

CALIFORNIA COASTAL COMMISSION

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Filed: June 18, 1999
49th Day: August 6, 1999
Staff: Jo Ginsberg
Staff Report: July 23, 1999
Hearing Date: August 13, 1999
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 1-99-035

APPLICANT: PETER AND JEAN HUCKINS

AGENT: Diana Wiedemann

PROJECT LOCATION: 19275 South Harbor Drive, Fort Bragg, Mendocino County; APN 018-240-07 and 27.

PROJECT DESCRIPTION: (1) Construction of an employee caretaker residence on the upper floor of an existing two-story commercial building; (2) Remodeling and additions to the lower floor; (3) Removal of an existing bathhouse; and (4) Addition of paving and landscaping.

Lot area: .28 acre
LCP Designation: Fishing Village (FV)
Zoning: FV

SUBSTANTIVE FILE DOCUMENTS: Mendocino County CDU #29-98; Mendocino County LCP

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions the coastal development permit application for the proposed project on the basis that it is consistent with the policies of the Coastal Act.

Staff recommends that the Commission attach several conditions to ensure consistency with the Coastal Act. The existing boat repair and maintenance facility is a coastal dependent use afforded priority under the Coastal Act. To ensure that the proposed caretakers' unit is not used for a purpose in the future that might interfere with the continued use of the site for boat repair and maintenance, staff recommends attaching a condition that requires recordation of a deed restriction. The deed restriction would state that the caretaker unit on the site shall be for use only the employee caretaker, manager, or superintendent of a coastal-dependent business, and not for any other residential or visitor-serving use. To ensure that the structures on the site are compatible with surrounding development, staff recommends attaching a condition that imposes design restrictions. To ensure that there is adequate water to serve the site, staff recommends attaching a condition requires submittal of evidence that the city of Fort Bragg has committed to provide water service for the project. Finally, to ensure that the proposed project will not result in any pollution of coastal waters, staff recommends attaching a condition requiring that all construction debris shall be removed from the site upon completion of the project. As conditioned, thus the project will be consistent with the policies of the Coastal Act.

STAFF NOTE

Mendocino County has a certified Local Coastal Program, and therefore has coastal permit authority within its coastal zone jurisdiction. However, the portion of the proposed project that is the subject of Coastal Development Permit No. 1-99-35 is located within the Commission's area of original jurisdiction. Therefore, so the project is subject to the Coastal Commission's permit authority, and the Coastal Act is the standard of review.

STAFF RECOMMENDATION, AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Resolution to Approve Permit:

The Commission hereby grants, subject to the condition below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the nearest public road and the sea or the shoreline of any body of water within the coastal zone and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See Attached.

III. Special Conditions.

1. Caretaker Unit Deed Restriction:

A. The caretaker unit on the upper floor of the commercial building shall be for use only by the employee caretaker, manager, or superintendent of a coastal-dependent business being conducted on the subject parcel, and shall not be separately rented, let, or leased, whether compensation be direct or indirect, for any visitor-serving use or vacation home rental, or any other residential use by a tenant whose primary source of employment is not with the business being conducted on the site.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on the use of the employee caretaker unit. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Design Restrictions:

- (a) The existing vertical stripes on the siding of the buildings shall be eliminated, and all exterior walls shall be of a single earthtone color, selected to be compatible with other structures in the area.
- (b) Further, the existing exterior lighting fixtures on the two-story main building and on the attached single-story shop building shall be removed, replaced, or modified so that the light is directed downward, and so that

direct view of the light sources is limited to areas in close proximity to the parcel.

3. **Water Service:**

PRIOR TO OCCUPANCY of the site, the applicant shall submit for review and approval of the Executive Director evidence, such as a copy of an approved building permit from Mendocino County, that the city of Fort Bragg has committed to provide water service for the project.

4. **Disposal of Construction Debris:**

All construction debris shall be removed from the site upon completion of the project. Placement of any surplus material or debris in the coastal zone at a location other than a licensed landfill will require a coastal development permit.

II. **FINDINGS AND DECLARATIONS.**

The Commission hereby finds and declares as follows:

1. **Site and Project Description:**

The applicant is seeking a coastal permit to allow remodeling of and additions to existing structures on a parcel on the south side of the Noyo River, at the end of South Harbor Drive in Noyo Harbor. The site is located within a working marine industrial area along the waterfront of the river. The one-quarter acre parcel is developed with a 36' X 70', two-story metal building, an attached 34' X 36' single-story metal building, a detached 8' X 14' wood bath house, a 10' X 16' wood winch house and concrete ramp with rails for hauling and repairing boats, three above-ground water recycling tanks, and retaining walls. There is also a stationary dock and a floating dock in the Noyo River. The facilities are used for boat repair and maintenance.

The proposed project consists of the following changes to the existing structures on the subject site: The lower floor of the two-story building and the attached single-story building are proposed to be remodeled within the existing footprint to include new bathrooms, a new interior stair, and rearranged workshop and storage areas. The single-story building would be enlarged to the north to include an office. The upper level of the two-story building would be remodeled as a one-bedroom employee caretaker residence, with an additional 209 square feet of interior space added above a portion of the single-story building, and an outdoor deck area with glass railings over the remainder. To make way for the office addition on the lower level, an existing restroom facility building would be removed and replaced by new facilities inside the existing building. Door and

window openings in the existing buildings would be changed, the existing awning on the east side would be extended around the corner and across the south side, and new cupolas for light and ventilation would be added to the roof of the two-story building. Four new exterior down lights would be added to the five existing exterior lights. New paving, walkways, and landscaping are also proposed.

No work is proposed within the Noyo River, and no other sensitive habitat exists on the subject property. The site is visible from surrounding areas and from public roads in and around the harbor area.

The subject site is bisected by the boundary between the Coastal Commission's permit jurisdiction and Mendocino County's coastal permit jurisdiction (see Exhibit No. 4). The County has already approved a coastal development use permit for the portion of the project within its jurisdiction, #CDU 29-98 (see Exhibit No. 12).

Some of the existing and proposed improvements on the parcel are not totally within the parcel boundaries. On the west side, the retaining wall that separates the site from the adjacent launching ramp begins on the parcel line near the southwest corner of the parcel but encroaches approximately eight feet onto Harbor District property at the northwest corner. Portions of the existing buildings also extend over the property line along the west side. The applicants have obtained a lease for the encroachment area along the west boundary of the project property.

2. Coastal-Dependent Development:

Section 30255 of the Coastal Act states that:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. (Emphasis added)

The Coastal Act defines "coastal-dependent development or use" to be "any development or use which requires a site on, or adjacent to, the sea to be able to function at all." The subject site is currently used for boat repair and maintenance, which is, according to the definition in the Coastal Act, a coastal-dependent development, since, due to the nature of the service it provides, it must be located adjacent to the water.

As the current boat repair and maintenance use is a coastal dependent development that continues to be a viable use of the site, to be consistent with Section 30255, no new development should be approved for the site that would interfere with the boat repair and

maintenance use at the property. The proposed caretaker unit would be an integral part of the boat repair/maintenance use, as it would be used only by an employee caretaker employed to work on the premises, and not as an ordinary residence. A general residential use at the subject site that was not related to the boat repair business would be detrimental to the boat repair use, as residential and boat repair uses are not necessarily compatible and could cause conflicts. The fumes and dust from the boat repair business could be a nuisance to residents, and if residents unrelated to the business lived at the site, they might put pressure on the boat repair business to curtail its operations to avoid such nuisances. Thus, a purely residential use of the upper floor of the structure could inhibit utilizing the site for a high-priority, coastal-dependent use.

To ensure that the site is reserved for high-priority, coastal-dependent uses, the Commission attaches Special Condition No. 1, which requires recordation of a deed restriction stating that the caretaker unit shall be for used only by the employee caretaker, manager, or superintendent of a coastal-dependent business being conducted on the subject parcel, and not for any other residential or visitor-serving use. This deed restriction will provide notice to future buyers of the property that the unit is not available for general residential use, but is limited to use by an employee caretaker only working on-site.

The Commission thus finds that the proposed development, as conditioned, is consistent with Coastal Act Section 30255, as the site will be reserved for high-priority, coastal-dependent development or uses.

3. **Planning and Location New Development:**

Section 30250(a) of the Coastal Act states that:

New residential, commercial, or industrial development...shall be located within, 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 services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

The proposed project will be served by existing Fort Bragg City water and sewer lines. Because the City of Fort Bragg suffers from a water shortage, the City is requiring the applicants to pay for the retrofitting of four single-family homes or their equivalent to ultra low-flow toilets to compensate for the additional water usage associated with the project. The City is requiring that retrofits must be identified prior to the issuance of a building permit and completed prior to occupancy. The Commission has thus attached to this permit Special Condition No. 3, which requires that the applicant submit evidence, such as a copy of an approved building permit from Mendocino County, that the city of

Fort Bragg has committed to provide water service for the project prior to occupancy of the site. The City has indicated that it will continue to provide sewer service for the site.

The Commission thus finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30250(a) to the extent that services will be provided.

4. **Public Access:**

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application is based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to offset a project's adverse impact on existing or potential public access.

The proposed project consists of modifications and additions to existing structures on the subject site, which is adjacent to the Noyo River. The project will not adversely affect existing public access within the harbor, as the County's land use maps do not designate the subject parcel for public access, and there is no evidence of public prescriptive use of the site. Since the proposed development will not increase the demand for public access to the shoreline and will have no other impacts on existing or potential public access, the Commission finds that the proposed project, which does not include the provision of public access, is consistent with the public access policies of the Coastal Act.

5. **Visual Resources:**

Section 30251 of the Coastal Act provides for the protection of visual resources of the coastal zone. That section provides that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and

scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas... shall be subordinate to the character of its setting.

Without taking into account the Coast Guard facility, which is located east of the applicant's parcel and is landscaped and well-maintained, the visual appearance of the South Harbor Drive area can be characterized as a working marine industrial area without resources for nonessential improvements. Buildings show the signs of age and exposure to the harsh conditions that exist in a marine environment. The metal buildings on the applicant's parcel were built in 1983, and are steel buildings with low-pitched roofs and little visual interest; the buildings are currently painted with cream and light-blue vertical stripes that are not compatible with surrounding development. The additions proposed by the applicant will improve the visual quality of the buildings, as they will tie the two-story and single-story portions of the building together visually. To ensure a uniform exterior appearance that is compatible with surrounding development, the Commission attaches Special Condition No. 3(a), which requires that the vertical stripes on the existing portions of the buildings be eliminated and that the walls of each entire structure, as remodeled, be painted a single earthtone color.

The existing structure has five exterior lights, four of which are large streetlight type fixtures mounted high on the building, with no provisions to prevent a direct view of the light source from neighboring properties. The fifth light fixture is mounted on the winch shed and is aimed toward the work area at the upper end of the ramp, adjacent to the shed. four additional shielded down-lights are proposed at doorways. To ensure uniformity in the shielding and directional cast of the lighting on the property and to minimize glare to surrounding areas, the Commission attaches Special Condition No. 3(b). The condition requires that the existing unshielded light fixtures, with the exception of the work light on the winch shed, be removed, replaced, or modified so that light is directed downward and direct view of the light sources is limited to areas in close proximity to the parcel.

The Commission thus finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30251, as the development will be designed to be visually compatible with the character of the surrounding area.

6. **Protection of Coastal Waters:**

Coastal Act Section 30233 states that the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible, less

environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to eight specific uses.

Section 30231 of the Coastal Act states that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored.

The subject site is located adjacent to the Noyo River. However, the proposed project will be located landward of the ordinary high water line, and thus will not include any new fill in the river. Further, to ensure that no construction debris generated by the proposed development pollutes the river, the Commission attaches Special Condition No. 4, which requires that all construction debris be removed from the site upon completion of the project.

The Commission thus finds that the proposed project, as conditioned, will have no adverse impacts on the Noyo River, consistent with Coastal Act Policies 30233 and 30231, as no fill is proposed and the water quality of the river will not be impaired by discharges of waste and debris from the proposed development.

7. Mendocino County LCP:

As noted above, Mendocino County has a certified Local Coastal Program (LCP), and therefore issues its own coastal permits for those areas within its coastal zone jurisdiction. However, as the portion of the proposed project covered by Coastal Development Permit No. 1-99-35 is located within the Commission's area of original jurisdiction, the Coastal Act is the standard of review, and the certified LCP is merely advisory. However, as a portion of the overall project is located within the County's permit jurisdiction, where the standard of review is the LCP, the overall project should be consistent with both the Coastal Act and the policies of the County's LCP. As described below, the proposed project is consistent with the policies of the certified LCP.

The proposed project includes construction of an employee caretaker unit on the upper floor of the existing two-story commercial building. The Mendocino County LUP designates the subject site as Fishing Village (FV). The intent of the Fishing Village classification is to reserve the limited available space in the harbor for uses that must be on or near the water. Principal permitted uses are fishing and boating uses such as service or repair. Conditional uses include expansion of existing bars and restaurants, commercial and industrial uses indirectly related to the fishing industry, and various public utility uses. The County Zoning Code allows employee caretaker housing as a conditional use in the FV zone if the use is directly related to coastal-dependent industry,

and is limited to one single-family residence occupied by a caretaker, manager, or superintendent of an industrial use being conducted on the property. The applicants have indicated that the proposed residence is to be occupied by the new owners of the property who wish to manage and maintain the existing marine rail system locally referred to as the "WAYS," which is a coastal-dependent operation for boat maintenance.

To ensure that the proposed employee caretaker unit is only used in a manner allowed in the County's certified LCP, the County imposed a condition in its coastal development permit that requires that the caretaker unit on the upper floor of the commercial building shall be for use only by the employee caretaker, manager, or superintendent of a coastal-dependent business being conducted on the subject parcel, and shall not be for any visitor-serving use or vacation home rental, or any other residential use by a tenant whose primary source of employment is not with the business being conducted on the site. Special Condition No. 1 attached to the Commission's permit for the project is consistent with the County's condition.

Policy 3.9-1 of the LUP states that new development shall be located in or in close proximity to existing areas able to accommodate it, and shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources. Policy 3.8-1 of the LUP requires consideration of Highway One capacity and availability of water and sewage disposal when considering applications for Coastal Development Permits. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The subject site will be served by the City of Fort Bragg water and sewer. Due to a water shortage, the City is requiring that the applicant retrofit four single-family residences with ultra low-flow toilets to compensate for the increase in water use on the site. As noted above, the Commission attaches to this permit Special Condition No. 3, which requires that prior to occupancy, the applicant shall submit evidence, such as a copy of an approved building permit from Mendocino County, that the city of Fort Bragg has committed to provide water service for the project. Thus, the proposed project, as conditioned, is consistent with LUP Policies 3.9-1 and 3.8-1, as it will be located where services are available and it will have no adverse impacts on coastal resources such as surface or groundwater supplies.

LUP Policy 4.9-3 states that development on the flat lands within the Noyo Harbor area shall be limited to uses that are directly related to coastal-dependent industries of fishing and boat-building. The proposed project, which is for modifications and additions to an existing commercial structure used in the boat-maintenance business, is consistent with LUP Policy 4.9-3.

The Mendocino County LUP includes a number of policies regarding standards for providing and maintaining public access. As noted above, the project will not adversely affect public access. Since the proposed development will not increase the demand for public access to the shoreline and will have no other impacts on existing or potential public access, the proposed project, which does not include provision of public access, is consistent with the public access policies of the LCP.

Therefore, the proposed project, as conditioned, is consistent with the Mendocino County LCP.

8. **California Environmental Quality Act (CEQA):**

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures, which will minimize all adverse environmental impacts, include requirements that:

- (1) a deed restriction be recorded stating that the caretaker unit on the upper floor of the commercial building shall be for use only by the employee caretaker, manager, or superintendent of the coastal-dependent business being conducted on the subject parcel;
- (2) certain design restrictions be required regarding color and lighting to minimize adverse visual impacts;
- (3) prior to occupancy of the site, the applicant shall submit evidence, such as a copy of an approved building permit from Mendocino County, that the city of Fort Bragg has committed to provide water service for the project; and
- (4) all construction debris shall be removed from the site upon completion of the project, and properly disposed of.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the

1-99-35

PETER AND JEAN HUCKINS

Page 12

Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

ATTACHMENT A

Standard Conditions

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

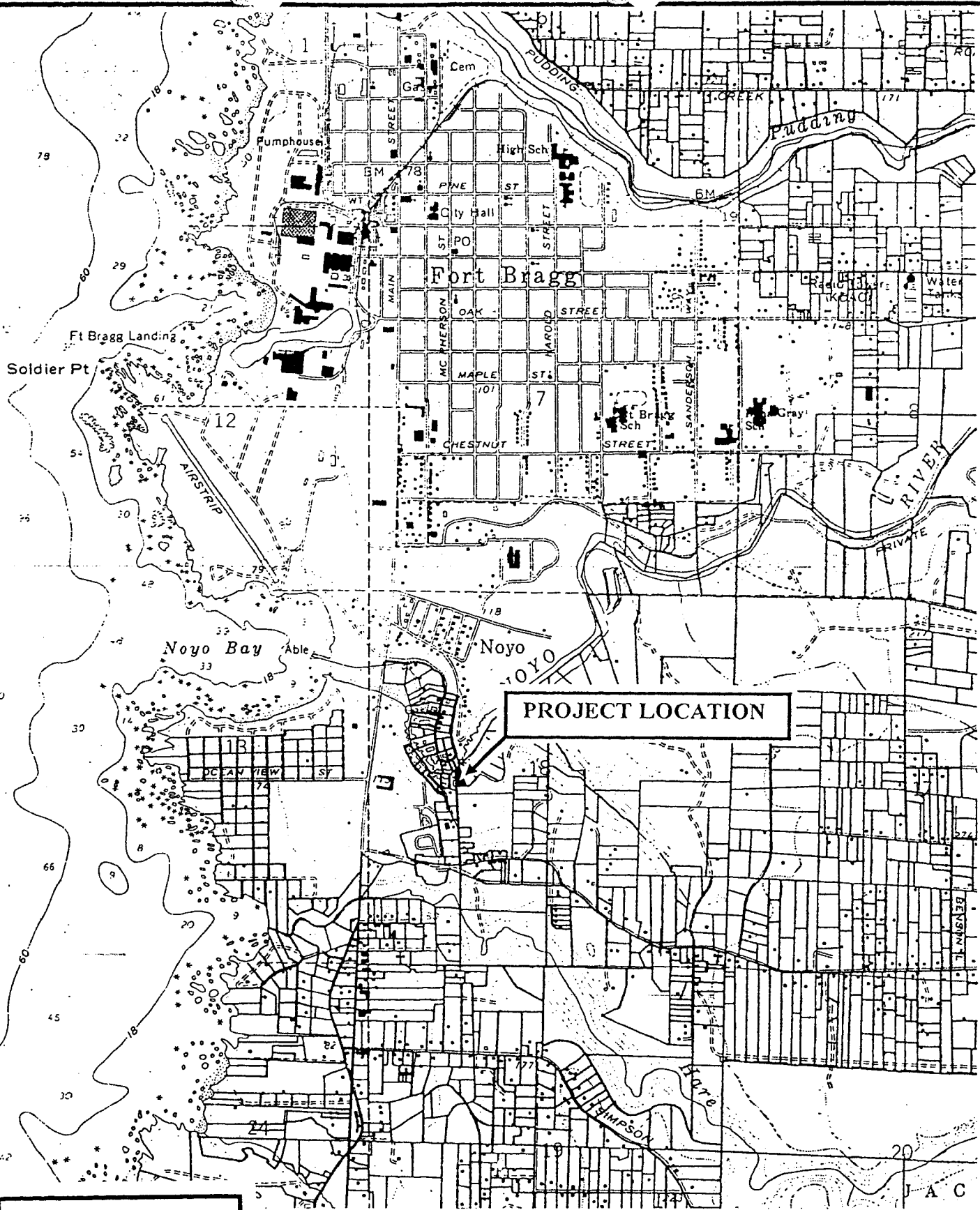


EXHIBIT NO. 2

APPLICATION NO.
1-99-35 (Huckins)

Location Map

DAVID P. HUCKINS
APNs: 018-240-07 & 018-240-27
LOCATION MAP
SCALE: 1 INCH = 2000 FEET



NORTH

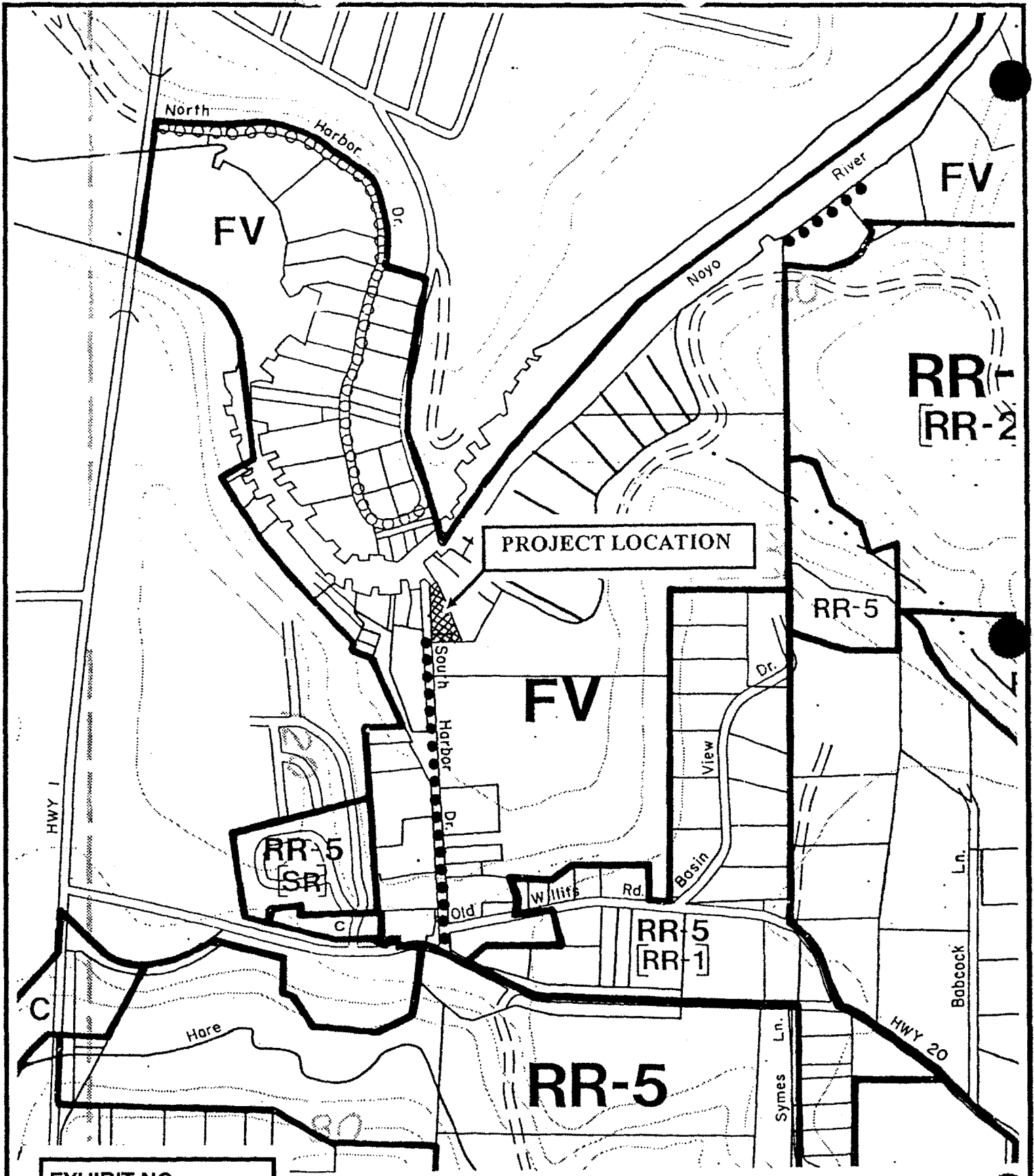


EXHIBIT NO.	3
APPLICATION NO.	1-99-35 (Huckins)
Coastal Plan	
Land Use Map	

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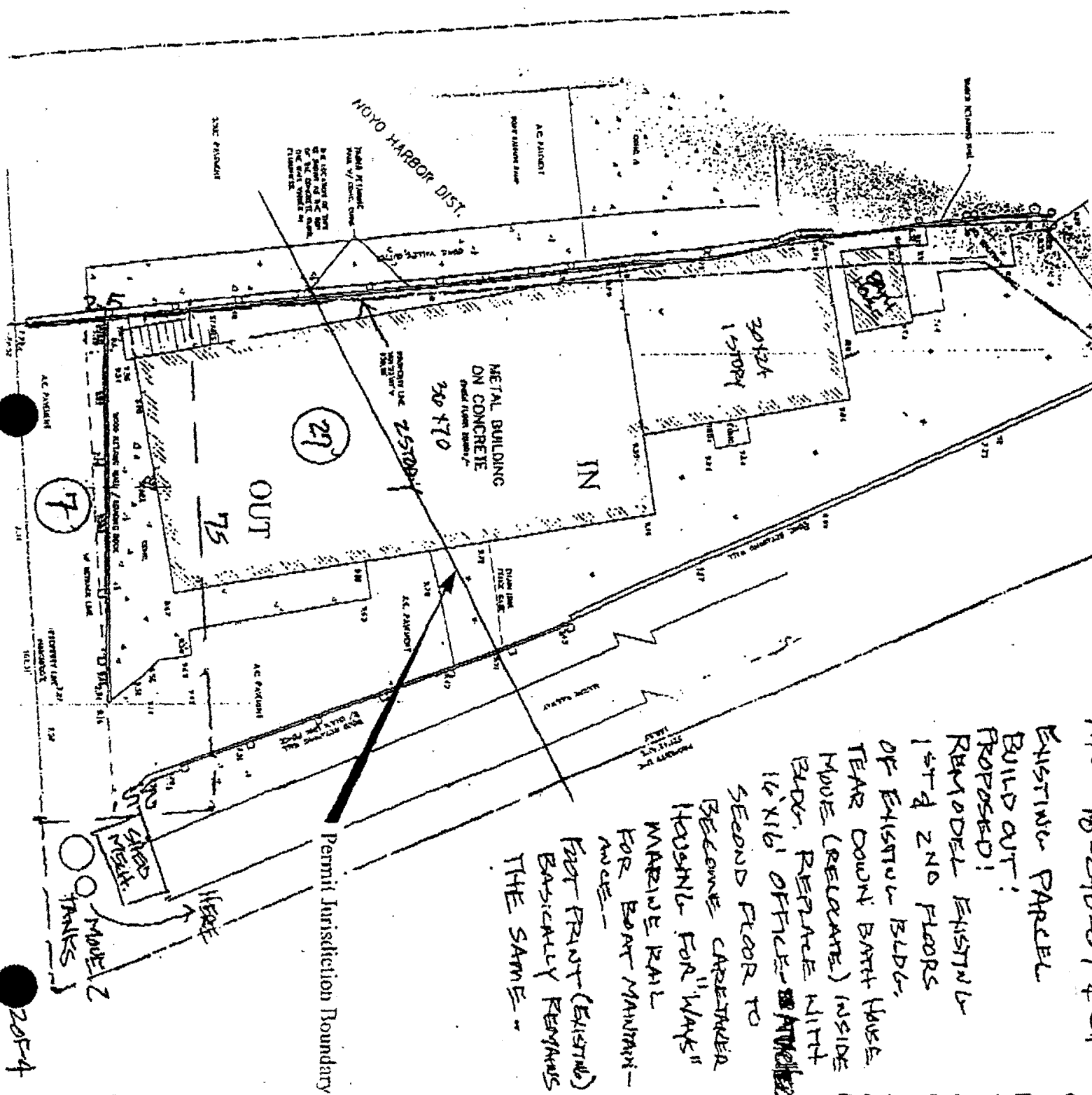
DAVID P. HUCKINS
 APNs: 018-240-07 & 018-240-27
COASTAL PLAN LAND USE MAP
 SCALE: 1 INCH = 500 FEET



BD 45-98
APNs 18-240-07, 27

EXHIBIT NO.	4
APPLICATION NO.	1-99-35 (Huckins)
Permit Jurisdiction	
Boundary Map	

1"=20'
N



EXISTING PARCEL
BUILD OUT!
PROPOSED!
REMODEL EXISTING
1ST & 2ND FLOORS
OF EXISTING BLDG.
TEAR DOWN BATH HOUSE
MOORE (RELOCATE) INSIDE
BLDG. REPLACE WITH
16'x16' OFFICE
SECOND FLOOR TO
BECOME CARPENTER
HOUSE FOR "WAKS"
MAKE RAIL
FOR BOAT MAINTENANCE -
MODE -
FOOT PRINT (EXISTING)
BASICALLY REMAINS
THE SAME -

20F-4

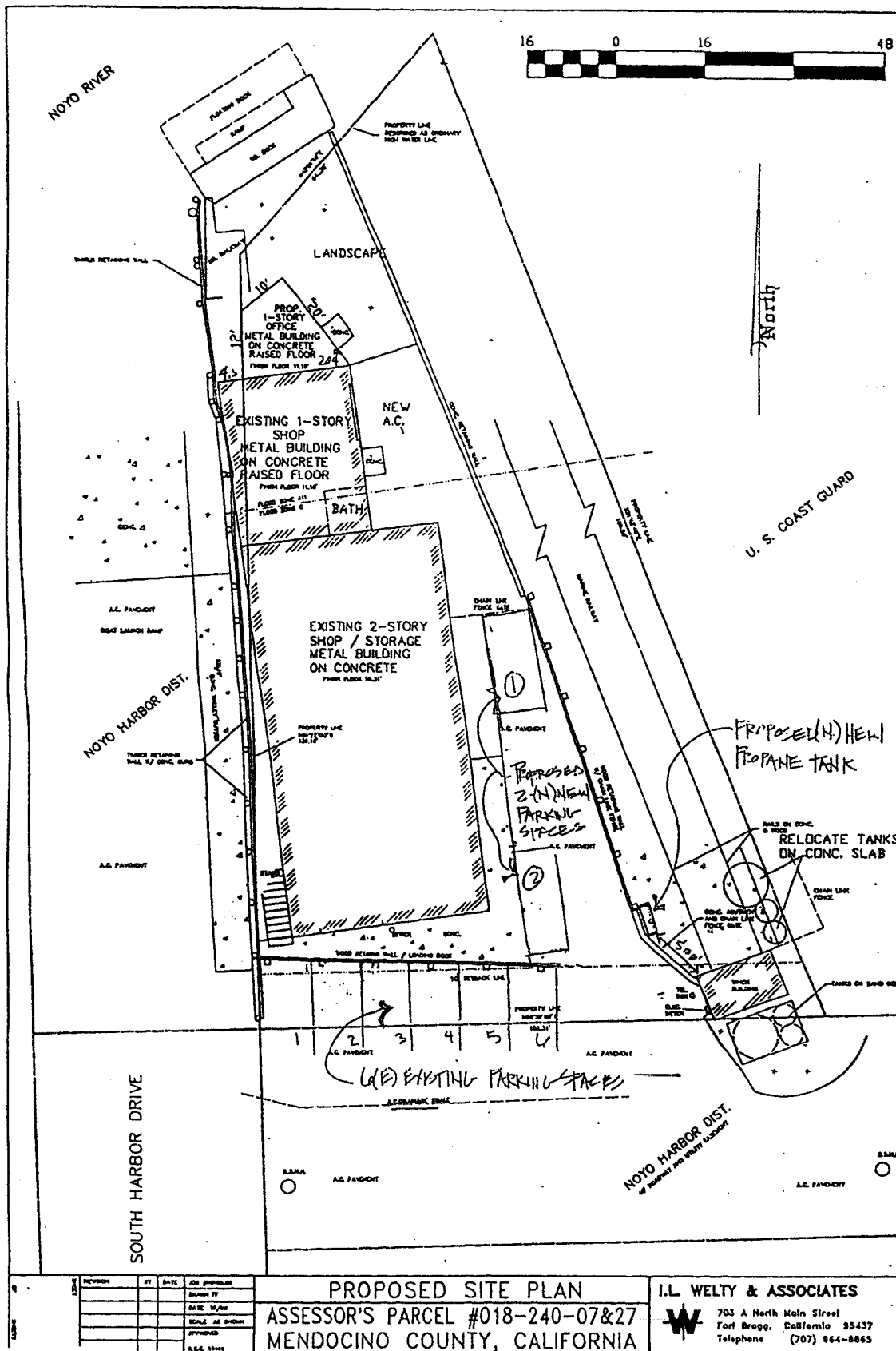


EXHIBIT NO. 5

APPLICATION NO. 1-99-35 (Huckins)

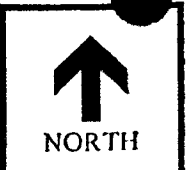
Site Plan

29-98

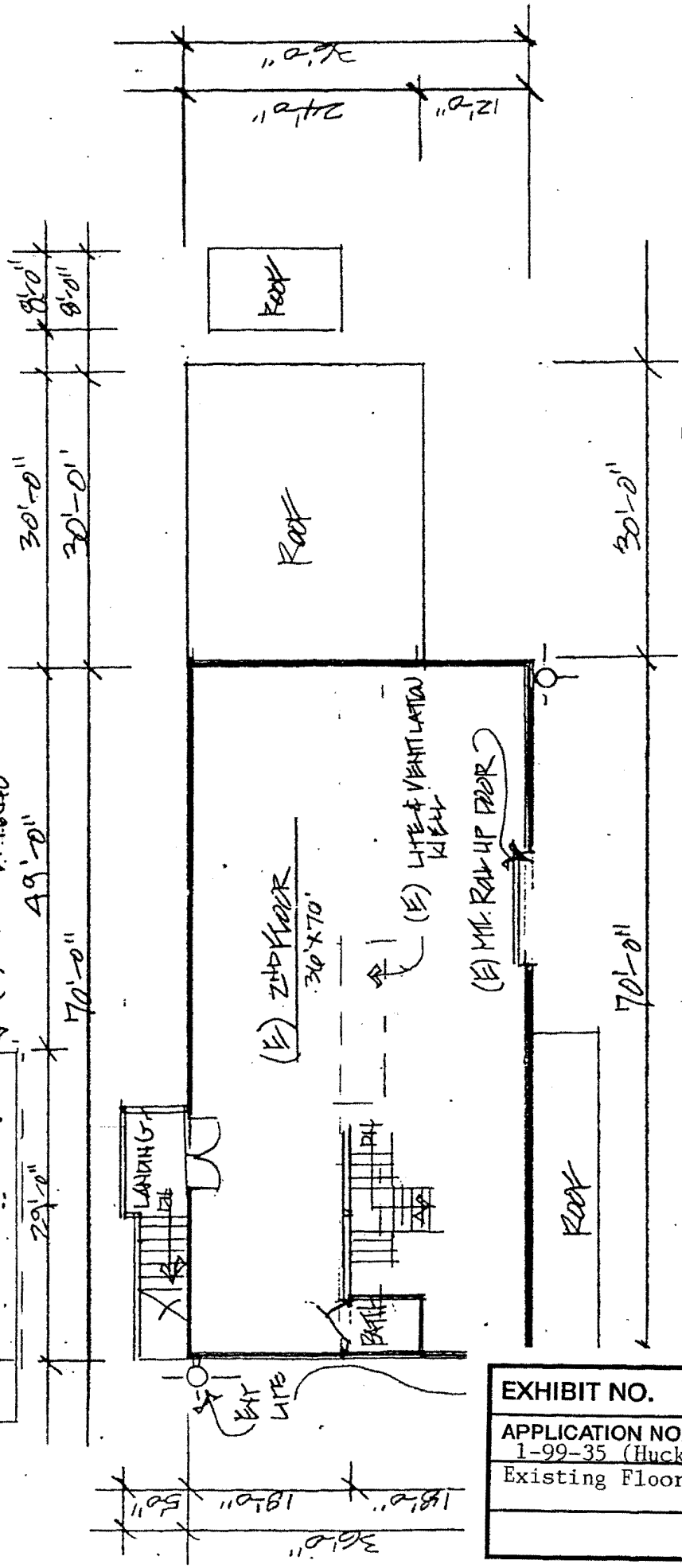
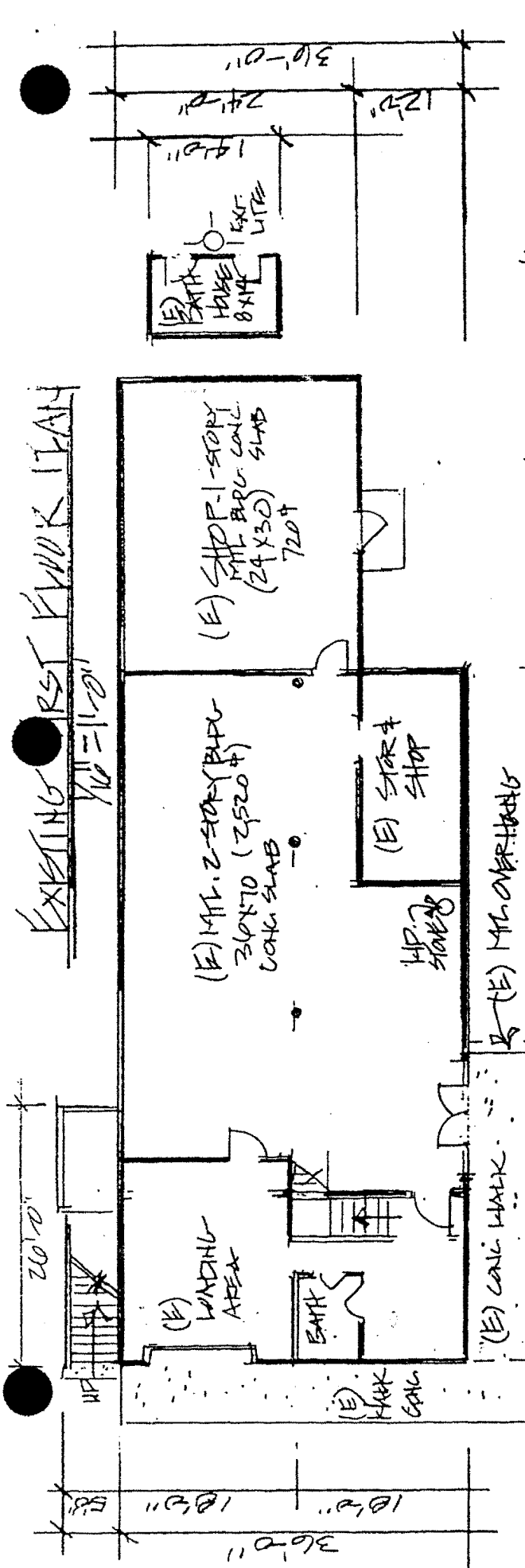
demann

DAVID P. HUCKINS
 APNs: 018-240-07 & 018-240-27

SITE PLAN
 SCALE: SEE GRAPHIC



~~EXISTING~~ RST FVVK ITALY
YU = 1.21



EX-115-2ND FLOOR BAY

EXHIBIT NO. 6

APPLICATION NO.
1-99-35 (Huckins)
Existing Floor Plan

Hand-drawn floor plan of a 3-story building. The plan is oriented with the main entrance at the bottom right. The building is divided into three main sections: a front section, a middle section, and a rear section. The front section includes a 'ROLL-UP DOOR' (E), a 'GARAGE/LOADING AREA' (E), and a 'STAIRS' (E) leading to the 2nd floor. The middle section contains a 'KLOCK SHOP (E)' (2520 sq ft, 30' x 70'), a 'KLOCK STUDIO' (E), and a 'MAINTENANCE SHOP'. The rear section features a 'SHOP (720 sq ft, 24' x 30')', a 'BATH' (E), and a 'ROLL-UP DOOR' leading to a 'RAIL DECK ABOVE'. The plan also shows a 'DASHED LINE (E)' and a 'BATHHOUSE (8' x 14') (E)' on the far right. Dimensions are provided for various sections: 18'-0" (E), 12'-0" (E), 24'-0" (E), 30'-0" (E), 23'-0" (E), 70'-0" (E), 30'-0" (E), 16'-0" (E), 46'-0" (E), 30'-0" (E), 23'-0" (E), 70'-0" (E), 30'-0" (E), 16'-0" (E), 46'-0" (E), 30'-0" (E), 23'-0" (E), 70'-0" (E), 30'-0" (E), 16'-0" (E), 46'-0" (E). The plan is labeled with '(E)' for existing and '(N)' for new.

$$H^1(Z) = H^1(X)$$

Proposed - First Hour Plan

$$Y'' = -0''$$

NEW WINDOW DOOR

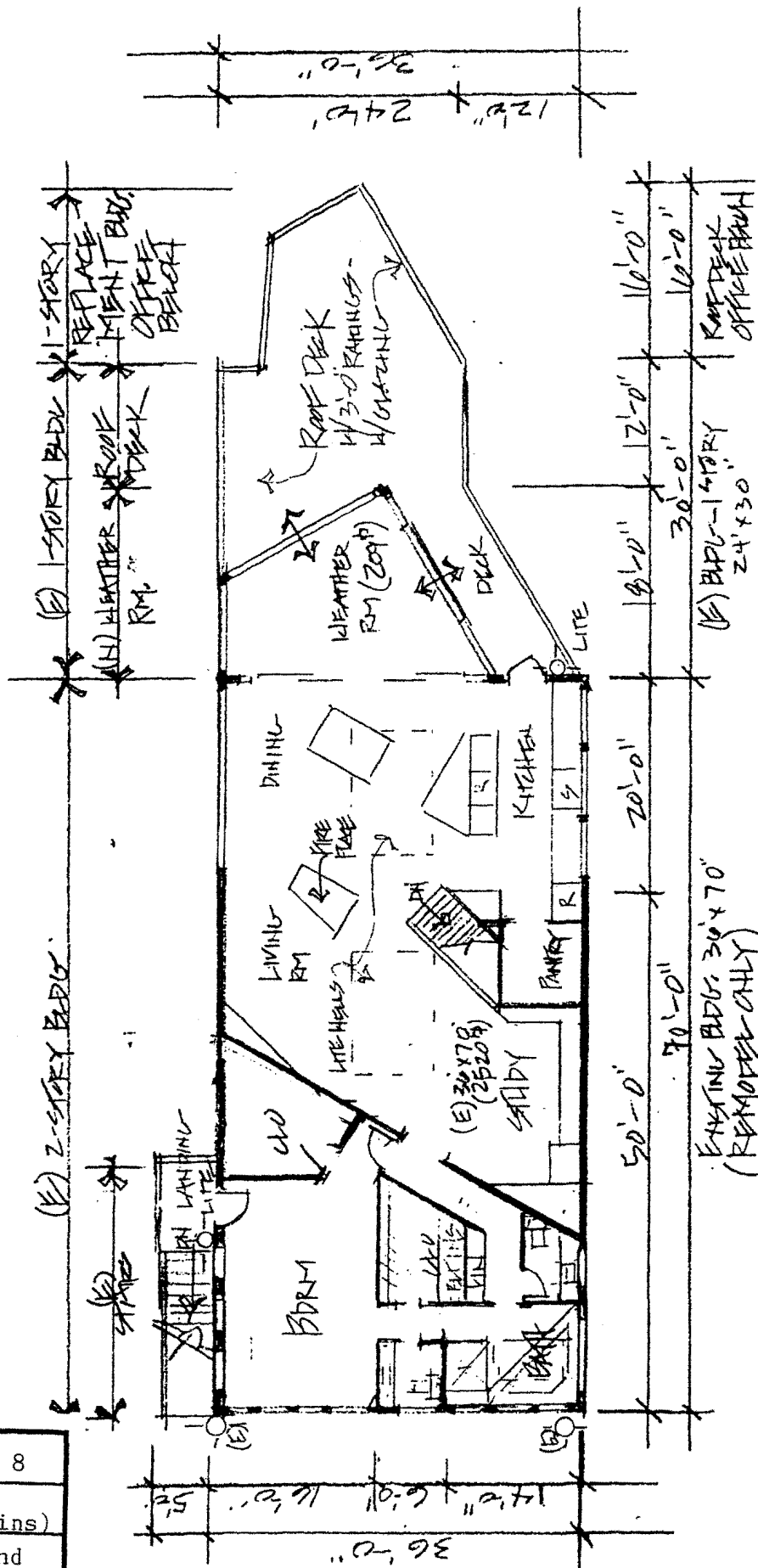


EXHIBIT NO.	8
APPLICATION NO.	1-99-35 (Huckins)
Proposed Second	
Floor Plan	

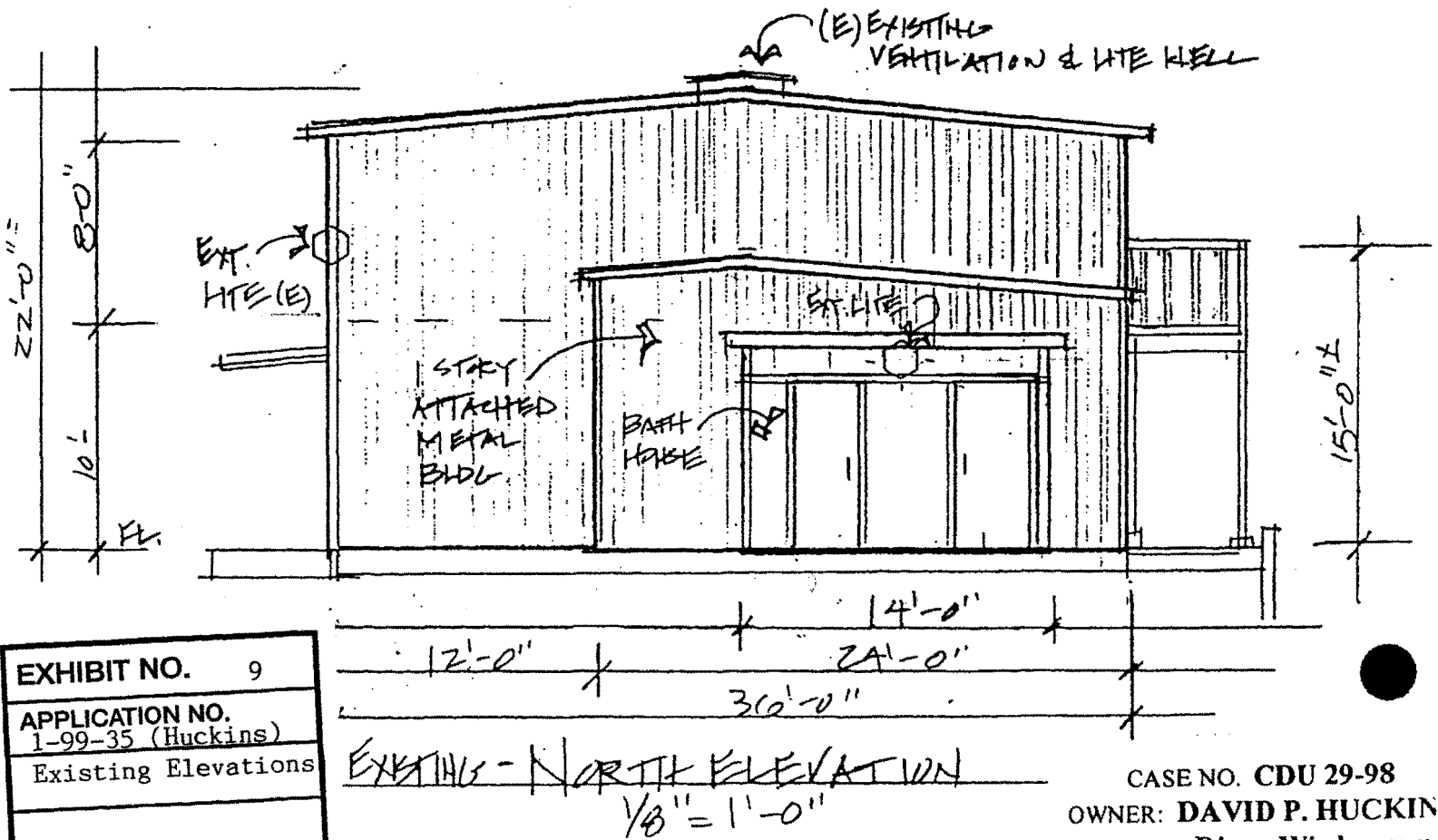
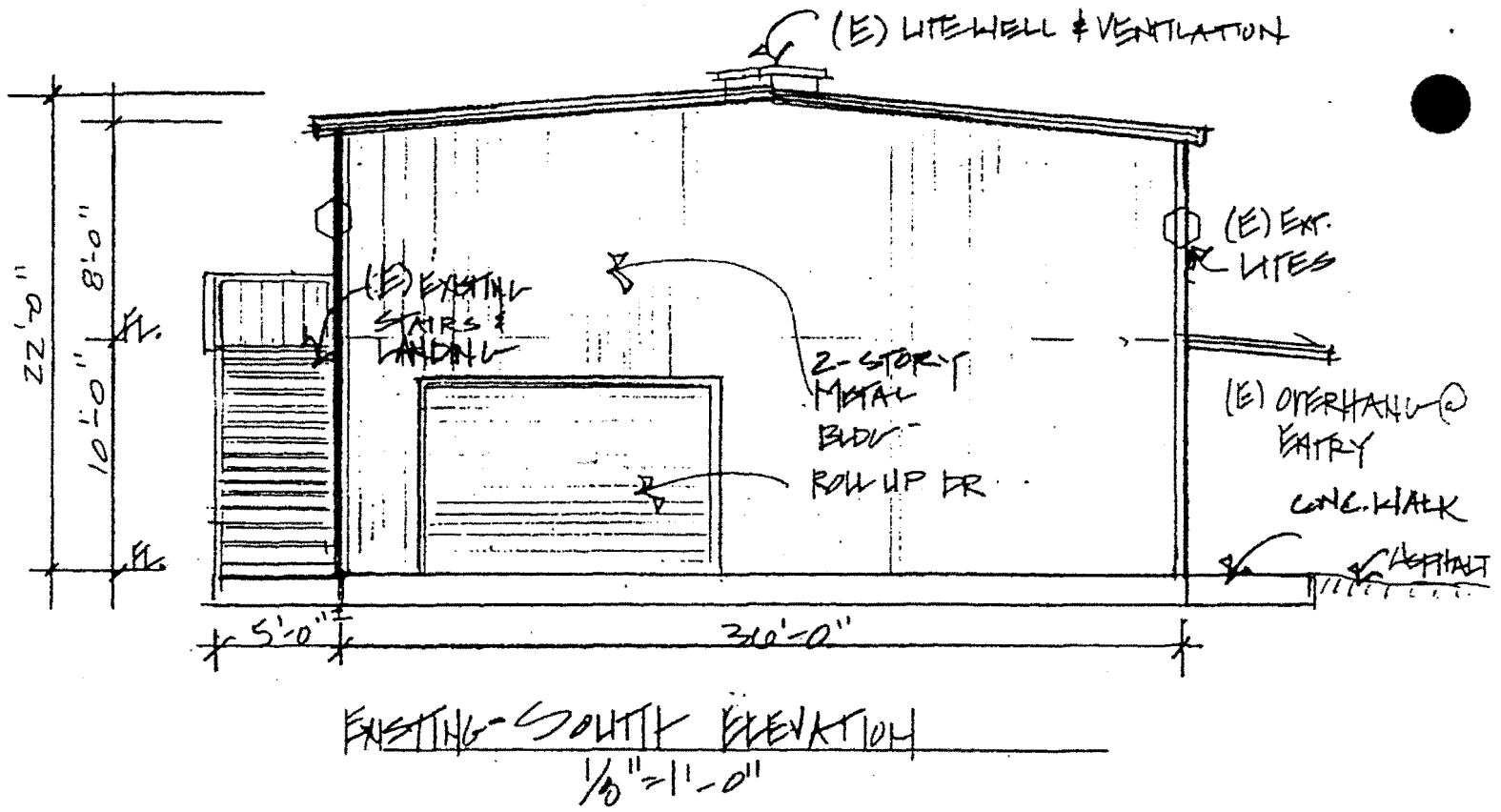


EXHIBIT NO. 9

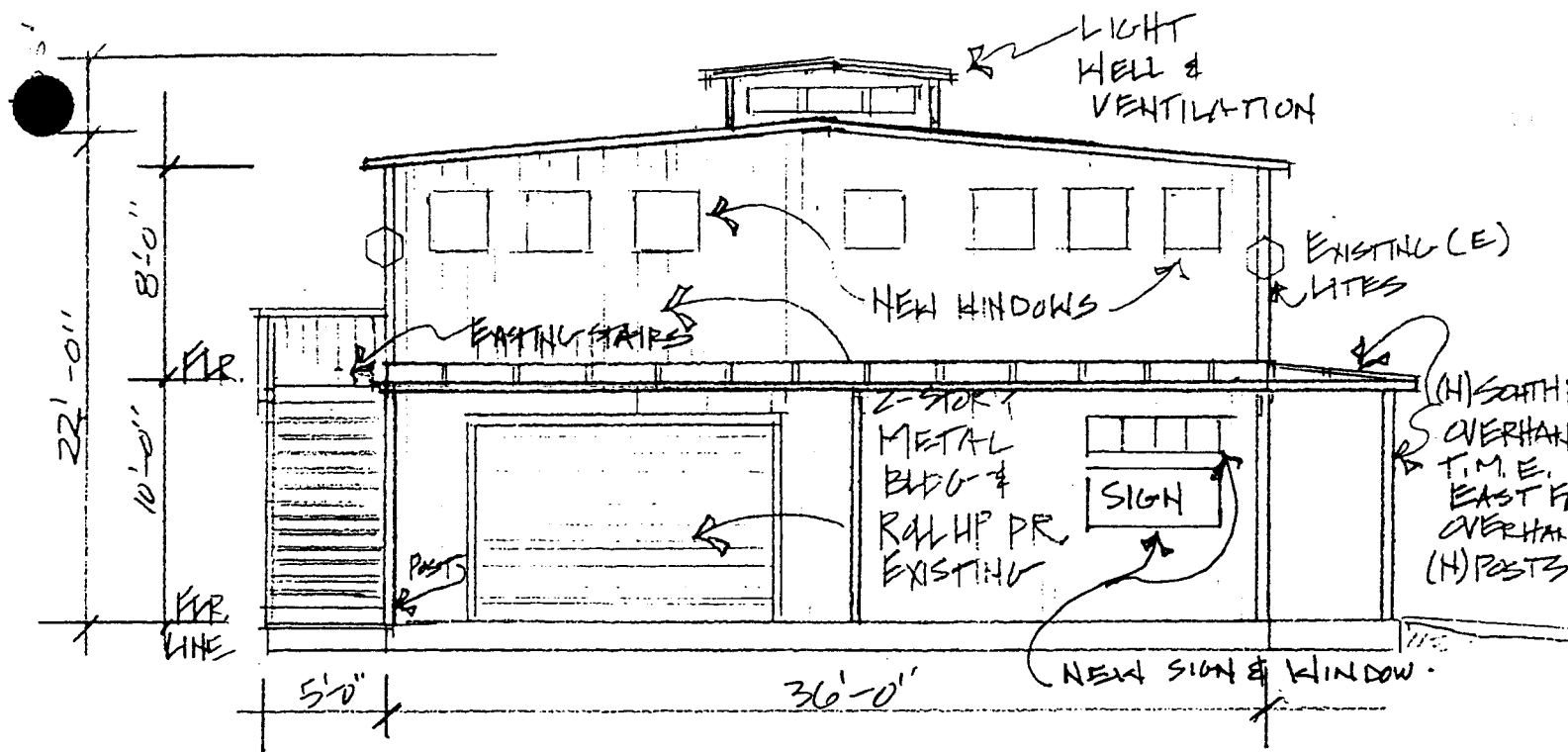
APPLICATION NO. 1-99-35 (Huckins)

Existing Elevations

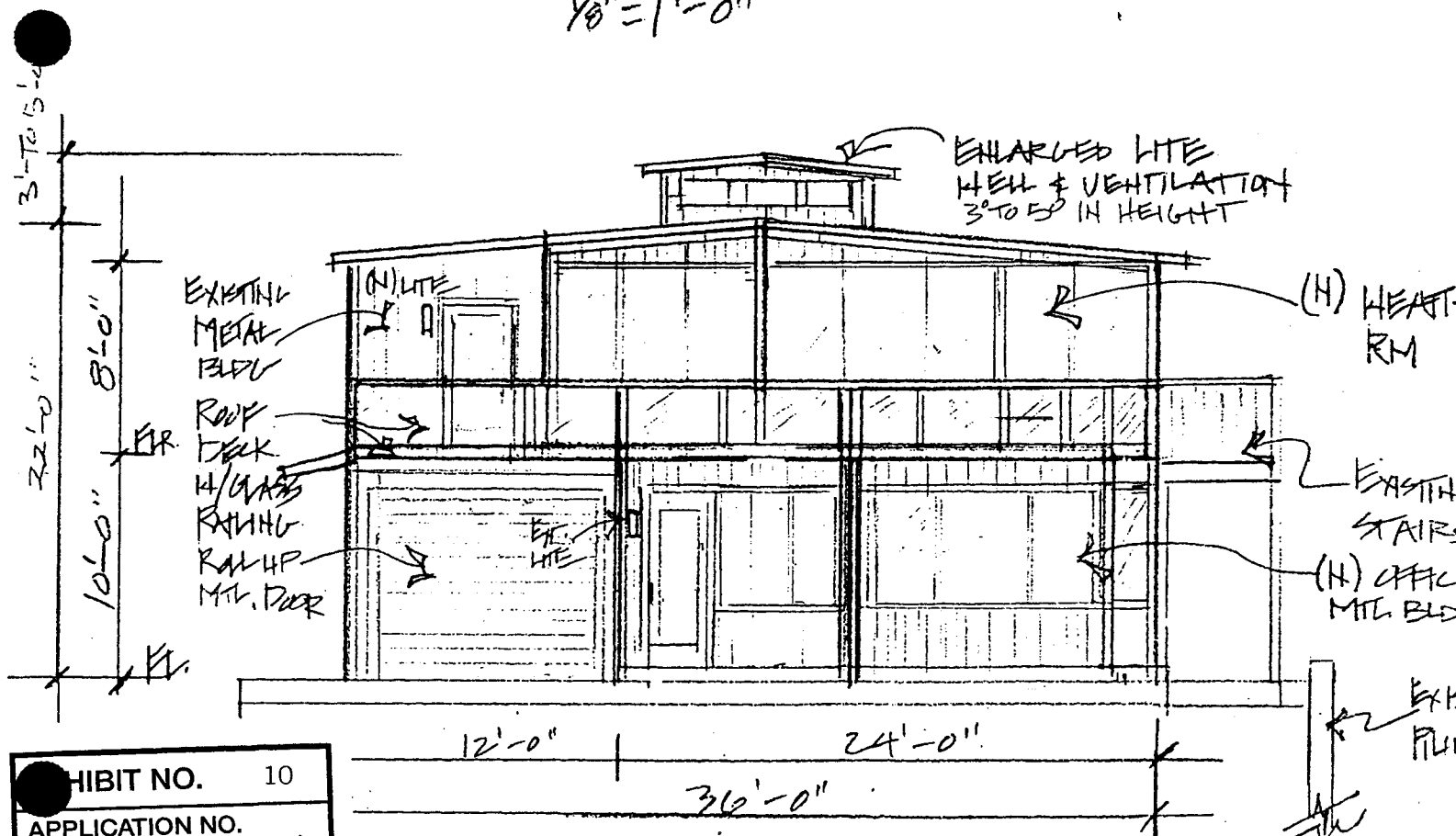
CASE NO. CDU 29-98

OWNER: DAVID P. HUCKIN

AGENT: Diana Wiedemann



PROPOSED - SOUTH ELEVATION

$$Y_{\theta''} = 1' - 0''$$


PROPOSED - NORTH ELEVATION

$$y'' = 1 - 0''$$

CASE NO. **CDU 29-98**

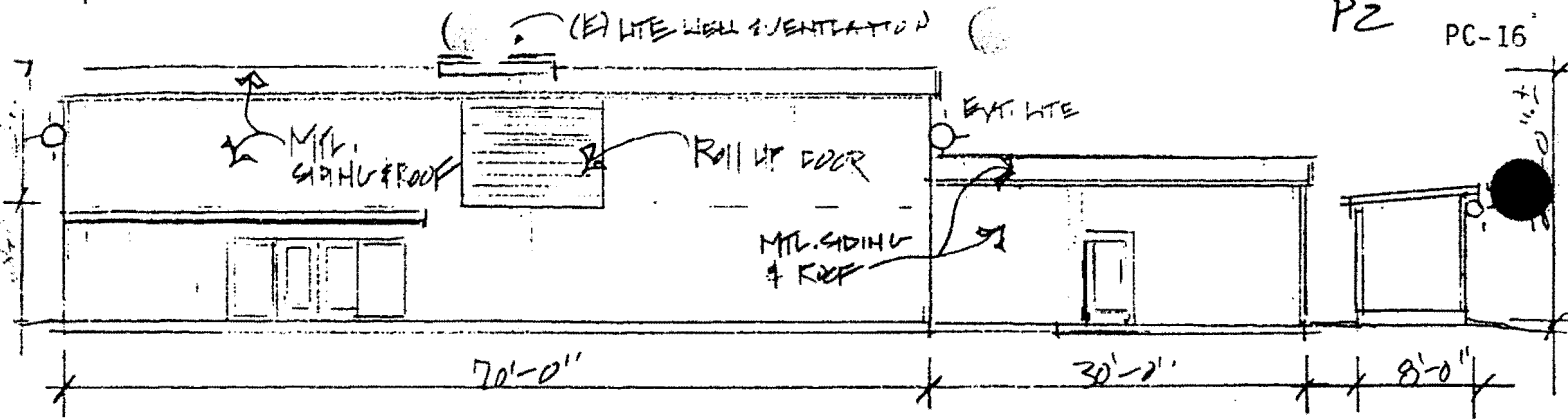
OWNER: **DAVID P. HUCKIN**

AGENT: **Diana Wiedemann**

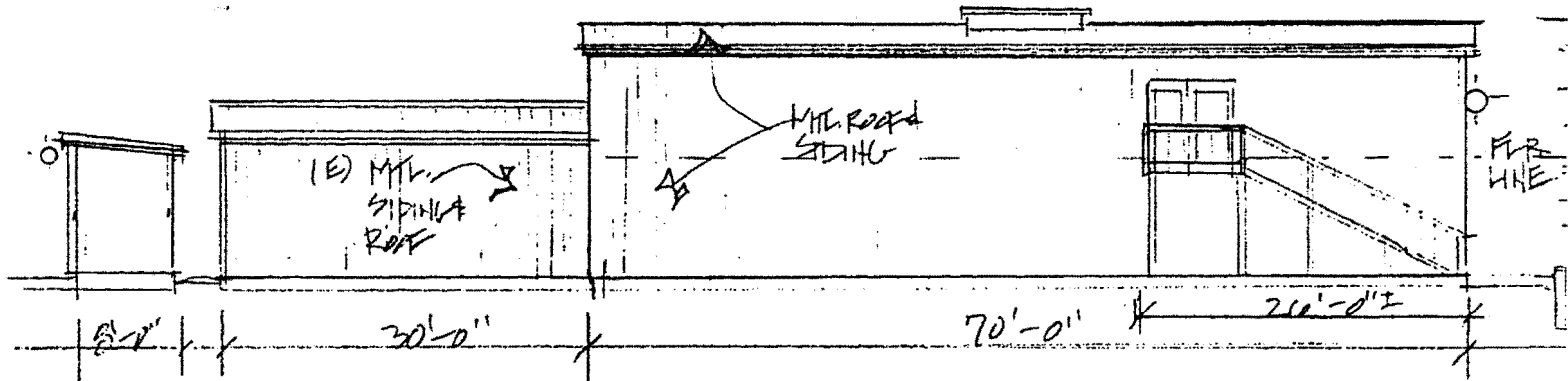
EXHIBIT NO.	10
APPLICATION NO.	1-99-35 (Huckins)
Proposed Elevations	

P2

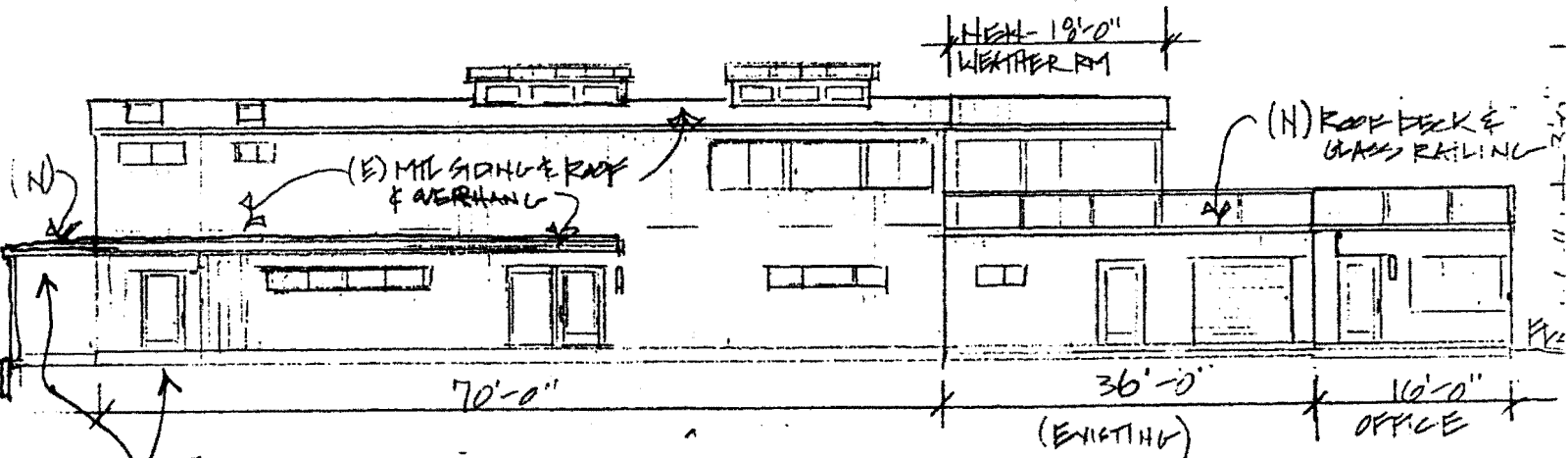
PC-16



EXISTING - EAST ELEVATION
1/16" = 1'-0"

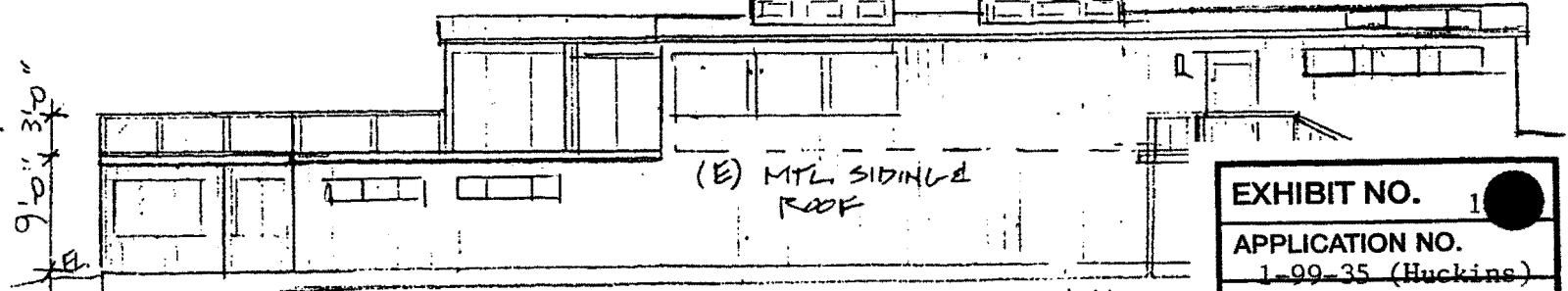


EXISTING - WEST ELEVATION
1/16" = 1'-0"



PROPOSED - EAST ELEVATION
1/16" = 1'-0"

ADD 3'x6' DOOR & MTL. OVERHANG



PROPOSED - WEST ELEVATION

EXHIBIT NO. 1
APPLICATION NO. 1-99-35 (Huckins)
Elevations

OWNERS



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

RAYMOND HALL, DIRECTOR

Telephone 707-463-4281

FAX 707-463-5709

pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

June 4, 1999

RECEIVED
JUN 07 1999

NOTICE OF FINAL ACTION

CALIFORNIA
COASTAL COMMISSION

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

CASE#: CDU 29-98

DATE FILED: December 2, 1998

OWNER: PETER & JEAN HUCKINS, ALICE HUCKINS TRUST

AGENT: DIANA WIEDEMANN

REQUEST: Construct an employee caretaker residence on the upper floor of an existing two story commercial building, remodel and add to the lower floor, remove an existing bath house, relocate existing tanks, add a propane tank, sign, paving and landscaping.

LOCATION: In the Coastal Zone, in Noyo Harbor, on the south side of the Noyo River, on the east side of South Harbor Drive (boat launch ramp); AP# 018-240-07, 27.

PROJECT COORDINATOR: Charles Hudson

ACTION TAKEN:

The Planning Commission, on May 20, 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: Peter & Jean Huckins
Diana Wiedemann
Coastal Commission
Assessor

EXHIBIT NO.	12
APPLICATION NO.	1-99-35 (Huckins)
County Approval and Staff Report	
Page 1 of 14	

MENDOCINO COUNTY PLANNING COMMISSION
MINUTES - DRAFT
MAY 20, 1999

5B. CDU 29-98 - HUCKINS - Noyo Harbor

Request: Construct an employee caretaker residence on the upper floor of an existing two story commercial building, remodel and add to the lower floor, remove an existing bath house, relocate existing tanks, add a propane tank, loading ramp, paving and landscaping.

Mr. Lynch reviewed the staff report and a staff memorandum dated May 19, 1999, regarding the City of Fort Bragg water system.

Ms. Diana Wiedemann, representing the application, commented that the site is fully built out. The new footprint is approximately 80 square feet. She explained that the applicants intend to live upstairs. This is a business which serves the local fishing industry. The bathhouse will be removed. She explained that a small portion of the facility is actually located on Harbor District property. The Harbor District has no objection to this application provided that no additional encroachment occurs onto the District's property. Two additional parking places will be added in the driveway.

Commissioner Barth commented that she viewed the site. She noted that there is adequate parking. In response to Commissioner Barth, Ms. Wiedemann described the portion of the facility located on Harbor District property.

Commissioner Barth commented that she has no objection to the project and was impressed by the design and plans.

The public hearing was declared open and subsequently closed when no one was present to address the application.

Commissioner Calvert commented that she likes the project, however, has some concerns relative to a portion of the structures being located on Harbor District property. In response to Commissioner Calvert, Mr. Lynch stated that staff has no concerns with the proposed expansion because it does not increase the problem with the structure encroaching onto Harbor District property. The encroachment is a civil matter between property owners. The project does not increase encroachment into setbacks.

Ms. Wiedemann commented that there are no side yard setbacks in this zoning.

Commissioner Calvert voiced concerns that parking spaces are located on Harbor District property. Mr. Lynch responded that the new parking spaces will be located on the applicant's property.

In response to Commissioner Calvert, Ms. Wiedemann indicated that there is no planned landscaping with the exception of possibly placing planters or pots along the walkways. Commissioners briefly discussed the possibility of adding landscaping or planters to the site.

In response to Commissioner Calvert, Mr. Zotter stated that the issue of the property encroaching onto Harbor District property is a civil matter and, since no improvements are proposed which would encroach onto the District property by this use permit, it is not an issue for the use permit. Commissioners discussed the possibility of requiring a boundary line adjustment to resolve the issue of

the buildings encroaching onto Harbor District property. Staff did not feel it is necessary to require a boundary line adjustment as a condition of the use permit.

Ms. Wiedemann pointed out that a boundary line adjustment could take several years to conclude given the number of public agencies which would have to be involved in processing such an application. The Harbor District has no objection to the application, provided the applicants do not increase the encroachment onto the District's property and remove the existing tanks. The applicants have agreed to move the tanks from the District's property. The existing parking spaces are partially on the District's property, however, the new spaces will be on the applicant's property.

Mr. Zotter explained that the District could request that the courts require that the structures be moved. Because the structure is existing, it is not appropriate to address the issue through this use permit process. The District has other remedies and no improvements are being added which will increase the encroachment on the District's property as a result of this use permit.

Upon motion by Commissioner Barth, seconded by Commissioner McCowen and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves #CDU 29-98 making the following findings and subject to the following conditions of approval:

General Plan Consistency Finding: As discussed in the staff report, the proposed project is consistent with applicable goals and policies of the General Plan, with the implementation of the 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.

Department of Fish & 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 of the California Code of Regulations, and finds that the project will be de minimis in its effect on wildlife, further finding:

1. The project will not result in any significant change in existing conditions.
2. There is no significant wildlife habitat present on the site.

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.

Project Findings: The Planning Commission, making the above findings, approves CDU 29-98 subject to the conditions of approval recommended by staff.

CONDITIONS OF APPROVAL:

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 June 4, 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 the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. Building plans submitted with the application for a building permit shall be consistent with Flood Plain Development Permit FP 20-98 and shall incorporate all applicable requirements of Chapter 20.420 for flood hazard reduction.
3. The existing exterior lighting fixtures on the two story main building and on the attached single story shop building shall be removed, replaced or modified so that light is directed downward and direct view of the light sources is limited to areas in close proximity to the parcel.
4. The proposed residence shall be occupied by the caretaker, manager or superintendent of a coastal dependent business being conducted on the same parcel. The residence shall not be operated as a vacation home rental, or rented to a tenant whose primary source of employment is not with the business being conducted on the site.
5. The applicant shall comply with all requirements of the Division of Environmental Health applicable to the containment and disposal of waste products produced by boat maintenance operations on the marine ways.

6. Prior to Planning Division approval of a building permit for the work proposed as part of this application, the applicant shall submit to the Department of Planning and Building Services for approval samples of the colors to be used on the buildings. Preferred colors are earthen in hue, selected to be compatible with other structures in the area. Exterior walls shall be a single color, eliminating the existing vertical stripes.
 - A. Prior to issuance of a building permit for the proposed alterations, and prior to the final inspection of the proposed alterations by the Building Division, the applicant shall provide evidence from the City of Fort Bragg that all applicable requirements of the Fort Bragg public water system retrofit program have been met.
7. Any signs displayed on the applicant's parcel shall comply with all applicable provisions of Chapter 20.476 of the Mendocino County Code.
8. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
9. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
10. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
11. This permit is 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.
12. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
 - a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or is a nuisance.

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

13. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

ATTEN: Calvert, Berry, Little, McCowen, Barth, Piper
NOTES: None
ABSENT: Hering

STAFF REPORT FOR COASTAL DEVELOPMENT USE PERMIT

#CDU 29-98
May 20, 1998
Page PC-1

OWNER: DAVID HUCKINS
TRUSTEE OF THE ALICE HUCKINS IRREVOCABLE TRUST
18603 N. HIGHWAY 1, SUITE 170
FORT BRAGG, CA 95437

APPLICANT: PETER AND JEAN HUCKINS
18603 N. HIGHWAY 1, SUITE 170
FORT BRAGG, CA 95437

AGENT: DIANA WIEDEMANN, ARCHITECT
P. O. BOX 395
ALHON, CA 95410

RECEIVED
JUN 07 1999
CALIFORNIA
COASTAL COMMISSION

REQUEST: Construct an employee caretaker residence on the upper floor of an existing two story commercial building, remodel and add to the lower floor, remove an existing bath house, relocate existing tanks, add a propane tank, sign, paving and landscaping.

LOCATION: In the Coastal Zone, in Noyo Harbor, on the south side of the Noyo River, on the east side of South Harbor Drive (boat launch ramp); AP# 018-240-07, 27.

TOTAL ACREAGE: 0.28± acre

ZONING: Fishing Village (FV)

ADJACENT ZONING: North: Noyo River
East, South & West: FV

GENERAL PLAN: Fishing Village (FV)

EXISTING USES: Commercial - boat maintenance

SURROUNDING LAND USES: North: Noyo River
East: Commercial
South: Parking - Harbor District
West: Commercial

SURROUNDING LOT SIZES: North: Noyo River
East: 0.72± acre
South: 21.5± acres
West: 0.2± acre

SUPERVISORY DISTRICT: 4

GOV. CODE 65950 DATE: 7/2/99

OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA: The following is a summary of applications which have taken place on the subject property and surrounding area:

Preliminary Approval, PA 83-34, Cummings, submitted for County approval of the existing metal building.

Business License Application Review, BL 107-93, Herrera, for a marine supply business, approved March 26, 1993.

Business License Application Review, BL 146-95, Reno, for a marine services business, approved April 21, 1995.

Flood Hazard Zone Development Permit, FP 20-98, submitted in conjunction with CDU 29-98, on hold pending the outcome of CDU 29-98. The engineer's certificate indicates that the lower floor in the main building is 1.66 feet above the base flood elevation.

PROJECT DESCRIPTION: The applicant is requesting approval of a Coastal Development Use Permit to allow remodeling of and additions to existing structures on a parcel on the south side of the Noyo River, at the end of South Harbor Drive. The one quarter acre parcel is developed with a 36 foot by 70 foot, two-story metal building, an attached 34 foot by 36 foot single story metal building, a detached 8 foot by 14 foot wood bath house, a 10 foot by 16 foot wood winch house and concrete ramp with rails (the ways) for hauling and repairing boats, three above-ground water recycling tanks, and retaining walls. There is also a stationary dock and a floating dock in the Noyo River. The facilities are used for boat repair and maintenance.

The applicant seeks approval for the following changes. The lower floor of the two story building and the attached single story building would be remodeled within the existing footprint to include new bathrooms, a new interior stair and rearranged workshop and storage areas. The single story building would be enlarged to the north to include an office. The upper level of the two story building would be remodeled as a one bedroom residence, with an additional 209 square feet of interior space added above a portion of the single story building, and outdoor deck area with glass railings over the remainder. To make way for the office addition on the lower level, an existing restroom facility building would be removed and replaced by new facilities inside the existing building. Door and window openings in the existing buildings would be changed, the existing awning on the east side is to be extended around the corner and across the south side, and new cupolas for light and ventilation would be added to the roof of the two story building. Four new exterior down lights are to be added to the 5 existing exterior lights. Three existing tanks located outside the parcel boundaries near the southeast corner of the property are to be relocated onto a concrete slab on the parcel. A new propane tank is proposed to the northwest of the winch shed. New paving, walkways and landscaping are also proposed.

ENVIRONMENTAL REVIEW:

Water (Item 3I, flooding): The project site is located in the Noyo Harbor area, on the south side of the Noyo River. The Flood Insurance Rate Map (FIRM) 060183 0540 C prepared by the Federal Emergency Management Agency gives a base flood elevation of 11 feet above sea level for the 100 year flood, and indicates the northerly portion of the parcel to be within the 100 year flood plain. An elevation certificate prepared by the engineering firm of I. L. Welty and Associates, shows the elevation of the ground floor in the main building to be 1.66 feet above the base flood elevation. An application for a flood plain development permit has been submitted (FP 20-98), and compliance with the flood hazard reduction standards contained in Chapter 20.420 of the Mendocino County Code will provide the degree of flood protection considered reasonable for regulatory purposes. Condition 2 is recommended.

Animal Life (Item 5D, habitat): The project site is almost entirely covered with buildings or pavement, as is much of the surrounding land. No work is proposed within the Noyo River. No fish or wildlife or their habitat will be affected by the proposed project. Staff recommends that the Planning Commission find the project to be "de minimis" and therefore exempt from the Department of Fish and Game filing fee. Condition 1 is recommended.

Light and Glare (Item 7A, exterior lighting): The existing structure has five exterior lights, four of which are large street-light type fixtures mounted high on the building, with no provisions to prevent a direct view of the light source from neighboring properties. The fifth is mounted on the winch shed and is aimed toward the work area at the upper end of the ramp, adjacent to the shed. Four additional shielded down-lights are proposed at doorways. Coastal Plan Policy 3.5-15 calls for outdoor lighting to be shielded wherever possible so that lights do not shine or glare light beyond the boundaries of the parcel. Condition 3 is recommended to require that the existing unshielded light fixtures, with the exception of the work light on the winch shed, be removed, replaced or modified so that light is directed downward and direct view of the light sources is limited to areas in close proximity to the parcel.

Land Use (Item 8A): Land within the Noyo Harbor area is classified as Fishing Village in the Coastal Plan. The intent of the Fishing Village classification is to reserve the limited available space in the harbor for uses that must be on or near the water. Principal permitted uses are fishing and boating uses such as service or repair. Conditional uses include expansion of existing bars and restaurants, commercial and industrial uses indirectly related to the fishing industry, and various public utility uses. Employee caretaker housing is listed as a conditional use in the FV zone by the Coastal Zoning Code if the use is directly related to coastal-dependent industry, and is limited to one single family residence occupied by a caretaker, manager or superintendent of an industrial use being conducted on the property. The application states that the proposed residence "...is to be occupied by the new owners of the property who wish to manage and maintain the existing marine rail system locally referred to as the 'WAYS' which is a coastal dependent operation for boat maintenance." Condition 4 is recommended to emphasize the requirement that the residence is limited to use by a person and his or her family who is actively involved with a coastal dependent business being operated on the same parcel.

The Coastal Commission retains permit jurisdiction on all lands below the mean high tide line, and on public trust lands. The project was submitted to the Coastal Commission for a determination of the Commission's permit jurisdiction boundary and it was determined that the northerly two-thirds of the property is within the Commission's permit jurisdiction area. Any development on the portion of the parcel within Coastal Commission permit jurisdiction requires a coastal development permit issued by the Coastal Commission, which may only be obtained after the County has issued a use permit. All of the parcel is within the Commission's appeal jurisdiction. Development within the appeal jurisdiction area requires a coastal development permit issued by the County, which, if approved, may be appealed to the Coastal Commission. The bottom line is that in order to proceed with the project, the applicant must first obtain approval of a coastal development use permit from the County, and then secure a coastal development permit from the Coastal Commission. Condition 10 requires compliance with Coastal Commission permit procedures.

The applicant's site plan indicates that the improvements on the parcel are not totally within the parcel boundaries. On the west side, the retaining wall that separates the site from the adjacent launching ramp begins on the parcel line near the southwest corner of the parcel but encroaches approximately 8 feet onto Harbor District property at the northwest corner. Portions of the existing buildings also extend over the property line along the west side. On the south side of the parcel, the 6 parking spaces extend out into the roadway and utility easement on Harbor District land. At the southeast corner, the water recycling tanks are mostly located within the roadway easement.

Bethel Q. Green of the Noyo Harbor District submitted the following comments:

1. The Noyo Harbor Commission has no objection to the project as modified except for the encroachment issues, discussed below.
2. The Noyo Harbor Commission disapproved the new construction proposed by the applicant in the area presently encroached upon along the west boundary of the project property. The Commission has agreed to lease the encroachment area to the applicant until 2005, but thereafter the District may need to use the area, in which case the encroachment may have to be vacated by the applicant.
3. The Noyo Harbor Commission also has concerns regarding the parking spaces located at the south end of the project. These spaces encroach onto Harbor District fee property.
4. The Noyo Harbor Commission has no land use authority over the subject property; the approval of the Noyo Harbor Commission is based upon its view that the project does not interfere with the operations of the Noyo Harbor District, and that the project plans include the continued operation of the marine ways on the property, which is important to the users of the Noyo Harbor.

The modification referred to in the first of the Harbor District's comments is a change made to the proposed office addition at the north end of the existing buildings. Originally the west wall was to have continued along the line of the west wall of the existing buildings, which would have resulted in a portion of the addition being located on Harbor District property. The plan was modified to move the west wall east to the property line. The tanks are going to be relocated onto the applicant's parcel. The applicant's agent has stated that the applicant is exploring the possibility of a boundary line adjustment with the Harbor District to resolve the other encroachments. The location of the parking spaces does not obstruct passage of vehicles along the roadway easement south of the applicant's parcel. Because the changes proposed by this application do not alter

the existing encroachments, it is staff's opinion that the resolution of the encroachments is a matter to be resolved by the land owners, and should not be subject to any conditions of this permit application.

Transportation/Circulation (Item 12B, parking): Access to the project site is provided by South Harbor Drive, which extends northerly from Highway 20 to the Noyo River, becoming a boat launching ramp along the westerly side of the Huckins parcel. From South Harbor Drive, a roadway easement extends easterly along the southerly side of the Huckins parcel, over land owned by the Noyo Harbor District, leading to the Coast Guard facility next door and on to Basin Street (CR# 417). Ben Kageyama of the County Department of Transportation submitted the following comment:

Access to the subject property is provided by an existing paved driveway approach at the end of the County road. Based on the site plan provided, it appears that the proposed project would not involve the existing paved approach, or otherwise affect the County road right-of-way. Although we have no recommended conditions of approval for the Coastal Development Use Permit, the applicant should note that any improvements to the existing private driveway approach onto the County road, or within the County road right-of-way, will require an encroachment permit from the Department of Transportation.

Parking on the site does not conform to current requirements. On the applicant's parcel, an area along the south side of the two story building is used for parking, with room for approximately 6 cars parked perpendicular to the roadway. (A proposed ramp shown on the site plan in one of the parking spaces has been deleted from the project.) The parking area is not entirely on the applicant's parcel, however, as the distance between the south property line and the retaining wall south of the building varies from approximately 10 to 12 feet, so that parked cars extend partly into the access easement on the Harbor District property. Most of the parking area is within the front yard setback area, exceeding the single space that the code allows in the front yard. It is not specific in the County Code how many spaces are required as there is no specified requirement for a boat repair facility. Using the figures for auto service stations would give a requirement of 5 spaces. Using the figures for industrial uses would yield a requirement of 12 spaces. It is staff's determination that the number of existing spaces and their location are pre-established conditions and are not changed by the current application. In fact, the amount of commercial floor space is being reduced by the conversion of the upstairs portion of the main building to a residence. The location of the spaces, encroaching into the roadway easement does not interfere with traffic along the roadway or create any hazardous condition. The residence would, however, require two additional spaces, and the applicant has proposed the addition of two spaces on the paved area along the east side of the main building. In staff's opinion, sufficient parking area is being provided by the applicant for the proposed uses on the site.

Utilities (Item 15A, water & sewer): The parcel has water and sewer service provided by the City of Fort Bragg. The applicant proposes to install an LPG tank and gas lines to serve the building. The tank is to be located on a concrete pad installed on the edge of the marine ways ramp, northwest of the winch shed, opposite the proposed location of the water recycling tanks. No adverse impacts are anticipated.

Human Health (Item 16C, hazardous substances): The water recycling tanks, proposed to be relocated from their present location off the property south of the winch shed, are used to contain water used to wash boats. There is a sump part way down the ramp where wash water is collected and then pumped into the tanks. The Division of Environmental Health commented that a hazardous material business plan will need to be filed with Environmental Health if the tanks contain hazardous materials. Condition 5 is recommended to advise the applicant of the need to comply with Division of Environmental Health requirements.

Aesthetics (Item 17A): With the exception of the Coast Guard facility, which is located to the east of the applicant's parcel and is landscaped and maintained in a very shipshape condition, the general character of the South Harbor Drive area is that of a working marine industrial area without abundant resources for nonessential improvements. Buildings show the signs of age and exposure to the harsh conditions that exist in a marine environment. The metal buildings on the applicant's parcel were built in 1983, and are typical steel buildings, with low-pitched roofs, no eaves and little visual interest. The cream and light blue vertical stripes and boxy shape of the buildings make no concession to compatibility with surrounding development. The additions proposed by the applicant will make the buildings more interesting to look at, and will tie the two-story and single-story portions of the building together visually. The applicant is proposing to paint the building gray with teal trim. Condition 6 is recommended to require that color samples be submitted for approval along with the application for a building permit.

On the roof of the winch shed there is one existing unlighted sign approximately 30 inches by 40 inches in size, which is proposed to be removed. A new sign is proposed to be mounted on the new awning proposed to be added across the south side of the main building. The Coastal Zoning Code limits sign area to a maximum of 40 square feet, (or 80 square feet if there are no free-standing or roof signs). Condition 7 is recommended to call attention to sign regulations in the County Code.

ENVIRONMENTAL RECOMMENDATION: 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 consistent with applicable goals and policies of the General Plan.

RECOMMENDED MOTION:

General Plan Consistency Finding: As discussed above, the proposed project is consistent with applicable goals and policies of the General Plan, with the implementation of the conditions being recommended by staff.

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.

Department of Fish & 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 of the California Code of Regulations, and finds that the project will be de minimis in its effect on wildlife, further finding:

1. The project will not result in any significant change in existing conditions.
2. There is no significant wildlife habitat present on the site.

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.

Project Findings: The Planning Commission, making the above findings, approves CDU 29-98 subject to the conditions of approval recommended by staff.

RECOMMENDED CONDITIONS:

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 June 4, 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 the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
- ** 2. Building plans submitted with the application for a building permit shall be consistent with Flood Plain Development Permit FP 20-98 and shall incorporate all applicable requirements of Chapter 20.420 for flood hazard reduction.
- ** 3. The existing exterior lighting fixtures on the two story main building and on the attached single story shop building shall be removed, replaced or modified so that light is directed downward and direct view of the light sources is limited to areas in close proximity to the parcel.
- ** 4. The proposed residence shall be occupied by the caretaker, manager or superintendent of a coastal dependent business being conducted on the same parcel. The residence shall not be operated as a vacation home rental, or rented to a tenant whose primary source of employment is not with the business being conducted on the site.
- ** 5. The applicant shall comply with all requirements of the Division of Environmental Health applicable to the containment and disposal of waste products produced by boat maintenance operations on the marine ways.
- ** 6. Prior to Planning Division approval of a building permit for the work proposed as part of this application, the applicant shall submit to the Department of Planning and Building Services for approval samples of the colors to be used on the buildings. Preferred colors are earthen in hue, selected to be compatible with other structures in the area. Exterior walls shall be a single color, eliminating the existing vertical stripes.
- ** 7. Any signs displayed on the applicant's parcel shall comply with all applicable provisions of Chapter 20.476 of the Mendocino County Code.
8. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
9. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
10. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
11. This permit is 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.

12. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following grounds:
- a. That the permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which the permit was granted have been violated.
 - c. That the use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or is a nuisance.

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

13. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

April 20, 1999
DATE


CHARLES N. HUDSON
PLANNER II

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 - FB			
Dept. of Transportation			X
Environmental Health - FB			X
DEH - Underground Tanks Prog.			X
Building Inspection - FB		X	
Assessor			
Dept. of Fish and Game			
Coastal Commission			
Army Corps of Engineers			
Fort Bragg City Planning			
Noyo Harbor District			X

SUMMARY OF COMMENTS:

Planning - FB	
Dept. of Transportation	Any work within the County right-of-way subject to an encroachment permit.
Environmental Health - FB	Contact DEH Underground Tank Program regarding relocation of tanks.
DEH - Underground Tanks Program	Hazardous Material Business Plan may be required.
Building Inspection - FB	No comment.
Assessor	
DF&G	
Coastal Commission	
Army Corps of Engineers	
Fort Bragg City Planning	
Noyo Harbor District	New construction must be within parcel boundaries.