permits/clearances for from the Building Inspection Division for change of occupancy of the structure from noncommercial to commercial/industrial use and or occupancy.
6. The applicant shall submit to the Department of Planning and Building Services for review and approval a parking and circulation plan legibly drawn to scale which illustrates the location of all parking spaces, including circulation movements outside public right-of-way and private ways not intended for that purpose or use. All required parking shall be established in conformance with Chapter 20.472 of the Mendocino County Code. A total of fourteen (14) on-site parking spaces shall be established, of which one shall be designated for handicapped use, with appropriate identification signs pursuant to the Uniform Building Code.
7. This permit shall become effective after all applicable appeal periods have expired or appeal process exhausted. Failure of the permittee to make use of this permit within two years shall result in the automatic expiration of this permit.
8. The applicant shall apply for a General Plan Amendment and Rezoning to FV (Fishing Village). The use permit and variance shall be subject to renewal in three years and be

re-evaluated at that time depending on the status of the General Plan Amendment and Rezoning.

**B. Conditions which must be complied with for the duration of this permit:**

1. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 - Division II of the Mendocino County Code unless modified by conditions of the use permit.
2. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
3. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

4. 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.
5. Sound levels from the project, as measured at the property line, shall not exceed for any more than 30 minutes in any hour, the standards of 50 dBA between the hours of 10 PM to 7 AM nor shall it exceed 60 dBA between the hours of 7 AM to 10 PM. If ambient sound levels exceed the sound level Standard cited above, then the ambient level will be considered the standard. Adjustments to the Standard are permitted within the following schedule:

L50	30 minutes per hour	Standard
L25	15 minutes per hour	Standard + 5dB
L0	Maximum instantaneous level	Standard + 20 dB
Irritating sound characters		Standard -5 dB

Irritating sounds characters with a tone, whine, screech, hum or impulsive, hammering, riveting or music or speech shall suffer a penalty of Standard -5 dB.

6. Hours of operation be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.



7. All exterior lighting shall be shielded so that it does not shine or glare beyond the limits of the property.
8. All toxic materials used in the boat building operation shall be stored within the building and operations using potentially toxic materials shall be conducted within the building. Operations generating excessive noise shall be conducted within the building when feasible.
9. The applicant shall obtain all necessary clearances and comply with those recommendations contained in the California Department of Transportation's letter dated April 22, 1999, on file in the Department of Planning and Building Services.

AYES: McCowen, Little, Berry, Barth, Piper

NOES: Calvert

ABSENT: Hering

Upon motion by Commissioner Barth, seconded by Commissioner Calvert and carried (5-1; McCowen opposed, Hering absent), IT IS ORDERED that the Planning Commission recommends that the Board of Supervisors direct that staff fast track a General Plan Amendment and Rezoning of this parcel to Fishing Village.

Mr. Kamb thanked the Commission and staff for their efforts on behalf of Mr. VanPeer and noted that staff worked long and hard on this issue. He also noted that former Supervising Planner Gary Berrigan also assisted in the applicant's efforts to legalize this business.

**STAFF REPORT FOR COASTAL DEVELOPMENT USE PERMIT/VARIANCE**

#CDU 30-98/CDV 1-99

May 6, 1999

Page PC-1

**OWNER:** CHRISTIAN & ANITA VAN PEER  
32600 HIGHWAY 20  
FORT BRAGG, CA 95437

**AGENT:** BUD KAMB  
PO BOX 616  
LITTLE RIVER, CA 95456

**REQUEST:** Use Permit for Cottage Industry to utilize an existing 4,000 square foot metal building for metal fabrication for boat building and a Variance to the 640 square feet. Limitation for cottage industries so as to utilize the entire 4,000 square foot structure.

**LOCATION:** 1 1/2 +/- mile south of Central Fort Bragg, situated on the north side of State Highway 20, approximately 400 feet east of its intersection with South Harbor Drive (CR# 415), APN 18-260-56.

**TOTAL ACREAGE:** 0.82+/- acre

**ZONING:** RR-5

**ADJACENT ZONING:** North: RR-5 & FV:40,000  
East: RR-5  
South: RR-5:FP  
West: RR-5

**GENERAL PLAN:** RR-5 [RR-1]

**EXISTING USES:** Residential

**SURROUNDING LAND USES:** Residential

**SURROUNDING LOT SIZES:** North: 0.45+/- to 1.0+/- acre  
East: 0.40+/- acre  
South: 10.73+/- acres  
West: 0.44+/- acre

**SUPERVISORIAL DISTRICT:** 4

**GOV. CODE 65950 DATE:** 7-12-99

<b>EXHIBIT NO.</b> 7
<b>APPLICATION NO.</b> A-1-MEN-99-43
Mendocino County Staff Report
Page 1 of 10

**OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:** Certificate of Compliance #CC 10-81 was recorded on April 1, 1981, which recognized the subject property (APN 18-260-56) as a legal parcel.

**PROJECT DESCRIPTION:** The applicants, Christian and Anita Van Peer are requesting approval of this entitlement to allow for the establishment of a "Cottage Industry" to utilize an existing 4,000 square foot metal building for metal fabrication for boat building. The applicants are also requesting a Variance to Section 20.452.020 (C) of the Mendocino County Code, which states:

"No Cottage Industry permitted pursuant to this Chapter may occupy more than six hundred forty (640) square feet of area within any building or buildings on the same parcel."

However, because the applicant's proposal would be inconsistent with this section of the Zoning Ordinance, as the proposal would occupy 4,000 square feet, the variance is sought.

The project site is located 1 ½ miles south of central Fort Bragg and is situated on the north side of State Highway 20, being approximately 400 feet east of its intersection with South Harbor Drive. The subject property is a 0.82+/- acre parcel which is currently developed with a single-family residence, a 576 square foot detached garage and a 4,000 square foot metal building in which the cottage industry for boat building would be conducted. The subject property is currently accessed via an existing road approach onto State Highway 20. The subject property and surrounding properties are zoned Rural Residential (RR-5), with one adjacent parcel located immediately northwest of the site being zoned Fishing Village (FV). The property has been used for boat building for a number of years, however, proper permits were not obtained.

**ENVIRONMENTAL REVIEW:** In completing the environmental review for this project, staff has noted the following potential environmental impacts as identified in the Environmental Review Checklist.

Air Quality (Items 2A and 2B). As the proposed project will involve the practice of sandblasting, painting/finishing work which may result in impacts to the air quality of the surrounding neighborhood, the Air Quality Management District (AQMD) has reviewed the proposed project for such impacts. Many impacts generated by such industrial uses can be mitigated through appropriate mitigating conditions as imposed by the AQMD. Such mitigations are similar to those imposed on such uses as auto-body shops. Staff will recommend that the applicant secure all required permits from the Air Quality Management District (Conditions A-2 and A-3).

Water Quality (Items 3B, 3E and 3G). The subject property is currently served by the City of Fort Bragg for both domestic water and sewage disposal. The Division of Environmental Health has reviewed the proposed project and has no negative comments regarding water quality issues. Because of the nature of the proposed use, the Regional Water Quality Control Board (RWQCB) has reviewed the proposed project. According to a letter dated March 1, 1999 to the Department of Planning and Building Services from Charles T. Vath at the RWQCB, Mr. Vath states:

"I have inspected the site of the proposed use permit several times since 1991. In addition, on January 27, 1999, in response to a citizen's complaint, I collected water samples from a well on an adjacent property to document existing ground water quality. Enclosed is a copy of the laboratory analysis report for the well samples collected on January 27, 1999. The results indicate that there is no contamination in this well that could be attributed to the boat building activities.

Based upon my site inspection of the Van Peer Boatworks and the lab analysis results from the well sampling on January 27, 1999, I have found no evidence that past boat building activities at the site have adversely impacted the beneficial uses of surface and ground waters adjacent to the site. Furthermore, if the proposed use permit is approved and future activities are conducted in accordance with appropriate best management practices, I would not expect the proposal to result in adverse impacts on the beneficial uses of surface and ground waters adjacent to the site."

Based on the comments received from the Division of Environmental Health and the Regional Water Quality Control Board on this project, staff does not anticipate any significant adverse environmental impacts to water quality as a result of the project.

Plant and Animal Life (Items 4B and 5D). No unique or sensitive resources have been identified on the County Biological Resources Map or the Department of Fish and Game's Natural Diversity Data Base. As of the writing of this report, no negative comments have been received from the Department of Fish and Game regarding the proposed project. Further, as the property is currently developed and the project would only utilize existing structures, staff does not foresee any significant impacts to fish and wildlife resources. Therefore, staff recommends the de minimus finding be applied to this project.

Noise (Items 6A and 6B). The Division of Environmental Health has reviewed the proposed project relative to potential noise impacts. So as to mitigate possible sound level impacts to neighboring properties from the project, the Division of Environmental Health has recommended the following:

"Sound levels from the project, as measured at the property line, shall not exceed for any more than 30 minutes in any hour, the standards of 50 dBA between the hours of 10 PM to 7 AM nor shall it exceed 60 dBA between the hours of 7 AM to 10 PM. If ambient sound levels exceed the sound level Standard cited above, then the ambient level will be considered the standard. Adjustments to the Standard are permitted within the following schedule:

L50	30 minutes per hour	Standard
L25	15 minutes per hour	Standard + 5dB
L0	Maximum instantaneous level	Standard + 20 dB
	Irritating sound characters	Standard -5 dB

Irritating sounds characters with a tone whine, screech, hum or impulsive, hammering, riveting or music or speech shall suffer a penalty of Standard -5 dB (Condition B-5)."

In addition to the noise attenuation condition recommended by the Division of Environmental Health, staff will recommend that the hours of operation be limited to 8:00 am to 5:00 pm, Monday through Friday (Condition B-6).

Land Use (Item 8A). The applicant is requesting the establishment of a cottage industry for metal fabrication and boat building. Typically, the boats that would be built are commercial fishing boats which are 50x20 feet or larger. Section 20.452.015 of the Mendocino County Code states:

- A. The particular uses conducted by the Cottage Industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
- B. The use shall be environmentally compatible with the project site and region.
- C. No additional service demands will be created by the end use."

Section 20.328.015 defines Coastal-Dependent Industrial as:

"Coastal-dependent industrial uses require a maintained navigable channel to function, including, for example: public or private docks, water-borne commercial carrier import and export operations, **ship/boat building and repair**, commercial fishing facilities, including berthing and fish receiving, off boat sales and fish processing when product is for human consumption (fish waste processing and fish processing of other products for other than human consumption are permitted under the coastal-related use type), and aquaculture support facilities. Offshore mining, dredging, mineral or petroleum extraction processes, or the stockpiling or transfer of relative material are not included."

Section 20.452.025 (A) of the Mendocino County Code provides for examples of uses as cottage industries permitted in the Rural Residential Zoning Districts upon securing a use permit. However, this Section does not provide for Coastal-Dependent Industrial uses, such as boat building. The proposed use would not be consistent with the zoning for the subject property (which is currently RR-5). It is staff's opinion that the proposed use would be more conducive in an Industrially zone area of the coast or perhaps in the Noyo Harbor along with other associated fishing related industries. Although the use has coexisted for a number of years within the residential neighborhood it is currently located in, based on the inconsistencies cited above, staff believes that the proposed use would conflict with the established zoning of RR-5 and with the intent of Cottage Industries as expressed in Section 20.160.005 as follows:

"It is the intent of this Chapter to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as cottage industries and are defined within this Chapter. (Ord. No. 3639 (part), adopted 1987)"

Transportation/Circulation (Items 12A, 12B, 12C, 12D, 12E and 12F). The proposal has been reviewed by Caltrans for potential impacts to State Highway 20. In a referral received from Caltrans dated January 29, 1999, Caltrans states that the proposal will have no significant impact on the State Highway system. Based on this, staff does not anticipate any significant adverse impacts to State Highway 20.

Relative to on-site parking, the proposal calls for the use of an existing 4,000 square foot building for the "Boat Building" operation with two (2) employees working on the premises.

Section 20.472.035 (F) of the Mendocino County Code states:

"Manufacturing, industrial use of all types: one (1) parking space for every employee working on the largest shift, plus ten (10) customer or visitor parking spaces plus parking for each of the vehicles operated from or on the site."

Additionally, the property also contains a single-family residence, which, pursuant to Section 20.472.015 (A) of the Mendocino County Code requires two (2) on-site parking spaces for the residence.

Therefore, a total of fourteen (14) on-site parking spaces will need to be provided for the site, which includes the existing residence. Additionally, pursuant to Section 20.472.010 (K) of the Mendocino County Code, one of the fourteen spaces must be designated for handicapped use. Staff will recommend that the applicant submit to the Department of Planning and Building Services a detailed parking and circulation plan, legibly drawn to scale which illustrates the location of all parking spaces including circulation movements outside public rights-of-way and private ways not intended for that purpose or use. All required parking shall be established in conformance with Chapter 20.472 of the Mendocino County Code (Off-Street Parking). Compliance with Condition A-6 will adequately address the issue of adequate on-site parking.

Public Services (Item 13A). The subject property has been identified as being within a "Moderate" fire hazard designation and within the jurisdiction of the California Department of Forestry for wildland fire suppression. The Fort Bragg Fire Protection Authority would have the initial response to structure fires as well as responsibility for any field inspections of the proposed project.

General Plan Fire Protection Goal 1 (Page I-82) states:

"New development proposals shall have a letter from appropriate fire protection agency that adequate fire protection can be provided."

General Plan Safety Element Policy Number 3 (Page IV-29) states:

"Insure that adequate fire protection is incorporated into all new developments consistent with policy risk levels."

The Fort Bragg Fire Authority has reviewed the proposed project, and no negative comments have been submitted regarding the proposal. The California Department of Forestry has also reviewed the proposal and has made specific recommendations relative to addressing standards, gate entrances, and the maintenance of defensible space. Therefore, staff will recommend that the applicant be required to submit to the Department of Planning and Building Services written verification from the California Department of Forestry that their recommendations have been met to the satisfaction of the California Department of Forestry (Condition A-4).

Although, the Building Inspection Division submitted no negative comments regarding the proposal, the structure when originally constructed was conditioned that it not be utilized for commercial purposes. Due to the change in occupancy/use, staff will recommend Condition A-5, which will address any changes in the use and occupancy of the existing 4,000 square foot metal building.

Human Health (Items 16A, 16B, 16C and 16D). The Division of Environmental Health has reviewed the proposed project and has stated that the Van Peer Boatworks have an approved Hazardous Materials Business Plan for the existing operation. With no negative comments received from the fire agencies, the Regional Water Quality Control Board, and the Division of Environmental Health, staff does not anticipate any significant adverse impacts to human health as a result of the proposed project.

Cultural Resources (Items 19A, 19B, 19C and 19D). The subject property as well as the surrounding neighborhood is currently developed as residential, with State Highway 20 providing access to the subject property and the surrounding neighborhood. As the area is somewhat fully developed or "built-up," staff does not anticipate any impacts to cultural/archaeological resources as a result of the proposed project. Additionally, the proposed project would utilize an existing structure with no new construction proposed, thus further not resulting in an impact to archaeological resources.

No significant environmental impacts are anticipated which cannot be adequately mitigated, therefore, a Negative Declaration is recommended.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is in conflict with applicable goals and policies of the Coastal Element of the General Plan. The subject property and surrounding properties' General Plan classification is Rural Residential (RR-5), with one parcel located immediately to the north being designated Fishing Village (FV). The intent of the RR classification is to "encourage and preserve local small scale farming in the coastal zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability."

Ship/boat building and repair are classified as a Coastal-Dependent Industrial use which is not allowed in the RR-5 zoning district or under the provisions of the Cottage Industry intent of the Coastal Element of the General Plan. The provisions call for limited commercial and industrial uses in conjunction with a dwelling which are more intensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Further, the request for variance to the Cottage Industry size requirement would increase the square footage from 640 square feet to 4,000 square feet.

Based on the nature of the intended use and the size of the cottage industry, staff believes that the proposal is inconsistent with the applicable goals and policies of the General Plan.

**PROJECT RECOMMENDATION:** The project involves two entitlements, a use permit and variance. One entitlement (use permit) relates to the use of the site for boat building and the other entitlement (variance) is for increasing the maximum area allowed for a cottage industry from 640 square feet to 4,000 square feet. Staff will recommend that the Planning Commission deny both #CDU 30-98 and #V 1-99, as it would be inconsistent with the applicable goals and policies of the General Plan. Staff acknowledges that the use is in close proximity to the Noyo Harbor and the adjoining Fishing Village designation, which does permit Coastal Dependent-Industrial uses. The building of large commercial fishing boats would be a use more appropriate in an area zoned or designated for industrial uses because of the nature of the operation. An application for an amendment to the Coastal Element and a rezone would be necessary to designate the property Fishing Village or Industrial. One could make the argument that building small boats could be a cottage industry, if it were done on a small scale and contained within a 640 square foot structure, such as a garage or small shop and that it be subordinate to the primary residential use of the property. As in the case of this proposal, the 4,000 square foot metal building used for building large commercial vessels is more dominant over the residential character of the property as well as the immediate neighborhood.

Additionally, staff would note that the applicant is attempting to resolve a zoning violation through these two entitlements. It was staff's understanding that the applicant would secure a use permit for a cottage industry for metal fabrication only with the actual boat building operation occurring elsewhere on a different site, more appropriately suited. However, the applicant has chosen to pursue the full scope of the operation. It should also be noted, when the structure was originally constructed, it was approved with the condition that the building not be used for "commercial purposes." Although the use was established and has been in existence for several years, it was established in violation of applicable codes and regulations.

Finally, staff does not believe that the required findings for the use permit and the variance can be substantiated, specifically Findings 1 and 3 for Coastal Development Permits and Variance Findings A, B, C, E and F listed below, in that the request is not in conformity with the certified local coastal program or consistent with the intent of the zoning district. Additionally, there are no special circumstances applicable to the property, granting the variance is not in conformity with the provisions of the Coastal Act, and that the variance does authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.

**RECOMMENDED MOTION:** That the Planning Commission denies #CDU 30-98/#CDVV 1-99 making the following findings:

**Use Permit Findings:**

1. That the project is inconsistent with the General Plan and zoning policies;
2. That the required findings can not be supported due to these inconsistencies; and
3. Given the above , the project has the potential to have a significant effect on surrounding residential development.

**Variance Findings:**

- A. That there are special circumstances applicable to the property involved, including size, shape, topography, location or surroundings.**

The applicant's desire to locate a large scale industrial venture on residential property is not a special circumstance applicable to the property. Finding can not be made.

- B. That special circumstances or conditions are not due to any action of the applicant subsequent to this application of the zoning regulations contained in the Division and applicable policies of the Coastal Element.**

The 4,000 square foot metal building was constructed by the current property owner, Mr. Van Peer. A building permit was issued on August 5, 1987 for the construction of the building, with a condition that the structure was not to be utilized for commercial purposes. The permit was subsequently finalled on March 18, 1988. The applicant has created his own special circumstance by establishing a commercial/industrial venture in a building originally intended for personal use only. Finding can not be made.

- C. That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A)**

No similar Variances have been granted in the area. Finding can not be made.

- D. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.**

While the increase in square footage is a concern, there would be minimal impact with regards to traffic. There would be two employee vehicles per day in addition to those of the property owners. In reviewing the site photos provided by the applicant and site plan, there appears to be adequate on-site parking. While there would be no direct adverse impacts from the proposal, staff believes that such an expanded cottage industry could induce further such activity in the area and set a precedent which could affect the integrity and residential character of the immediate area. Finding can not be made.

- E. That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.**

Section 20.452.020 (C) of the Mendocino County Code states that no cottage industry within the coastal zone may occupy more than 640 square feet of area within any building or buildings on the same parcel. Additionally, Section 20.452.020 (A) also limits the number of employees outside of the family residing on the premises to one employee. The proposal includes for 2 employees. The applicant is requesting to utilize an existing 4,000 square foot metal building for a cottage industry for metal fabrication and boat building. Prior to the current zoning classification of RR-5, the subject property was zoned A-1

(Unclassified), which did permit the establishment of the 4,000 square foot metal building as an accessory building, but did not allow for metal fabrication or boat building as currently being requested. The proposal is beyond the scope of what staff believes a cottage industry to be, especially for a residential area. Staff further believes that this Finding cannot be made as the proposed cottage industry if approved is a use that is not authorized by the zoning.

**F. That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable policies of the Coastal Act.**

The proposed use and request is in conflict with Chapter 20.452 of the Mendocino County Code (Cottage Industry provisions) as the proposed use exceeds the allowable square footage for cottage industries within the boundaries of the coastal zone. Finding cannot be made.

**ALTERNATIVE MOTION:** Should the Planning Commission wish to approve #CDU 30-98/#CDV 1-99 , the following alternative motion is provided.

**Environmental Findings:** The Planning Commission finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Department of Fish and Game Findings:** The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing development on the subject parcel and surrounding parcels, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5.

**Coastal Development Permit Findings:** The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

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 zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
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.



**Variance Findings:**

- A. That there are special circumstances applicable to the property involved, including size, shape, topography, location or surroundings.
- B. That special circumstances or conditions are not due to any action of the applicant subsequent to this application of the zoning regulations contained in the Division and applicable policies of the Coastal Element.
- C. That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A)
- D. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.
- E. That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.
- F. That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable policies of the Coastal Act.

**Project Findings:** The Planning Commission, making the above findings, approves #CDU 30-98 and CDV 1-99 subject to the conditions of approval recommended by staff.

**RECOMMENDED CONDITIONS:**

- A. **Conditions which must be met prior to use and/or occupancy and for the duration of this permit:**
  - 1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to May 21, 1999. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void..
  - \*\* 2. That the applicant shall secure all required permits/clearances from the Air Quality Management District for the operation of the facility. The applicant shall submit written verification to the Department of Planning and Building Services from the Air Quality Management District that this condition has been met to the satisfaction of the Air Quality Management District.
  - \*\* 3. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
  - \*\* 4. The applicant shall comply with those requirements in the California Department of Forestry letter of January 5, 1999, or other alternatives as acceptable to the California Department of Forestry. Written verification shall be submitted from the California Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the California Department of Forestry.

- \*\* 5. That the applicant shall secure all necessary permits/clearances for from the Building Inspection Division for change of occupancy of the structure from noncommercial to commercial/industrial use and or occupancy.
- \*\* 6. The applicant shall submit to the Department of Planning and Building Services for review and approval a parking and circulation plan legibly drawn to scale which illustrates the location of all parking spaces, including circulation movements outside public right-of-way and private ways not intended for that purpose or use. All required parking shall be established in conformance with Chapter 20.472 of the Mendocino County Code. A total of fourteen (14) on-site parking spaces shall be established, of which one shall be designated for handicapped use, with appropriate identification signs pursuant to the Uniform Building Code.
- 7. This permit shall become effective after all applicable appeal periods have expired or appeal process exhausted. Failure of the permittee to make use of this permit within two years shall result in the automatic expiration of this permit.

**B. Conditions which must be complied with for the duration of this permit:**

- 1. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 - Division II of the Mendocino County Code unless modified by conditions of the use permit.
- 2. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
- 3. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

- 4. 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.
- 5. Sound levels from the project, as measured at the property line, shall not exceed for any more than 30 minutes in any hour, the standards of 50 dBA between the hours of 10 PM to 7 AM nor shall it exceed 60 dBA between the hours of 7 AM to 10 PM. If ambient sound levels exceed the sound level Standard cited above, then the ambient level will be considered the standard. Adjustments to the Standard are permitted within the following schedule:

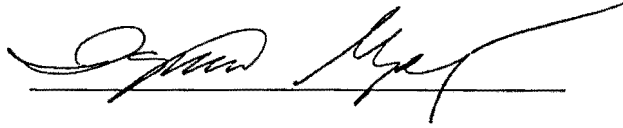
L50	30 minutes per hour	Standard
L25	15 minutes per hour	Standard + 5dB
L0	Maximum instantaneous level	Standard + 20 dB
	Irritating sound characters	Standard -5 dB

Irritating sounds characters with a tone, whine, screech, hum or impulsive, hammering, riveting or music or speech shall suffer a penalty of Standard -5 dB.

- \*\* 6. Hours of operation be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.
- \*\* 7. All exterior lighting shall be shielded so that it does not shine or glare beyond the limits of the property.

4-6-99

DATE



IGNACIO GONZALEZ  
PLANNER II

IG:ac

Negative Declaration

Appeal Fee - \$600.00  
Appeal Period - 10 days

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may effect the issuance of a Negative Declaration.

REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
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Planning - Ft Bragg	XX		
Public Works		XX	
Env. Health			XX
Building Inspection - Ft Bragg		XX	
Coastal Commission	XX		
Air Quality Management			XX
Caltrans			XX
Dept. of Forestry			XX
Dept. of Fish and Game	XX		
RWQCB			XX
Fort Bragg Sewer Dist.	XX		
Fort Bragg Water	XX		
Fort Bragg Fire District		XX	
Fort Bragg City Planning	XX		

Woody's Weld-All  
1230 N. Main Street  
Fort Bragg, Ca. 95437

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, Ca. 94105-2219  
Aug. 1999

California Coastal Commission  
#A-1-MEN-99-043  
Attn: Jo Ginsberg

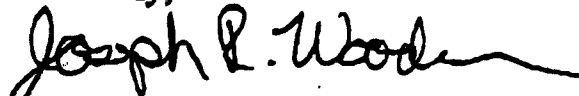
RECEIVED

AUG 13 1999

CALIFORNIA  
COASTAL COMMISSION

I would like to go on record in support of the Van Peer Boat Works. This is a vital business, which we want to keep in our community of Fort Bragg, Ca. If Van Peer is forced to leave the area the whole community will lose. I have personally lost revenue because Van Peer has been shut down. The places I buy supplies from have lost money. We depend very much on each other in this community. We are a depressed area and cannot afford to suffer any losses to our economy.

Sincerely,



Joseph R. Wooden, DBA  
Woody's Weld-All

EXHIBIT NO.	8
APPLICATION NO.	A-1-MEN-99-43
Correspondence	

F A C S I M I L E

TO:

---

Name: California Coastal Commission  
North Coast Area Office

Fax #: 415-904-5400

Pages: 1

FROM: STRICKLAND & GROVER

---

Name: FLOOR COVERING  
880 Stewart St. Space A  
Fort Bragg, Calif. 95437

Fax #: 707-964-2768

Date/Time: 08/11/99 9:45 AM

MESSAGE:

*WE THE UNDER SIGNED, FULLY SUPPORT  
VAN PEER BOAT WORKS !!*

*George Grover  
Annalan Peers  
Doug Martin*

ATT: Jo Ginsberg  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

RE: Appeal #A-1-MEN-99-043

RECEIVED

AUG 11 1999

CALIFORNIA  
COASTAL COMMISSION



**HUGH PADDOCK**  
 306 E. REDWOOD AVE.  
 FORT BRAGG, CALIFORNIA 95437  
 (707) 962-0745

**RECEIVED**

AUG 10 1999

CALIFORNIA  
 COASTAL COMMISSION

TO: Jo Ginsberg  
Calif. Coastal Commission

FAX: 415-904-5400

FROM: H Paddock

FAX: 707-964-4094

Total Pages one

**Van Peer Boat Works**

**(UPDATE - Your Help Is Needed, Again!)**

On June 3rd, Chris and Anita Van Peer received approval from the Mendocino County Planning Commission for their use permit and variance. The meeting was held in Mendocino and the vote was 5-1 for the Van Peers. Steve Gardner, a neighbor who has opposed the project, showed up for the hearing after the vote was taken. An appeal to the Board of Supervisors would have cost him \$600 and would have to be filed within 10 days of the Planning Commission's decision. No appeal was filed with the Board of Supervisors. Mr. Gardner did however, appeal the decision to the California Coastal Commission, at NO COST. Since an appeal has been filed, the decision made by the County Board of Supervisors has been stayed pending Coastal Commission action on the appeal. The appeal number is



Will Fort Bragg  
 businesses become  
 extinct?

#A-1-MEN-99-043. The Coastal Commission hearing date has been postponed to August or September. The Van Peer Boatworks cannot be in business until this is resolved, therefore our local economy suffers as well. There is only ONE person opposed to their boatworks. VAN.PEER's need all

4,000 supporters to AGAIN write or FAX - this time to the:  
 California Coastal Commission, North Coast Area Office, ATTN: Jo Ginsberg, 45 Fremont, Suite 2000, San Francisco, CA 94105-2219 (415) 904-5260 or FAX (415) 904-5400. APPEAL #A-1-MEN-99-043.

WHAT WILL THE COASTAL COMMISSION DO WITH 4,000 LETTERS AND FAXES? PLEASE RESPOND AND LET'S FIND OUT!!!

To Whom It May Concern;

I've discovered that the County vote in favor of Mr. Van Peer was done with thorough investigation and consideration of the physical, economic and political impacts of the issue. Why the system allows one person to disrupt the process so easily has always puzzled me.

Van Peer Boat Works IS Fort Bragg.....Please do not let it be destroyed.

*Hugh Paddock*

**Citizens for Fort Bragg's Future**

RECEIVED

AUG 10 1999

CALIFORNIA  
COASTAL COMMISSION

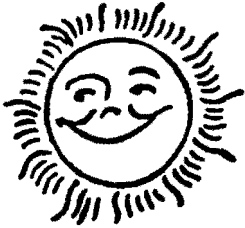
Dear Joe Ginsberg and The California Coastal Commission,

I am writing in favor of the Van Peer Boat Works. I am a neighbor of theirs, and they have caused no annoyance to me at all. Their business helps our local economy, and until this issue is resolved it will suffer. So, please look over this, and allow the Van Peer's to conduct their business as usual. Thank you for your time and consideration.

Thanks again,



Rick McGehee



COLOMBI MKT. - E. COLOMBI MOTEL  
 COLOMBI LAUNDROMAT - COLOMBI RENTALS  
 647 OAK STREET, FORT BRAGG, CA 95437-3799  
 Phone: (707) 964-5773

Aug. 6. 1999

RECEIVED  
 AUG 10 1999

CALIFORNIA  
 COASTAL COMMISSION

Calif. Coastal Commission;

ATTN: JO Ginsberg;

Refer TO Appeal # A-1-men. 99-043

We the undersigned ask that a use permit  
 and variance be given to the VAN PEEP  
 BOAT WORKS.

Let the BOAT WORKS OPERATE PERMANENTLY.

Port. Colombi

Janette Colombe

Robert S. Colomb.

Marissa Colombi

*[Signature]*  
 Dean Millcraft

CEO Pacific Marine Farms Inc



RECEIVED

AUG 0 9 1999

Mr. & Mrs. Robert C. Maginity  
24763 Sashandre Lane  
Fl. Bragg, CA 95437

CALIFORNIA  
COASTAL COMMISSION

8-7-99

TO: JO GINSBERG  
SUBJECT: APPEAL # A-1-MEN-99-043,  
VAN PEER BOAT WORKS

PLEASE GRANT VAN PEER THEIR PERMIT  
AND VARIANCE, AND SOON. IT MAKES NO  
SENSE WHATEVER TO KEEP HIM OUT OF  
BUSINESS BECAUSE OF ONE NEIGHBOR'S  
OPPOSITION.

THANK YOU FOR YOUR CONSIDERATION.

SINCERELY,



RECEIVED

AUG 09 1999

CALIFORNIA COASTAL COMMISSION

F A C S I M I

TO:

FROM:

Name: California Coastal Com.  
North Coast Area Office  
Fax #: 415-904-5400  
Pages: 1

Name: Kenneth + Sharon  
VAN Der Wende  
Fax #: 707-964-3982  
Date/Time: 8-7-99 3:10 PM

MESSAGE:

ATTN: Jo Ginsberg

RE: Appeal #A-1-MEN-99-043

We support Chris + Anita Van Peer's  
use permit and variance for  
Van Peer Boat Works

Thank You  
Sharon Van Der Wende



RECEIVED

AUG 09 1999

Aug. 4, '99

CALIFORNIA  
COASTAL COMMISSION

Dear Jo Ginsberg,

There are thousands of us living in Fort Bragg that want the Van Peer Boat Works to continue doing business. Please do not let a lone late-comer to our community over rule the majority.

Thank you,

*Harvey and Helen Mace*

Harvey and Helen Mace  
30674 Pudding Creek Road,  
Fort Bragg, Ca  
95437

E-mail [hmace@thegrid.net](mailto:hmace@thegrid.net)  
Phone 954-4641

32040 O'Bayley Dr.  
Fort Bragg, CA 95437

RECEIVED  
AUG 09 1999

4 August, 1999

CALIFORNIA  
COASTAL COMMISSION

Jo Ginsberg  
California Coastal Commission  
Re: appeal #A-1-MEN-99-043

Dear Ms. Ginsberg;

We are writing this in support of the Van Peer Boat Works--that it be allowed to remain open and in business on Highway 20.

People on the North Coast have been observing the decimation of historic and viable businesses at Noyo. This once working and thriving harbor serving our fishing community has gradually been handed over to "inland" people who enjoy the rustic scenic environment.

Van Peer Boat Works provides a small but important service to our working community. In an otherwise homogenized working environment aimed at satisfying tourism, Van Peer hires welders, fitters, cabinet makers, skilled craftsmen needed to complete the building of steel boats. Van Peer does not block valuable scenic corridors (as have recent motel projects) nor does he pollute the environment/drinking water; he safely operates with concern for public and worker safety.

While we were building our own fishing boat at another location seven years ago, Chris Van Peer personally gave us advice and provided generous skilled help when it was no benefit to himself. He is a generous man and his business a valuable asset to our community. Please do not vote to close him down.

Sincerely,

*Michael S. Marble*

*Adrienne A. Ardito*

Michael Marble, fisherman  
Adrienne Ardito

Wednesday, August 04, 1999

Robert M Pike Jr.  
Nancy Herron-Pike  
31581 Highway 20  
Fort Bragg, Ca 95437

Jo Ginsberg  
45 Fremont  
Suite 2000  
San Francisco, Ca 94105-2219

Re: AP-1-MEN-99-043

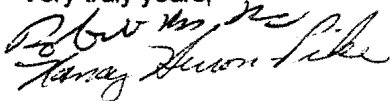
Dear Jo Ginsberg,

Please allow Chris & Anita Van Peer to continue with the quality work that their boat works have done in the past.

We live up the street from the "Boat Works" and are proud of they fine work that they do. They are the last of the fine boat builders in the area. It is a shame that one person could destroy the lively hood of many people.

Please vote in favor of allowing the Van Peers to continue working at their present location.

Very truly yours,



Robert M. Pike Jr.  
Nancy Herron-Pike

RECEIVED  
AUG 09 1999  
CALIFORNIA  
COASTAL COMMISSION

CALIF. COASTAL COMMISSION  
NORTH COAST AREA OFFICE  
ATTN; JO GINSBERG

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AUG 09 1999

08-06-1999

CALIFORNIA  
COASTAL COMMISSION

CALIF. COASTAL COMMISSION;

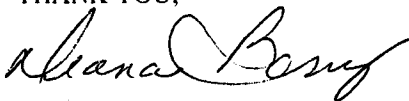
I AM WRITING IN BEHALF OF VAN PEER BOATWORKS IN FORT BRAGG  
APPEAL #A-1-MEN-99-043.

VAN PEER IS A STAPLE IN THIS COMMUNITY, HE HAS HAD HIS BOATWORKS  
IN THAT LOCATION FOR OVER 11 YEARS. THERE HAS BEEN NO PROOF OF  
ANY HAZARDOUS CONDITIONS ON HIS PREMISES OR ANY WATER CONTAMINATED  
WELLS IN THE AREA.

JUST BECAUSE MR. GARTNER DOES NOT LIKE THE OPERATION AND MOVED THERE  
WILLINGLY AFTER THIS BOATWORKS WAS ESTABLISHED KINDA SOUNDS  
LIKE THE PEOPLE WHO MOVE NEAR AN AIRPORT THEN COMPLAIN.

PLEASE ALLOW VAN PEER BOATWORKS THEIR PERMIT , THEY ARE A VALUABLE  
BUSINESS IN THIS COMMUNITY.

THANK YOU;



DIANA BERRY  
27250 N. HIGHWAY ONE  
FORT BRAGG CA. 95437-8454

California Coastal Commission  
North Coast Area Office  
ATTENTION: MS. JO GINSBERG.  
45 Fremont, Suite 2000  
San Francisco, California  
94105-2219

RECEIVED  
AUG 09 1999

RE: #A-MEN-99-043  
VAN PEER BOAT WORKS VS STEVE GARDNER

CALIFORNIA  
COASTAL COMMISSION

My Dear Ms. Ginsberg:

I am a local resident in Fort Bragg. I work here, live here and plan to die here.

Fort Bragg is a very special and varied community. There has always been something here for everyone to enjoy.

One of those special things has been the VAN PEER BOAT WORKS on Highway 20. I don't know if you have had the pleasure of visiting our town, but I would personally like to extend a invitation to come and experience the varied wonderful community we all have had the good fortune to enjoy.

It is unusual in the fact we have commerce, logging and fishing combined with beautiful redwoods and a wonderful coast line.

Mr. Van Peer has been building exceptional commercial fishing vessels in this community for as long as I can remember and he has a fine reputation in this community. His business supports a myriad of other business and professional people in this community.

Mr. Van Peer runs a very clean and neat operation.

It has been a community event to watch Mr. Van Peer launch one of his beautiful boats in the Noyo River for a very long time.

At Christmas time, we all look forward to Mr. Van Peer having a boat under construction because he decorates it with hundreds of Christmas lights.

It is also an attraction to the tourists entering our town because they can enjoy a true operating fishing harbor as well as hotels, restaurants and the beautiful area we call home.

Fully four thousand of the full time residents supported Mr. Van Peer when his operation came into jeopardy because of only one person. That person knew he was buying next to Mr. Van Peer when he moved to our community. His motivation is purely selfish and not in keeping with the needs and charm of our area.

Mr. Gardner was not concerned enough to show up for the meeting until after a vote of approval was given the Van Peers to stay in business and failed to file an appeal to the Board of Supervisors regarding the Planning Commission's decision.

I think it is a shame people are drawn to this area because of what the residents have worked for years to make it and then once here, they want to change the very thing that drew them here in the first place.

Ms. Ginsberg, please please do not shut down the Van Peer Boat Works because one person opposes the entire community.

It is not fair to the Van Peers and more importantly, it is not fair to us, the people of this community who benefit not only from the use of his boats but also the charm of having an actual commercial boat building shop right here in our little town of Fort Bragg.

We love it, the tourists love it, and we need Mr. Van Peer to continue with his good work.

Thanking you in advance for your kind consideration of my request.

sincerely



Jim Crosswhite  
29351 Sherwood Road  
Fort Bragg, California  
95437 Ph (707) 961-1092



California Coastal Commission  
North Coast Area Office  
ATTENTION: MS. JO GINSBERG.  
45 Fremont, Suite 2000  
San Francisco, California  
94105-2219

RECEIVED  
AUG 09 1999

CALIFORNIA  
COASTAL COMMISSION

RE: #A-MEN-99-043  
VAN PEER BOAT WORKS VS STEVE GARDNER

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Thanking you in advance for your kind consideration of my request.

sincerely



Isabel Crosswhite  
29351 Sherwood Road  
Fort Bragg, California  
95437 Ph (707) 961-1092

California Coastal Commission  
North Coast Area Office  
ATTENTION: MS. JO GINSBERG.  
45 Fremont, Suite 2000  
San Francisco, California  
94105-2219

RECEIVED  
AUG 09 1999  
CALIFORNIA  
COASTAL COMMISSION

RE: #A-MEN-99-043  
VAN PEER BOAT WORKS VS STEVE GARDNER

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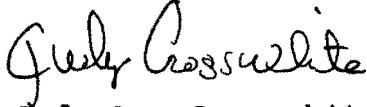
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We love it, the tourists love it, and we need Mr. Van Peer to continue with his good work.

Thanking you in advance for your kind consideration of my request.

sincerely



Judy Ann Crosswhite  
29351 Sherwood Road  
Fort Bragg, California  
95437 Ph (707) 961-1092

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FORT BRAGG, CA 95437  
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FAX (707) 964-0410

# QUICK MEMO

DATE: 8/9/99

ATTENTION: \_\_\_\_\_

TO Calif Coastal Commission

North Coast Area Office  
Attention: Jo Ginsberg

SUBJECT  
Appeal # A-1-MEN-99-043  
Van Leer Boat Works

We are writing in favor of keeping Van Leer Boat Works at its present location here in Fort Bragg. Our local economy needs all <sup>its</sup> small businesses and the boat works is an important, viable business to our area.

As far as we know, there is only 1 person against keeping Van Leer Boat Works at its present site.

SIGNED *Nona Cleary*

MESSAGE

RECEIVED  
AUG 09 1999  
CALIFORNIA  
COASTAL COMMISSION

Calif. Coastal Commission  
JO Ginsberg,

We support Van Peer Boat Works.

Charles & Pat Garcia

16701 N. HWY 1

FT. BRAGG, CA 95437

Sincerely,

Pat Garcia

Charles Garcia

RECEIVED

AUG 09 1999

CALIFORNIA  
COASTAL COMMISSION

August 5, 1999

California Coastal Commission,  
North Coast Area Office  
Attn: Jo Ginsberg  
45 Fremont Suite 2000  
San Francisco, CA 94105-2219

To Whom It May Concern:

We, the undersigned, wish to express our support for the use permit and variance for Van Peer Boat Works as approved by the Mendocino County Planning Commission on 6/3/99 (Appeal #A-1-MEN-99-043).

Roberta Duffy

Roberta Duffy  
P.O. Box 596  
Fort Bragg, CA 95437

Lisa Johnson

Lisa Johnson  
P.O. Box 361  
Fort Bragg, CA 95437

Pamela J. Merritt

Pamela Merritt  
111 N. Harrison St.  
Fort Bragg, CA 95437

Julie A. Pyorre

Julie Pyorre  
535 S. Sanderson Way  
Fort Bragg, CA 95437

Carla S. Slaven

Carla Slaven  
270 Wall St.  
Fort Bragg, CA 95437

A-1-MEN-99-043

Dear Sirs,

We wish you, the Coastal Commission would not cause so much negative action on things that are obviously helpful to our "City of Fort Bragg," when 4,000 people support Van Peer's Boat works & Co. planning Comm. approved it 5-1, then with only one person is against it - that's too bad. But putting off hearing dates just causes problems, & it seems to be done all the time.

I don't know what kind of people are on the Coastal Comm. but it seems to me, that there are some who aren't concerned about people & their permits. This costs lots of money, too. Mr. Van Peer could be doing his boat building, and his helpus need to be working & earning a living, too.

Please make a positive decision in this matter!  
Thank you.  
John & Maria Clark.



Appeal # A-1-MEN-99-043

To whom it may concern,

We are in favor of the  
Van Peers keeping their  
~~business~~ business going,  
as it has for many years.

My husband and I have  
lived here all of our lives  
which is 75 years, and  
think the County & City need  
the money generated by this  
business. Please put our  
note in to keep the Van Peers  
here and working

Sincerely

Mrs & Mrs Lawrence Tolosi  
PO Box 1072  
Fort Bragg, Calif  
95437

DAVID A. GILL  
P. O. BOX 1031  
FORT BRAGG, CA. 95437  
Business Telephone: 707 961-6383  
Residence Telephone: 707 964-5858

August 4, 1999

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AUG 06 1999

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
North Coast Area Office  
Attn.: Jo Ginsberg  
45 Fremont Street, Suite 2000  
San Francisco, Ca. 94105-2219


RE: APPEAL #-1-MEN-99-043

I have lived in the Fort Bragg area for over twenty years. I do not personally know the Van Peer family, owners of the Van Peer Boat Works, but I do know that they have contributed significantly to our local community by creating badly needed employment opportunities that pay more than minimum wage, which is so common now as our local economy has moved to more and more service industry jobs due to the decrease in the good paying jobs in the timber and fishing and the impact that has had our the local area.

Additionally, the very nature of their business brings badly needed "outside" money into our local economy where it circulates many times over.

I respectfully request that you grant the use permit and variance for this well established business and to not allow one person, who purchased his property long after the Van Peer Boat Works was in operation at their present location, to cause this important business to close.

Sincerely,

  
David A. Gill

cc: Van Peer Boat Works  
Citizen's for Fort Bragg's Future.  
dg:

Wednesday,  
August 4, 1999

California Coastal Commission  
North Coast Area Office  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

RECEIVED  
AUG 06 1999

Re: VAN PEER BOAT WORKS (Appeal #A-1-MEN-99-043)

CALIFORNIA  
COASTAL COMMISSION

To Whom It May Concern:

We are two of four-thousand who signed a petition IN FAVOR of Van Peer Boat Works.

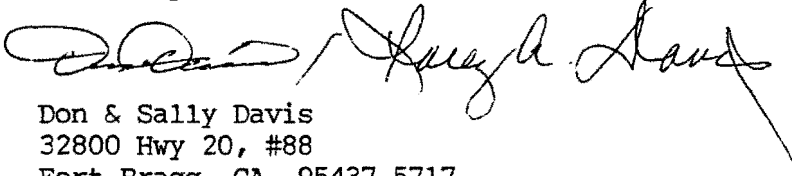
On June 3, Chris and Anita Van Peer received approval from the Mendocino Coast Planning Commission for their use permit and variance. This meeting was held in Mendocino, and the vote was 5-1 for the Van Peers. Doesn't the majority rule anymore?

It is a shame that the Van Peer Boat Works cannot be in business until all of this is resolved, the postponement for the appeal date being in August or September.

We, as citizens of Ft. Bragg, are ALL FOR the Van Peer Boat Works again being in business!  
TWO POINTS TO PONDER: How long have the Van Peers been in business in Ft. Bragg...and how long has Steve Gardner been living here in Ft. Bragg?

There should be no reason that just ONE person could try and make a difference. We, the people of Ft. Bragg, have to stick together in our supporting of the Van Peers!

Sincerely,



Don & Sally Davis  
32800 Hwy 20, #88  
Fort Bragg, CA 95437-5717  
(707) 954-4559

JUST A PASSING THOUGHT...

If you allow Mr. Gardner to win this appeal, then...why don't you see that a new law is passed, allowing property around a large airport to be sold to the deaf only? Instead of the people with hearing...who buy the property one day and start complaining about all of the noise the very next day???

cc: Citizens for Ft. Bragg's Future  
Van Peer Family - Van Peer Boat Works

August 4, 1999

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AUG 06 1999

California Coastal Commission  
North Coast Area Office  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

CALIFORNIA  
COASTAL COMMISSION

Attn: Jo Ginsberg

Re: Appeal #A-1-MEN-99-043  
Van Peer Boat Works

Dear Ms. Ginsberg:

I wish to cast my vote for KEEPING VAN PEER BOAT WORKS right where it is! I do not think it's a detriment to this community...rather, a plus. Its street appearance is well-kept and doesn't seem particularly noisy. In passing along Highway 20, I have enjoyed watching the boatbuilding progress as well as his Christmas fence decoration--extremely clever.

It is beyond my understanding, in this Democracy, that one person (or any minority number) could hold up things that a majority of people approve. Mr. Gardner has been heard...he has been greatly outnumbered...he is still delaying the process. When will this case be resolved? Hopefully, with you.

I, for one, would not buy a piece of property in an established neighborhood and then complain about my surroundings. This includes airports, commercial ventures, boatbuilders, etc.

Sincerely,

*Barbara E. Sanders*

Barbara E. Sanders  
18650 Old Coast Highway  
Fort Bragg, CA 95437  
707/964-2642

*Patrick A. Sanders*

Patrick A. Sanders  
18650 Old Coast Highway  
Fort Bragg, CA 95437  
707/964-2642

August 5, 1999

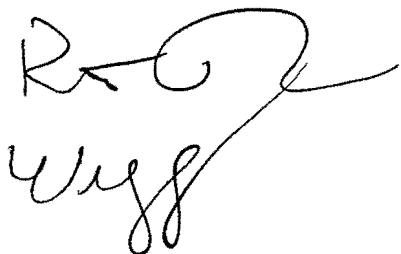
California Coastal Commission  
North Coast Area Office  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

Attn: Jo Ginsberg  
Re: Van Peer Boatworks, Fort Bragg, CA. Appeal #A-1-MEN-99-043

Dear CCC:

Van Peer boatworks is being attacked by a minority of one neighbor. When the county responded by suspending operations at his facility, over 4000 of the 6000 residents of Fort Bragg signed a petition to allow him to remain open and continue building the beautiful ships that he creates at his facility.

Please allow Mr. Van Peer to reopen his business before he is driven into bankruptcy by a misguided neighbor. Something is wrong with our democracy when one person can financially ruin a business by just filing a no cost complaint. Also notice that Mr. Steve Gardner did not appeal the decision of the County Planning Commission with the Board of Supervisors, which he had the option to do if he felt the decision was wrong.



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CALIFORNIA  
COASTAL COMMISSION

Robert and Virginia Taylor  
P. O. Box 327  
Fort Bragg, CA 95437  
(707) 964-4163

PO Box 1485  
Fort Bragg, CA 95437  
4 August 1999

California Coastal Commission  
North Coast Office  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219  
ATTN: Jo Ginsberg

RE: APPEAL #A-1-MEN-99-043

As a resident and property owner in Fort Bragg, I am writing to urge action making it possible for the Van Peer Boat Works to resume their business of building boats. The Van Peers build only one boat at a time yet bring revenue into the community through their sales.

Their business is typical of the endeavors which made Fort Bragg a city in the first place. Their boats are in great demand. Mr Van Peer does not need to advertise. Many other communities in the Northwest are eager to welcome Van Peer Boat Works into their towns. Please don't take this small piece of Americana away from the Fort Bragg area. Four thousand people asked Mendocino County Board of Supervisors to allow the boat works to stay open. Only one person objected. Please honor the wishes of the community.

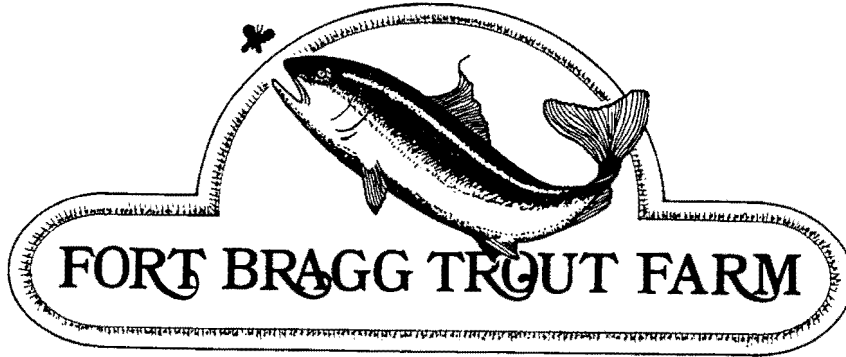
Sincerely,

*Maureen Slack*

Maureen Slack

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*Regarding : Van Peer Boat work.*

*Let Real, it MCP.*

*Mike Demore*

*# A-1-Med-99-043*

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AUG 06 1999

CALIFORNIA  
COASTAL COMMISSION

4 Aug 1999

California Coastal Commission  
North Coast Area Office,  
San Francisco, CA

Dear Sirs,

Re: APPEAL #A-1-MEN-99-043

In past years I was employed at Van Peer Boatworks.  
The work place was clean and safety rules were of primary concern.  
Please resolve this issue in favor of Mr VanPeer as soon as  
possible.

Sincerely,

Robert A. Davidson Lic #537772

*Robert A. Davidson*

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AUG 06 1999  
CALIFORNIA  
COASTAL COMMISSION



Aug 4, 1999  
32601 Airport Rd.  
Fort Bragg Ca 95437

707-964-4488

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AUG 06 1999

CALIFORNIA  
COASTAL COMMISSION

Calif. Coastal Comm.  
North Coast Area Office  
45 Fremont Suite 2000  
San Francisco Ca 94105-2219

re: Appeal # A-1-MEN-99-043

Dear Jo Gimberg:

My husband and I are writing in support of Chris and Anita Van Peer, owners of Van Peer Boat Works.

Through their boat works they built us a 50 ft. commercial fishing boat on which we hired 3 crewmen and my husband as Captain. We've made our living there past 19 years from our boat. That's four families who have spent their wages here on The Mendocino Coast, not to mention the dollars spent by Chris's staff and operation of his business.

Recently we sold our boat to two local fishermen brothers, and we were able to retire, Thanks to Van Peer Boat Works. Our boat continues to commercially fish out of Noyo Harbor, still supporting the local economy.

The Mendocino County Planning Comm. has approved their Use Permit and Variance. Now it's your turn <sup>to</sup> permit this business to continue helping the people of Fort Bragg.

Respectfully yours,

Marian Roden

Marian Roden

Albert Roden

GILBERT Roden

August 4, 1999

California Coastal Commission  
North Coast Area Office  
ATTN: Jo Ginsberg  
45 Fremont Suite 2000  
San Francisco, CA 94105-2219  
APPEAL #A-1-MEN-99-043

Dear Coastal Commission:

I have lived on Hwy 20 since 1948. We have seen a lot of change in that area. Good and bad.

One of the best things that has happened is the Van Peer Boatworks. I moved away for a few years and when I would come home, my parents would tell me about the beautiful boats that had been built there. One of the things they talked about was when the boatworks would move a completed boat from their building to the river. When I returned it was always a pleasure to see, each day as I passed the building, was to watch a boat go from frame to a completed boat. What an education for our young children.

This business has brought a lot of money into our local economy. Believe me this area needs all the help that it can get.

In the past, my family ran two nurseries in that area. They used pesticides to control pests and sprays to control weeds. In fact there is a nursery right up the road now. They have been there for years. There never was a problem or concern about toxic runoff. Why now?

I see no reason why Mr. Gardner is so concerned, there are a lot of people who reside in that area from the start of Hwy 20 up to Babcock Lane, these residents are not concerned, as they know from the past there is no problem. Mr. Gardner is holding up a lot of people who right now need employment, not in August or September. Its time to buy schoolclothes for the children, our families need the money from the work that Mr. Van Peer's Boatworks does to make that happen in many cases.

Please let Mr. Van Peer start work immediately in order to ensure that people will continue to order boats from our area.

Sincerely,  
Jean Sanchez

*Jean Sanchez*

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AUG 06 1999

CALIFORNIA  
COASTAL COMMISSION

August 5, 1999

Attention: Jo Ginsberg

I, AS A RESIDENT OF THE COMMUNITY OF FORT BRAGG SINCERELY SUPPORT THE VAN PEER BOAT WORKS. THIS COMMUNITY NEEDS EMPLOYERS, NO MATTER HOW SMALL THEY ARE. THE VAN PEERS ARE LONG-STANDING GOOD CITIZENS OF OUR COMMUNITY AND THEY HAVE A RIGHT TO BE HEARD ON THEIR BUSINESS.

HOW CAN I PERSON WHO HAS ONLY BEEN HERE A SHORT TIME AND INTENDS TO MOVE AWAY SHUT DOWN ~~AT~~ A LONG STANDING RESPECTED BUSINESS??

I HOPE MY SUPPORT WILL HELP.

Kathy Taylor

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AUG 06 1999

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission, North Coast  
Area Office Attn: Jo Ginsberg 45 Fremont  
Suite 2000 San Francisco, CA 94105-2219  
FAX (415) 904-5400 Appeal # A-1-MEN-99-043  
I Duane Potter support Van Peer Boat Work  
254 1/2 Wall St Fort Bragg CA 95437.  
8-5-99 — Duane Potter

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AUG 05 1999

CALIFORNIA  
COASTAL COMMISSION

# FORT BRAGG MARINE

Tel: (707) 964-3310

Fax: (707) 964-5680

32310 North Harbor Dr.  
Noyo Harbor  
Fort Bragg, CA 954.37

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AUG 05 1999

August 5, 1999

CALIFORNIA  
COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION  
NORTH COAST AREA OFFICE  
45 Fremont, Suite 2000  
San Francisco, California 94105-2219

FAX (415) 904-5400

RE: APPEAL #A-1-MEN-99-043

Attention: Jo Ginsberg

This letter is written ON BEHALF OF Chris and Anita Van Peer who we know to be the finest boat builder on the Pacific Coast - a great craftsman and a real asset to Fort Bragg, California.

It feels inconceivable that Mr. Gardner be given such power to exercise yet another delay through appeal.

When we had a Petition in our store on Van Peers' behalf, it was unanimous with all fishermen that traded here, that this whold matter has been a real fustration and that he should without a doubt be back in business NOW!

Sincerely,



Chet & Celia Hummel  
Owner/Manager

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AUG 05 1999  
CALIFORNIA  
COASTAL COMMISSION

Attention Jo Ginsberg  
California Coastal Commission  
North Coast Area Office  
45 Fremont  
Suite 2000  
San Francisco, Ca 94105  
Fax 415-904-5400

Appeal# A 1 MEN 99 043

I have lived and worked in Fort Bragg California since 1980. I write to you in support of the Van Peer Boatworks and ask you to deny the appeal before you. The need for the Van Peer Boatworks to survive as a business that contributes to the Fort Bragg economy is urgent.

Fort Bragg is a small coastal town on the isolated north coast of California. Its economy was based almost solely on timber and fishing which in recent years has experienced a severe decline. Many people are out of work, homeless and confronted with adapting to a very shifting economy. Please don't put a business that is owned and operated by Fort Bragg citizens and the entire community supports out of business.

Thank you for your attention to this matter.

Sincerely



Anna Marie Stenberg  
254 Wall St  
Fort Bragg, Ca 95437

8/5/99

Omer L. Wall  
P.O.B. 2591  
FT. Bragg, CA,  
95437

CALIF. COASTAL COMM.  
North Coast Area office

RECEIVED

AUG 05 1999

CALIFORNIA  
COASTAL COMMISSION

ATTN:

Jo Ginsberg

45 Fremont, suite 2000

San Fran. CA. 94105-2219 - Fax-415-904-5400

I am faxing this to you in  
support of Chris & Anita Van Peers'  
use permit for their Boat works.

→ (APPEAL \* A-1-MEN-99-043.) ←

I Find it ridiculous that one  
person opposed to their business can  
create such a ruckus, not to mention  
the impact to our local economy if  
said business is denied a permit & variance.

How could anyone be seriously con-  
sidering denying them?

I would welcome any input/  
information on this situation.

tax-payer/resident

Thank you

made in for an add vrs → Omer L. Wall

ANDERSON CONSTRUCTION 787 387 1832  
**Brent Anderson**  
**General Contractor**  
P.O. Box 53  
Fort Bragg, California 95437  
(707) 964-1832

August 5, 1999

**RECEIVED**  
AUG 05 1999  
CALIFORNIA  
COASTAL COMMISSION

Jo Ginsberg  
**California Coastal Commission**  
North Coast Area Office  
45 Fremont Street  
Suite 2000  
San Francisco, California 94105

Re: Appeal # A-1MEN-99-043

Ms. Ginsberg,

As a concerned citizen and local businessman in this community, I am urging you to make a favorable and speedy decision for the Van Peers.

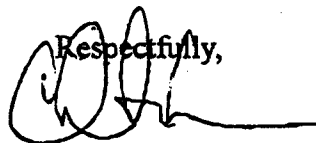
Chris Van Peer has been building boats in this community for many years, and has contributed to our local economy by supplying good paying jobs, materials purchases, and everything that goes along with living and working here.

To have one individual keep Mr. Van Peer from operating his business is a crime.

Mr. Van Peer is not a huge corporation with major assets. He is not a giant manufacturing concern. Like myself and every other small businessmen, I am sure that these delays are costing him dearly. There is no unemployment insurance to fall back upon. There is no paid vacation time. There is just the money earned from putting in an honest day's work. A day's work that is being denied Mr. Van Peer.

Once again, I urge you to make a speedy and favorable decision for the Van Peers.

Respectfully,



Brent Anderson

[anderson@mcn.org](mailto:anderson@mcn.org)  
[www.mendocinowoodworkers.com/BrentAnderson](http://www.mendocinowoodworkers.com/BrentAnderson)



ATTENTION: APPEAL:  
#A-1-MEN-99-043  
JO GINSBERG

I FAVOR THE  
VAN PEER BOATWORKS -  
PLEASE GET THEM IN FULL  
OPERATION SOON.

I AM A NEIGHBOR  
AND HAVE NO PROBLEM OR  
COMPLAINT WITH THEIR  
BUSINESS WHERE IT IS - THIS  
WHOLE MATTER MUST BE  
RESOLVED SOON - WE IN FT BRSS  
NEED THEM HERE & WANT  
THEM HERE!!!

Thank you  
Ruth Soume



17650 Redwood Springs Drive  
Fort Bragg, CA 95437

August 4, 1999

California Coastal Commission  
North Coast Area Office  
Att: Jo Ginsberg  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

Re: Appeal #A-1-MEN-99-043


We wish to protest the appeal filed by Steve Gardner against Van Peer Boatworks.

**WE STRONGLY SUPPORT VAN PEER BOATWOKS AS AN ASSET TO OUR AREA!!!**

There is absolutely no excuse for one person to put a local business that has been an asset to the area for many years, and that has the support of the majority of the local residents, out of business. In most of the other communities where we've lived in California (primarily Santa Barbara) businesses could continue to stay under a "grandfather clause." There must be something of this nature available to allow Mr. Van Peer to remain in business without all of this nonsense. The decision should be in Van Peer's favor and it should be permanent!

We personally feel that if Mr. Gardner is so disturbed by the Boatworks then HE should move. After all, HE is the Johnny-come-lately, not Mr. Van Peer.

Sincerely

  
Walt & Del Miller

8/4/99

16298 Old Caspar R.R.  
Ft. Bragg, Ca 95437  
Fax:707-962-0861

CCC, North Coast Office  
ATTN: Jo Ginsberg  
Re:Appeal # A-1-MEN-99-043

RECEIVED

AUG 04 1999

CALIFORNIA  
COASTAL COMMISSION

Dear Jo,

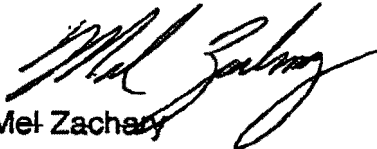
Please end this insanity of trying to put the Van Peers out of business. This has gone on far to long and is only the result of a disgruntled neighbor, a Johnny come lately with a selfish attitude.. Most of the entire community here favors your support of permitting this business to continue.

The continuance of this business is necessary for many reasons. Firstly, we need to maintain the jobs Chris provides. Secondly, his product is highly respected in the fishing world and provides a safe and well designed work platform in a hostile environment and is in great demand. Thirdly, you have permitted other commercial enterprises in the immediate area, namely Harvest Market and shopping center that was built on an old diary site, and Thanksgiving Coffee that stinks up the area with roasting smoke, a chain saw shop, an RV center, etc. It's not like the area is pristine wilderness by any means.

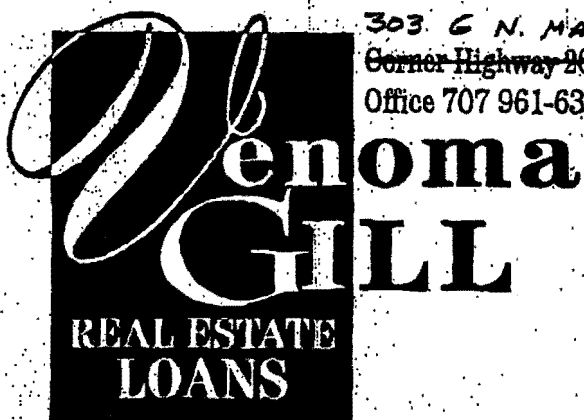
PLEASE SUPPORT THE CONTINUANCE OF VAN PEER BOAT WORKS, because we are proud to have them here.

Thank you.

Sincerely,



Mel Zachary



303 G N. MAIN STREET

Corner Highway 20 & South Harbor Drive, P.O. Box 1081, Fort Bragg, California 95497

Office 707 961-6383 • Fax 707 961-6388 • Toll Free 1 888.283-6662

August 4, 1999

California Coastal Commission  
North Coast Area Office  
Attn: Jo Ginsberg  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

RE: APPEAL #-A-1-MEN-99-043

As a resident and business owner in Fort Bragg I want you to know that I am in favor of granting the use permit and variance for the Van Peer Boatworks. Please do not allow only one person to cause a closure of this fine business in our community. I spent the last eight years working just a few doors away from the boatworks and never experienced any problems.

Sincerely,

A handwritten signature in cursive script that reads "Venoma P. Gill".

Venoma P. Gill

FAX TRANSMITTAL

FOREST B. TILLEY  
29850 Sherwood Road  
Fort Bragg, CA 95437  
Phone: 707-964-0690 / Fax: 707-964-8279

RECEIVED  
AUG 04 1999  
CALIFORNIA  
COASTAL COMMISSION

DATE: August 4, 1999

PAGES (including cover sheet): 1

TO: California Coastal Commission, North Coast Area Office  
415-904-5400  
Attention: Jo Ginsberg

SUBJECT: APPEAL# 1-MEN-99-043

We are writing in support of the Van Peer Boat Works. We believe Chris Van Peer should be allowed to continue operation of his boat building shop at its present location on Hiway 20. We do not believe it detracts from the coastal environment in any way. To the contrary, it is a part of the coastal scene. The Mendocino County Planning Commission approved a use permit and variance on June 3 only to have it put in abeyance by the above appeal filed by one individual. The Planning Commission's approval was in response to overwhelming support by the community as a whole (a petition signed by 4000 residents). Please show your support for the local community and economy by turning down the appeal and upholding the Planning Commissions decision.

Sincerely,

*Forest B. Tilley*  
*Patricia Tilley*

RECEIVED

JUL 15 1999

CALIFORNIA  
COASTAL COMMISSION

July 12, 1999

ATTN: JO GINSBERG,  
COASTAL COMMISSION,

Citizens of Fort Bragg support Chris and Anita Van Peer's Boat Works. In this technological age, are true craftsmen an endangered species? What has happened to private property rights, private businesses, and local economy? Van Peers have lived and worked on their property longer than Mr. Gardner has lived there.

Mr. Gardner's appeal is # A-1-MEN-99-043. The Van Peer's cannot work until this is resolved.

ONE person is opposed to Van Peer's boatworks — Mr. Gardner.

We, the citizens of Fort Bragg, CA, support Chris and Anita Van Peer.

Thank-you for listening.

Barbara Pedersen

Barbara Pedersen  
121 Holmes Lane,  
Fort Bragg, CA. 95437

California Coastal Commission  
Attn: Jo Ginsberg  
Suite 2000  
45 Fremont St.  
San Francisco , CA 94105-2219

I support the Van Peer Boat Works as approved by the Mendocino County Planning Commission.

*Allen L. Gillming*

Allen L. Gillming  
25301 Ward Ave.  
Fort Bragg, CA 954437

RECEIVED

JUL 14 1999

CALIFORNIA  
COASTAL COMMISSION

RECEIVED  
JUL 14 1999

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
Attn: Jo Ginsberg  
Suite 2000  
45 Fremont St.  
San Francisco, CA 94105-2219

I support the Van Peer Boat Works as approved by the Mendocino County Planning Commission.

*Patricia A. Gillming*

Patricia A. Gillming  
25301 Ward Ave.  
Fort Bragg, CA 954437



**July 13, 1999**

**RECEIVED**

**JUL 14 1999**

**CALIFORNIA  
COASTAL COMMISSION**

**California Coastal Commission  
North Coast Area Office  
Attn: Jo Ginsberg  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219  
FAX #415-904-5400**

**RE: APPEAL #A-1-MEN-99-043**

**Dear Jo:**

**We as a family and a 3<sup>rd</sup> generation business would like to express our concerns with the appeal that has been filed on Van Peer Boat Works.**

**We enjoy driving by the boat yard to see the next boat being built and/or the boat being decorated with Christmas lights.**

**The boats being built in that yard are tradition. We feel that there is nothing wrong with being able to see a boat being built from the ground up.**

**The way the world is going today, we need tradition and stability in our lives. We live in a small town and enjoy small town traditions.**

**We a retail business and fishing family do not see the harm in what or where he is building his boats. He is after all right next to the entrance of the harbor.**

**Thank you for your time.**

**The Norvell , Hautala and Galliani families.  
662 South Franklin Street  
Fort Bragg, CA 95437**

July 11, 1999

RECEIVED  
JUL 13 1999

California Coastal Commission  
North Coast Area Office  
45 Fremont Suite 2000  
San Francisco, Ca 94105-2219

CALIFORNIA  
COASTAL COMMISSION

Atten: Jo Ginsberg

RE: #A-1-MEN -99-043 Van Peer Boat Works

You have previously received 4000 signatures from the residents of Fort Bragg regarding the right for Mr. Van Peer to continue his Boat Building Business as he has done for 25 years.

His business has been at the same location for all these years. Now only ONE PERSON is objecting and filing this appeal. It had already been approved by the Mendocino County Board of Supervisors.

This Boat Building Works was there long before this lone person bought his property. He knew full well this business was there, unless he is blind. Why after all this time is he objecting?

Mr Van Peer is a hard working, honest, law abiding resident of this community. He provides jobs and purchases many supplies locally which certainly helps our economy.

With only ONE person objecting it certainly gives the appearance of a personal Vendetta against Mr. Van Peer.

We urge you to reject this appeal and grant Mr Van Peer the right to continue with his 25 year business.

Concerned citizens and life long residents of Fort Bragg

Maurice & Olivia Fraga  
*Olivia Fraga*  
270 S. Whipple St  
Fort Bragg, Ca 95437

RECEIVED

AUG 16 1999

CALIFORNIA  
COASTAL COMMISSION

FAX: (415) 904-5400

To: Coastal Commission, North Coast Area Office

Attn: Jo Kleinberg, 45 Fremont, Suite 2000, S.F. CA 94105-2219

APP#A: # A-15 MEN - 99-043

I write as a citizen appealing to you to allow a hard-working, honest man, Mr. Van Peer to return to work as soon as possible to the honorable business of boat-building. We are a small, poor community with a shortage of living-wage jobs. Our young people are leaving the community or, after the few reasonable paying jobs have been taken, are engaging in the raising of dope to support themselves and enable them to maintain some form of living quarters.

I am certain you are aware that both the lumber and fishing industries are declining, and the major source of income is tourism. Living off of tourists is hard work and low paying.

Please allow this man to engage in his occupation which supplies him with a reasonable income, supports a wonderful craft, and is totally appropriate for the area, Fort Bragg having recently been a major fishing port of the west coast.

Mr. Van Peer's location is ideal for his occupation and manufacture being just around the corner from access to the South harbor. This access prevents traffic blockage when the boat is ready for launch, and must be transported to the water.

One would hope that this occupation could be expanded on a large scale here, providing an alternative to lost jobs in the lumber and timber industry.

Sincerely, Albert B. Hall

Albert B. Hall, 30651 Boice Lane, Fort Bragg, CA 95437

11 Aug 99

RECEIVED

AUG 12 1999

To whom it concerns:

CALIFORNIA  
COASTAL COMMISSION

As A concerned citizen of Fort Bragg, I'm very much in support of Van Leer's Boatworks. After all there is only one person opposed to this project. One person!! I can't believe this is happening because of this one person. With the timber industry dwindling in our area, we need this business for our local economy.

Thank you,

Mingy McCaughy



RECEIVED

AUG 16 1999

CALIFORNIA  
COASTAL COMMISSION

Mr. Noel Young  
Box 356  
Westport, CA, 95488

August 10, 1999

California Coastal Commission  
RE: Appeal #A-1-MEN-99-043

I respectfully ask that you approve the Van Peer Boat Works. This is an environmentally clean, local business. Fort Bragg needs non-tourism jobs as Van Peer provides along with the historic aspect of boat building.

Thank you,

14 Aug. 1999  
Eureka Ca.

California Coastal Commission  
North Coast Area Office Attn: Jo Ginsberg  
45 Fremont St. Suite 2000  
San Francisco, Ca. 94105-2219

RECEIVED  
AUG 15 1999  
CALIFORNIA  
COASTAL COMMISSION

Dear Jo:

I'm keeping with the interests of the people of Fort Bragg Ca.  
(I was born there and still have the old family home there)  
I'm enclosing a letter <sup>(copy)</sup> sent in to the Fort Bragg  
Advocate-News on the 5<sup>th</sup> of March 1999.

My evaluation of Steve Gardner <sup>(a new-comer)</sup> is as follows - He  
is of the same ilk that shot up that school in Los Angeles.  
He's possessed of the devil and the devil's greed in  
selling his property. He is the only one complaining  
of Chris Van Pees and is possessed with having his  
own selfish way about it. I see no other reasons  
than that. He's warped! Enough said.

The Mellinium is around the corner and the old boy (the devil)  
and his allies are getting desparate. Hope you  
can do the contemporary version of the Boston Tea Party  
on behalf of Chris and good progressive principles also  
on behalf of Fort Bragg people.

Sincerely,

Fred A. Carmichael  
916 A St.  
Eureka Ca. 95501  
707-444-3129

California Coastal Commission  
North Coast Area Office  
Attn: Jo Ginsberg  
45 Fremont St., Suite 2000  
San Francisco, CA 94105-2219

August 14, 1999

From a letter to the Fort Bragg Advocate-News dated 5 March, 1999

Mendocino County and Fort Bragg, in particular, will lose a valuable creator and human treasure if Chris Van Peer is prohibited from his enterprise.

The Creator God gives every person a talent to use in His Great scheme of life. Chris uses that talent in creating strong beautiful boats that help put the harvest of the sea on your tables and a flourishing economy that provides jobs for Fort Braggs people. He does this with great concern for the environment. No contamination of ground water has been found on or near his hill side shop in the many years Chris's industry has flourished.

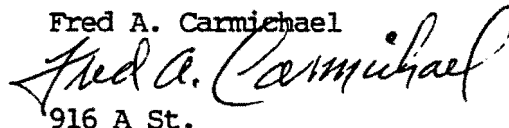
Radical and zealous environmentalists should take careful note that laws were created to help humankind, the Primary Inhabitants of this Earth, humankind was not created for laws that bind and hinder humanities evolvement. Certainly if we all knew and obeyed the Ten Commandments there would be no need for the millions of laws (like Hawaiian Taboos) that are broken every time one sets foot out of ones door.

I appeal to the citizens of Mendocino County not to hinder the valuable human resource we are so fortunate to have among us. For good people are the primary reason God created this Earth.

Chris Van Peer is one of those treasures we should not senselessly send backward into oblivion. St. Peter (the fisherman) would be quite angry with YOU if YOU did.

Sincerely,

Fred A. Carmichael



916 A St.  
Eureka, Ca. 95501  
707 444 3129

RECEIVED

SEP 09 1999

CALIFORNIA  
COASTAL COMMISSION

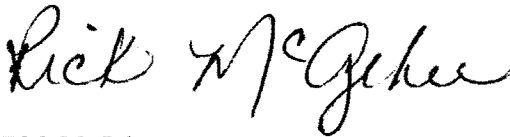
9/6/99

California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, Ca 94105-2219  
Attn: Jo Ginsberg

Dear California Coastal Commission,

Regarding permit A-1-MEN-99-043, Van Peer Boat Works, please allow the approval to operate this business to remain in effect. The jobs and the craftsmanship are needed in Mendocino County. Boat building and boats are part of the image of the California coast. Tourism adds great income to the Fort Bragg area. Many of the tourists are lured to the county by the image of a rough coast and a beautiful harbor full of fishing boats. Van Peer adds to this image as well as to the local economy and is very respected for the quality and craftsmanship of his product. Van Peer's operation is not perfect but can and will be improved. Please consider the positive contributions this small business makes to our Mendocino Coast.

Thank you,



Rick McGehee  
7305 East Road  
Redwood Valley, Ca 95470



**September 10, 1999**

**RECEIVED**

SEP 09 1999

CALIFORNIA  
COASTAL COMMISSION

**California Coastal Commission  
North Coast Area Office  
Attn: Jo Ginsberg  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219  
FAX #415-904-5400**

**RE: APPEAL #A-1-MEN-99-043**

**Dear Jo:**

**We as a family and a 3<sup>rd</sup> generation business would like to express our concerns with the appeal that has been filed on Van Peer Boat Works.**

**We enjoy driving by the boat yard to see the next boat being built and/or the boat being decorated with Christmas lights.**

**The boats being built in that yard are tradition. We feel that there is nothing wrong with being able to see a boat being built from the ground up.**

**The way the world is going today, we need tradition and stability in our lives. We live in a small town and enjoy small town traditions.**

**We a retail business and fishing family do not see the harm in what or where he is building his boats. He is after all right next to the entrance of the harbor.**

**Thank you for your time.**

**The Norvell, Hautala and Galliani families.  
662 South Franklin Street  
Fort Bragg, CA 95437**

# Th 15a



V. Ruth Dunn

8-24-99

To: Cal Coastal Commission

Appeal # A-1-MEN-99-043

To whom it may concern:

We are totally in favor of giving the Van Peer Boat works permission to continue in business at their present location in Fort Bragg. Our Board of Supervisors have also voted 5-1 in their favor. This is the only remaining historic boat industry in the area and it means a great deal to all of us.

Thank you for your consideration.

Alan & Ruth Dunn

707-964-0663

recd 8/26/99

Alan and Ruth Dunn  
24861 Ward Avenue  
Fort Bragg, CA 95437

15a-1

# Th 15a

**MONTE T. MOORE**

105 No. Sanderson Way  
Fort Bragg, CA 95437  
707-964-1671

RECEIVED  
AUG 30 1999

CALIFORNIA  
COASTAL COMMISSION

August 25, 1999

California Coastal Commission  
North Coast Area Office  
ATTN; Jo Ginsberg  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Ref: Appeal #A-1-MEN-99-043 (VanPeer Boat Builders)

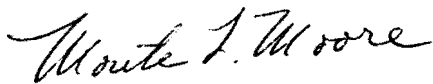
Gentlemen:

It seems as if one person is making life miserable for a well-established businessman on the Mendocino Coast, Mr. Chris Van Peer. As an 18 year resident of the City of Fort Bragg, I have seen some of the boats that Mr. Van Peer has produced. He enjoys an excellent reputation for building a quality product, and apparently is under attack by a newcomer to the area who obviously did not do his homework before buying the property. This is analogous to the man purchasing property near an established airport, then crying "foul" because of the traffic and noise.

In talking to many local residents, I've become aware that a large majority favor the continuation of the boatworks at its current location, that the general feeling seems to be that Mr. Van Peer has had the blessing of the county for many years by virtue of variances and use permits and that he should be allowed to continue his operation as it now stands.

I heartily concur in the feeling and fervently hope that Mr. Gardner's appeal to you will be denied.

Sincerely,



Monte T. Moore  
105 North Sanderson Way  
Fort Bragg, CA 95437

*report sent  
7/20/99*

15a-2

# Th 15a

*Jacquelin Moore*  
105 N Sanderson Way  
Fort Bragg, CA 95437  
707-964-1671

RECEIVED  
AUG 30 1999

CALIFORNIA  
COASTAL COMMISSION

August 25, 1999

California Coastal Commission  
North Coast Area Office  
ATTN: Jo Ginsberg  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Ref: Appeal #A-1-MEN-99-043 (VanPeer Boat Builders)

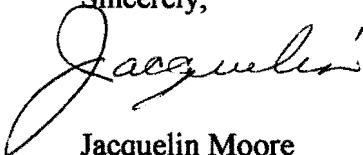
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I heartily concur in the feeling and fervently hope that Mr. Gardner's appeal to you will be denied.

Sincerely,



Jacquelin Moore  
105 North Sanderson Way  
Fort Bragg, CA 95437

Report sent  
none action  
15a-3

# Th 15a

Dear Coastal Commission

My name is Keith Olson  
I am a resident of Fort  
Bragg for over 25 years.

I have been a commercial  
fisherman for over 30 years.

My business as with the  
majority of the entire fishing  
fleet depends on Van Peer  
Boatworks.

I find it at the very  
least disheartening and disgusting  
that one person can move  
into the area and work night  
and complain enough to get  
this shut down.

Chris has acted in good  
faith and has done everything  
in his power to comply with  
the law and laws as they change.

Fort Bragg is changing  
faster than a lot of people  
have anticipated. New motels  
highways stadium etc. I

I hope you can see  
that the Van Peer Boatworks

15a-4

is an extremely valuable  
asset to Fort Bragg and  
allow Christian and Anito to  
use their existing building and  
location for boat building.

Sincerely

Herb Olsen

RECEIVED

SEP 03 1999

CALIFORNIA  
COASTAL COMMISSION

# Th 15a

September 5, 1999

RECEIVED  
SEP 07 1999

RE: To Appeal A-Men-99-043

CALIFORNIA  
COASTAL COMMISSION

To Whom It May Concern:

**Please see fit to allow Van Peer Boatworks to continue his ship construction - and soon!!**

**One person who moved into Fort Bragg long after the "ship building industry" had begun here is holding up a business that is sorely needed in our seaside town. This one person (Steve Gardner) is now attempting to sell his home and leave the area after causing insurmountable problems for Chris Van Peer of Van Peer Boatworks. Steve Gardner works at the Mendocino Coast District Hospital in the Emergency Room. To show support for Chris Van Peer and prove their loyalty to Chris and his "boat building" locals here in our community are refusing Steve Gardner's help if they need to be served by the emergency room.**

**I personally worked for Chris helping build a few ships. A finer person you cannot find. His craftsmanship is tops.**

**Please reconsider this matter as Chris is needed for economic help in the community - and for being a coastal attraction to tourists in our fishing town.**

Thank you,

*Roland E. Dewey  
Gladys Dewey*

**Roland and Gladys Dewey  
32800 Highway 20, Space #35  
Fort Bragg, CA 95437  
(707)964-0732**

15a-5

# Th 15a

**RECEIVED**

SEP 07 1999

CALIFORNIA  
COASTAL COMMISSIONCalifornia Coastal Commission  
Jo Ginsberg*A-I-MEN - 99-43*

Hopefully, I will address something different. I've served on many boards and councils, including California Salmon council, and appreciate your task.

During retirement, I joined a friend to help him establish a urethane foaming business. This included contracting to many boat builders including Chris Van Peer.

Urethane is applied as insulation to the interior of a boat and no stretch of the imagination can make a connection to underground water contamination.

Bob Brewer is the nearest adjoining neighbor to Van Peer. When Gardiner started his complaint, the <sup>A</sup>Brewers had their well tested in Santa Rosa. Only iron <sup>A</sup>has been found in most Fort Bragg Wells.

Urethane as insulation is one or two pounds per cubic feet. When density is increased to fifteen pounds it becomes board firm and is used in injection moulding applications such as cases for T.V., radio, VCR, etc.

In spite of brevity, I'll add, after following this for months, my conjecture is that Gardiner has tried to use water and air quality boards to pursue a personal vendetta.

Sincerely,

*A. E. Nusman*  
*417 Wall St.*  
*Fort Bragg, Ca.*

15a-6



# Th 15a

CALIF COASTAL COMMISSION

9-5-99

ATTN: JO GINSBERG...

REGARDING: A-1-MEN-99-043

RECEIVED

SEP 07 1999

CALIFORNIA  
COASTAL COMMISSION

DEAR MR GINSBERG:

... .. HOW CAN A BUSINESS  
THAT HAS THE WHOLEHEARTED SUPPORT OF THE  
TOWN, PROVEN BY 4 THOUSAND SIGNATURES,  
INCLUDING ALL NEIGHBORS (WITH THE EXCEPTION  
OF ONE NAMED STEVE GARDNER), BE FORCED  
TO CLOSE?

THIS UNIQUE FISHING BOAT  
BUILDING BUSINESS IS NOT ONLY PROFITABLE IN  
A TOWN THAT DESPERATELY NEEDS GOOD PAYING  
JOBS BUT PROVIDES A COASTAL TOWN MISTIQUE  
THAT ATTRACTS TOURISTS AND LOCALS ALIKE TO  
THE YEARLY LAUNCHING OF THE BOATS BUILT  
BY THE VANPEEL BOATWORKS.

PROFITABLE BUSINESS  
VENTURE AREA NECESSITY TO THIS COMMUNITY

Sincerely,

*Bruch Sommer*

15a-7

# Th 15a

September 3, 1999

California Coastal Commission  
North Coast Area Office  
San Francisco, California

RECEIVED  
SEP 07 1999

Attention: Jo Ginsberg  
Regarding: #A-1-MEN-99-043

CALIFORNIA  
COASTAL COMMISSION

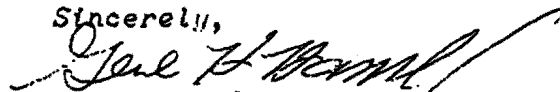
Dear Jo Ginsberg,

We are in support of Van Peer Boat Works and ask you to vote it remain open. Along with this request we wish to state that we have lived in the same house these past 31 years, and that this residence is about 200 yards from the Van Peer Boat Works and the residence of Steven Gardner.

Since the water quality has become an issue, we wish to state that the quality of our well water has not diminished during Mr. Van Peer's 11 years in business. In fact, a former neighbor comes from Ft. Bragg to collect her weekly drinking water from our well supply.

We are two of the four thousand who have signed a petition for approval of the Van Peer Boat Works to remain open.

Sincerely,



Mabel Hamel  
Gene & Mabel Hamel  
32550 Old Willits Road  
Ft. Bragg, California 95437

15a-8

# Th 15a

September 2, 1999

California Coastal Commission  
North Coast Area Office  
San Francisco, California

RECEIVED  
SEP 07 1999  
CALIFORNIA  
COASTAL COMMISSION

Attention: Jo Ginsberg  
REGarding: #A-MEN-99-043

Dear Ms. Ginsberg,

My name is Charles White, and I am a retired commercial fisherman of some 40 years. I've known the Van Peers for 20 years and know of their skills of boat building and repairs of boats in need.

I have been a member of the Noyo Harbor Commission for seven years so can speak with some knowledge of this situation. We need and want the Van Peer Boat Works to be in operation as soon as it can happen.

Mr. Steven Gardner has no moral right to hold up this operation.

Thank you.

*Charles White*  
Charles White  
1318 Cedar Street  
Fort Bragg, California 95437

15a-9

Dan and Ruth Morris  
Ocean View RV  
32955 Old Hwy 20  
Fort Bragg, CA 95437

Sept. 10, 1999

California Coastal Commission  
North Coast Area Office  
Attn: Jo Ginsberg  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

To whom it may concern:

It is our belief that Van Peer Boatworks should stay as is and where it is as it's been for many years. We have an RV repair business a couple of blocks from Van Peer Boatworks. Ninety per cent of the people around Van Peer Boatworks are customers of ours. We have heard their comments. They have expressed pleasure in watching a piece of metal turn into a magnificent boat.

Our customers that come here to visit for the summer ask how come they're not building a boat up there. I have customers that don't live here that have complete albums of every boat that Van Peer has built step by step. If this business is allowed to fall, it will be missed very much by everyone in this community, right down to the anchor on the fence at Christmas time. This is one of the things Fort Bragg is known for, the privilege to see such an art right here in our own back yard. We hope you see this through the eyes that the people that live here do.

Thank you for your time,

*Ruth + Dan Morris*

Ruth and Dan Morris

Dan and Ruth Morris  
Ocean View RV  
32955 Old Hwy 20  
Fort Bragg, CA 95437

Sept. 10, 1999

California Coastal Commission  
North Coast Area Office  
Attn: Jo Ginsberg  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

To whom it may concern:

Following you will find a very good example of the quality workmanship that comes out of Fort Bragg area from Van Peer Boatworks. The boat was built, rigged and fishing for \$410,000.00 in 1981. Almost 20 years later she's for sale for over twice that much. I guess there's not many good boat builders left. Fort Bragg should be proud to add this to the history of our town. I think everyone in town, in the immediate neighbor and the tourist would like to see an anchor on the fence by Christmas!!

Sincerely,



Dan and Ruth Morris

Doug Ratliff  
36671 Hwy 20  
Ft Bragg

Permit #

A-1-Mex-99-043

Costal Commission,

I am in support of  
Van Peer's Boat shop on Hwy 20.  
We need and enjoy this  
business in our area. Please  
consider the economic and  
artistic value of this  
business in your decision.

Doug Ratliff

437 Wall Street  
Fort Bragg, CA. 95437  
September 10, 1999

California Coastal Commission  
North Coast Area Office  
Attn: Jo Hinsberg  
45 Fremont - Suite 2000  
San Francisco, CA. 94105-2219

RECEIVED  
SEP 14 1999  
CALIFORNIA  
COASTAL COMMISSION

Dear Commissioners:  
Re: Appeal #A1-MEN-99-043

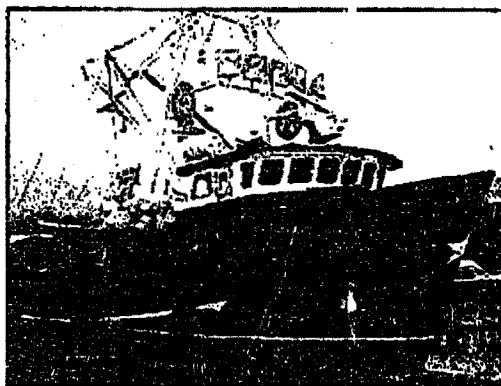
We strongly appeal to you to restore to Chris & Anita Van Leer the use permit and variance that was approved on June 3, 1999 by the Mendocino County Planning Commission for the Van Leers benefit that was subsequently stayed and rendered ineffective for legally continuing the business of the Boat Works, pending your decision on an appeal made to your commission by a Mr. Gardner.

We admire and approve of the Van Leers Boat Works, their skills, that of their crew, and the success of their boat building business. This is a good example of what Fort Bragg needs more of, not less, and we appeal to you to make it possible for these friends and neighbors to resume their business as promptly as possible. Thank you.

Respectfully Submitted,  
Kenneth McDonell  
Selores McDonell

# Dock Street Brokers

- Welcome to Dock Street Brokers
- Commercial Boats for Sale
- Yachts for Sale
- E-mail
- IFQs
- Permits
- Moratorium / LLP
- Weather Links
- Links to Industry Resources



Click on Image to enlarge

## 65' Van Peer Boatworks Combination

Year: 1981  
Located in AK, USA  
YW# 1785-26460

\$895,000 (US)

65'x22'x10.6' steel combination vessel, built 1981 by Van Peer Boatworks in Fort Bragg, CA. Cummins KTA 1150 main, 470 hp. Brand new 55 kw Isuzu, freshly rebuilt 50 kw John Deere, rebuilt 10 kw John Deere. Dual 48 ton RSW systems. Excellent electronics including sonar, new 35 and 72 mile Furuno radars, Echotec plotter, etc. Rigged for seining, tendering, crab and longlining with baitshed, davits, hauler, crab block, seine winch, and tendering equipment including new Tranvac salmon and herring pumps. Beautiful boat in excellent condition. Turnkey operation for several fisheries. Asking \$895,000. CO8-022

### Monthly Payment Estimator

#### Contact Dock Street Brokers.

5101 Ballard Avenue NW  
Seattle, WA 98107, USA

Tel 206-789-5101  
Fax 206-789-5103  
Email [dockstreet@seanet.com](mailto:dockstreet@seanet.com)

Dock Street Brokers

EXHIBIT NO.	9
APPLICATION NO.	A-1-MEN-99-43
RWQCB Information	



**California Regional Water Quality Control Board****North Coast Region****Ross R. Liscom, Chairman**

Internet Address: <http://www.rwqcb.ca.gov>  
 1550 Skyline Boulevard, Suite A, Santa Rosa, California 95402  
 Phone (707) 576-2220 FAX (707) 522-0135

**INTEROFFICE MEMORANDUM**

TO: CUSAW/file

DATE: September 10, 1999

FROM: Kurt Soenen

SUBJECT: VAN PHER BOATWORKS, 32000 HIGHWAY 20, FT. BRAGG  
 CASE NO. 1NMC411

This site requires careful documentation and coordination with local and state agencies as it has high political and public attention. This site will be discussed at the coastal commission meeting on 8/15/99. The following list of contacts have requested information from our agency on this site.

1. Pam Townsend, Mendocino County Planning Department (463-4281). Ms. Townsend requested our office forward RWQCB recommendations for their consideration.
2. Cheri Sigman, Mendocino Realty (937-5822). Ms. Sigman is working with Mr. Gardner on the sale of his house.
3. Jill Ginsberg, Coastal Commission (San Francisco office, 415-904-5260). Ms. Ginsberg requested our office forward RWQCB recommendations to her for consideration in completing the cottage industry permit for the site.

RWQCB staff inspected the facility on 8/11/99 and collected three soil samples (two onsite and one background). Results indicate metals are comparable to background conditions. The only organic compound detected was toluene at 37.3 ppb at the sampling location immediately adjacent to a crane stored onsite (VP-3).

This site should be considered for an Industrial Activities Stormwater Permit.

**California Environmental Protection Agency**

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**California Regional Water Quality Control Board****North Coast Region****Ross R. Liscom, Chairman**

Internet Address: <http://www.nrcwb.ca.gov>  
 5450 Skyway Boulevard, Suite A, Santa Rosa, California 95403  
 Phone (707) 576-3220 FAX (707) 523-6133

**INTEROFFICE MEMORANDUM****TO:** SAW/file**DATE:** September 1, 1999**FROM:** Kurt Soenen

**SUBJECT:** Van Peer Boatworks  
 32600 Highway 20, Fort Bragg, CA  
 Case No. INMC411

On August 11, 1999 Regional Water Board Staff conducted a site inspection of the subject facility (see Enclosure A). On August 27, 1999 the Regional Water Board received the analytical results for the soil samples collected at the subject site on August 11, 1999 (see Enclosure B). Samples were analyzed for metals, volatile organic compounds, and semi-volatile organic compounds. Results from the sampling effort are summarized in Table 1 and sampling locations are shown on Figures 1-3.

**Table 1: Analytical Results for sampling effort at Van Peer Boatworks on August 11, 1999**

Constituent (mg/kg)	VP-1	VP-2	VP-3
Antimony	Nd	Nd	Nd
Arsenic	Nd	Nd	Nd
Barium	85.5	71.7	54.8
Beryllium	0.389	0.326	0.288
Cadmium	Nd	Nd	Nd
Chromium	18.2	18.8	17.5
Cobalt	3.99	3.64	3.42
Copper	18.3	7.85	25.8
Lead	14.1	13.1	Nd
Manganese	Nd	Nd	Nd
Nickel	19.5	16.3	15.0
Selenium	Nd	Nd	Nd
Silver	Nd	Nd	Nd
Thallium	Nd	Nd	Nd
Vanadium	28.4	18.4	25.8
Zinc	51.2	10.1	87.4
Mercury	Nd	0.0794	Nd
6260 List (VOCs)	Nd	Nd	0.0373 (toluene)
6270 List (SVOCs)	NOT SAMPLED	Nd	Nd

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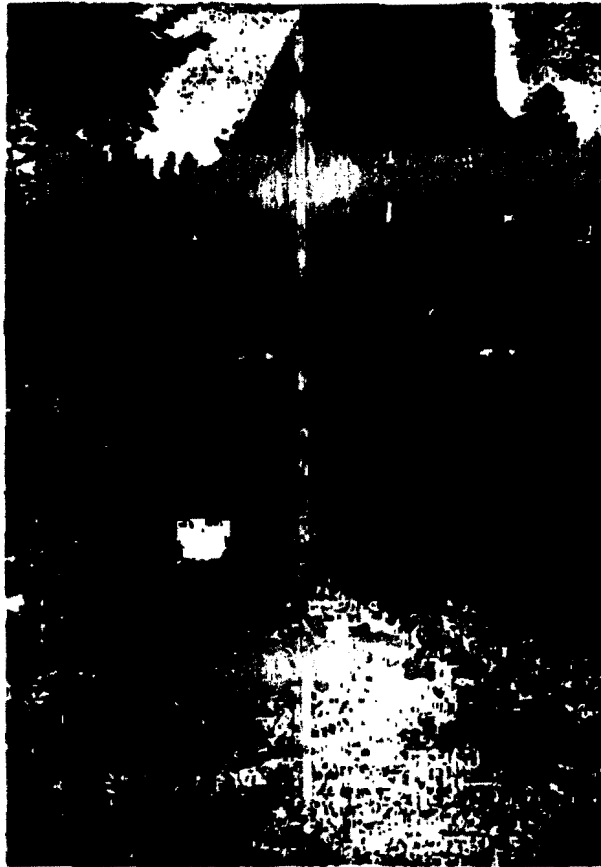


Figure 3: Onsite location VP-3

Exact soil sample locations were determined in the field based on accessibility, visible signs of potential contamination, and topographical features that may indicate the location of hazardous substance disposal. Soil samples were collected at first encountered native soils approximately 6-8 inches below ground surface using a California split spoon sampler with a single sleeve. The tubes were capped with a 4-inch square of Teflon tape and then with plastic caps. Once capped, the samples were immediately chilled to  $\leq 4^{\circ}\text{C}$  and delivered to Sequoia Analytical Laboratories in Petaluma within 24 hours of sample collection.

Volatile organic compounds were not detected in the onsite soil samples with the exception of toluene at 0.0373 mg/kg at location VP-3. The sample was collected at 8-16 inches below ground surface and consisted of compacted sand with some gravels. As shown in Figure 3, the sample was collected immediately beside a crane stored onsite. No signs of visible contamination were noted on the surface soils at this location. USEPA's preliminary remediation goals (PRGs) for residential and industrial soil for toluene are 5,200 mg/kg. Region 9 PRGs are tools for evaluating and cleaning up contaminated sites. They are being used to streamline and standardize all stages of the risk decision-making process. The Hazardous Materials Business Plan indicates the facility generates small quantities of used absorbent, used solvent, and used oil. Mr. Van Peer indicated during the site inspection on August 11, 1999 that he occasionally does

*California Environmental Protection Agency*

repair when equipment such as the forklift or crane become inoperable or for general maintenance. Approximately 10 gallons is reportedly generated each year. The wastes generated for such activities are properly stored onsite and disposed of by a licensed hauler. The low levels of toluene detected at location VP-3 are likely related to this type of activity.

As shown in Table 1, metal concentrations at sampling locations VP-2 and VP-3 are representative of background and/or natural conditions with the exception of low levels of mercury which was detected at sampling location VP-2. Semi-volatile organic compounds were not detected in onsite soils.

#### **Recommendation**

1. Submit BMPs to Mr. Van Peer for onsite vehicular repair activities
2. Request Mr. Van Peer to collect and properly dispose of sand blast grit
3. Submit this report to Jill Ginsberg with the Coastal Commission (per her request on 07/21/99) for consideration in completing the cottage industry permit.



# California Regional Water Quality Control Board

## North Coast Region

### Ross R. Liscum, Chairman



Gray Davis  
Governor

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov>  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone (707) 576-2220 FAX (707) 523-0135

September 23, 1999

Mr. Chris Van Peer  
Van Peer Boatworks  
32600 Highway 20  
Fort Bragg, CA 95437

Dear Mr. Van Peer:

Subject: Van Peer Boatworks, 32600 Highway 20, Fort Bragg, California  
Case No. 1NMC411

I have recently been assigned as the new lead person for this facility. The intent of this letter is to discuss the results of the samples collected by staff of the Regional Water Board, recommend best management practices (BMPs) that are applicable to the site, and discuss the status of this facility.

On August 11, 1999, three soil samples were collected by Regional Water Board staff during a facility inspection. The samples were analyzed for CAM metals and EPA Method 8260 and 8270 for semi volatile and volatile organic compounds. The analytical reports indicated the following:

- Metals detected in the soil are comparable to background conditions.
- The only organic compound detected was toluene at 0.0373 parts per million (ppm) at the sampling location immediately adjacent to a stored crane. The amount of toluene found in the soil is minor and does not appear to be a threat to the beneficial uses of surface water or groundwaters. However, we recommend that care be used when servicing or using the crane, and any other vehicles, in order to prevent any future spills or leaks.

There are several best management practices (BMP) issues to be addressed. I am sending you excerpts from the January 20, 1993 report titled, "*THE REPORT ON MANAGEMENT OF HAZARDOUS MATERIALS FOR THE PROTECTION OF WATER QUALITY*", prepared by staff of the Regional Water Board.

The sandblasting slag, which has been left at the facility, can be a potential source of pollution. If the slag is removed from the property, then the source of potential pollution is eliminated.

***California Environmental Protection Agency***



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Mr. Chris Van Peer

-2-

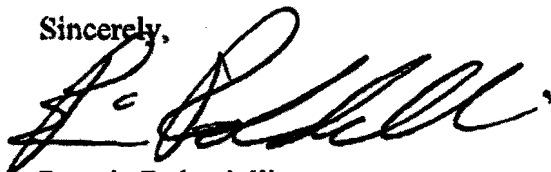
September 23, 1999

Therefore, Regional Water Board staff recommends that the slag be removed from the property as part of the BMPs for this facility.

The last issue pertains to the requirement of an Industrial Activities Stormwater Permit (Stormwater Permit) for your facility. The Stormwater Permit requires business with a Standard Industrial Classification (SIC) code for Ship and Boat Building or Repairing Yards to obtain a Stormwater Permit. Therefore, I have included the appropriate documents for you to complete and submit to the State Water Resources Control Board.

Please contact me at (707) 576-2667 if you have any questions, or if you need assistance with the Stormwater Permit and the associated monitoring and reporting program.

Sincerely,



Bonnie Rolandelli  
Associate Engineering Geologist

BAR:TMK/vpl.doc

## Enclosure:

1. Excerpts from *"THE REPORT ON MANAGEMENT OF HAZARDOUS MATERIALS FOR THE PROTECTION OF WATER QUALITY"*
2. Storm Water Check List for Submitting a Notice of Intent
3. Sampling and Analysis Reduction Certification
4. No Exposure Certification

cc: Mr. Jim Baskin, California Coastal Commission, North Coast District Office,  
P.O. Box 4908, Eureka, CA 95502-4908  
Mr. Bob Merrill, California Coastal Commission, North Coast District Office,  
P.O. Box 4908, Eureka, CA 95502-4908  
Mr. Wayne Briley, Mendocino County Health Department, 501 Low Gap Road,  
Room 1326, Ukiah, CA 95482  
Mr. Jim Ehlers, Mendocino County Health Department, 790 A-1 South Franklin Street,  
Fort Bragg, CA 95437  
Mr. Ignacio Gonzalez, County of Mendocino, Department of Planning and Building  
Services, 501 Low Gap Road, Room 1440, Ukiah, CA 95482  
Ms. Pam Townsend, County of Mendocino, Department of Planning and Building Services,  
501 Low Gap Road, Room 1440, Ukiah, CA 95482  
Ms. Cheri Sigman, Mendocino Realty, P.O. Box 14, Mendocino, CA 95460  
Mr. Steven Gardner, 32650 Old Willits Road, Fort Bragg, CA 95437  
Mr. Bud Kamb, P.O. Box 616, Little River, CA 95456

California Environmental Protection Agency



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