

CALIFORNIA COASTAL COMMISSION

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| Filed: | June 25, 1999 |
| Hearing Opened: | July 15, 1999 |
| 49 th Day: | August 13, 1999 |
| Staff: | Jo Ginsberg |
| Staff Report: | Aug. 27, 1999 |
| Cont. Hearing Date: | Sept. 16, 1999 |
| Commission Action: | |

STAFF REPORT: APPEALSUBSTANTIAL 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. |

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

The staff recommends 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. The California Regional Water Quality Control Board is currently completing 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 are not yet available. Therefore, staff recommends that the Commission determine that this contention also raises a substantial issue.

The staff further recommends that the Commission continue the public hearing on the appeal to a future date, in order to allow staff to gather additional information on the environmental impacts of the project and to allow the applicant the opportunity to seek a Local Coastal Program amendment to rezone the subject property and thereby bring the project into conformity with the LCP.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on Page 4.

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 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 49th day occurs 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.

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.

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.*
- (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:

As noted above, the California Regional Water Quality Control Board is currently completing 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 are not yet available. Given this fact, the Commission is unable to make a determination that the project raises no concerns with respect to conformity with the LCP policy on industrial development.

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:

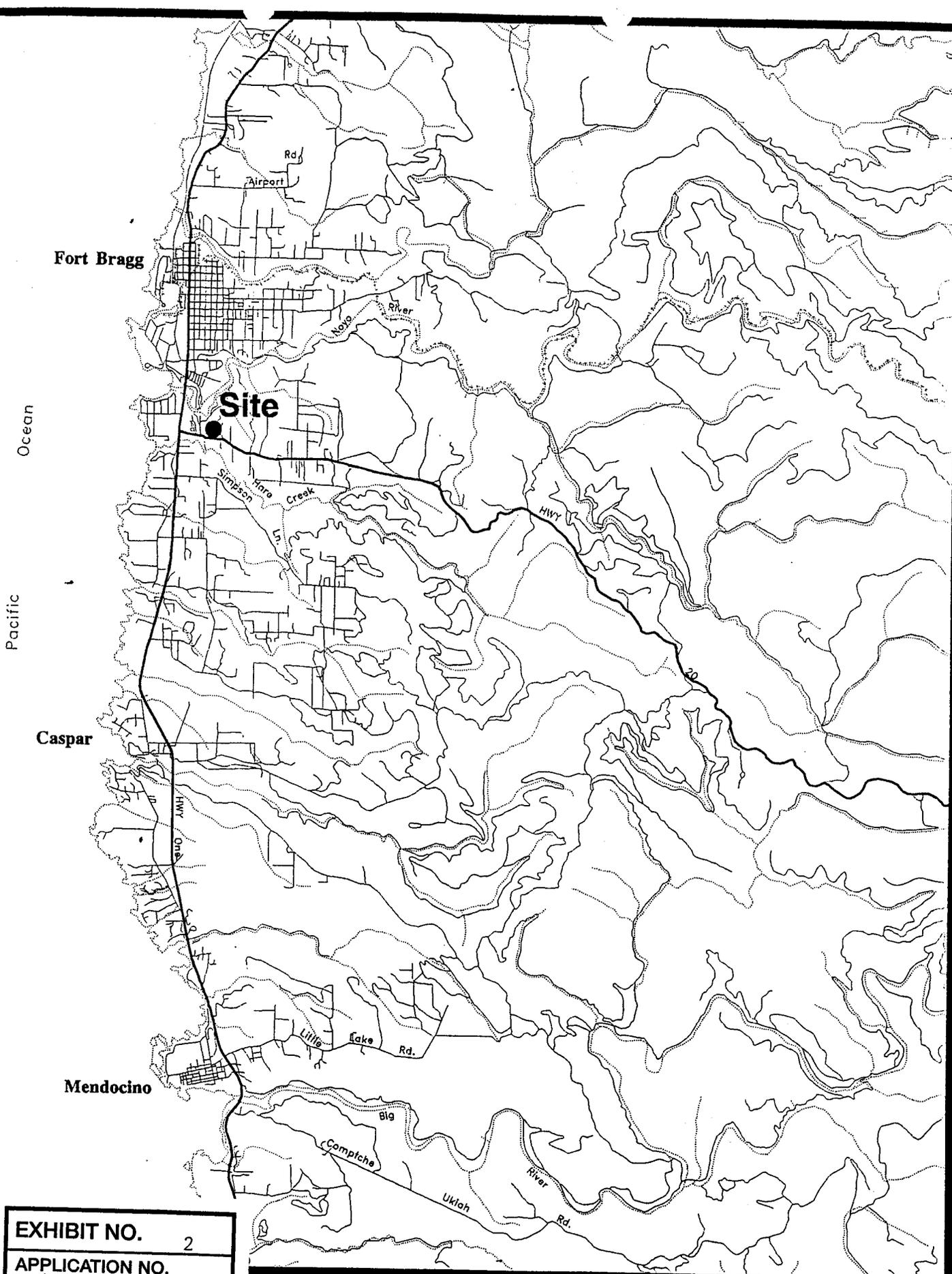
Section 3.1 of the LUP references Coastal Act Section 30240, which states that *“development in areas adjacent to environmentally sensitive habitat areas...shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such 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 noted above, the California Regional Water Quality Control Board is currently completing 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 are not yet available, and so the Commission cannot make a determination regarding the question of adverse impacts on environmentally sensitive habitat areas resulting from the proposed project.

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 protection of environmentally sensitive habitat areas.

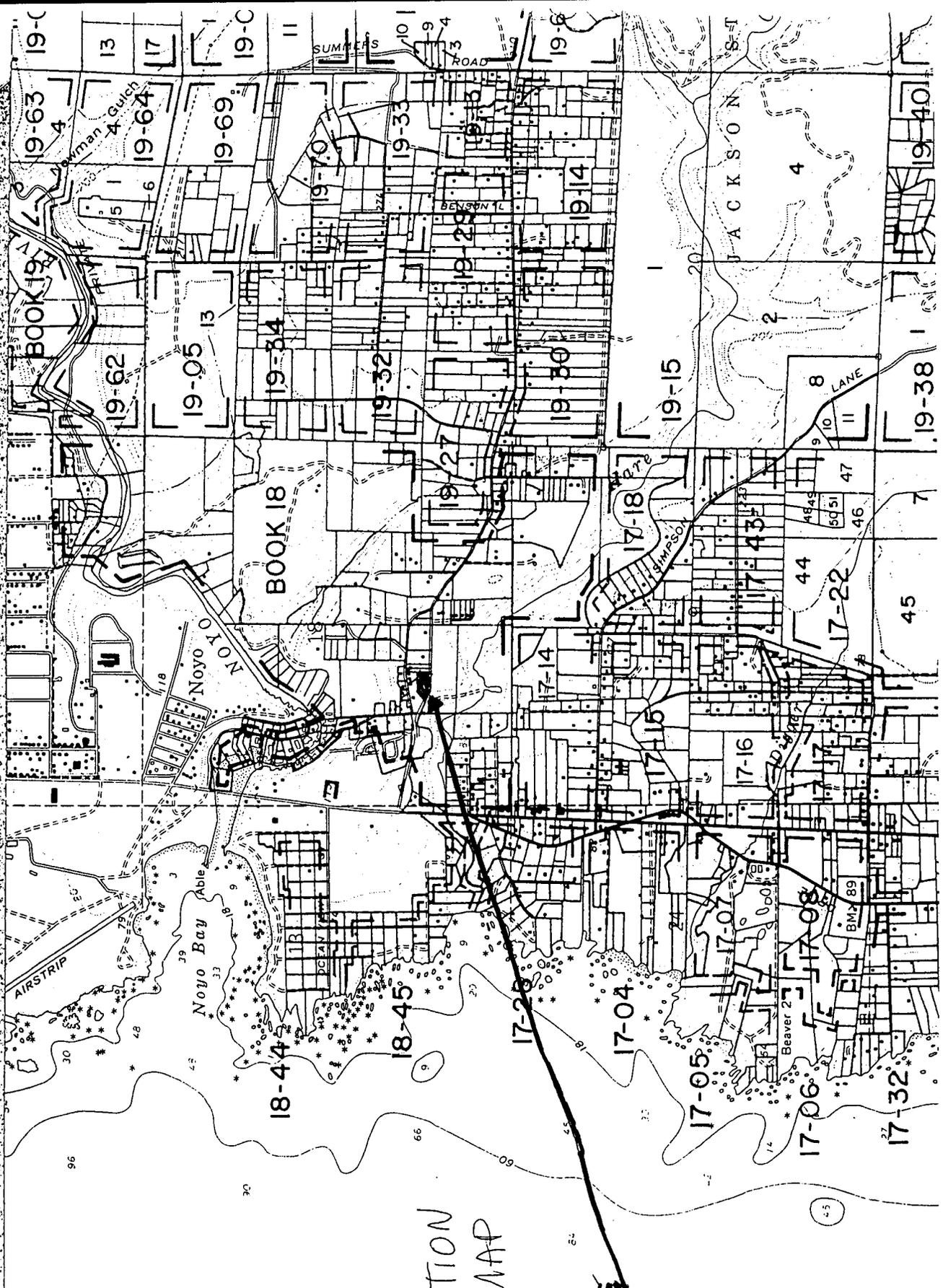


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| EXHIBIT NO. | 2 |
| APPLICATION NO. | A-1-MEN-99-43 |
| Van Peer | |
| Location Map | |

▲ North
0 0.5 1 1.5 Mi.

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

LOCATION
+ MAP
SITE



STREET/ROAD

STREET/ROAD

STREET/ROAD

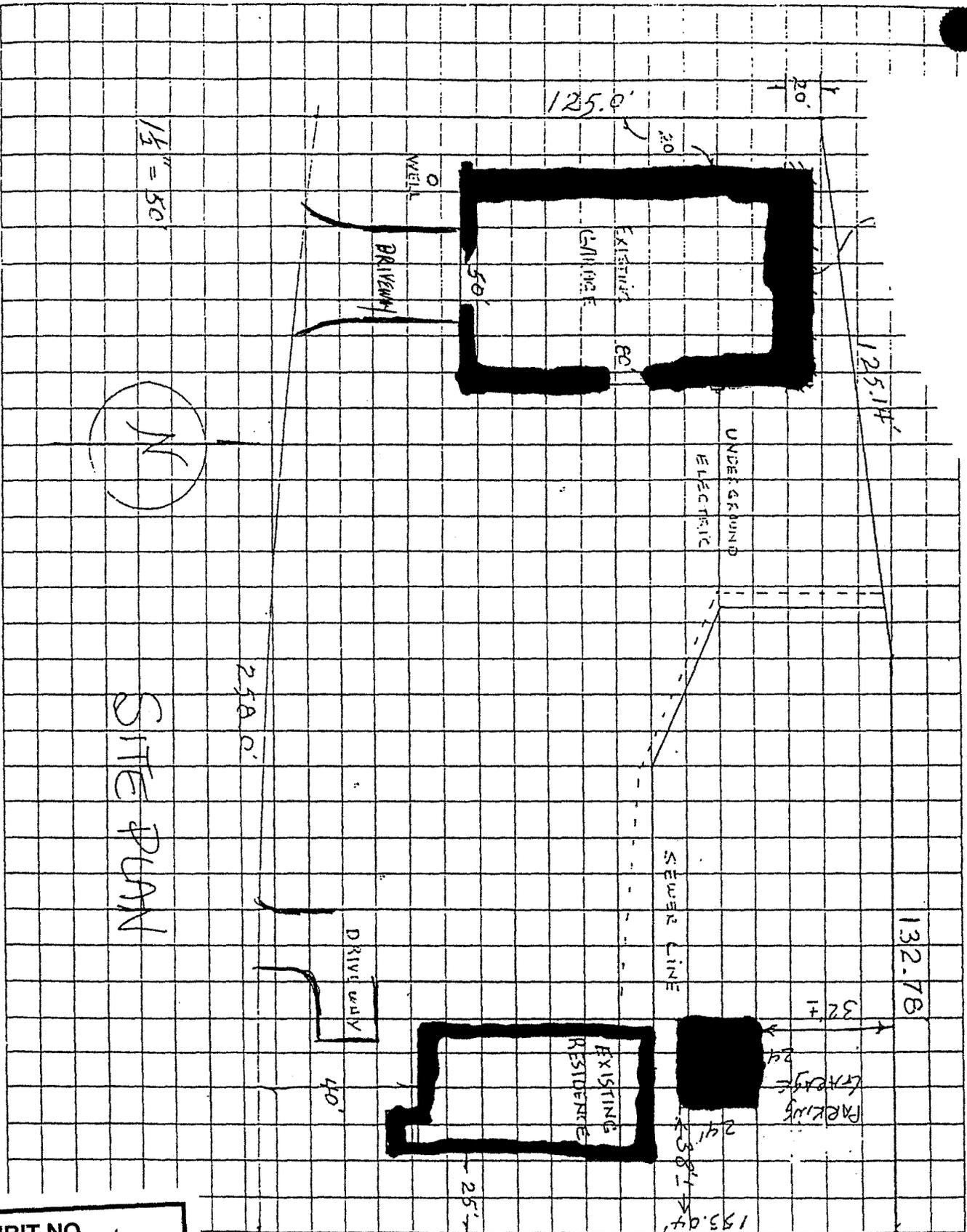


EXHIBIT NO. 4

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

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

| | |
|-----------------|---------------|
| EXHIBIT NO. | 5 |
| APPLICATION NO. | A-1-MEN-99-43 |
| Appeal | |
| Page 1 of 6 | |

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 purposed 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 upgrade 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 con-
sider 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.

June 11, 1999

RECEIVED
JUN 14 1999
CALIFORNIA
COASTAL COMMISSION

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 32650 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 707-964-1246⁹⁵⁴³⁷

Steven A. Gardner



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 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

| | |
|---|---------------|
| EXHIBIT NO. | 6 |
| APPLICATION NO. | A-1-MEN-99-43 |
| Mendocino Co. Notice of Final Action | |
| Page 1 of 7 | |

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 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

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| EXHIBIT NO. | 7 |
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| 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 |
|--------------------------------|-----------------------|-----------------------------------|-------------------|
| 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

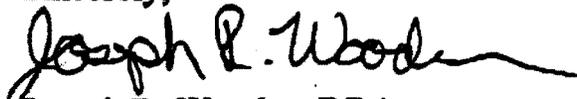
RECEIVED

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
 FLOOR COVERING
 Name: 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 Pyle
 Doug Martin*

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

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

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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

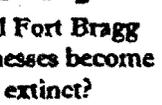
FAX: 707-964-4094

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 #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



Fort Bragg
business become
extinct?

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

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AUG 10 1999

CALIFORNIA
COASTAL COMMISSION

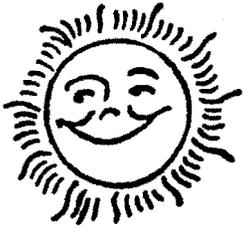
Dear Joe Ginsberg and The California Coastal Commission,

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 16 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 PEAR
 BOAT WORKS.

LET THE BOAT WORKS OPERATE PERMANENTLY.

ROBT. Colombi

Janette Colombi

Robert S. Colombi

Marissa Colombi

[Signature]
 Jean Millard

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

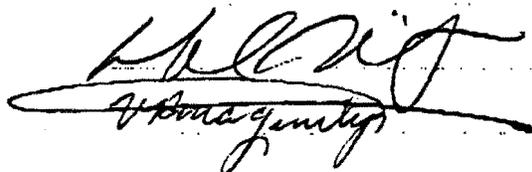
8-7-99

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 NEIGHBORS
OPPOSITION.

THANK YOU FOR YOUR CONSIDERATION.

SINCERELY,



RECEIVED

AUG 09 1999

CALIFORNIA COASTAL COMMISSION

F A C S I M I L E

| | |
|--|---|
| TO: | FROM: |
| Name: California Coastal Com. North Coast Area Office | Name: Kenneth + Sharon VAN DER WENDE |
| Fax #: 415-904-5400 | Fax #: 707-964-3982 |
| Pages: 1 | 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
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

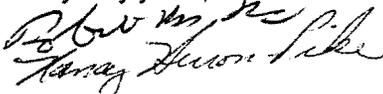
Dear Jo Ginsberg,

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

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AUG 09 1999
CALIFORNIA
COASTAL COMMISSION

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

RECEIVED
AUG 09 1999

08-06-1999

CALIFORNIA
COASTAL COMMISSION

CALIF. COASTAL COMMISSION;

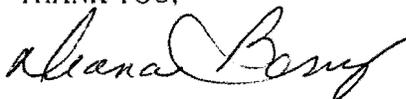
I AM WRITING IN BEHALF OF VAN PEER BOATWORKS IN FORT BRAGG
APPEAL #A-1-MEN-99-043.

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

My Dear Ms. Ginsberg:

I am a local resident in Fort Bragg.

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



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

My Dear Ms. Ginsberg:

I am a local resident in Fort Bragg.

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.

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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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636 N. FRANKLIN ST.
FORT BRAGG, CA 95437
PHONE (707) 964-0691
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

MEMO
PAGE

We are writing in favor of keeping Van Leer Boat Works at its present location here in Fort Bragg. Our local economy needs all ^{its} 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*

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AUG 09 1999
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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

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AUG 09 1999

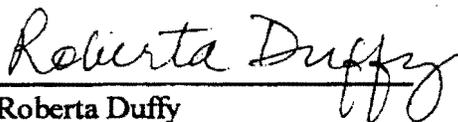
CALIFORNIA
COASTAL COMMISSION

August 5, 1999

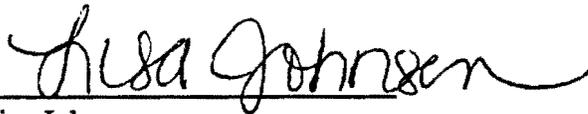
California Coastal Commission,
North Coast Area Office
Attn: Jo Ginsberg
45 Fremont Suite 2000
San Francisco, CA 94105-2219

To Whom It May Concern:

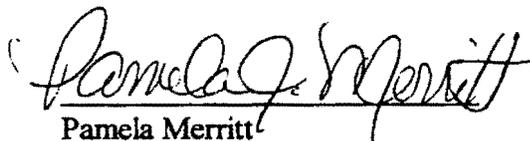
We, the undersigned, wish to express our support for the use permit and variance for Van Peer Boat Works as approved by the Mendocino County Planning Commission on 6/3/99 (Appeal #A-1-MEN-99-043).



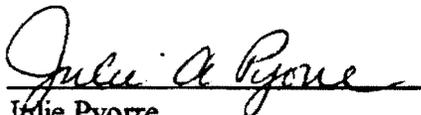
Roberta Duffy
P.O. Box 596
Fort Bragg, CA 95437



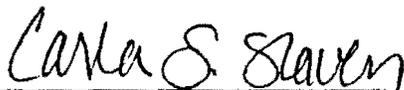
Lisa Johnson
P.O. Box 361
Fort Bragg, CA 95437



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



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



Carla Slaven
270 Wall St.
Fort Bragg, CA 95437

A-1-MEN-99-043

Dear Sirs,

We wish you, the Capital 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 Capital 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 helpers 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

Mr & Mrs Lawrence Tolson
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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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

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AUG 06 1999

CALIFORNIA
COASTAL COMMISSION

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

To Whom It May Concern:

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

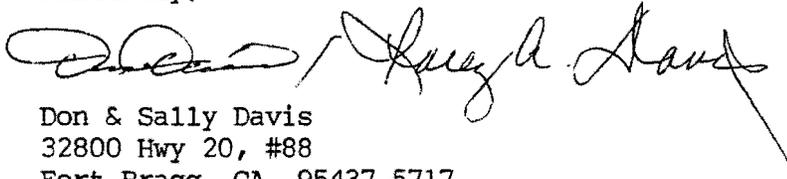
On June 3, Chris and Anita Van Peer received approval from the Mendocino Coast Planning Commission for their use permit and variance. This meeting was held in Mendocino, and the vote was 5-1 for the Van Peers. Doesn't the majority rule anymore?

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

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

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.



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

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CALIFORNIA
COASTAL COMMISSION

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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REGARAINS : VAN PERR BOAT WORKS.

LET REAL, IT HCCP.

Mike Remond.

A-1-MON-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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CALIFORNIA
COASTAL COMMISSION

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

707-964-4488

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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 ^{to} permit this business to continue helping the people of Fort Bragg.

Respectfully yours,

Marian Roden Marian Roden

Gilbert 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

RECEIVED

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

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

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AUG 05 1999
CALIFORNIA
COASTAL COMMISSION

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

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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 no for an add crs → Omer L. Wall

ANDERSON CONSTRUCTION 181 204 1832
Brent Anderson
General Contractor
P.O. Box 53
Fort Bragg, California 95437
(707) 964-1832

August 5, 1999

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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
www.mendocinowoodworkers.com/BrentAnderson

ATTENTION: APPEAL:
#A-1-MEN-99-045
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 BAY
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

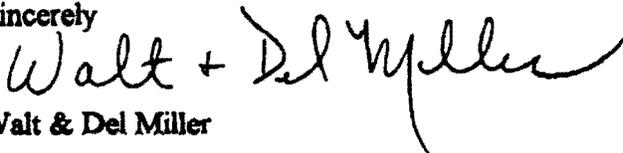
We wish to protest the appeal filed by Steve Gardner against Van Peer Boatworks.

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

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AUG 04 1999

CALIFORNIA
COASTAL COMMISSION

8/4/99

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

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AUG 04 1999

CALIFORNIA
COASTAL COMMISSION

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

Dear Jo,

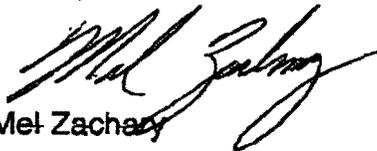
Please end this insanity of trying to put the Van Peers out of business. This has gone on far to long and is only the result of a disgruntled neighbor, a Johnny come lately with a selfish attitude.. Most of the entire community here favors your support of permitting this business to continue.

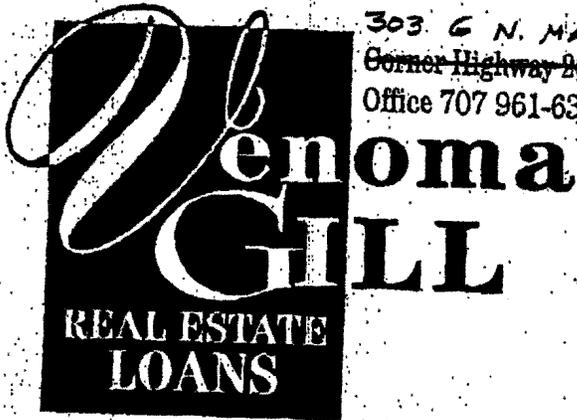
The continuance of this business is necessary for many reasons. Firstly, we need to maintain the jobs Chris provides. Secondly, his product is highly respected in the fishing world and provides a safe and well designed work platform in a hostile environment and is in great demand. Thirdly, you have permitted 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 95437
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

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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

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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

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JUL 14 1999

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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

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

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JUL 14 1999

**CALIFORNIA
COASTAL COMMISSION**

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

Dear Jo:

We as a family and a 3rd 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

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JUL 13 1999

California Coastal Commission
North Coast Area Office
45 Fremont Suite 2009
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

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AUG 16 1999

CALIFORNIA
COASTAL COMMISSION

FAX: (415) 904-5400

To: Coastal Commission, North Coast Area Office

Attn: Jo Kreisberg, 45 Fremont, Suite 2000, S.F. CA 94103-2219

APPEAL: # 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

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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.

Thankyou,

Mingy McCreigh



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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 now-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

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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 ^(copy) sent in to the Fort Bragg
Advocate-News on the 5th of March 1999. (a new-comer)

My evaluation of Steve Gardner 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 millennium is around the corner and the old boy (the devil)
and his allies are getting desperate. 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 Bragg 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

