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**PLANNING COMMISSION STAFF REPORT  
COASTAL DEVELOPMENT USE PERMIT**

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**JUNE 21, 2018  
U\_2017-0019**

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**SUMMARY**

**OWNER/APPLICANT:** JOHN SCHNAUBELT  
32390 N HARBOR DR  
FORT BRAGG, CA 95437

**AGENT:** WYNN COASTAL PLANNING  
703 N MAIN ST  
FORT BRAGG, CA 95437

**REQUEST:** A Coastal Development Use Permit request to repurpose the Ice House located in Noyo Harbor. Proposed land uses are Coastal-Dependent Industrial (producing Salmon-infused vodka, brine-aged whisky, and smoked fish); Coastal-Related Industrial (warehousing fish emulsion and fertilizer); Food and Beverage Retail Sales; and Coastal-Related Support Services (boat charter office and ticket window). A deck and painting off-street parking spaces are proposed.

**DATE DEEMED COMPLETE:** 3/14/2018

**LOCATION:** In Coastal Zone, in Noyo Harbor, 0.5± mile south of the intersection of Hwy. 1 (SH 1) and North Harbor Dr. (CR 415A), located at 32425 N Harbor Dr., Fort Bragg (APN: 018-140-48).

**TOTAL ACREAGE:** 0.25 acre

**GENERAL PLAN:** Coastal Element Chapter 4.4 of the General Plan Fishing Village (FV:U)

**ZONING:** Division II of Title 20 of Mendocino County Codes Fishing Village (FV:40K)

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Juliana Cherry

**BACKGROUND**

**PROJECT DESCRIPTION:** The property owner requests a Coastal Development Use Permit to allow five land uses in the Ice House, which is building located in Noyo Harbor: a distillery with tasting room, office, and storage; fish smoking or processing; boat charter office and ticketing; and storage of fish emulsion and fertilizer (See Table 1). Table 1 lists the proposed land uses, the approximate building area proposed for each activity, the year the activity is proposed to commence or begin, and whether the land uses is permitted, conditionally permitted, or accessory to the principal land use. In the Fishing Village District, *Coastal-Related Industrial* land uses, e.g. storing fish emulsion and fertilizer, would require a Coastal Development Use Permit. The applicant proposes development (a change in building occupancy, a deck, and painting off-street parking spaces) as a part of U\_2017-0019.

Table 1: Distribution of land use and estimated year to commence activity			
LAND USE	FISHING VILLAGE DISTRICT USES	APPROXIMATE BUILDING AREA	BUSINESS YEAR USE COMMENCES
1 COASTAL-DEPENDENT INDUSTRIAL	Permitted 20.392.010(B)	1,606 SF Distill Salmon-infused vodka 504 SF Office 1,033 SF Store distilled beverage	Year 1
2 COASTAL-DEPENDENT INDUSTRIAL	Permitted 20.392.010(B)	459-SF Fish Smoking	Year 1
3 COASTAL-RELATED SUPPORT SERVICES	Permitted 20.392.010(A)	243 SF Charter Office & Ticket Window	Year 2
4 FOOD AND BEVERAGE RETAIL SALES	Accessory	675 SF Tasting Room	Year 4
5 COASTAL-RELATED INDUSTRIAL	Conditional 20.392.015(C)	1,106 SF Store Fish Emulsion & Fertilizer	Year 1

Pursuant to MCCZC Section 20.312.020(C), the principal or primary land use would be *Coastal-Dependent Industrial*, as the distillery occupies 3,143 square feet of building floor area. In subsequent business years, the property owner intends to make other distillates, including brine-aged whisky (See Five-Year Business Plan). *Coastal-Dependent Industrial* is a Principal Permitted Use Type in the Fishing Village District.

The proposed *Food and Beverage Retail Sales* land use for the tasting room would be accessory to the *Coastal-Dependent Industrial* land uses proposed (e.g., processing smoked fish, salmon-infused vodka and brine-aged whisky).

The proposed *Coastal-related Support Services* land use for the Charter Office & Ticket Window is an permitted use in the Fishing Village District.

**APPLICANT'S STATEMENT:** "The four businesses proposed for this location are:

- Wholesaling storage and distribution for Sea Pal Fish Fertilizer
- Ticket window for Charter Boat business (Telstar)
- Fish Smoking
- Distillery of Salmon infused vodka and brine aged whisky

As these four businesses are all principally permitted uses for the Fishing Village District Zoning, they should be considered Coastal-Related Industrial and Coastal-Related Support Services (Wynn, February 2018)."

[Staff notes that the proposed building floor plan includes a Tasting Room, which represents the fifth proposed land use -- *Food and Beverage Retail Sales* (See attachment *Floor Plan*).]

**RELATED APPLICATIONS:**

**Neighboring Property:**

- Easterly parcel APN 018-140-49/CCC Appeal Jurisdiction 32475
- Northerly parcel APN 018-140-46, -45, 39/CCC Appeal Jurisdiction CDP 1998-33 and EM 1997-09 Remediation of soil contaminants
- Westerly parcel APN 018-140-43/CCC Original Jurisdiction LCP 98-03

**SITE CHARACTERISTICS:** The site is located on the flats of Noyo Harbor, near the sharp bend in North Harbor Drive. The harbor area is a part of Mendocino County's Local Coastal Plan and the Coastal Element Land Use Plan classification is Fishing Village. The site is developed with a 5,925 square foot building on a 0.25 acre parcel that is relatively flat and near sea level elevation. The building is commonly known as the Ice House.

The site is situated in an area of beach deposits and stream alluvium (See attachment *LCP Land Capabilities and Natural Hazards*). South of the site is the Noyo Harbor and Noyo River, which the National Wetlands Inventory classifies as an estuarine and deep water marine. The site has potential for flooding and Tsunami inundation (See attachment *Flood and Tsunami Zones*). Groundwater resources are marginal (See attachment *Ground Water Resources*). The site is located within the Appeal Jurisdiction of the California Coastal Commission (See attachment *Appealable Areas*). This location is within the stormwater permitting zone for the Fort Bragg area (See attachment *Stormwater Permitting Zones*).

**SURROUNDING LAND USE AND ZONING:** The surrounding lands are similarly classified as Fishing Village (See Table 2). Adjacent businesses include fish processing, fish sales, harbor, and charter boat sales.

Table 2. Surrounding Land Use Classification, Zoning District, and Existing Uses				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Fishing Village	Fishing Village	0.36 acres	Coastal-Related Industrial
EAST	Fishing Village	Fishing Village	0.5 acres	Coastal-Dependent Industrial
SOUTH	Fishing Village	Fishing Village	0.12 acres	Coastal-Related Support Services
WEST	Fishing Village	Fishing Village	0.2 acres	Coastal-Dependent Industrial

**PUBLIC SERVICES:**

ACCESS: NOYO HARBOR and NORTH HARBOR (CR 415A) DRIVE  
FIRE DISTRICT: FORT BRAGG RURAL FIRE PROTECTION DISTRICT  
WATER DISTRICT: CITY OF FORT BRAGG  
SEWER DISTRICT: CITY OF FORT BRAGG  
SCHOOL DISTRICT: FORT BRAGG UNIFIED

**LOCAL COASTAL PROGRAM CONSISTENCY**

The proposed land use is consistent with the goals and policies of Mendocino County Local Coastal Program as detailed below:

**Land Use:** The parcel is classified as Fishing Village by the Coastal Element Chapter 4.4 of Mendocino County General Plan (See attachment *General Plan Classifications*). Coastal Element Chapter 2.2 describes the Fishing Village Land Use Classification:

*"To ensure that the limited available space on the flats at Noyo and Albion is reserved for industries that must be on or near the water. Non-priority uses will be permitted to expand only if the foreseeable needs of priority uses will be met."*

Principal Permitted uses in Fishing Village include "fishing and boating uses, including boat mooring, launching, storage, servicing, supply, construction and repair. Conditional uses are additions to existing bars and restaurants; commercial and industrial uses indirectly related to the fishing industry; public and semi-public facilities and utilities subject to availability of public water supply and public sewage disposal systems; electrical transmission and distribution lines (see Policy 3.11-9), natural gas pipeline (see Policy 3.11-5), water dependent recreational uses consistent with the Coastal Element policies [emphasis added]."

Coastal Element Policies for Noyo Harbor include Policy 4.4-1:

*"In order to provide for Noyo Harbor's potential port expansion, development on the flat lands within the harbor area shall be limited to uses which are directly related to the coastal-dependent industries of fishing and boat-building. Recreational boating facilities shall be designed and located so as not to interfere with the needs of the commercial fishing industry. The number of restaurant facilities and housing accommodations on the flats shall be limited to the existing square footage unless it can be clearly shown that a particular parcel or building is not needed by coastal dependent industry. Appropriate sites at the bluff level overlooking the harbor may be utilized for restaurants and other visitor accommodations."*

The proposed *Coastal-Dependent Industrial* land use - manufacturing salmon-distilled vodka - relates directly to local fishing industries within Noyo Harbor and complements existing, local coastal businesses. Other proposed land uses are coastal-dependent, coastal-related, or accessory to permitted land uses in the Fishing Village classification.

Zoning: The intent of the Fishing Village (FV) District is to *"ensure that the limited available space on the flats at Noyo and Albion is reserved for industries that must be on or near the water. Nonpriority uses will be permitted to expand only if the foreseeable needs of the priority uses will be met. Expansion of legal nonconforming low-priority uses may be accomplished as provided in Chapter 20.480 (MCCZC Section 20.392.005)."*

Permitted Uses for the FV District includes *Coastal Commercial Use Types*, such as the proposed *Coastal-Related Support Services*; and *Coastal-Industrial Use Types*, such as *Coastal-Dependent Industrial* (MCCZC Sections 20.392.010(A) and (B)).

*Proposed Permitted uses:*

Pursuant with MCCZC Section 20.392.010 *et seq*, three of the proposed activities would be permitted land uses in the FV District (See Table 1).

- 1 Distillates/ MCCZC Section 20.328.015 *Coastal-Dependent Industrial*. The applicant proposes to manufacture coastal-dependent distillates, including Salmon-infused vodka and brine-aged whisky. This activity is defined as MCCZC Section 20.328.015 *Coastal-Dependent Industrial* land use, as it includes "fish processing when the product is for human consumption."

The activities associated with manufacturing vodka and whisky would occupy the majority of the Ice House floor area (See Table 1 and attached *Floor Plan*). When a lot contains uses which resemble two or more different use types, and which are not classified as accessory uses, a determination of the principal uses would be either that the use (1) occupies the largest area of the parcel or contains the most gross floor area of the site, whichever is greater; (2) exhibits greater intensity of use characteristics, such as traffic and water consumption; or (3) based upon a site analysis, is determined to be the principal use by the Coastal Permit Administrator (See MCCZC Section 20.312.020(C)). Four different use types are proposed and pursuant with MCCZC Section 20.312.020(C)(1) *Coastal-Dependent Industrial* activities would occupy the largest area of the parcel and contains the most gross floor area of the site. The Staff finds distilling and storing salmon-infused vodka or brine-aged whisky to be the principal land use on the Ice House property.

- 2 Fish Smoking/ MCCZC Section 20.328.015 *Coastal-Dependent Industrial*. The applicant proposes to process and smoke fish, a defined *Coastal-Dependent Industrial* land use.
- 3 Charter Office & Ticket Window/ MCCZC Section 20.324.040 *Coastal-Related Support Services*. The applicant proposes to relocate their charter office and ticket window to the Ice House (See attachment *Floor Plan*).

*Proposed Accessory use:*

- 4 Tasting Room/ MCCZC Section 20.324.080 *Food and Beverage Retail Sales*. Accessory to the fish processing and distillery is a proposed tasting room. While MCCZC Section 20.324.080 *Food and Beverage Retail Sales* is not a listed use in the FV District, Staff recommends that the proposed 675 square foot tasting room is ancillary and accessory to the proposed permitted land uses ( See attachment *Floor Plan*).

Conditional Uses for the FV District include MCCZC Section 20.392.015(D) *Coastal Industrial Use Types*, such as *Costal-Related Industrial*.

*Proposed Conditional use:*

Pursuant with MCCZC Section 20.392.015 *et seq*, the proposed storage of fish emulsion and fertilizer would be a conditional land use in the FV District (See Table 1).

- 5 Fish Emulsion & Fertilizer/ MCCZC Section 20.328.010 *Coastal-Related Industrial*.

The applicant proposes to store and distribute fish emulsion and fertilizer, which is a defined MCCZC Section 20.328.010 *Coastal-Related Industrial* land use, because “coastal-related industrial uses include, but is not limited to, fish waste processing and fish processing of product for other than human consumption.” The applicant has applied for the required Coastal Development Use Permit, CDU 2017-0019.

Staff recommends that the business owner and property owner obtain appropriate permits from Environmental Health and Building Division prior to storing or processing fish waste on-site. The property owner shall also maintain a solid waste storage and distribution plan to the satisfaction of Environmental Health and the City of Fort Bragg. Pursuant with MCCZC Section 20.440.005(E), Staff recommends a condition limiting storage of goods and materials to the interior of the building as 2,139 square feet of floor area is proposed for storage and there is limited exterior areas for storing goods and materials.

Pursuant with MCCZC Section 20.308.035(D), a change in the density or intensity of use of land is a defined development type. The Ice House has been vacant and does not meet the criteria of a non-conforming use or non-conforming structure (See MCCZC Chapter 20.480). Therefore, the proposed five land uses require an approved coastal development permit that is included as a part of U\_2017-0019.

*Proposed Development:*

The proposed development meets the minimum yard and building height limitations. Minimum front yards are ten feet and the maximum building height is thirty five feet. MCCZC Chapter 20.472 lists off-street parking requirements. The application satisfies these requirements by proposing ten off-street parking spaces that would be 9 feet x 20 feet (See *Site Plan*). Proposed is the construction of a deck. As proposed, the project satisfies development criteria of Mendocino County Coastal Zoning Code.

Habitats and Natural Resources: The site is adjacent to the Noyo Harbor and Noyo River, which is an estuarine and deep-water marine listed in the National Wetlands Inventory (See attachments *Wetlands* and *LCP Habitats and Resources*). The exhibit LCP Habitats & Resources depicts the area as urbanized with beach and woodland vegetation. There are established cultural barriers between the Ice House property and the wetland, including North Harbor Drive and the wharf (See attachment *Google Earth Aerial Imagery*). PBS did not request technical reports as the developed site is located in an urbanized area and nominal exterior alterations are proposed (e.g. striping off-street parking spaces and restoring exterior building facade, constructing a wood deck).

Visual Resources: The site is not mapped as a Highly Scenic Area.

Hazards Management: The following are not associated with the project site: faults, bluffs and bluff erosion, a fire hazard severity rating, Visual Resources and Special Treatment Areas, and grading.

MCCZC Section 20.500.020(A) *Faults* -- The site is mapped as Zone 2 Marine Terrace Deposits (See attachment *LCP Land Capabilities & Natural Hazards*). The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault zone (Department of Conservation, California Geological Survey). The San Andreas Fault is located more than 5 miles to the west of the project site. The site, as with the rest of Mendocino County, is subject to strong ground shaking.

MCCZC Section 20.500.020(C) *Tsunami* -- The property is mapped within the Tsunami Inundation Zone and is more than 14-feet above the base flood elevations (See attachment *Flood & Tsunami Zones*).

MCCZC Section 20.500.030 *Flood Hazard - Development Standards* -- Flood hazard areas fall within the one-hundred-year flood zone boundaries as mapped by FEMA. The site is not mapped within the one-year-year flood zone. It is mapped as an area of minimal flood hazard or Zone X (See attachment *Flood & Tsunami Zones*). The site is located within the Fort Bragg Stormwater Area (See attachment *Stormwater Permitting Zones*) and building permit applications shall satisfy stormwater area development standards.

Grading, Erosion, and Run-Off: No grading is proposed. There are no mapped landslide occurrences on the Department of Conservation online California Landslide Inventory (Department of Conservation, California Geological Survey, *Landslide Inventory (Beta) 2015*). The subject parcel is not in an area mapped for translational/rotational or debris slides by the California Geological Survey according to maps available from the Department of Conservation Landslide Map Index (Department of Conservation, California Geological Survey).

Archaeological/Cultural Resources: For small projects, such as the proposed re-use of the Ice House, Planning and Building Services' procedure is to not refer the projects to either California Historic Resource Information Center (CHRIS) or Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Archaeological Commission in 2005 and again in 2014. It was determined to be an appropriate guidance document for what projects would require archaeological review. The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. As of this date, no response has been received from the three local tribes.

Staff notes that a condition advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, Staff recommends the project as consistent with Mendocino County policies for the protection of the paleontological and archaeological resource.

Groundwater Resources: The project site is located within a mapped Marginal Water Resource Area (See attachment *Ground Water Resources*). The proposed distillery and other proposed land uses would have water and sewer connections to the City of Fort Bragg public works. On April 2, 2018, the project was referred to the City of Fort Bragg and on April 17, 2018, the Public Works Department requested three conditions for consideration:

- 1 *A Wastewater Discharge Agreement*: Title 14.16 of the City of Fort Bragg Municipal Code state no pollutants shall be introduced in the sanitary sewer works and establishes maximum allowable concentrations for potentially toxic materials. This code section details allowable thresholds for toxic materials, prohibits pollutants which may affect pH and establishes limitations to oxygen demanding pollutants (BOD, etc.). The purpose of the discharge agreement will be to establish sampling requirements and monitor effluent wastewater to ensure it meets the district treatment standards. Applicant must show processes achieve performance standards. Monitoring may be required for any discharge location connected to the City's wastewater treatment including: a. effluent from the distilling process; b. process area wash down; c. mop sinks; and d. any sloped floor areas for catch basin or floor drains (this includes the storage/warehousing where fish emulsion is stored if floor drains are connected to waste water system).
- 2 *Require Backflow Device*: A backflow device will be required on all water connections. A double check Detector Assembly will be required for any dedicated fire suppression line(s). A Reduced Pressure Zone backflow device will be required for primary service line for industrial process water. The location of the backflow device(s) shall be determined during the building permit application process. A backflow prevention packet will be provided to the applicant for installing appropriate devices.

- 3 *Payment of Connection, Water Capacity, and Sewer Capacity Fees:* An estimate of the fees due will be prepared for the client, upon receipt of the building permit application. A copy of these fees will be made available to the County, as fees must be paid prior to final building permit.
- a. Connection: If a new lateral or upsized lateral is required to supply water services to the facility, a cost will be incurred based on the current connection fees described in the City's fee schedule.
  - b. Water Capacity Fees: A water capacity fee will be applied to each of the proposed uses by area.
  - c. Sewer Capacity Fees: A sewer capacity fee will be applied to each of the proposed uses by area.

Transportation/Circulation: The project would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from the proposed land uses were considered when the Coastal Element land use classifications were assigned. Staff recommends the project would not impact transportation or circulation and would be provided with adequate access. On April 2, 2018, the project was referred to the Department of Transportation. They responded recommending conditional approval and requesting two conditions that would require construction of a standard commercial road approach to North Harbor Drive (CR 415A) and require obtaining an encroachment permit from the Department of Transportation for any work within the County rights-of-way.

Public Access: The site is located on North Harbor Drive, which is proposed for shoreline access (See attachment *LCP Land Use Map 14: Beaver*).

Environmental Determination: The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the proposed meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 1(d), Section 15301, which reads in part "Restoration or rehabilitation of deteriorated or damaged structures ... ."

### **RECOMMENDATION**

By resolution, the Planning Commission grant Coastal Development Use Permit U\_2017-0019 for the Project, as proposed by the applicant, based on the facts and findings and subject to the Conditions of Approval.

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DATE

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JULIANA CHERRY  
PLANNER III

Appeal Period: 10 Days  
Appeal Fee: \$1,616.00

### **ATTACHMENTS:**

- |  |                                |
|--|--------------------------------|
| A. Location Map                            | J. LCP Habitats and Resources  |
| B. Google Earth Aerial Imagery             | K. Appealable Areas            |
| C. Site Plan Proposed                      | L. Adjacent Parcels            |
| D. Site Plan Existing                      | M. Flood & Tsunami Zones       |
| E. Floor Plan                              | N. Ground Water Resources      |
| F. Zoning Display Map                      | O. Stormwater Permitting Zones |
| G. General Plan Classifications            | P. Wetlands                    |
| H. LCP Land Use Map 14: Beaver             | Q. Five Year Business Plan     |
| I. LCP Land Capabilities & Natural Hazards |                                |

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

Planning (Ukiah)	No Response
Department of Transportation	Recommend conditional approval
Environmental Health (FB)	No Response
Building Inspection (FB)	Recommend conditional approval
Assessors	No Response
County Water Agency	No Response
US Fish & Wildlife Service	No Response
State Clearinghouse	No Response
Department of Fish & Wildlife	No Response
Department of Forestry and Fire Protection	No Response
Albion Little River Fire District	No Response
California Coastal Commission	No Response
RWQCB	No Response
Army Corp of Engineers	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Comment
Sherwood Valley Band of Pomo Indians	No Response
Fort Bragg School District	No Comment
City of Fort Bragg - Public Works	Comment

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A)**

**REFERENCES:**

Coastal Element Chapter 4.4, *The County of Mendocino General Plan*. Ukiah, CA. 1991.

Division II of Title 20 of the Mendocino County Code (MCCZC). Ordinance No 3785. Adopted 1991.

Letter from Wynn Coastal Planning to Juliana Cherry and revised application submittal including five-year business plan. February 14, 2018.

Memorandum from City of Fort Bragg Public Works, Chantell O'Neal to Juliana Cherry. April 17, 2018.

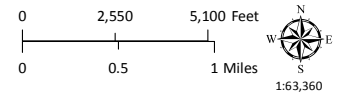
Memorandum from Department of Transportation, Amber Muñoz to Juliana Cherry. April 12, 2018.





CASE: CDU 2017-0019  
 OWNER: SCHNAUBELT, John  
 APN: 018-140-48  
 APLCT: John Schnaubelt  
 AGENT: Blair Foster  
 ADDRESS: 32425 N. Harbor Drive, Fort Bragg

- Major Towns & Places
- City Limits
- Major Rivers
- Highways
- Railroads



LOCATION MAP

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

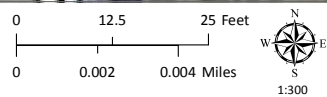




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

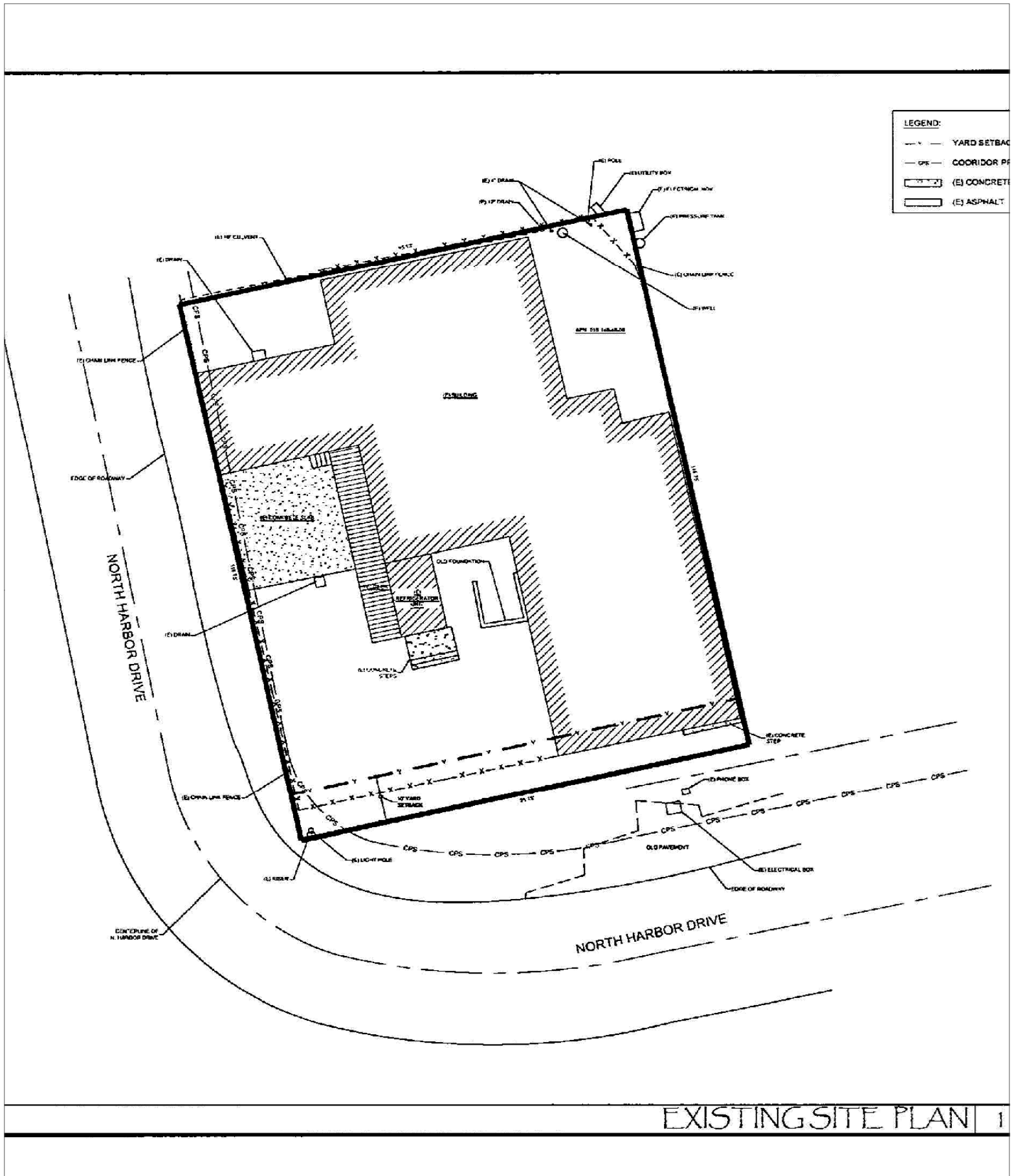
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Public Roads



GOOGLE EARTH AERIAL IMAGERY

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EXISTING SITE PLAN | 1

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NO SCALE

SITE PLAN

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**LEGEND:**

---	YARD SETBACK
---	COORIOOR PRE
---	(E) CONCRETE
---	(E) ASPHALT
---	(P) CONCRETE
---	(P) ASPHALT OR

**PROPOSED PARKING INCLUDES:**  
 9- 9' x 18' PARKING SPACES  
 1- 10' x 18' PARKING SPACE  
 1- 5' x 18' ADA ACCESSIBLE AISLE

**RECEIVED**

OCT 31 2017

PROPOSED SITE PLAN | 1

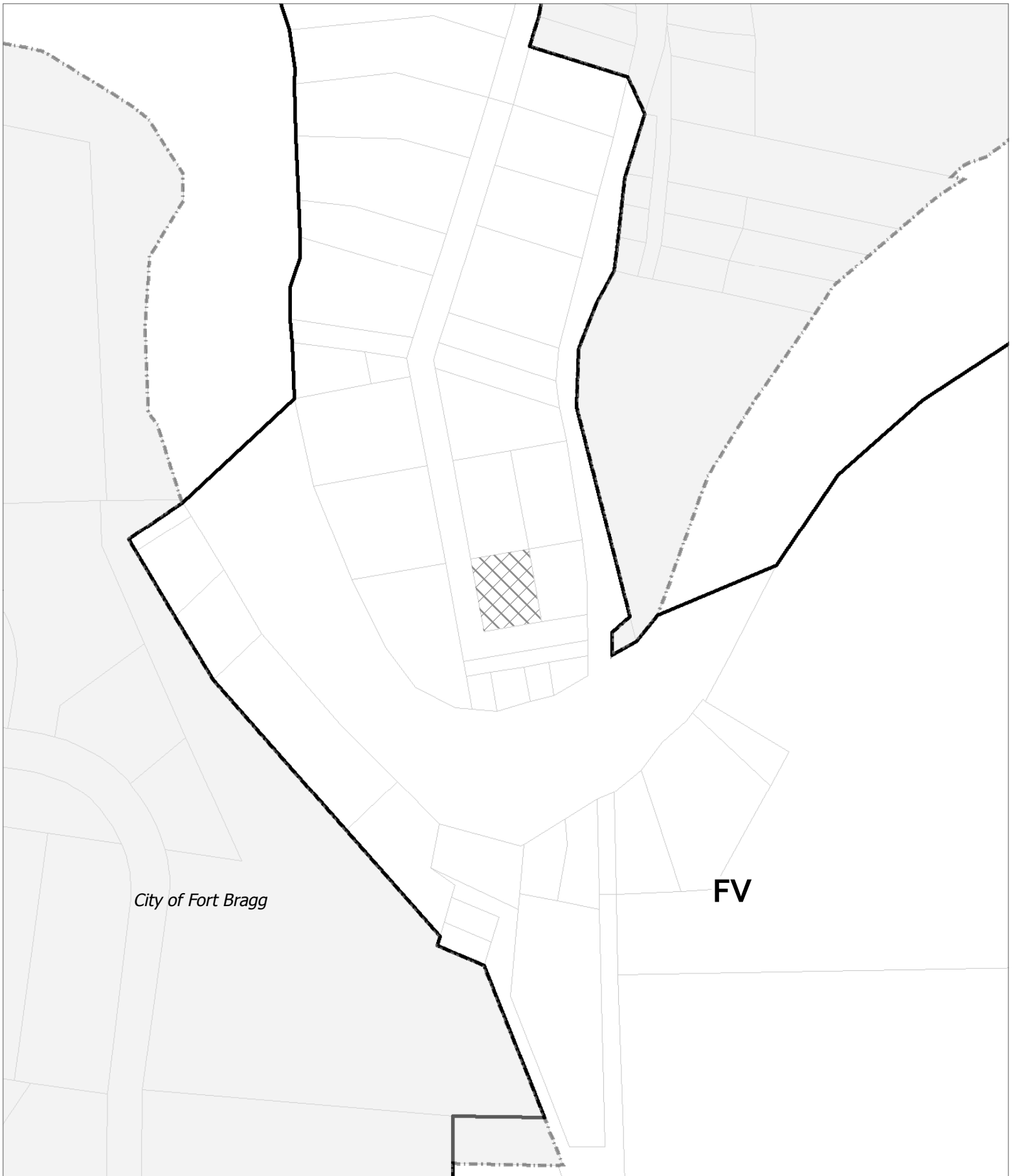
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NO SCALE

SITE PLAN

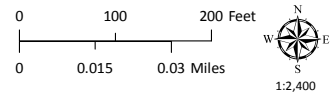
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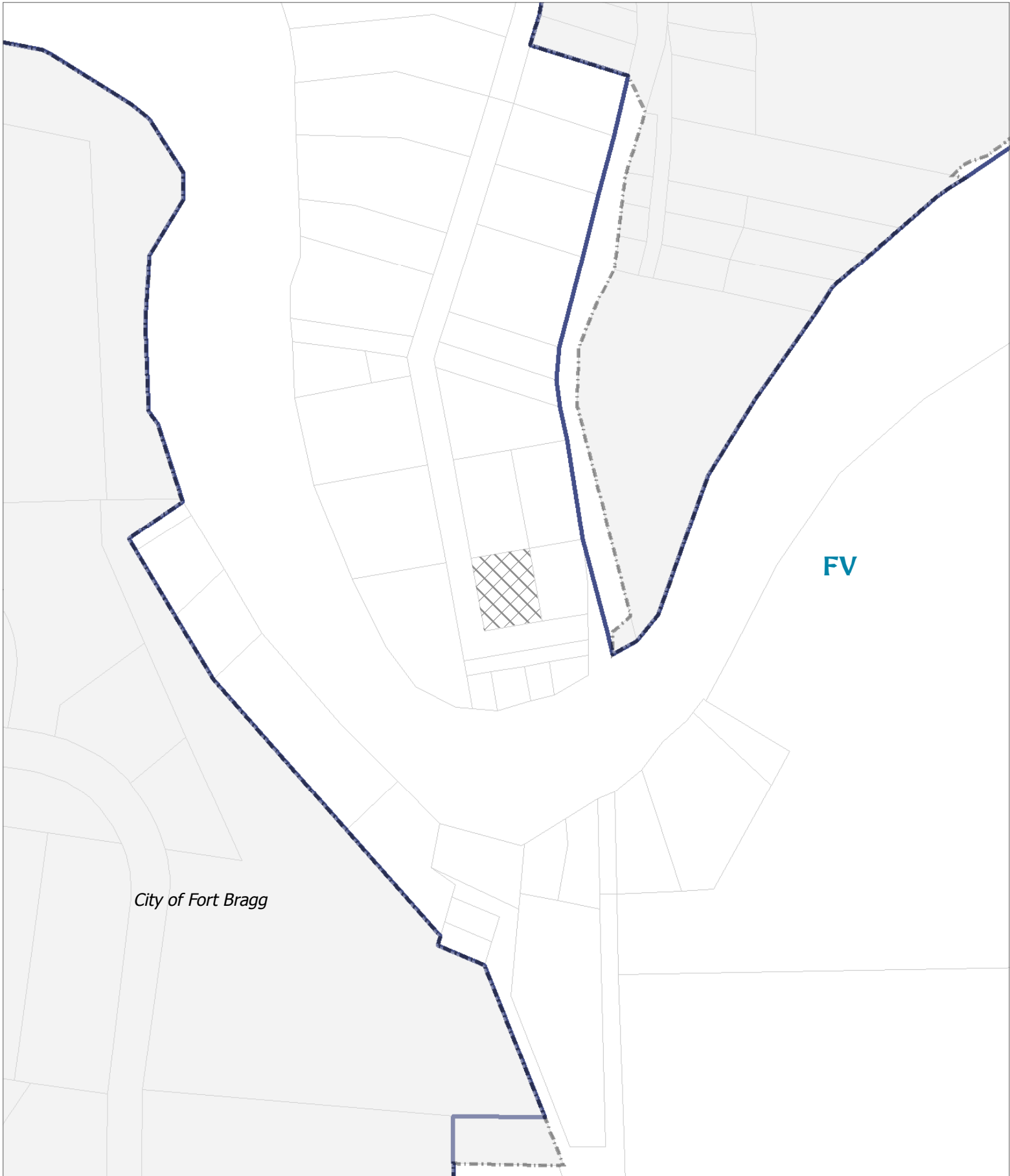
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AGENT: **Blair Foster**  
ADDRESS: **32425 N. Harbor Drive, Fort Bragg**

 City Limits  
 Zoning Districts





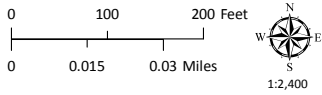
**ZONING DISPLAY MAP**

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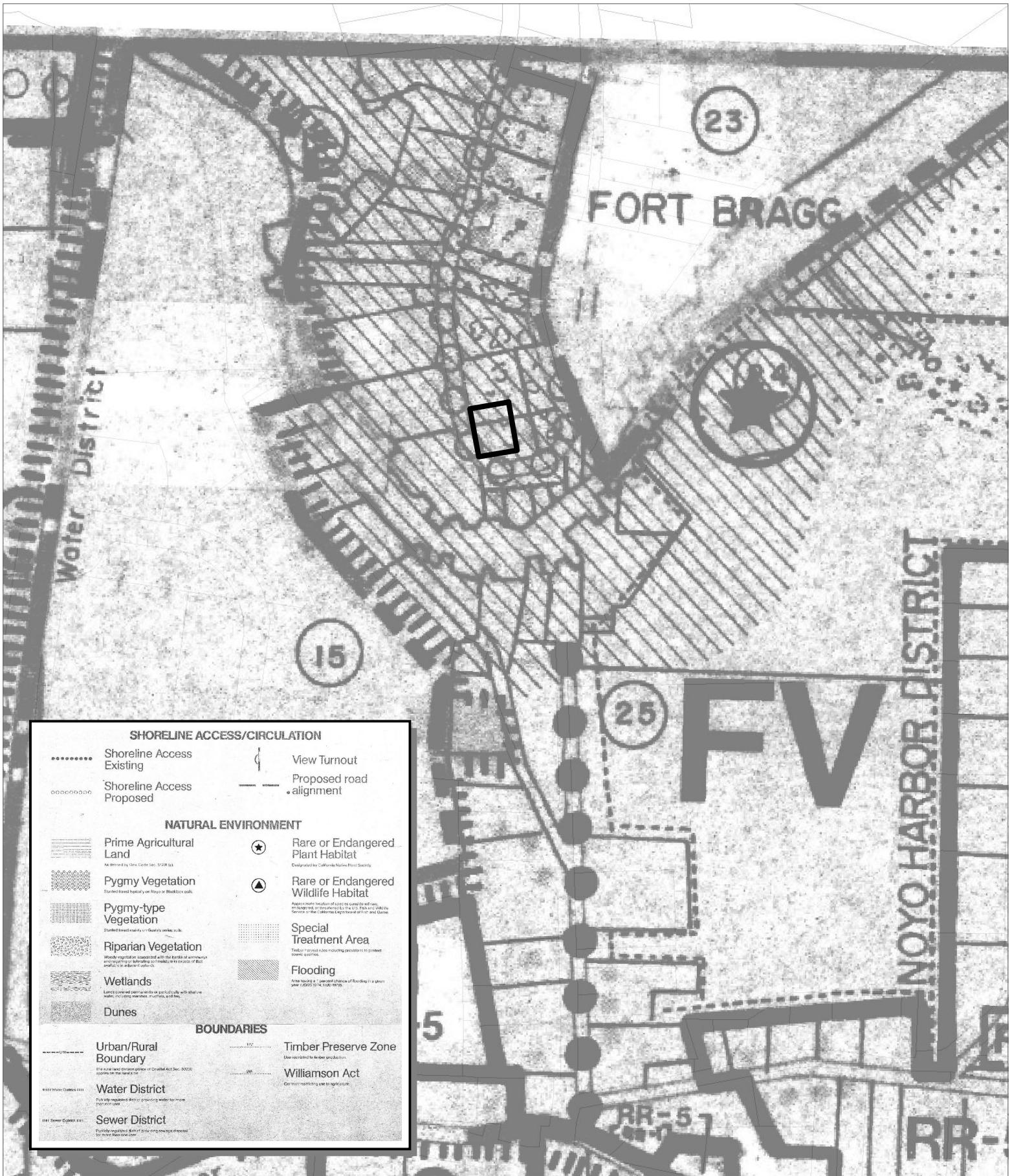
-  City Limits
-  General Plan Classes



**GENERAL PLAN CLASSIFICATIONS**

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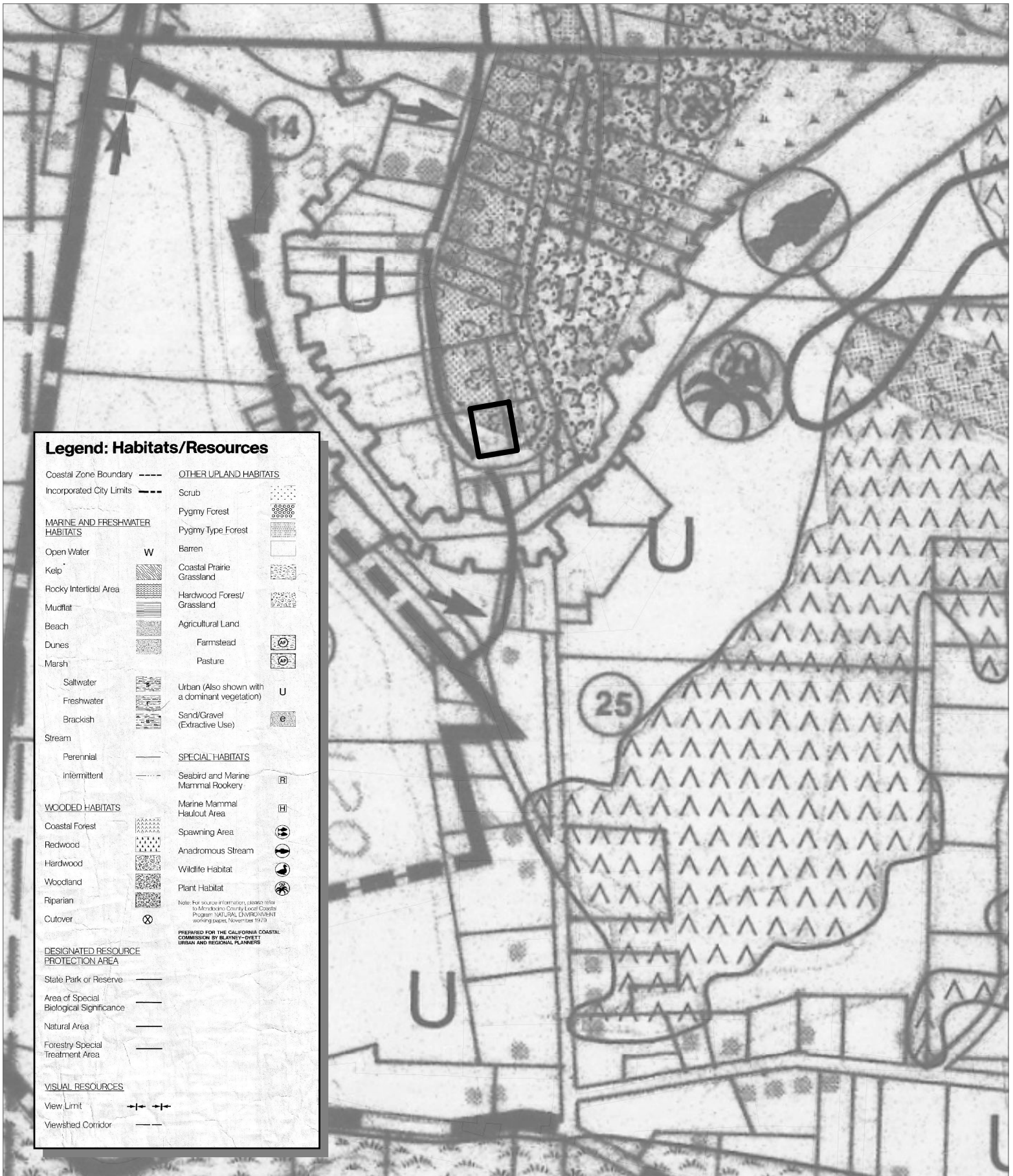


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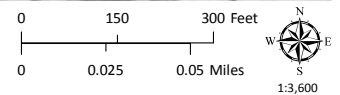
LCP LAND USE MAP 14: BEAVER

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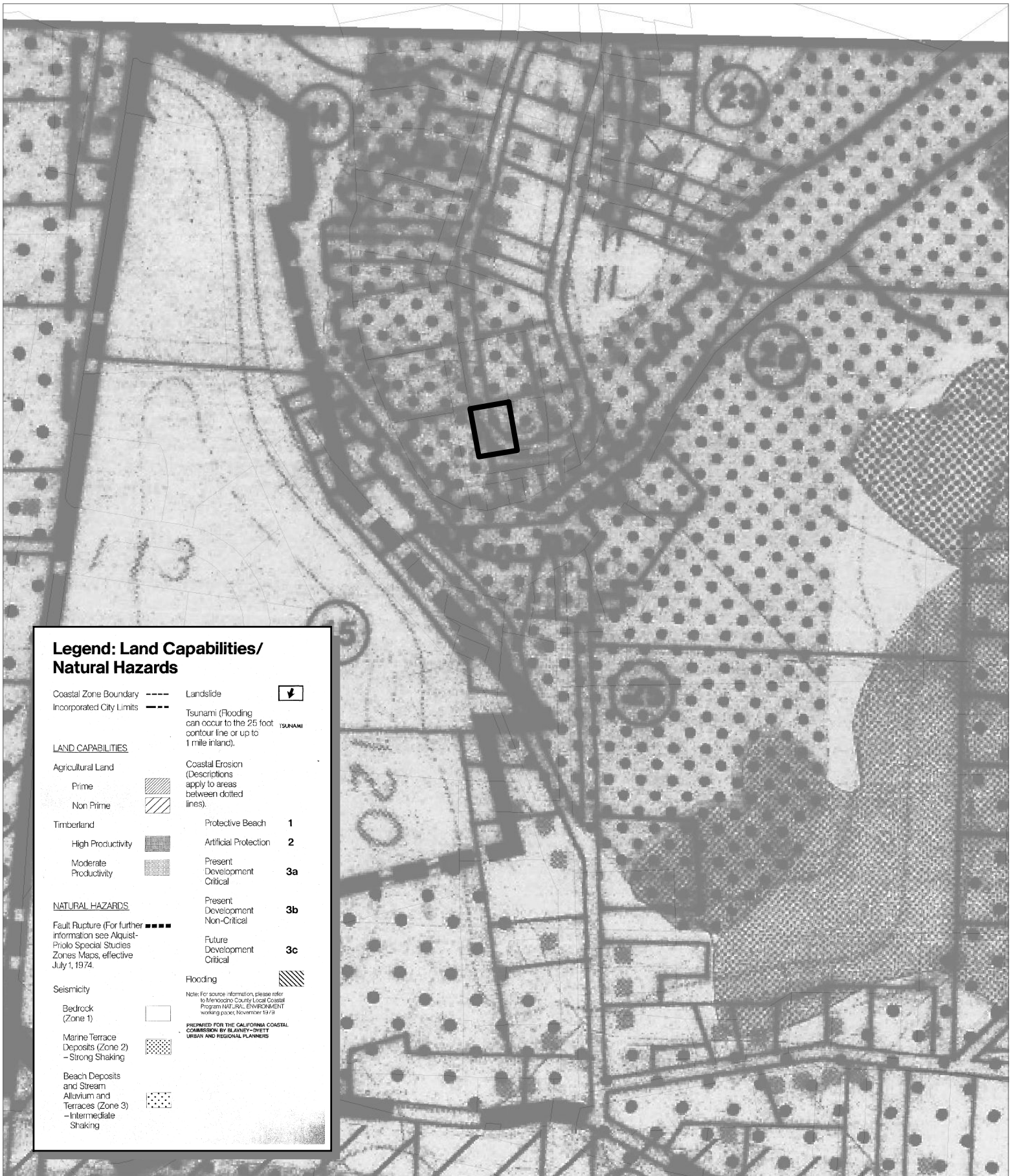
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 ADDRESS: 32425 N. Harbor Drive, Fort Bragg



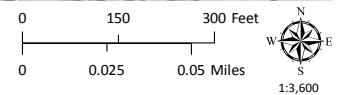
LCP HABITATS & RESOURCES

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**DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**





CASE: CDU 2017-0019  
OWNER: SCHNAUBELT, John  
APN: 018-140-48  
APLCT: John Schnaubelt  
AGENT: Blair Foster  
ADDRESS: 32425 N. Harbor Drive, Fort Bragg

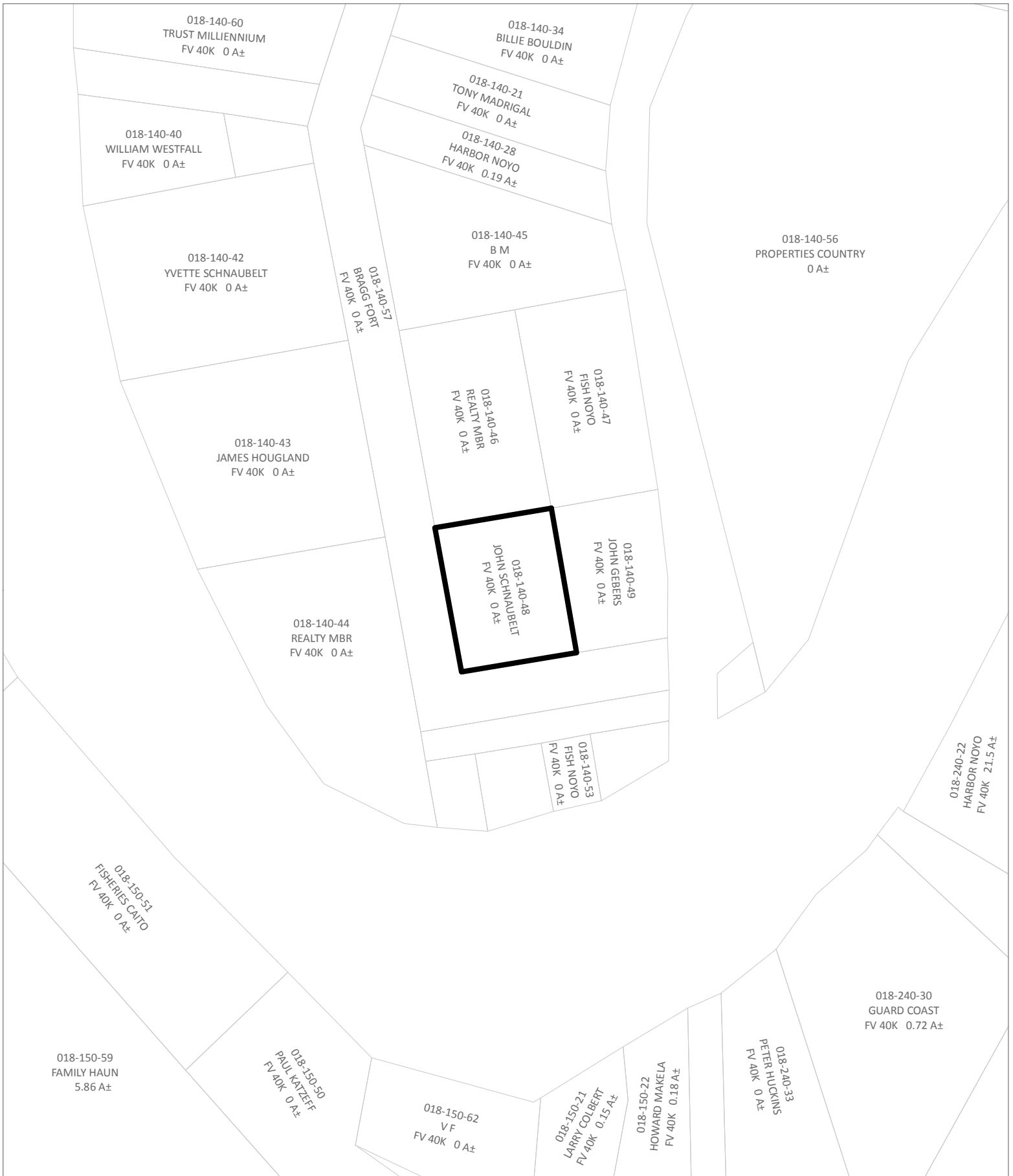


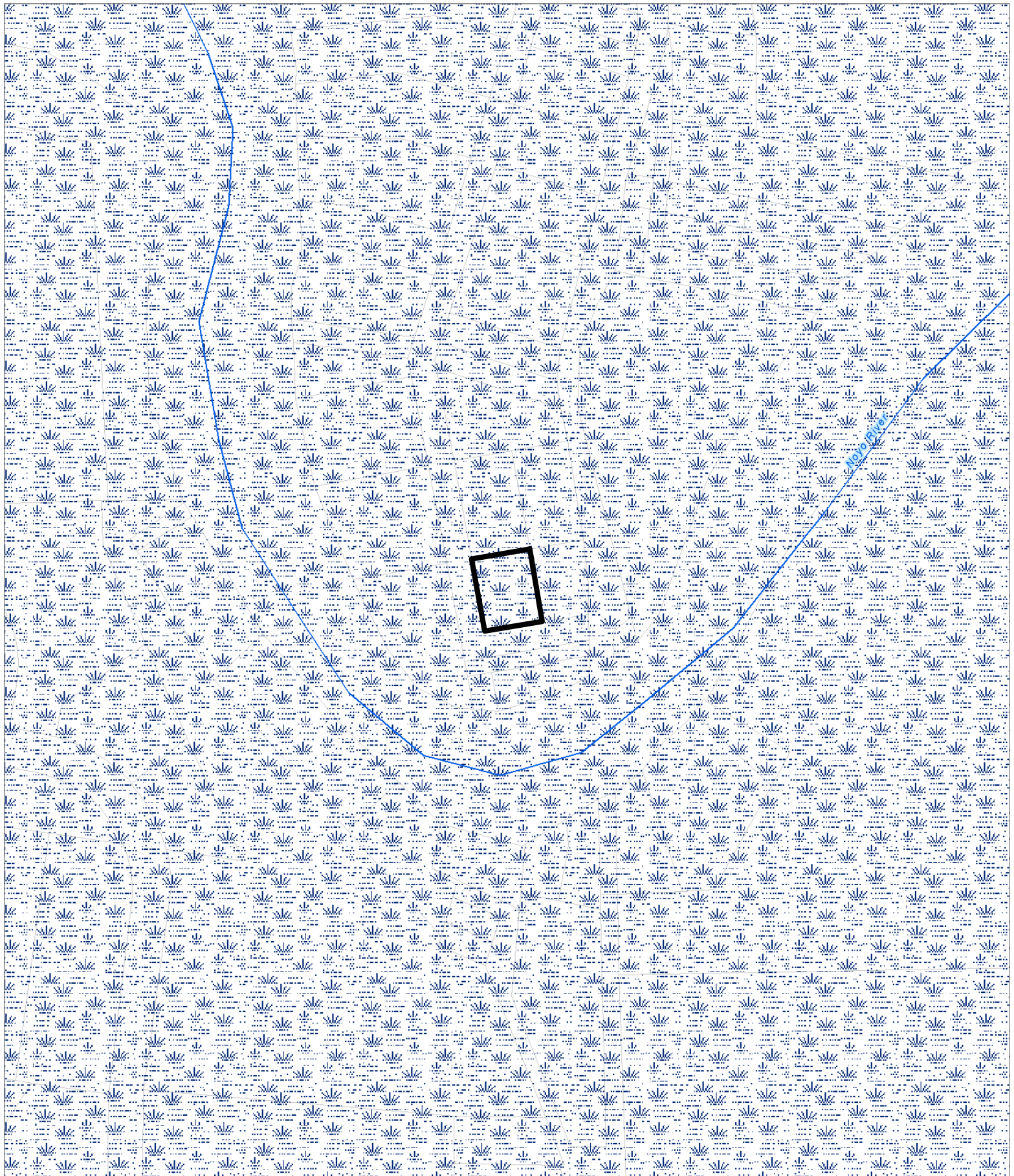
LCP LAND CAPABILITIES & NATURAL HAZARDS

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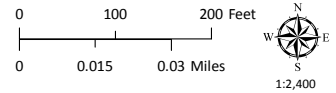






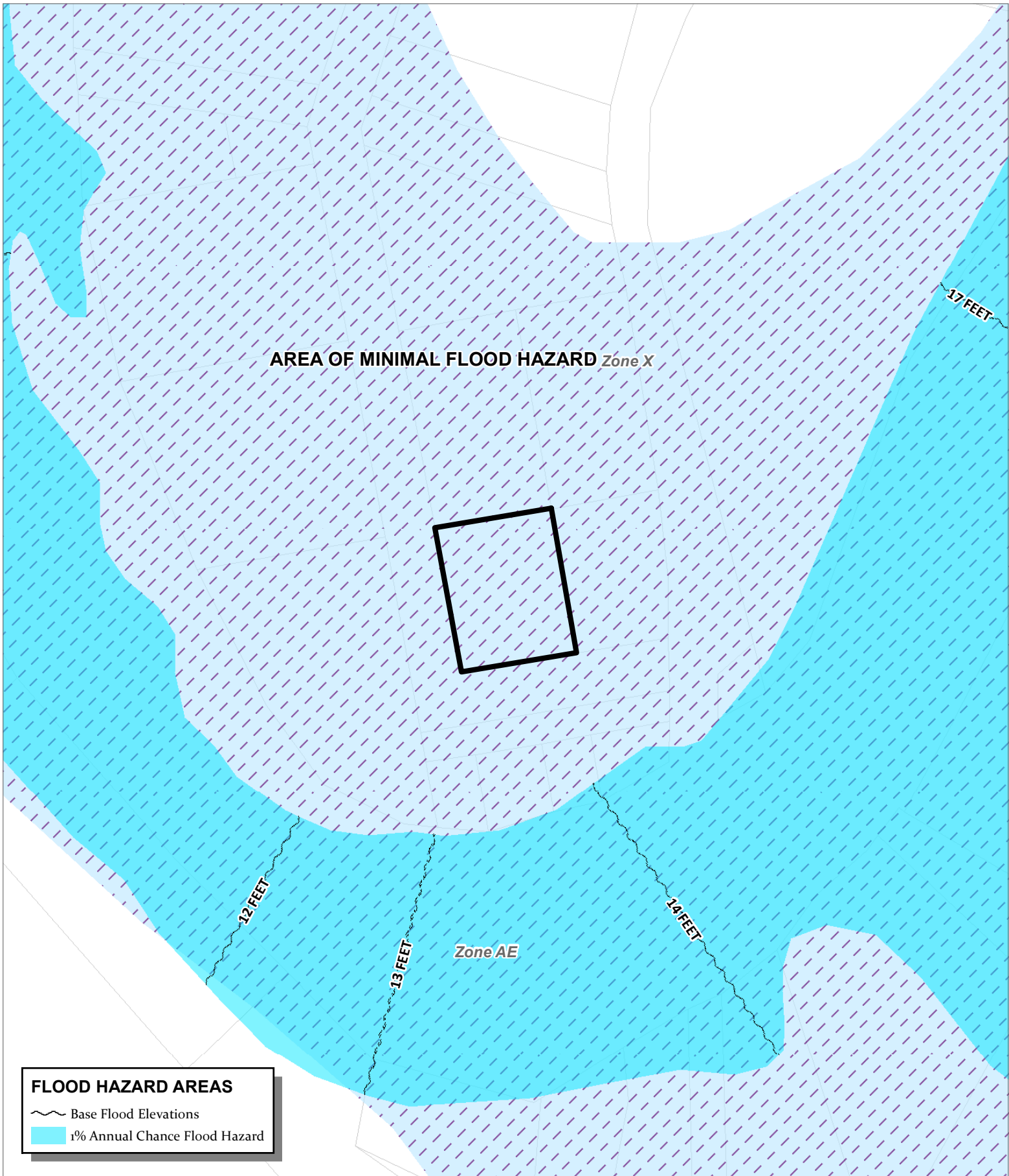
CASE: **CDU 2017-0019**  
OWNER: **SCHNAUBELT, John**  
APN: **018-140-48**  
APLCT: **John Schnaubelt**  
AGENT: **Blair Foster**  
ADDRESS: **32425 N. Harbor Drive, Fort Bragg**

 **Named Rivers**  
 **Marginal Water Resources**



**GROUND WATER RESOURCES**

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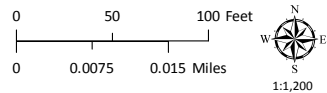


**FLOOD HAZARD AREAS**

- Base Flood Elevations
- 1% Annual Chance Flood Hazard

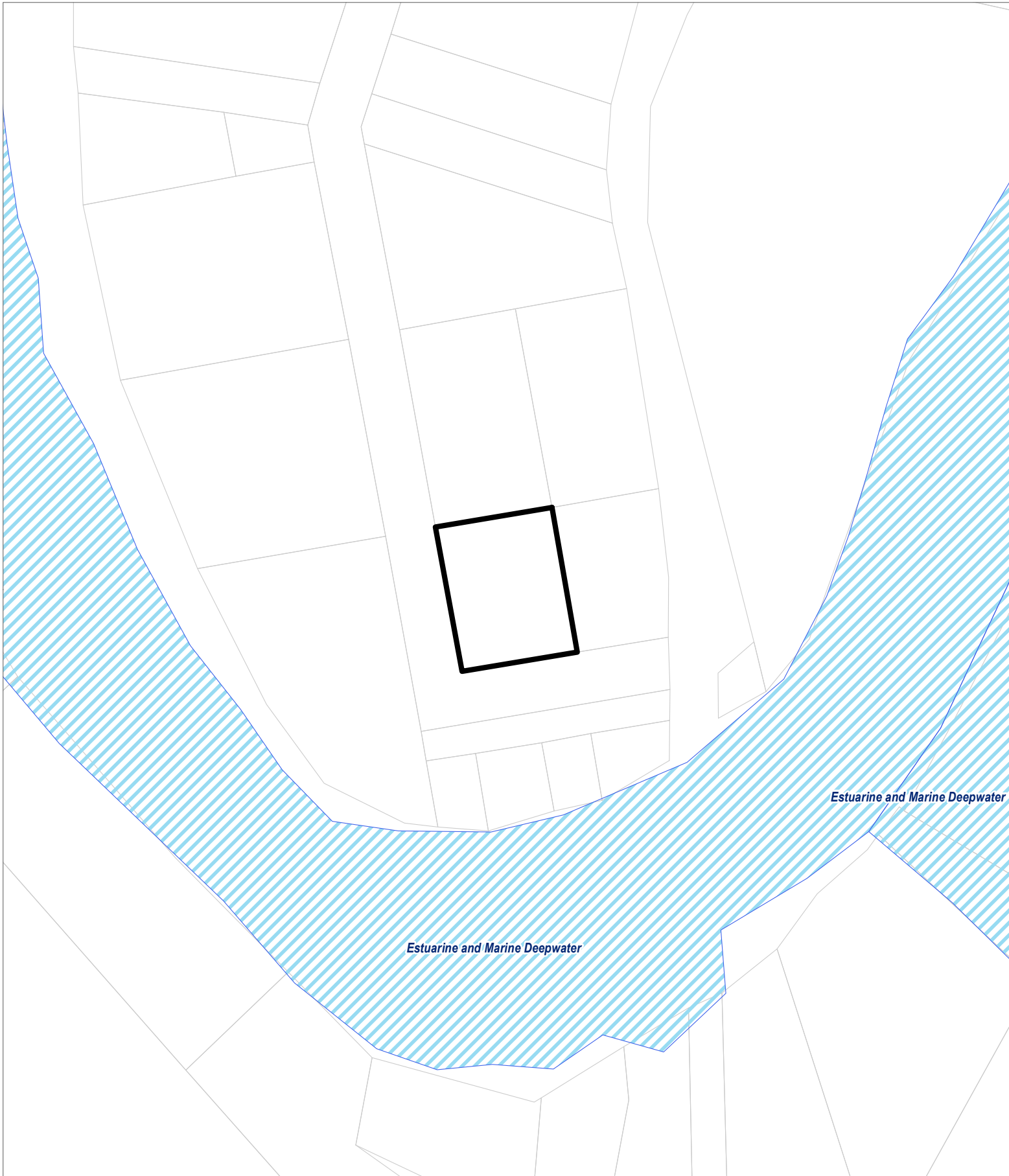
CASE: CDU 2017-0019  
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Tsunami Inundation Zones



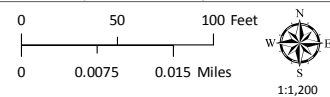
FLOOD & TSUNAMI ZONES

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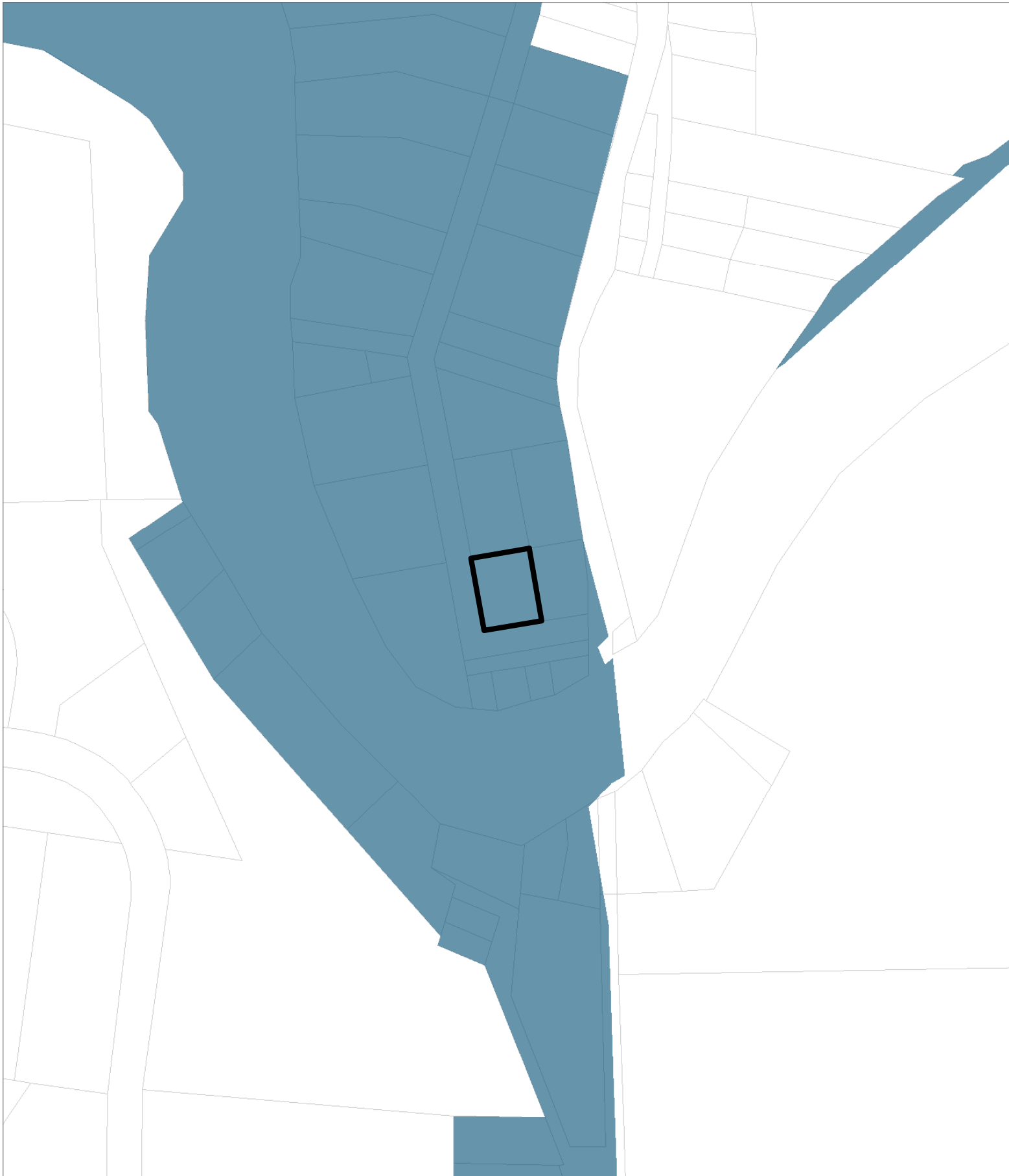
 National Wetlands Inventory



**WETLANDS**

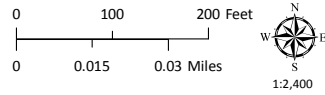
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CASE: CDU 2017-0019  
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 Fort Bragg Stormwater Areas



STORMWATER PERMITTING ZONES

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**John Schnaubelt  
The Ice House  
5-Year Business Plan****June 30, 2017, revised February 8, 2018****RECEIVED****FEB 15 2018****Vision****PLANNING & BUILDING SERV  
FORT BRAGG CA**

**The vision for the historic property that is commonly referred to as "The Ice House" is to create a space that houses four businesses.**

The vision for this parcel, commonly referred to as the Ice House, has four business components that will reside with in the space; all drawing on its proximity to the harbor location that emphasizes and utilizes enjoyment, and absorbs influences of the Noyo Harbor.

**Elements of our 5-year vision**

- Restore and refurbish building and grounds of lands commonly known as The Ice House, at the bottom of the hill, where North Harbor Drive meets the Harbor. The abandoned building has lay fallow since the mid-1970s and is in dire need of attention before passing the line requiring it to be torn down and replaced.
- Establish three new businesses in the, what is now, the largely derelict business district of the Harbor. In addition to the establishment of the new businesses, the Ice House will be the warehouse for the already existing and successful Sea Pal Fish Fertilizer. The Ice House building is on the corner of southwest Noyo Harbor Drive. The building has been abandoned and uninhabited since 1974. Prior to that date the Ice House was a cornerstone of the Harbor fishing community.
- All four-business models are coastal water dependent entities:
  - #5 1. **Ticket office for Whale watching excursions** leaving Noyo Harbor on vessel owned and operated by the Schnaubelt family, owners of the Ice House property. (Coastal Related Support Services; approximately 234 square feet)
  - #1 2. **Distillery** that will produce whisky aged in the harbor that will impart the character of the sea much as the Scottish island whiskies. There is a long established history of the direct influence of maritime air on whisky and distilled liquor. The distillery will also be producing

salmon-flavored vodka, similar to what has been introduced to the market by the Alaska Distillery. The whisky will require aging, while the the vodka will be able to be produced and available in a short period, as it requires no aging period (Coastal Dependent Industrial ; Using approximately 1,606 sq feet and 1,033 square feet of barrel storage and warehousing of goods )

#4 ~~B~~ **Build and operate a facility to smoke fish.** (Coastal Dependent Industrial; approximately 459 square feet)

#2 ~~A~~ **Wholesaling storage and distribution center** for already successful harbor business, **Sea Pal Fish fertilizer**, which utilizes fish emulsion from the Noyo harbor fishing industry. (Coastal Dependent Industrial; 1,106 square feet)

- The building will also house an office and 2 bathrooms, as well as spece for a tasting room/ retail space in the future
- Obviously, it is vital for all these businesses to be located on or near the water as they are all dependent on coastal waters for their success.
- Restoration of grounds
- Restoration of buildings and surrounding infrastructure
- Clean up of parcel that has suffered neglect and decay for decades
- Implementation of land practices that limit negative impact and improve current conditions.

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FEB 15 2018

PLANNING & BUILDING SERV  
FORT BRAGG CA

**RECEIVED****FEB 15 2018****PLANNING & BUILDING SERV  
FORT BRAGG CA****Year 1:**

- Formalize businesses with permits and licenses
- Insurance
- Permit and build infrastructure for all business
- Emergency systems
- Web design
- Financing
- Start installation of distillery operations; start distilling if possible (salmon flavored vodka)
- Installation of fish smoker
- Wholesale distribution and storage warehousing for established harbor business, Sea Pal Fish Emulsion and fertilizer

**Year 2:**

- Open relocated ticket window for charter fishing boat
- Formalize plans for distillery
- ABC licensing
- Finish build out for distillery
- Continue fish smoking operation, sales in both retail and wholesale markets
- Commence distilling white beverages (salmon flavored vodka)
- Expand distilling operations to include Whisky and Bourbon to be aged to illuminate and impart sea character and brine quality

**Year 3:**

- Continue, and refine as necessary, fish smoking operation

Continue, and refine as necessary, ticket operation for charter fishing boat

**Year 4:**

- Storage of whisky in barrel for continued aging and accent of sea quality
- Consideration and feasibility of tasting room for smoked fish and distilled beverages.
- Licensing for tasting room
- Permits for tasting room

**Year 5:**

- Feasibility analysis for expansion and additional charter boats
- Release of first barrel-aged, sea-infused whisky
- All aspects of the three businesses open and running at profit

**Staffing Needs**

- Each of the three businesses will employ one employee initially to manage and coordinate initiation of the businesses.
- As businesses grow and demand expands, staffing will expand in direct correlation.
- All businesses will hire locally, creating new employment opportunities and income to local residents.

In summation, all businesses will be coastal water dependent, encourage business in the Harbor district, which is in dire need of such efforts. This renovation and revitalization of the historic Ice House will be an improvement in all aspects to the entire Noyo Harbor District and Ice House specifically.

**RECEIVED****FEB 15 2018****PLANNING & BUILDING SERV  
FORT BRAGG CA**

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

County of Mendocino  
Ukiah, California  
June 21, 2018

U\_2017-0019 - JOHN SCHNAUBELT

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION AND GRANTING A COASTAL DEVELOPMENT USE PERMIT FOR A DISTILLERY, TASTING ROOM, OFFICE, BOAT CHARTER TICKET SALES, AND FISH FERTILIZER STORAGE.

WHEREAS, the applicant, JOHN J SCHNAUBELT, filed an application for a COASTAL DEVELOPMENT USE PERMIT with the Mendocino County Department of Planning and Building Services to repurpose the Ice House and proposing Coastal-Dependent Industrial land use (producing Salmon-infused vodka, brine-aged whisky, and smoked fish); Coastal-Related Industrial land use (warehousing fish emulsion and fertilizer); Food and Beverage Retail Sales land use; and Coastal-Related Support Services land use (boat charter office and ticket window), and proposing construction of a deck on land located In Coastal Zone, in Noyo Harbor, 0.5± mile south of the intersection of Hwy. 1 (SH 1) and North Harbor Dr. (CR 415A), located at 32425 N Harbor Dr., Fort Bragg (APN: 018-140-48); General Plan FV:U; Zoning FV:40K/FP.; Supervisorial District 4; (the "Project"); and

WHEREAS, a CATEGORICAL EXEMPTION was prepared for the Project and noticed and made available for agency and public review on June 7, 2018 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, 06/21/2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the CATEGORICAL EXEMPTION and the Project. All interested persons were given an opportunity to hear and be heard regarding the CATEGORICAL EXEMPTION and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the CATEGORICAL EXEMPTION and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings:

1. Pursuant with MCCZC Section 20.532.095(A)(1) and MCZC Section 20.196.020(A), the proposed development is in conformity with the certified Mendocino Local Coastal Plan, including the General Plan's Coastal Element Chapter 2.2 and the intent of the Fishing Village Land Use Classification; and the General Plan's Coastal Element Chapter 4.4 and its Policy 4.4.1, in that the proposed land uses are directly related to the coastal-dependent fishing industries in Noyo Harbor; and
2. Pursuant with MCCZC Section 20.532.095(A)(2) and MCZC Section 20.196.020(B), the proposed development and land uses, as conditioned, would be provided with adequate utilities, access roads, drainage and other necessary facilities as they are located where public services are available; and
3. Pursuant with MCCZC Section 20.532.095(A)(3) and MCZC Section 20.196.020(D), the proposed development and land uses are consistent with the purpose and intent of the Fishing Village District, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and

4. Pursuant with MCCZC Section 20.532.095(A)(4), the proposed development and land uses, if constructed and operated in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and would be categorically exempt; and
5. Pursuant with MCCZC Section 20.532.095(A)(5), the proposed development and land uses would not have any adverse impacts on any known archaeological or paleontological resource; and
6. Pursuant with MCCZC Section 20.532.095(A)(6), Other services, including but not limited to, solid waste, public roadway capacity and proof of an adequate water supply pursuant to Chapter 20.516 have been considered and are adequate to serve the proposed development and land uses; and
7. Pursuant with MCCZC Section 20.532.095(B)(1), the proposed development is located adjacent to the shoreline of Noyo Harbor and Noyo River and 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; and
8. Pursuant with MCZC Section 20.196.020(C), as conditioned, the proposed development and land uses ensure that they would not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the Noyo Harbor, or be detrimental or injurious to property and improvements in the Noyo Harbor or to the general welfare of the county.

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: VICTORIA DAVIS  
Commission Services Supervisor

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

BY: IGNACIO GONZALEZ  
Interim Director

MADELIN HOLTKAMP, Chair  
Mendocino County Planning Commission

\_\_\_\_\_

\_\_\_\_\_

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL COASTAL DEVELOPMENT USE PERMIT CDU\_2017-0019 JUNE 21, 2018**

#### **U\_2017-0019 - JOHN SCHNAUBELT**

A Coastal Development Use Permit allowing the Ice House located in Noyo Harbor to be repurposed with five land uses: Coastal-Dependent Industrial (producing Salmon-infused vodka, brine-aged whisky, and smoked fish); Coastal-Related Industrial (warehousing fish emulsion and fertilizer); Food and Beverage Retail Sales; and Coastal-Related Support Services (boat charter office and ticket window) and allowing the construction of a deck.

**CONDITIONS OF APPROVAL:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code (MCCZC) and pursuant to the provisions of Chapter 20.196 of the Mendocino County Zoning Code - Division I (MCC), the Planning Commission approves the proposed project and adopts the following findings and conditions.

#### **FINDINGS:**

1. Pursuant with MCCZC Section 20.532.095(A)(1) and MCZC Section 20.196.020(A), the proposed development is in conformity with the certified Mendocino Local Coastal Plan, including Coastal Element Chapter 2.2 and the intent of the Fishing Village Land Use Classification; and Coastal Element Chapter 4.4 and its Policy 4.4.1, in that the proposed land uses are directly related to the coastal-dependent fishing industries in Noyo Harbor; and
2. Pursuant with MCCZC Section 20.532.095(A)(2) and MCZC Section 20.196.020(B), the proposed development and land uses, as conditioned, would be provided with adequate utilities, access roads, drainage and other necessary facilities as they are located where public services are available; and
3. Pursuant with MCCZC Section 20.532.095(A)(3) and MCZC Section 20.196.020(D), the proposed development and land uses are consistent with the purpose and intent of the Fishing Village District, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. Pursuant with MCCZC Section 20.532.095(A)(4), the proposed development and land uses, if constructed and operated in compliance with the Conditions of Approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act and would be categorically exempt; and
5. Pursuant with MCCZC Section 20.532.095(A)(5), the proposed development and land uses would not have any adverse impacts on any known archaeological or paleontological resource; and
6. Pursuant with MCCZC Section 20.532.095(A)(6), Other services, including but not limited to, solid waste, public roadway capacity and proof of an adequate water supply pursuant to Chapter 20.516 have been considered and are adequate to serve the proposed development and land uses; and
7. Pursuant with MCCZC Section 20.532.095(B)(1), the proposed development is located adjacent to the shoreline of Noyo Harbor and Noyo River and 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; and

8. Pursuant with MCZC Section 20.196.020(C), as conditioned, the proposed development and land uses ensure that they would not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the Noyo Harbor, or be detrimental or injurious to property and improvements in the Noyo Harbor or to the general welfare of the county.

**STANDARD CONDITIONS:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.536.010 of the Mendocino County Coastal Zoning Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date (June 21, 2020).
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. *Term:* Coastal Development Use Permit U\_2017-0019 shall be granted for a term of ten years. On or before June 21, 2028, the person holding U\_2017-0019 shall apply for a renewal of said permit if the



use is to be continued beyond June 21, 2028. Applications for renewal shall be submitted in compliance with MCCZC Section 20.532.025.

10. *Amendment:* Amendments to Coastal Development Use Permit U\_2017-0019 shall be granted pursuant with MCCZC Section 20.536.020 *Application for Permit Amendment*.
11. *Revoke or modify:* Coastal Development Use Permit U\_2017-0019 may be revoked or modified for cause as provided by the provisions of MCCZC Section 20.536.030. The modification of a permit may include the modification of the terms of U\_2017-0019, alteration or imposition of new conditions pursuant with MCCZC Sections 20.532.030 and 20.536.010.
12. *Food and Beverage Retail Sales:* On site food preparation or service shall be limited to processing coastal-dependent distillates and smoked fish.
  - a. Seating shall be limited to the Tasting Room area and seating capacity determined by the Fire Marshal and Chief Building Official.
  - b. Tasting Room hours shall be limited to 9:00 AM - 8:00 PM, which is similar to other local Food and Beverage Retail Sales land uses.
13. Prior to final inspection by the Building Division, the property owner shall furnish a letter to the Department of Planning and Building Services from the Division of Environmental Health *and* the City of Fort Bragg Public Works that all the requirements and conditions have been met for the issuance of the permit to operate the tasting room.
14. Ten off-street parking spaces shall be provided on-site with minimum 9 feet by 20 feet dimensions.
15. Standard commercial road approaches shall be constructed at each proposed connection to North Harbor Drive (CR 415A) in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
16. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
17. *Wastewater Discharge Agreement Required:* Title 14.16 of the City of Fort Bragg Municipal Code states no pollutants shall be introduced in the sanitary sewer works and establishes maximum allowable concentrations for potentially toxic materials. This code section details allowable thresholds for toxic materials, prohibits pollutants which may affect pH and establishes limitations to oxygen-demanding pollutants (BOD, etc.). The purpose of the discharge agreement will be to establish sampling requirements and monitor effluent wastewater to ensure it meets the district treatment standards. Applicant shall show processes achieve performance standards. Monitoring may be required for any discharge location connected to the City's wastewater treatment including:
  - a. effluent from the distilling process;
  - b. process area wash down;
  - c. mop sinks; and
  - d. any sloped floor areas for catch basin or floor drains (this includes the storage/warehousing where fish emulsion is stored if floor drains are connected to waste water system).
18. *Backflow Required:* A backflow device will be required on all water connections. A double check Detector Assembly will be required for any dedicated fire suppression line(s). A Reduced Pressure Zone backflow device will be required for primary service line for industrial process water. The location of the backflow device(s) shall be determined during the building permit application process. A backflow prevention packet will be provided to the applicant for installing appropriate devices.

19. *City of Fort Bragg Connection, Water Capacity, and Sewer Capacity Fees*: An estimate of the fees due will be prepared for the client, upon receipt of the building permit application. A copy of these fees will be made available to the County, as fees shall be paid prior to final building permit.
  - a. Connection: If a new lateral or upsized lateral is required to supply water services to the facility, a cost will be incurred based on the current connection fees described in the City's fee schedule.
  - b. Water Capacity Fees: A water capacity fee will be applied to each of the proposed uses by area.
  - c. Sewer Capacity Fees: A sewer capacity fee will be applied to each of the proposed uses by area.
20. Pursuant with MCCZC Section 20.440.005(E), storage of goods and materials is restricted to the interior of the building. It is prohibited to store goods or materials outside of the building.
21. The property owner shall maintain a solid waste storage and distribution plan to the satisfaction of Environmental Health and the City of Fort Bragg.