

## CALIFORNIA COASTAL COMMISSION

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# W7a

DATE: Prepared July 29, 2010 for the August 11, 2010 hearing

TO: Coastal Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Robert Merrill, North Coast District Manager

SUBJECT: **Appeal No. A-1-DNC-10-016 (County of Del Norte, local permit #CGP2008-31C), Appeal by James R & Kathleen Brown of Del Norte County decision granting a coastal development permit amendment with conditions to the County of Del Norte to modify permit granted in 2008 for various improvements to Pebble Beach Drive to place guardrail at a turnout/parking area between Lauff Avenue and Macken Avenue on the coastal bluff side of Pebble Beach Drive, one-half mile north of the City of Crescent City, Del Norte County.**  
Appeal filed: April 21, 2010; 49<sup>th</sup> day: Waived by Applicant.

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## I. STAFF RECOMMENDATION:

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-1-DNC-10-016 was filed. Staff recommends a YES vote on the following motion & resolution:

***Motion & Resolution.** I move that the Commission determine and resolve that: Appeal Number A-1-DNC-10-016 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.*

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the following findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

## II. APPEAL PROCEDURES

Pursuant to Coastal Act Section 30603, this approval is appealable to the Commission because the approved development is located between the sea and the first public road paralleling the sea, within three hundred feet of the mean high tide line of the sea, and within three hundred feet of the inland extent of a beach and the top of the seaward face of any coastal bluff. The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.<sup>1</sup> Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit No. 6), the appellant's claims (Exhibit No. 5), and the relevant requirements of the LCP (Appendix A) and is recommending that the Commission find that the appeal raises no substantial issue with respect to the LCP. In this case, because the staff is recommending no substantial issue, the Commission will 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. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and 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. It takes a majority of Commissioners present to find that no substantial issue is raised.

If the Commission determines that the appeal does raise a substantial issue, the Commission would continue the *de novo* portion of the appeal hearing to a subsequent meeting.

### **III. FINDINGS:**

#### **A. Background**

On April 13, 2010, the Del Norte County Board of Supervisors completed the County's action on the amendment of Del Norte County Coastal Development Grading Permit No. CGP2008-81C which provides for the installation of a 129-foot-long segment of guard rail around a public access pullout/parking area known as "Area C," along the west side

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<sup>1</sup> The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues, or those of regional or statewide significance.

of Pebble Beach Drive between Macken Avenue and Lauff Avenue, approximately half a mile north of the city limits of Crescent City (See Exhibit Nos. 1-4).

The approved amendment modifies a permit granted in 2008 for various improvements to Pebble Beach Drive, such as adding bicycle lanes, resurfacing the road and adjoining parking areas, and installing guard rail along the roadway north and south of the area that is the subject of this appeal. Pebble Beach Drive is a coastal roadway that extends north from Crescent City along the Del Norte County coastline approximately two miles to Washington Boulevard near Point Saint George.

After completion of most of the improvements along Pebble Beach Drive authorized by the original coastal development grading permit, the County Road division determined that the asphalt curb would not be sufficient to stop a vehicle from going over the bluff edge at Area C and placed 14 large rocks (28-36-inch high boulders approximately 5-7 feet in width) along the western perimeter of the pullout/parking area as a temporary safety measure. As initially proposed by the County Road Division, the amendment application sought authorization to replace the previously approved asphalt curb along the bluff side of Area C with either (a) the permanent installation of the 14 boulders that had been previously placed during construction of the original project as a temporary, “stop-gap” measure to protect motorists without coastal development permit authorization, or (b) the installation of a 29-inch high metal guardrail structure. After a public hearing during which neighbors of the project objected to both alternatives, the County Planning Commission denied the amendment, leaving the originally approved asphalt curb as the only form of barrier along the edge of Area C. The County Road division locally appealed the Planning Commission’s denial to the Board of Supervisors. In its April 13, 2010 action, the Board accepted the County Road Division’s appeal, thereby rejecting the Planning Commission’s denial of the coastal development grading permit. As part of its action, the Board directed the County Road Division to replace the temporarily placed boulders with the approved guardrail that is the subject of this appeal.

**B. Filing of Appeal**

One appeal was filed by James R. and Kathleen Brown (Exhibit No. 5). The appeal was filed with the Commission in a timely manner on April 21, 2010 within 10 working days of receipt by the Commission of the County's Notice of Final Action (Exhibit No. 6) on April 14, 2010. The applicant subsequently waived the 49-day deadline for the Commission to open the hearing on the appeal.

**C. Project Description**

As noted above, the coastal development grading permit amendment modifies a permit granted in 2008 for various improvements to Pebble Beach Drive, such as adding bicycle

lanes, resurfacing the road and adjoining parking areas, and installing guard rail along the roadway north and south of the pullout/parking area that is the subject of this appeal. The original permit was not appealed to the Commission. The amendment affects the portion of the originally approved project known as “Area C,” a 129-foot-long area along the west side of Pebble Beach Drive between Macken Avenue and Lauff Avenue that contains a public access pullout/parking area (See Exhibit No. 2).

The original permit authorized the paving and striping of the gravel pullout/parking area at Area C and the installation of an approximately 6 to 12-inch-high asphalt curb along the bluff side of the pullout/parking area (See Exhibit No. 3, pg 1 of 2). No guard rail was originally approved in this location, although the original permit authorized a metal guard rail of the kind now approved by the permit amendment along the roadway both north and south of the pullout/parking area.

The approved coastal development grading permit amendment replaces the originally approved asphalt curb with a 129-foot-long, approximately 29-inch-high metal guard rail structure that would be positioned approximately four feet back from the bluff edge (See Exhibit No. 3, pg 2 of 2). The approved guard rail consists of an approximately 12-inch wide metal barrier affixed to either approximately 6-inch by 9-inch wooden posts or metal I-beams driven into the ground spaced approximately 6 feet apart. The approved new segment of guardrail connects to previously installed guard rail to the north and south. Exhibit No. 3, pages 2 of 4 and 3 of 4 shows the existing guard rail north and south of the pullout/parking area that is of the same design as the segment of guard rail approved by the permit amendment.

#### **D. Setting**

Pebble Beach Drive is a scenic drive with approximately two miles of ocean frontage that extends from the City of Crescent City north to Washington Boulevard near Point Saint George (See Exhibit Nos. 1 and 2). The ocean side of Pebble Beach Drive is all publically owned except for three existing residences and a vacant parcel within the City of Crescent City. The roadway offers access to sandy beaches, rocky shoreline, and tide pools, and offers views of the offshore rocks, two offshore lighthouses, and the open ocean. The area is used by locals and visitors for walking, bicycling, surf fishing, surfing, and other recreational activities. Nine pullout/parking areas are scattered along the ocean side of the road and a network of public access paths adjoin the road.

Most of the originally approved project has been completed, including repaving the roadway and pullout/parking areas and the replacement, repair, or installation of guard rail north and south of the appeal site along approximately 85% of the two-mile-long road.

Area C, the portion of the originally approved project affected by the current amendment,

is located about half a mile north of the City limits (See Exhibit No. 2). The pullout/parking area at Area C is approximately 129-feet long and a maximum of approximately 30 feet wide. The pullout/parking area can accommodate several parked cars. The adjoining approximately 30-foot-high bluff is very steep and descends to a narrow beach along the ocean.

**E. Analysis of Appellants Contentions**

The appellants, James R. and Kathleen Brown (See Exhibit No. 5) raise five grounds for appeal, claiming: (1) the coastal development permit amendment was prompted by an arbitrary decision during construction to place large boulders as a safety barrier along the parking area in contradiction to the approved plans and unlike any other safety barrier adjoining parking areas along Pebble Beach Drive; (2) the arbitrary decision to place the boulders casts severe doubt on the effective management of the project; (3) replacement of the originally approved curb with a guardrail cannot be needed for safety reasons because other areas that similarly are protected only by a curb have not been replaced with guardrails; (4) a split guardrail type of fence as is found in other parking areas would have been a better alternative for protecting coastal views; and (5) removing the parking area would have been a better alternative for protecting coastal views and enhancing safety.

As set forth in Section 30603 of the Coastal Act, after certification of its local coastal program, an appeal of a local government-issued coastal development permit is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. As discussed below, the appeal raises no substantial issue with respect to the LCP.

**Contention 1: Arbitrary placement of boulders is unlike any other safety barrier along Pebble Beach Drive.**

The first contention does not raise valid grounds for appeal in that the contention does not raise a substantial issue of conformance of the project as approved with the LCP. Although the applicant had initially proposed to seek permanent authorization for a safety barrier composed of a row of boulders that had been installed as a temporary measure, the project as approved on local appeal to the Board of Supervisors no longer includes the boulders. In its action on the appeal, the Board directed the County staff to replace the boulders with a guard rail. Therefore, whether or not the row of boulders would have been visually compatible with the development's surroundings as required by LUP Visual Resources Policy 2 is irrelevant, as the approved project does not include boulders.

The Commission notes that the kind of barrier that was approved, a metal guard rail feature, is the same kind of barrier that has been installed along much of the bluff side of Pebble Beach Drive pursuant to the original permit. Many portions of the roadway were lined with guardrail even before approval of the original permit. As discussed under the analysis of Contention 3 below, as similar guard rail currently exists along most of the scenic drive and comprises a portion of the development's surroundings, no substantial is raised as to whether the approved segment of guardrail is compatible with the development's surroundings.

Therefore, the appellants' first contention does not raise a substantial issue of conformance of the project as approved with the certified LCP.

Contention 2: The arbitrary decision to place the boulders casts severe doubt on the effective management of the project.

The second contention does not raise valid grounds for appeal in that the contention does not raise a substantial or substantive inconsistency of the approved project with any policy of the LCP. The appellants personal opinion that the applicant may not effectively manage the project does not address how the project as conditioned and approved is inconsistent with the policies of the certified LCP regarding the protection of visual resources, public access, or any other subject matter addressed in the LCP.

The Commission notes that even if the contention did raise valid grounds for appeal, which it does not, to the extent that the project is not carried out in conformance with the terms and conditions of the approved permit amendment due to ineffective project management, enforcement remedies exist to ensure conformance.

Therefore, the appellants' second contention does not raise a substantial issue of conformance of the project as approved with the certified LCP.

Contention 3: Replacement of the originally approved curb with a guard rail is not needed for safety reasons.

The third contention implies that the approved guard rail is inconsistent with the visual resource protection policies of the certified LCP and that the alternative of simply not installing a safety barrier would be a feasible alternative that would have less visual impact than the guard rail barrier that was approved by the County.

The LUP's *Visual Resources* chapter provides an inventory of specific areas with significant scenic resources, lists criteria for the designation of "highly scenic areas," and sets forth policies requiring that the scenic and visual qualities of coastal areas be considered and protected by siting and designing permitted development, through, among other efforts:

- Protecting open views in highly scenic areas by encouraging the continuance of existing land uses, where appropriate;
- Ensuring that new development be visually compatible with its surroundings;
- Minimizing natural landform alteration and requiring post-development restoration of disturbed areas to a natural appearance;

The project site is not located within a formally designated “highly scenic area” insofar as the County’s LCP does not assign such distinction for any specific sites or areas, but instead focuses on inventorying the locations and characteristics of the visual resources visible from and within certain “view points” or “vista points” and “along “view corridors.” Nonetheless, the project area surroundings meet several of the criteria set forth in Section II.A of the LUP Visual Resources chapter, as the project site: (1) contains views of special interest to the general public (e.g., the ocean and the Saint George Reef and Battery Point Lighthouses); (2) has visually distinctive scenes resulting from unique contrasts or diversity in landscape patterns (e.g., sea cliffs, rocky intertidal areas, offshore rocks and open coastal waters); and (3) affords views with special integrity or unimpaired conditions (e.g., the open ocean). The Commission also notes, that LUP *Visual Resources* Section III.C.6 designates the area along Pebble Beach Drive as a view corridor.

LUP Visual Resources Policy No. 1 states that “The County encourages the continuation of existing land uses, where appropriate, to maintain open views in highly scenic areas.” In addition, LUP Visual Resources Policy No. 2 requires that, “*Proposed development within established highly scenic areas shall be visually compatible with their scenic surroundings, by being reflective of the character of the existing land uses while conforming to the land use criteria... (as) set forth in the land use component and subsequent zoning ordinance.*” Thus, safety barriers and other development along Pebble Beach Drive must maintain open views and be visually compatible with the character of its scenic surroundings.

The approved segment of guard rail that is the subject of the coastal development permit amendment will not have significant adverse effect on public views of the ocean. As discussed above, guard rail currently exists along most of Pebble Beach Drive in the vicinity and the approved permit amendment only adds approximately 129 lineal feet of additional guard rail in the location of an existing pull-out and public access parking area. Thus, the approved new segment of guard rail would not introduce a significant new kind of development feature to the surrounding landscape that is not already present. In addition, in contrast to a solid concrete “K-Rail” type barrier that could significantly block public views of the ocean for passing motorists, pedestrians, bicyclists, and other travelers on Pebble Beach Drive, the principal public vantage point for coastal views in the project vicinity, the relatively open-design of the approximately 29-inch-high guard rail barrier minimizes view obstruction by providing views both over and below the

approximately 12-inch wide metal rail (See Exhibit No. 4, pages 2 of 4 and 3 of 4). The top of the metal guard rail is several inches lower than standard “K-Rail” barriers and other forms of safety barriers. Most passing motorists and bicyclists would be seated in vehicles or on bikes in a high enough position that would enable them to look over the relatively low barrier. Similarly, most pedestrians would be able to look over the top of the low barrier. The approximately 17-inch gap between the bottom of the metal rail and the ground will afford additional views to motorists, bicyclists, and pedestrians using Pebble Beach Drive. It’s possible that the barrier may have a greater affect on the ocean views of occupants of the residences across Pebble Beach Drive from the project site as they will be viewing the guardrail from different angles than the users of Pebble Beach Drive. However, the Coastal Act and LCP visual resource policies address the protection of public views and not private views.

The complete absence of a safety barrier, whether guard rail or some other type of barrier, would further reduce even the less than significant visual impacts of the approved development. However, the local record contains evidence suggesting that eliminating a barrier in this location is not a feasible alternative. Stover Engineering prepared a guardrail study for the proposed segment of guard rail that was considered by the Board of Supervisors during the Board’s action on the local appeal of the project (See Exhibit No. 7). The guardrail study recommended that the steel beam guardrail that was ultimately approved be installed based on Caltrans design standards and similar existing installations located along Pebble Beach Drive. The study notes that the turnout is approximately 129 feet long and 32 feet from the edge of the nearest traveled way to the top of the bluff. The bluff is approximately 30 feet high with a slope that varies from 1.5:1 to nearly vertical. Any vehicle that crosses over the bluff edge would not recover and would end up on the beach below the bluff resulting in a severe accident. The study indicates that with an average daily traffic count (ADT) of 709.8, Pebble Beach Drive is a relatively highly-traveled County roadway in a location where a lack of street lighting, dense fog, and high velocity cross winds increase the probability of vehicles running off the road. In addition, the study notes that design standards indicate that gaps of less than 200 feet between guardrail installations should be avoided, and the 129-foot gap between the existing portions of guard rail at the north and south ends of the public access pullout./parking area is well below that standard. The study states that not only does the unprotected embankment create a safety hazard, but the abruptly terminated guardrail without any taper outside of the clear zone creates an unsafe condition for errant vehicles.

The extent and scope of the development approved by the coastal development permit amendment is relatively small in that (a) the development is limited to the installation of a low guard rail safety barrier of a relatively open design that does not significantly affect coastal views and (b) the approved guardrail is only a 129-foot-long segment of guardrail that will only fill in a gap in an existing guardrail barrier that extends for a much greater distance along Pebble Beach Drive both up and down coast. In addition, the County has offered factual and legal support for the need for the segment of guardrail in the form of a guardrail study. Therefore, the Commission finds that the third contention of the appeal

that the replacement of the originally approved curb with a guard rail is not needed for safety reasons raises no substantial issue regarding consistency of the approved development with the visual resource protection policies and standard of the certified LCP including, but not limited to LUP Visual Resources Policy Nos. 1 and 2.

Contention 4: A split guardrail type of fence as is found in other parking areas would have been a better alternative for protecting coastal views.

The fourth contention implies that the approved guard rail is inconsistent with the visual resource protection policies of the certified LCP and that the alternative of installing “a split guardrail type of fence as is found in other parking areas,” would be a feasible alternative that would have less visual impact than the guard rail barrier that was approved by the County. As discussed under the analysis of Contention 3, above, the approved segment of guard rail is a low guard rail safety barrier of a relatively open design that does not significantly affect public coastal views. The appellants do not present any further details or illustrations of what an alternative “split guardrail type of fence” would comprise and where such barriers are currently in place. Therefore, the appellants have not submitted supporting factual information to demonstrate that the suggested alternative would be feasible and or would have less significant visual impact than the guardrail approved by the County. However, the approved guardrail design, the photographs in the local record of the kind of guardrail approved that exists along adjoining portions of Pebble Beach Drive, and the guard rail study provide supporting factual evidence that the approved segment of guardrail will be a feasible means of addressing the reported safety hazards and would not have significant adverse visual effects on public views. Therefore, even if the appellants suggested alternative has slightly less visual impact than the approved guardrail, the contention does not raise a substantial issue of conformance of the approved development with the visual resource protection policies and standard of the certified LCP including, but not limited to LUP Visual Resources Policy Nos. 1 and 2.

Contention 5: Removing the parking area would have been a better alternative for protecting coastal views and enhancing safety.

The fifth contention implies that the approved guard rail is inconsistent with the visual resource protection policies of the certified LCP and that the alternative of simply removing the parking area would be a feasible alternative that would have less visual impact than the guard rail barrier that was approved by the County. The contention is based on an assumption that the guardrail was only installed to protect users of the public access pullout/parking area and that the guardrail would not be needed to protect drivers on the road. As discussed under the analysis of Contention 3, above, the County has presented factual evidence that a safety barrier is needed whether or not the specific area to be protected by the guardrail contained a pullout/parking area or not. The guard rail study prepared for the project indicates that Pebble Beach Drive is a relatively highly traveled County roadway in a location where a lack of street lighting, dense fog, and high

velocity cross winds increase the probability of vehicles running off the road. In addition, the abrupt termination of the existing guardrail at either end of the pullout without any taper outside of the clear zone creates an unsafe condition for errant vehicles traveling on Pebble Beach Drive. Thus, the guard rail is needed to protect drivers on the road, whether or not it is needed to protect users of the pullout/parking area and whether or not the pullout parking area even existed. In addition, removal of the public access pullout/parking area would eliminate public access without providing equivalent access elsewhere in the area inconsistent with Coastal Act and LCP policies that require that maximum public access be provided with new development. As is also discussed under the analysis of Contention 3, above, the approved segment of guard rail is a low guard rail safety barrier of a relatively open design that does not significantly adversely affect public coastal views.

The County has offered factual and legal support for the need for the segment of guardrail in the form of a guardrail study. In addition, as discussed above, the extent and scope of the development approved by the coastal development permit amendment is relatively small. Therefore, the Commission finds that the fifth contention of the appeal that removing the parking area would have been a better alternative for protecting coastal views and enhancing safety would not have eliminated the need for the guardrail and raises no substantial issue regarding consistency of the approved development with the visual resource protection policies and standard of the certified LCP including, but not limited to LUP Visual Resources Policy Nos. 1 and 2.

### Conclusion.

For the reasons stated above, the Commission finds that Appeal Number A-1-DNC-10-016 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

### **APPENDICES**

APPENDIX A: Excerpts of LCP Policies and Standards

### **EXHIBITS**

1. Regional Location Map
2. Vicinity Map
3. Project Plans
4. Photos of Site
5. Appeal
6. Notice of Final Local Action
7. Engineer's Guardrail Study
8. Correspondence

## APPENDIX A

### DEL NORTE COUNTY LCP POLICIES AND STANDARDS

#### 1. Visual Resource Policies and Standards

The County of Del Norte's certified LUP contains several policies relating to the protection of visual resources within those portions of the coastal zone meeting the criteria for designations as "highly scenic areas."

LUP *Visual Resources* Policy No. 1 states:

*The County encourages the continuation of existing land uses, where appropriate, to maintain open views in highly scenic areas.*

LUP *Visual Resources* Policy No. 2 states:

*Proposed development within established highly scenic areas shall be visually compatible with their scenic surroundings, by being reflective of the character of the existing land uses while conforming to the land use criteria. As set forth in the land use component and subsequent zoning ordinance. [sic]*

LUP *Visual Resources* Policy No. 5 states:

*The alteration of natural landforms in highly scenic areas shall be minimized, where feasible, in construction projects by:*

- a. *Designing roadways, driveways and other corridors to blend with the natural contours of the landscape by avoiding excessive cuts and fills.*
- b. *Concentrating development on relatively level areas over steep hillsides. Provisions to be considered include: clustering; density exchange and open space dedication.*

With regard to areas qualifying for recognition as "highly scenic areas," Section II.A & B of the LUP's *Visual Resources* chapter state, in applicable parts:

*... Criteria for designating highly scenic coastal areas in Del Norte County are proposed as follows:*

1. *Views of special interest to the general public (e.g., Pacific Ocean; lighthouses, old growth forests);*
2. *Visually distinctive scenes resulting from unique contrasts or diversity in landscape patterns (e.g., offshore rocks, forested uplands);*
3. *Views with special integrity or unimpaired conditions (e.g., open space, nature preserves)...*

*Views within the coastal region of Del Norte County with particular visual distinctiveness, integrity, harmony and/or of special interest to the general public include the following:*

1. *View of water bodies (e.g., ocean, estuary, streams);*
2. *Views of sensitive habitats and open space (e.g., wetland, rocky intertidal);*
3. *View of expressive topographic features (i., offshore rocks, sea cliffs);*
4. *View of special cultural features (e.g., historical, maritime settings).*

*Areas identified as having present one or more of the above elements are inventoried [sic] and evaluated by this study for their value as significant visual resources.*

In addition, the visual inventory within LUP *Visual Resources* Section III.C.6 identifies and described the following “view points” (alternately referred to as “vista points”) and “view corridors,” within the vicinity of the project site:

**VIEWPOINTS: (V)**

1. *Point St. George: The Point St. George Public Fishing Access offers a full panoramic view of marine and terrestrial features. Seaward are views of offshore rocks, sea cliffs, and the Point St. George Lighthouse. Landscape views include the vast coastal strand extending northward, distant uplands and mountains as far east as Preston Peak in Siskiyou County, and the surrounding agricultural grazing lands. An older Coast Guard Station dating from 1926 stands on the high terrace and is presently used as a medical facility. Archaeological sites have also been recognized within the Point St. George area.*

2. *Pebble Beach Drive Pull-Outs: Immediately south of Washington Blvd. on Pebble Beach Drive, two vehicle pull-outs provide ocean vantage points. Situated some 30 feet above the beach on a marine terrace, these vista points offer a wide range of scenic views. Castle rock with its abundant bird life lies oceanward. Landward are views of grazing lands, spruce forest and distant uplands.*

**VIEW CORRIDORS: (—)**

1. *Radio Road*
2. *Pebble Beach Drive*
3. *Westerly end of Washington Boulevard*  
[emphasis added]

**2. Public Access Policies and Standards**

**Coastal Act Public Access Policies**

Section 30210 states the following: *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 states the following: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212 states in applicable part the following:

- .
- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
    - (1) *It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
    - (2) *Adequate access exists nearby, or, ...*
  - (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30214 states in applicable part the following:

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution . . .*

### **LCP Public Access Policies and Standards**

LUP Chapter 1 – Public Access, Section III.C states in applicable part the following:

1. *The County shall work actively towards the attainment of maximum coastal access for the public, where it is consistent with public safety, property owner rights and the protection of fragile coastal resources.*  
...
3. *The County shall require funding assistance to improve and maintain existing access and to acquire and develop any new access and facilities.*
4. *The design and construction by any public entity of shoreline access facilities (e.g., parking, trails, stairways, etc.) shall consider public safety potentials for vandalism and the protection of fragile coastal resources.*  
...
8. *Development along the immediate shoreline shall provide public access to the shoreline except where:*

- a. *Findings are made consistent with Section 30212 of the Coastal Act that access is inconsistent with public safety or that agriculture would be adversely affected; or*
  - b. *Access would have unavoidable adverse impacts on environmentally sensitive habitat areas as designated in the LUP; or*
  - c. *An existing vertical accessway, adequate to meet anticipated access needs, is located one-half mile or less from the development; or*
  - d. *The parcel is too small to allow for an adequate vertical access corridor without passing within twenty-five feet of a proposed dwelling; or*
  - e. *Project site is too small for the proposed development and the access with improvement related to its use (i.e. parking).*
  - ...
11. *No permit shall be issued for a project which obstructs lateral access on the immediate shoreline, inland of the mean high tide line to the first line of vegetation, or the crest of the paralleling bluff. The exception would be for the placement of navigational aids or shoreline protective devices to protect existing structures, i.e., houses, road-ways and parking areas.*

The Local Coastal Program Zoning Enabling Ordinance, Section 21.35.040, "Requirements of coastal access," states in applicable part the following:

- A. *Intent. It is the intent of this section to implement the certified Local Coastal Program and the basic goal of the public access set forth in the California Coastal Act which calls for the maximization of public access both to and along the shoreline where it is consistent with public safety, property owner rights and the protection of fragile coastal resources.*
- B. *Vertical Access.*
  - 1. *Development along the immediate shoreline shall provide public access to the shoreline except where:*
    - a. *Findings are made consistent with Section 21.35.040(B)(2), that access is inconsistent with public safety or that agriculture would be adversely affected; or*
    - b. *Access would have unavoidable adverse impacts on environmentally sensitive habitat areas as designated on the Land Use Plan; or*
    - c. *An existing vertical accessway, adequate to meet anticipated access needs, is located one-half mile or less from the development; or*
    - d. *The parcel is too small to allow for an adequate vertical access corridor without passing within twenty-five feet of a proposed dwelling; or*

- e. Project site is too small for the proposed development and the access with improvements related to its use (i.e., parking).*
- 2.a. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (i) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (ii) adequate access exists nearby, or (iii) agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*
- b. For the purposes of this section, "new development" does not include:*
  - i. Replacement of any structure, other than a public works facility destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location on the affected property as the destroyed structure (As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.)*
  - ii. The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than ten percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*
  - iii. Improvements to any structure which do not change the intensity of its use, which do not increase either the height, or bulk of the structure by more than ten percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*
  - iv. Any repair or maintenance activity which does not result in an addition to, or enlargement of maintenance activities; unless such activity will have an adverse impact on internal public access to the beach. (As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.)*
- c. Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66578.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution. (Amend. by Cal. Stats. 1979. Ch. 919.)*
- 3. Priority for vertical access shall be restricted to that for sandy beach areas. Accessways to rock beaches will not be required for areas where*

*public safety is of concern or where increased visitor pressure on biological areas or areas of unique character, sensitive to visitor pressure, will be degraded.*

...

C. *Lateral Access.*

1. *New development along the immediate shoreline shall provide lateral access by access easements along the shoreline, inland of the mean high tide to the first line of vegetation or to the crest of the paralleling bluff in areas of coastal bluffs. No permit shall be issued for a project which obstructs lateral access on the immediate shoreline, inland of the mean high tide to the first line of vegetation, or the crest of the paralleling bluff. Exceptions to these requirements would be for the placement of navigational aids or shoreline protective devices to protect existing structures (i.e., houses, roadways and parking areas) and as set forth in Section 21.35.040(B) (2).*

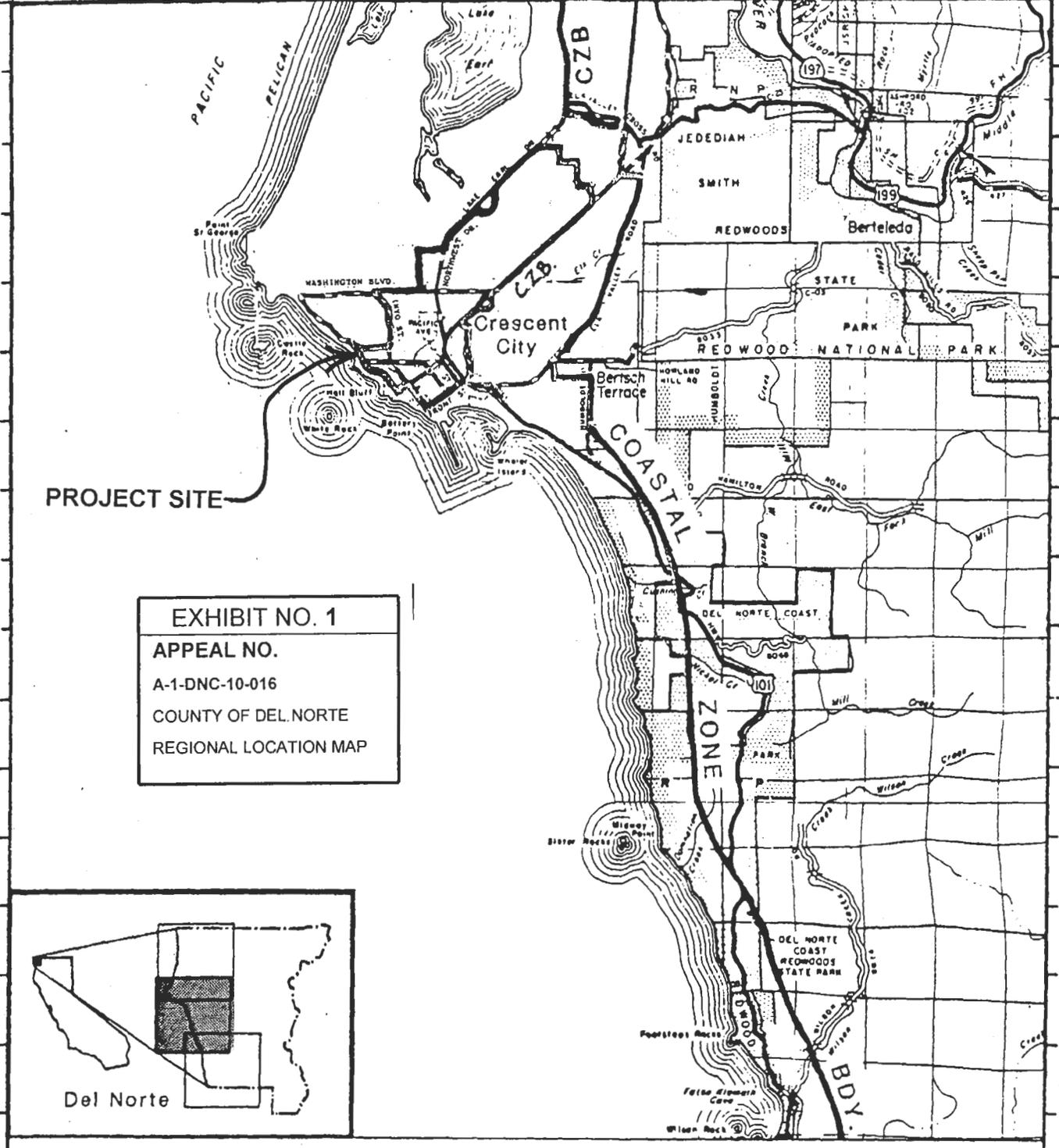
...

E. *Design and Use.*

1. *The vertical access required shall be limited to the right of pass and repass unless additional uses are specified as a condition of development. If possible, the accessway should be sited along the border of the development and shall extend from the road (or boundary line closest to the road) to the shoreline.*
2. *The lateral access required shall be limited to passive recreational uses unless another type of use is specified as a condition of development.*
3. *Developments that provide access for the general public over a wide range of income levels, ages, and social groups shall have priority over other private development.*
4. *The design and construction by any public entity of shoreline access facility (e.g., parking, trails, stairway, etc.) shall consider safety from potential vandalism and the protection of fragile coastal resources.*

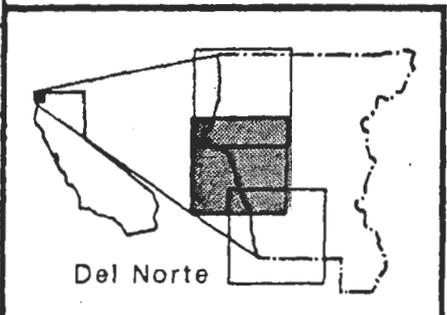
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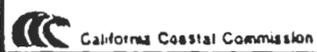


PROJECT SITE

EXHIBIT NO. 1  
 APPEAL NO.  
 A-1-DNC-10-016  
 COUNTY OF DEL NORTE  
 REGIONAL LOCATION MAP



Del Norte



# LOCATION MAP



## County of Del Norte

**PEBBLE BEACH DRIVE IMPROVEMENTS  
LOCATION MAP**

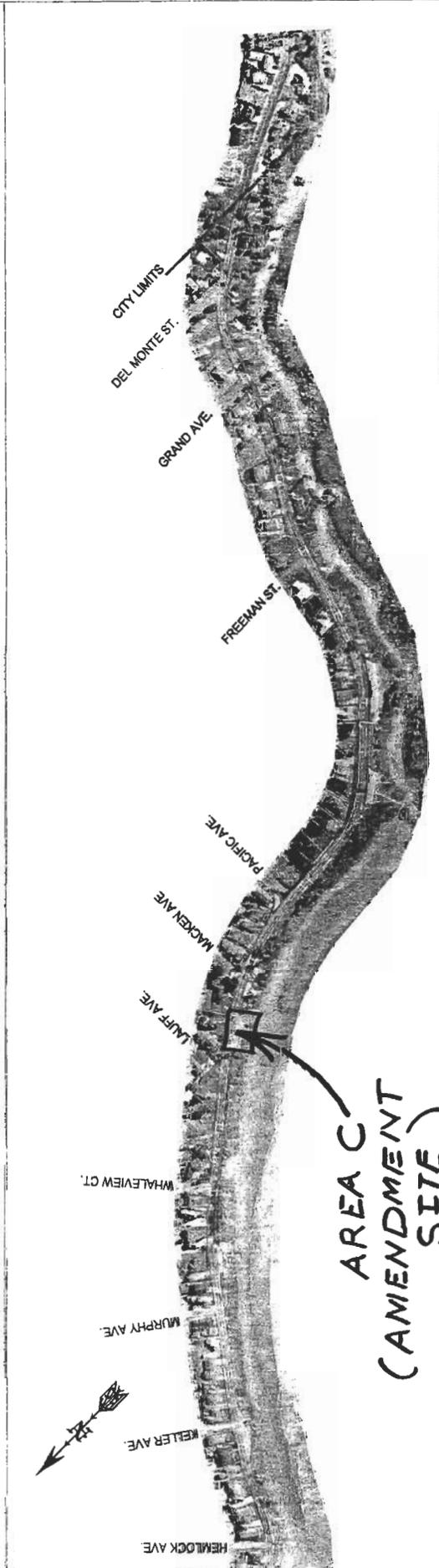
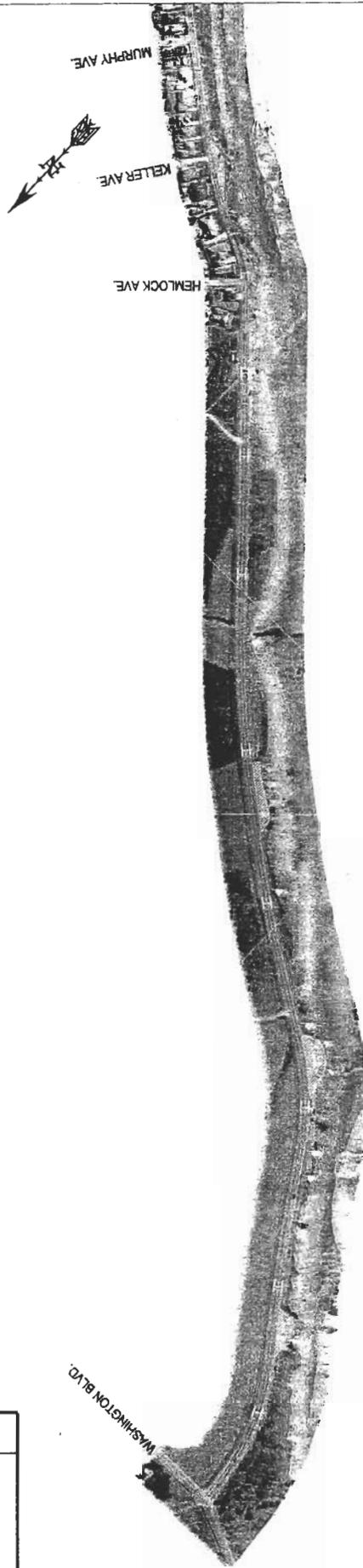
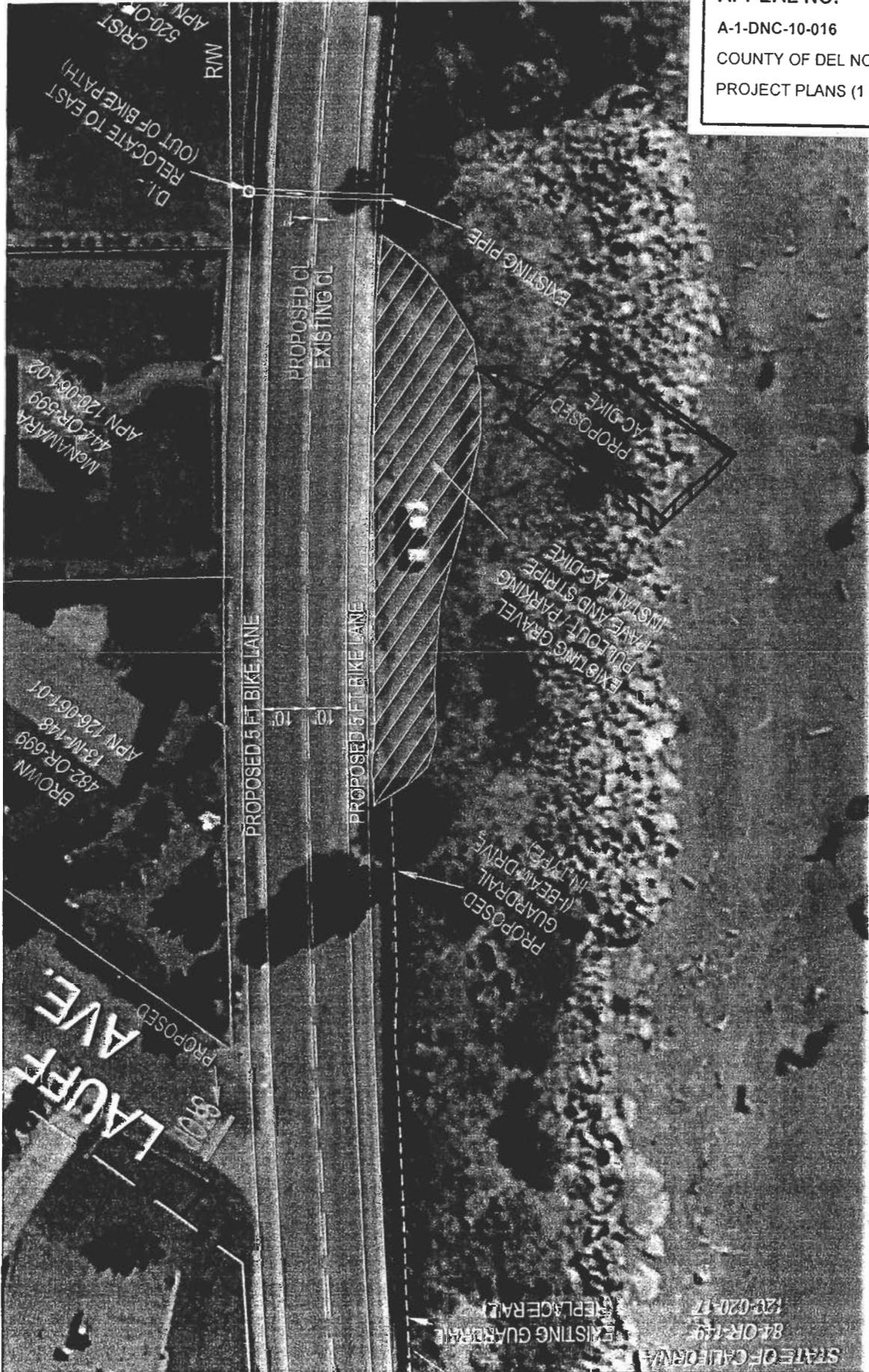
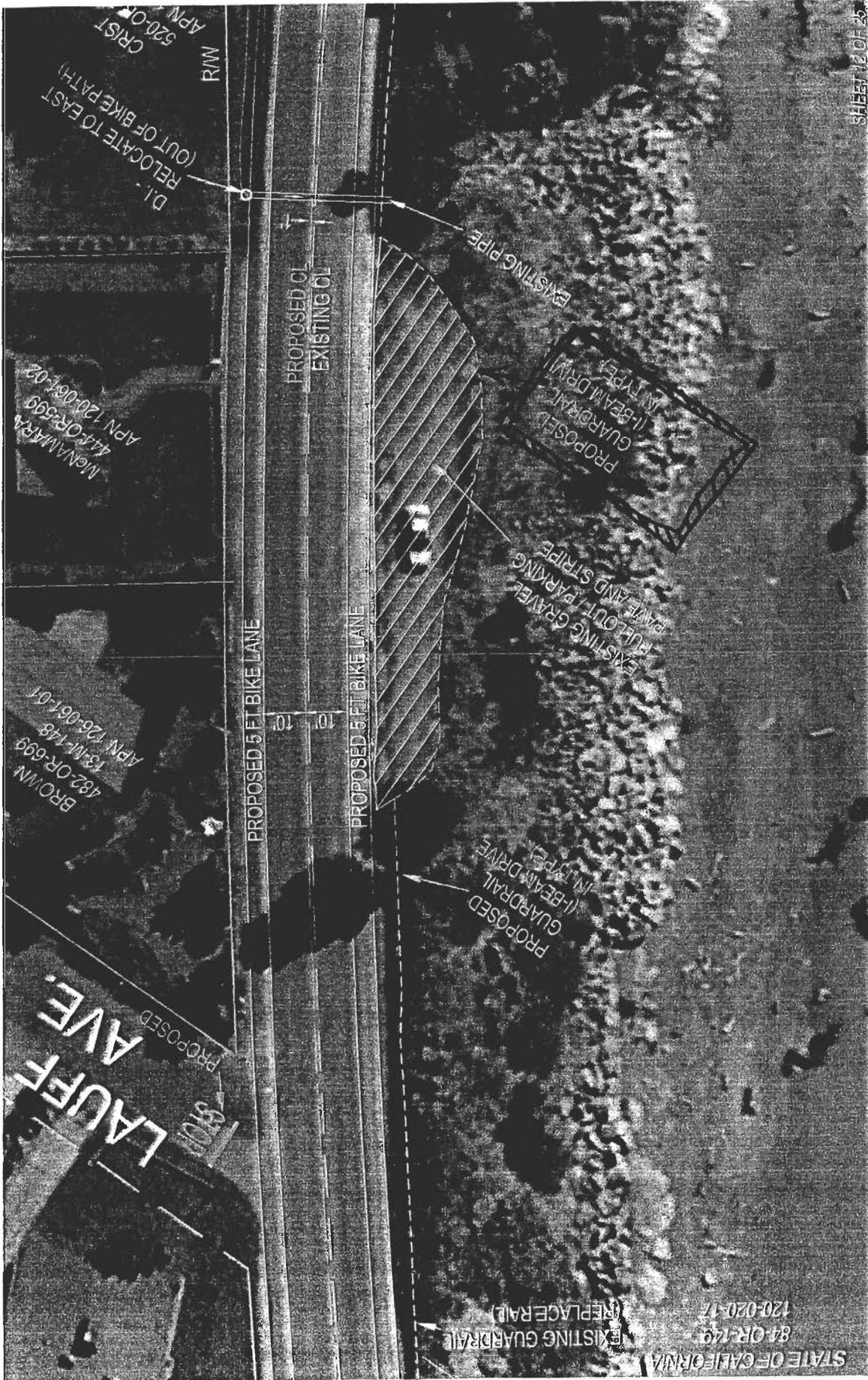


EXHIBIT NO. 2  
 APPEAL NO.  
 A-1-DNC-10-016  
 COUNTY OF DEL NORTE  
 VICINITY MAP

EXHIBIT NO. 3  
 APPEAL NO.  
 A-1-DNC-10-016  
 COUNTY OF DEL NORTE  
 PROJECT PLANS (1 of 2)

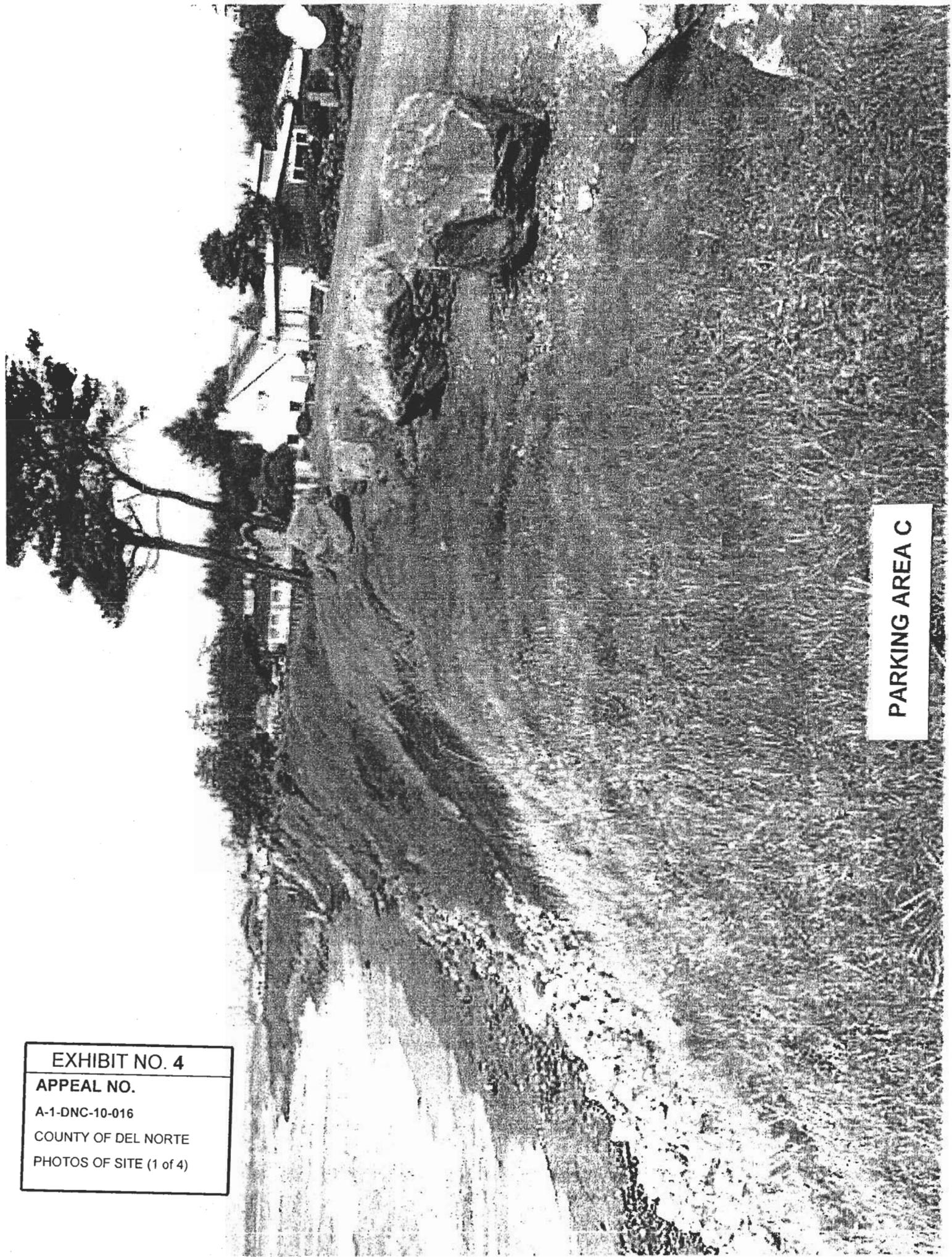


AREA C AS ORIGINALLY PERMITTED  
 WITH AC DIKE (CURB)



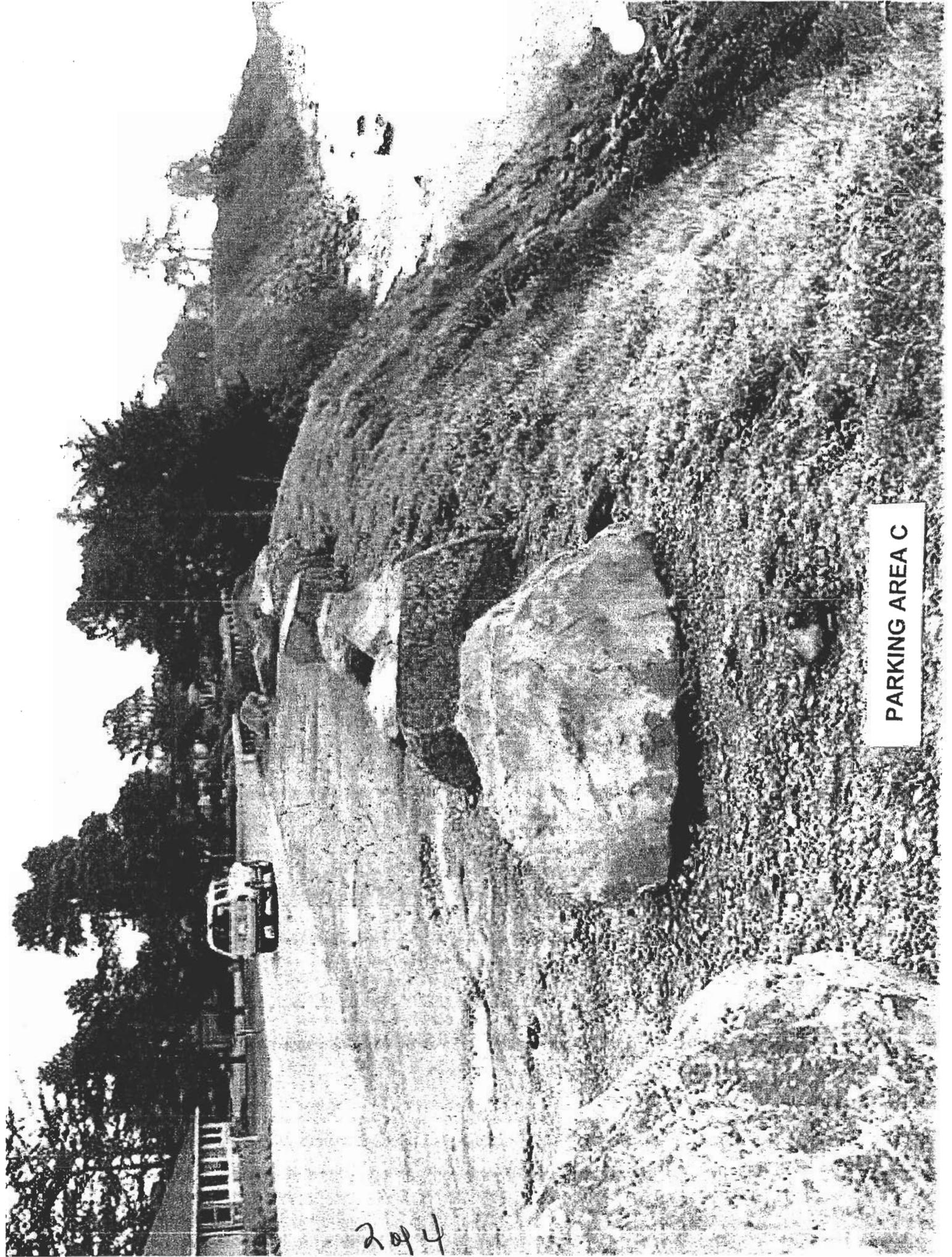
AREA C, AS AMENDED WITH  
 GUARDRAIL REPLACING AC DIKE  
 (CURB)

2 of 2



PARKING AREA C

EXHIBIT NO. 4  
APPEAL NO.  
A-1-DNC-10-016  
COUNTY OF DEL NORTE  
PHOTOS OF SITE (1 of 4)

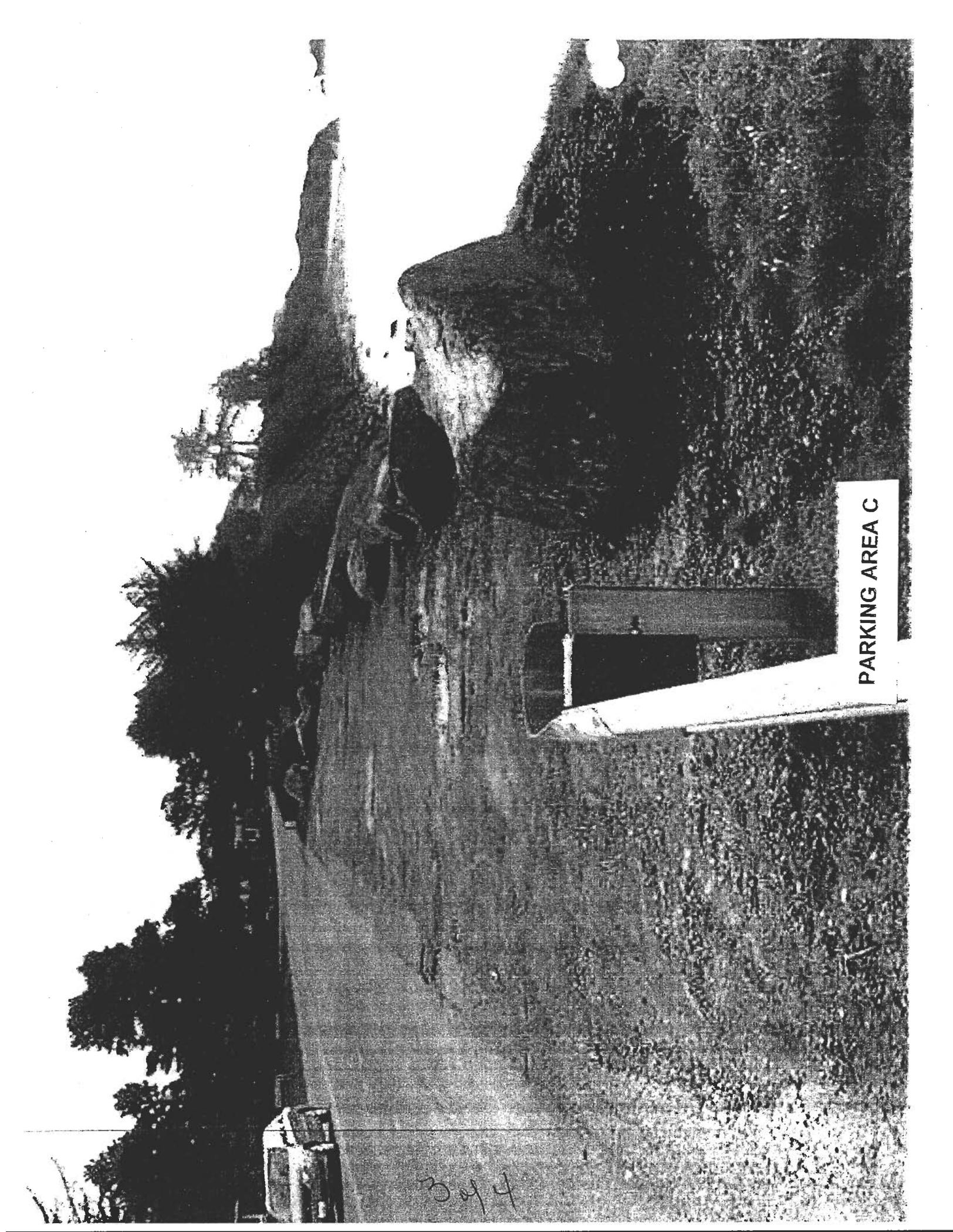


PARKING AREA C

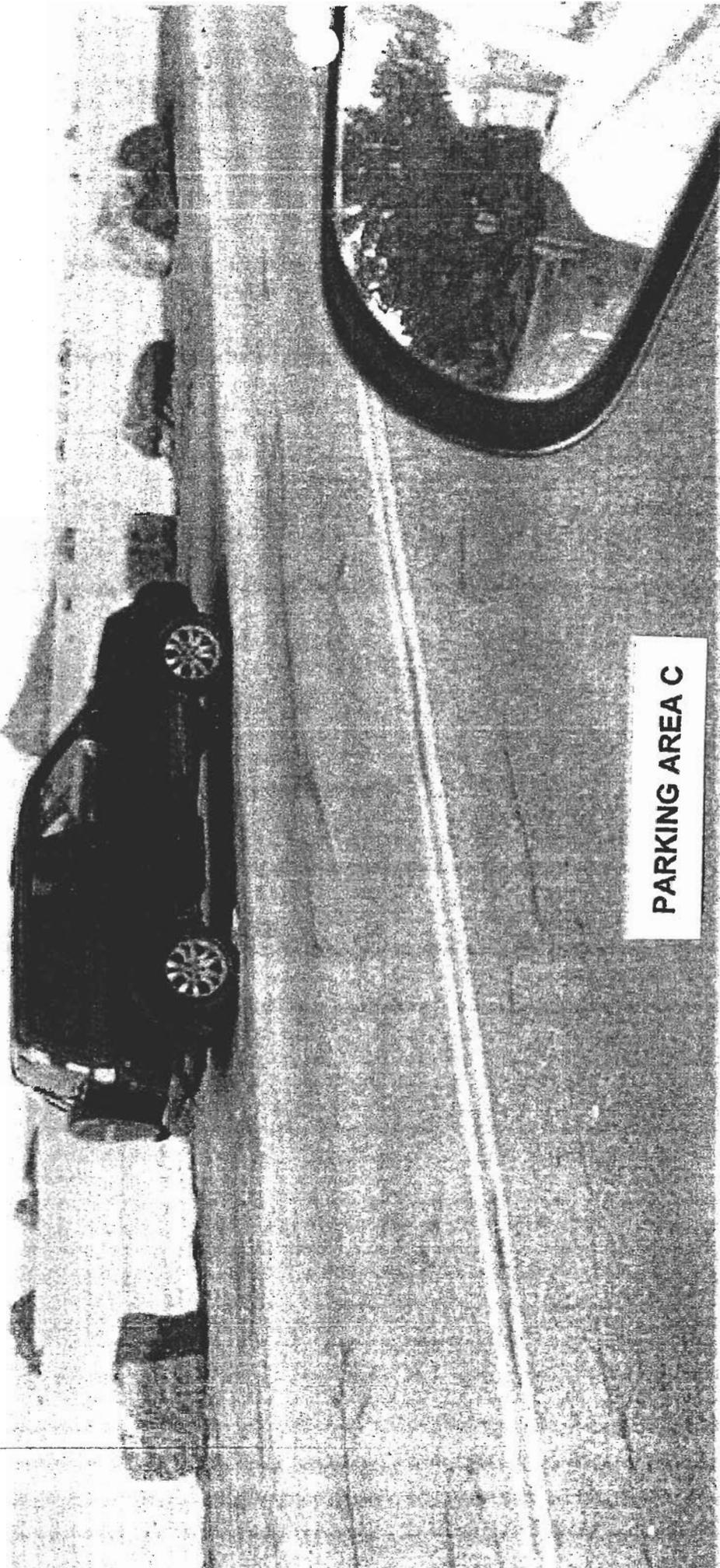
204

PARKING AREA C

3 of 4



494



PARKING AREA C

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
VOICE (707) 445-7833 FAX (707) 445-7877



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**SECTION I. Appellant(s)**

Name: James R. and Kathleen Brown

Mailing Address: 262 N. Pebble Beach Drive

City: Crescent City

Zip Code: 95531

Phone: c. 818-515-4089

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Del Norte County Board of Supervisors/ Planning Commission

2. Brief description of development being appealed:

Pebble Beach Drive Bike Path/Parking Project: Originally Parking Lot C was to be paved with an elevated curb; boulders were put in place instead; then decision was made to put in a large guard rail.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Parking Lot C - Pebble Beach Drive between Lauff and Macken

**RECEIVED**

APR 21 2010

CALIFORNIA  
COASTAL COMMISSION

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions: *remove boulders*
- 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.

<b>TO BE COMPLETED BY COMMISSION:</b>	
APPEAL NO:	<u>A-1-DNC-10-016</u>
DATE FILED:	<u>4/21/10</u>
DISTRICT:	<u>North Coast</u>

<b>EXHIBIT NO. 5</b>
APPEAL NO. A-1-DNC-10-016
COUNTY OF DEL NORTE
APPEAL (1 of 6)

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

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

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: April 12, 2010

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:

County of Del Norte

880 Northcrest Dr.  
CRESCENT CITY CA 95531

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) James and Kathleen Brown  
262 N Pebble Beach Drive  
Crescent City CA 95531  
c. 818-515-4089 trailrunner26@verizon.net

(2) Ron & Mary vanNoord for Patricia and Frank McNamara(owner of record) for  
252 N. Pebble Beach Dr.  
Crescent City CA 95531  
Home address: 2835 Elk Valley Rd. Crescent City CA 95531

(3) Richard and Laura Wiens  
252 N Pebble Beach Dr.  
Crescent City CA 95531

(4)

2 of 6

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### SECTION IV. Reasons Supporting This Appeal

#### PLEASE 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.
- 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.)
- This 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.

The original plan called for a small parking area (Parking Area C), which would be paved with an elevated curb. The entire plan was approved after the County received considerable input. It reflected as best as possible a broad based consensus. The curb in question is also replicated in other parking areas.

Then, as construction of a guard rail fence along Pebble Beach Drive occurred, a decision was made to place large boulders in the parking area. This was done without seeking an amendment to the Plan even though it was a blatant violation of the plan.

The planning department then requested approval after the fact for placement of the boulders from the Planning Commission. That request was correctly denied and the department was told to honor the original plan.

The department chose to appeal that decision to the full Board. The Board then reversed the Planning Commission's decision. They did direct that the boulders be removed but ordered placing a guardrail – allegedly for reasons related to safety.

We are requesting the Board's decision be over ruled, except for the removal of the boulders, which should never have been placed there in the first place. A second option would be to stay the decision until a careful review of the parking areas along Pebble Beach be conducted to ensure a greater degree of consistency. A third option would be to review the entire project since now the pathway to other amendments has been opened albeit in a reckless and arbitrary manner.

Our reasons are as follows:

1. This whole issue was prompted by an arbitrary decision in the field to contradict the approved plan and place large boulders in Parking Area C. No other parking area has boulders. This decision to place large boulders was over ruled by the Planning Commission who ordered that the original plan calling for a curb be respected and implemented.
2. Such an arbitrary decision also casts severe doubt on the effective management of this entire project and should cause concern for what other kinds of arbitrary decisions will be made in the future
3. The curb was replaced by a guardrail because of safety reasons. Yet if these reasons are valid then any other area with a curb should received similar treatment. That has not happened nor does it appear it will.
4. The issue could have easily been resolved with a split guardrail type of fence as is found in other parking areas. These afford better views of the coastline. That did not happen.

5. Another option would have been to remove the parking area in the first place because of its small size and location. It will result in an unsafe flow of traffic into the bike lane and will further encourage use of a "No trail" trail down to the beach over the rocks, which is obviously unsafe and contributes to hill erosion. These are far greater issues than the possibility that someone will drive a car over the edge and then sue the County.

We respectfully request that some visual inspection of the issues we note occur in conjunction with your consideration of our request.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

Signature on File

Signature on File

Signature of Appellant(s) or Authorized Agent

Date:

April 21

**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:

Fax

To: Jim Baskin

Co: CCC-NCDO

Phone: 707-445-7875

Fax: 707-445-7877

Re: Appeal Del Norte Co Bd of Supervisor's decision regarding Pebble Beach Drive  
Bike Path/Parking Project

From: James R. and Kathleen Brown

Fax: 415-209-6295

Phone: c 818-515-4089

Signature on File

Thanks for faxing the form.  
6 pages total

RECEIVED  
APR 21 2010  
CALIFORNIA  
COASTAL COMMISSION

6 of 6



**COUNTY OF DEL NORTE**  
**Board of Supervisors**

981 "H" Street  
Crescent City, California 95531

**BOARD OF SUPERVISORS**  
**COUNTY OF DEL NORTE**  
**STATE OF CALIFORNIA**

Phone  
(707) 464-7204

Fax  
(707) 464-1165

**BOARD ORDER**

The following is a certified copy of a portion of proceedings of the Regular Session meeting, of the Del Norte County Board of Supervisors, held on April 13, 2010.

**ITEM #6** 10:50 Conduct a Public Hearing on an appeal of the Planning Commission's denial of an Amendment to the Pebble Beach Drive Coastal Grading Permit as requested by the Planner.

**Gerry Hemmingsen**  
Chair  
Supervisor, District 4

Randy Hooper, Planner, presented this item.  
Public Comment was given by Ron Van Noord, and Richard Wiens.

**Mike Sullivan**  
Vice-Chair  
Supervisor, District 3

The Engineer for this project spoke about the potential danger if a guardrail was not installed.

**Leslie McNamer**  
Supervisor, District 1

On a motion by Supervisor McClure and seconded by Supervisor McNamer, the Board conducted a Public Hearing on an appeal of the Planning Commission's denial of an Amendment to the Pebble Beach Drive and accepted the appeal, thereby rejecting the Planning Commission's denial of the amendment to GP 2008-81C and directed staff to replace the temporarily placed boulders with a guardrail.

**Martha McClure**  
Supervisor, District 2

**David Finigan**  
Supervisor, District 5

**Motion:** Move to approve  
**Move:** Martha McClure  
**Second:** Leslie McNamer

**Gay Sarina**  
County Administrative  
Officer

**Vote Yea:** 5 David Finigan, Martha McClure, Leslie McNamer, Michael Sullivan, Gerry Hemmingsen

I, JEREMI RUIZ, Clerk of the Board of Supervisors of the County of Del Norte do hereby certify the foregoing to be a full, true and correct copy of the original orders made in the above entitled minutes by said Board of Supervisors at a meeting held in Crescent City, California on April 13, 2010 and the same now appears of record in my office.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Board of Supervisors this 13<sup>th</sup> of April, 2010.

JEREMI RUIZ  
Clerk of the Board of Supervisors  
County of Del Norte  
State of California

<b>EXHIBIT NO. 6</b>
<b>APPEAL NO.</b> A-1-DNC-10-016 COUNTY OF DEL NORTE NOTICE OF FINAL LOCAL ACTION (1 of 42)



**COUNTY OF DEL NORTE**  
COMMUNITY DEVELOPMENT DEPARTMENT

981 "H" Street, Suite 110  
Crescent City, California 95531

Fax (707) 465-0340

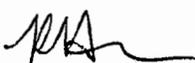
Planning  
(707) 464-7254

Engineering & Surveying  
(707) 464-7229

Airport  
(707) 464-7288

Building Inspection  
(707) 464-7253

**BOARD REPORT**

**DATE:** April 6, 2010                      **AGENDA DATE:** April 13, 2010  
**TO:** Del Norte County Board of Supervisors  
**FROM:** Randy Hooper, Planner   
**SUBJECT:** An appeal of the Planning Commission's denial of an Amendment to the Pebble Beach Drive Coastal Grading Permit.

---

**RECOMMENDATION FOR BOARD ACTION:**

1. Accept the appeal, thereby rejecting the Planning Commission's denial of the amendment to GP 2008-81C and direct staff to replace the temporarily placed boulders with guardrail.

**DISCUSSION/SUMMARY:**

This is an amendment to a previously approved project for various improvements to Pebble Beach Drive. The project was conditionally approved by the Planning Commission on November 5, 2008 and a subsequent public hearing was conducted March 3, 2010 to consider the proposed amendment. The amendment proposes to place guardrail at a turnout/parking area identified as "Parking Area C" in the previously approved project plan. Parking Area C is located between Lauff Avenue and Macken Avenue on the west side of Pebble Beach Drive.

As originally submitted, Parking Area C was approved for paving and placement of a curb. Upon preparation for work on the project it was determined that, after the surface was paved, the curb would not provide adequate protection for vehicles using Parking Area C. As a temporary, "stop-gap" measure the County Road Division placed approximately 14 boulders around the west side of the parking area to provide temporary protection for vehicles.

Staff presented the proposed amendment to the Planning Commission during a Public Hearing held on March 3, 2010. Had the proposed amendment been approved it would have allowed the County to either retain the temporarily placed boulders or replace the boulders with guardrail. Testimony was heard from neighbors of the project that generally objected to the placement of boulders or guardrail at the parking area, citing impacts to their view shed and indicating that the County was overstating the public safety risk at this location. After conducting the public hearing the Planning Commission voted 3 to 2 to deny the proposed amendment, thereby rejecting both alternatives presented by Staff (guardrail and boulders) and confirming the original design (curb) for Parking Area C. Commissioners Brown, Pritchett, and Restad voted, in the majority, to deny the amendment while Commissioners Howard and LaForest were in the minority.

After the decision of the Planning Commission, staff felt that a legitimate public safety risk did still exist at Parking Area C and that the previously approved curb design would not offer enough restraint to vehicles to remedy the overriding public safety concern. The County's representative for the project, Tina McClendon, met with the County Counsel who indicated that not placing a safety barrier could create liability for the County. As a result, Ms. McClendon arranged for Stover Engineering to conduct an assessment of Parking Area C for potential safety concerns. The report prepared by Project Engineer Sean Ewing, P.E. of Stover Engineering is attached to this Board Report. The report concludes that, after analysis, a public safety risk is clearly present at this location and that some protective device is needed. The report states that curb is not accepted as a traffic barrier, citing the Caltrans Highway Design Manual, and goes on to recommend guardrail as the appropriate design to address the public safety risk.

The proposed guardrail is approximately 29-inches in height and due to its relatively open design does not appear to significantly detract from visual qualities in the project area. The proposed guardrail would match the recently re-placed guardrail along much of the rest of Pebble Beach Drive. For reference, photos have been included with this Board Report which demonstrate what the existing guardrail along other portions of Pebble Beach Drive looks like.

Condition #1 of the project, as previously approved by the Planning Commission, states "The project shall be developed in substantial accord with the submitted design and sheet plans." As this proposed amendment to the approved project does not significantly change or alter the overall project design no changes to the adopted findings or approved conditions are necessary. Staff recommends the modification be accepted and the Coastal Grading Permit be amended. If Staff's recommendation is accepted, the Board should direct Staff to replace the temporarily placed boulders with guardrail at Parking Area C. Alternatively, the Board could uphold the denial of the amendment by the Planning Commission, in which case the boulders would be replaced by the originally approved curb at Parking Area C.

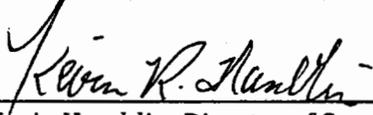
**ALTERNATIVES:**

1. Reject the appeal, thereby confirming the Planning Commission's denial of the amendment to GP2008-81C and leaving the project as originally approved.

**OTHER AGENCY INVOLVEMENT:** California Coastal Commission

**SIGNATURES REQUIRED:** None

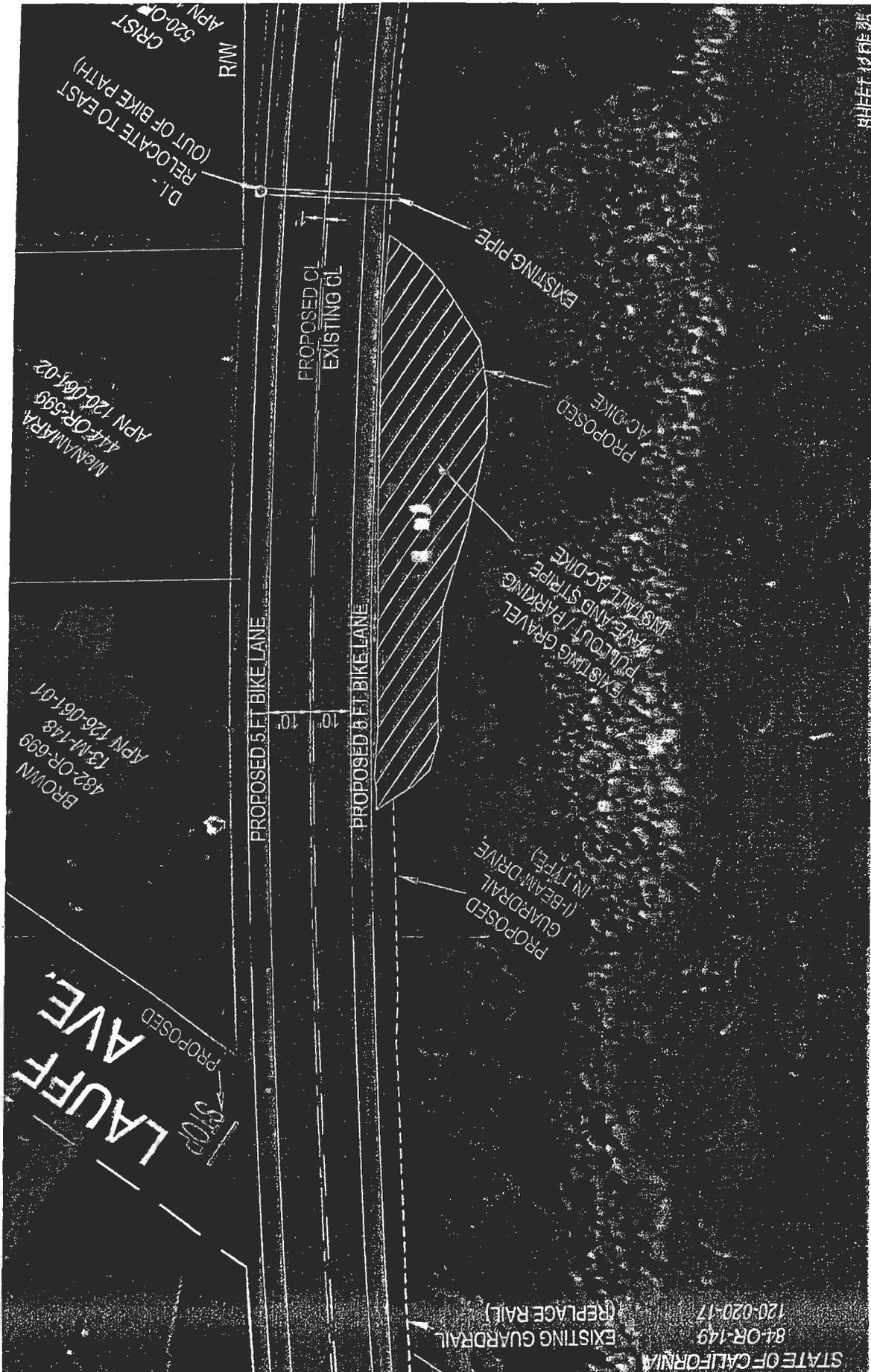
**ADMINISTRATIVE SIGN-OFF:**

  
\_\_\_\_\_  
Kevin Hamblin, Director of Community Development

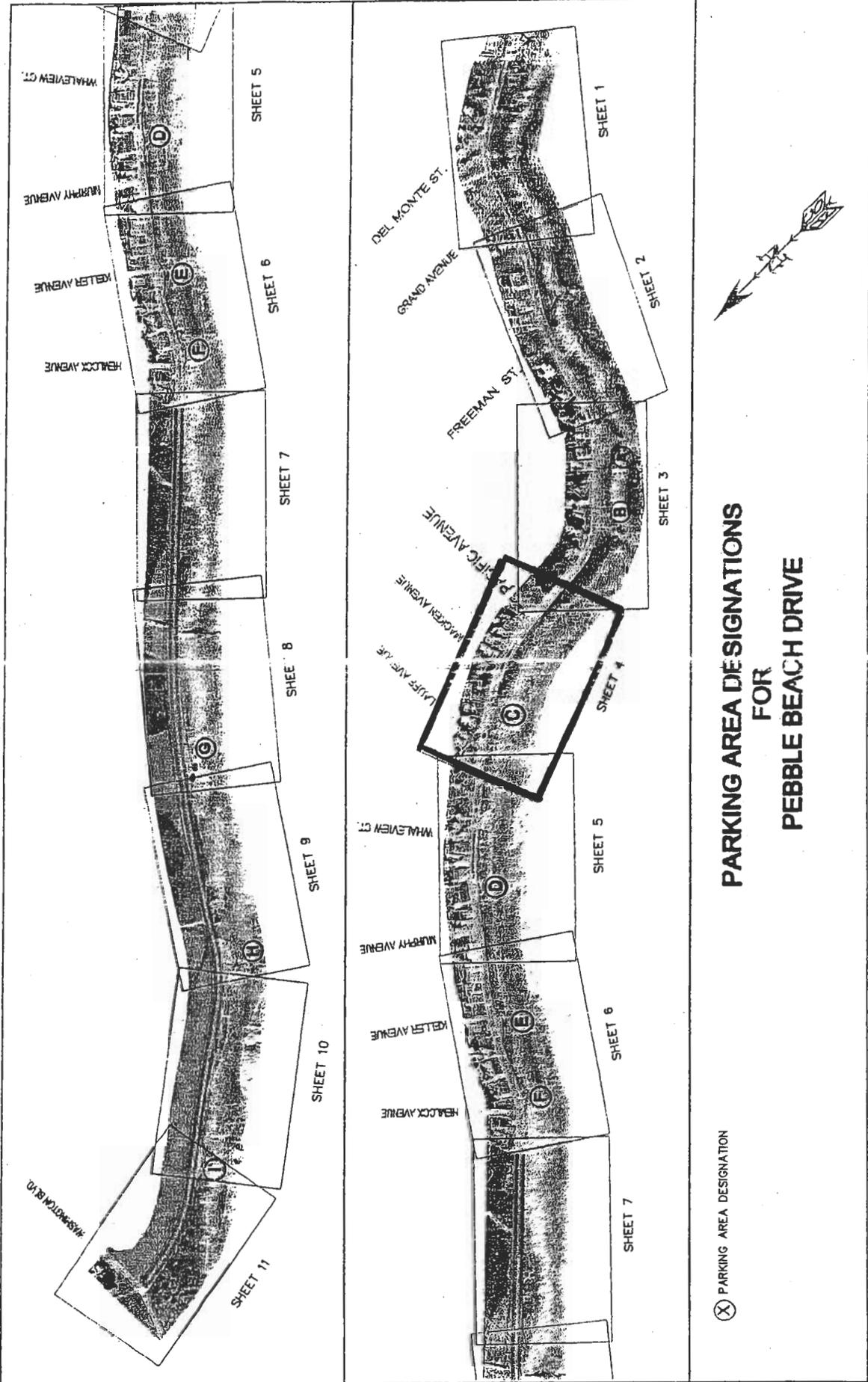
**Attachments:**

1. Project area aerial photographs;
2. "Guardrail Study of Pebble Beach Drive turnout between Macken Avenue and Lauff Avenue." Sean Ewing, P.E., Stover Engineering, March 15, 2010;
3. Photographs of Parking Area C;
4. Memo for Proposed Amendment as presented to Planning Commission on March 3, 2010;
5. Letter from Ron van Noord, March 3, 2010;
6. Minutes from the Del Norte County Planning Commission's consideration of amendment to GP2008-81C, March 3, 2010;
7. Original Staff Report for GP2008-81C as presented to Planning Commission on November 5, 2008.

Account#: 101-258-20221



AS PRESENTED



WASHINGTON BLVD

HEALCK AVENUE

KELLER AVENUE

MURPHY AVENUE

WAILEVIEW CT

DEL MONTE ST

GRAND AVENUE

FREEMAN ST

PACIFIC AVENUE

MARGEN AVENUE

LAYNE AVE

HEALCK AVENUE

KELLER AVENUE

MURPHY AVENUE

WAILEVIEW CT

SHEET 1

SHEET 2

SHEET 3

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PARKING AREA DESIGNATION



# STOVER ENGINEERING

Civil Engineers and Consultants

PO Box 783 - 711 H Street  
Crescent City CA 95531  
Tel: 707.465.6742  
Fax: 707.465.5922  
Info@stovereng.com

TINA McCLENDON  
COUNTY OF DEL NORTE  
981 H STREET #110  
CRESCENT CITY, 95531

Job Number: 4076

15 March 2010

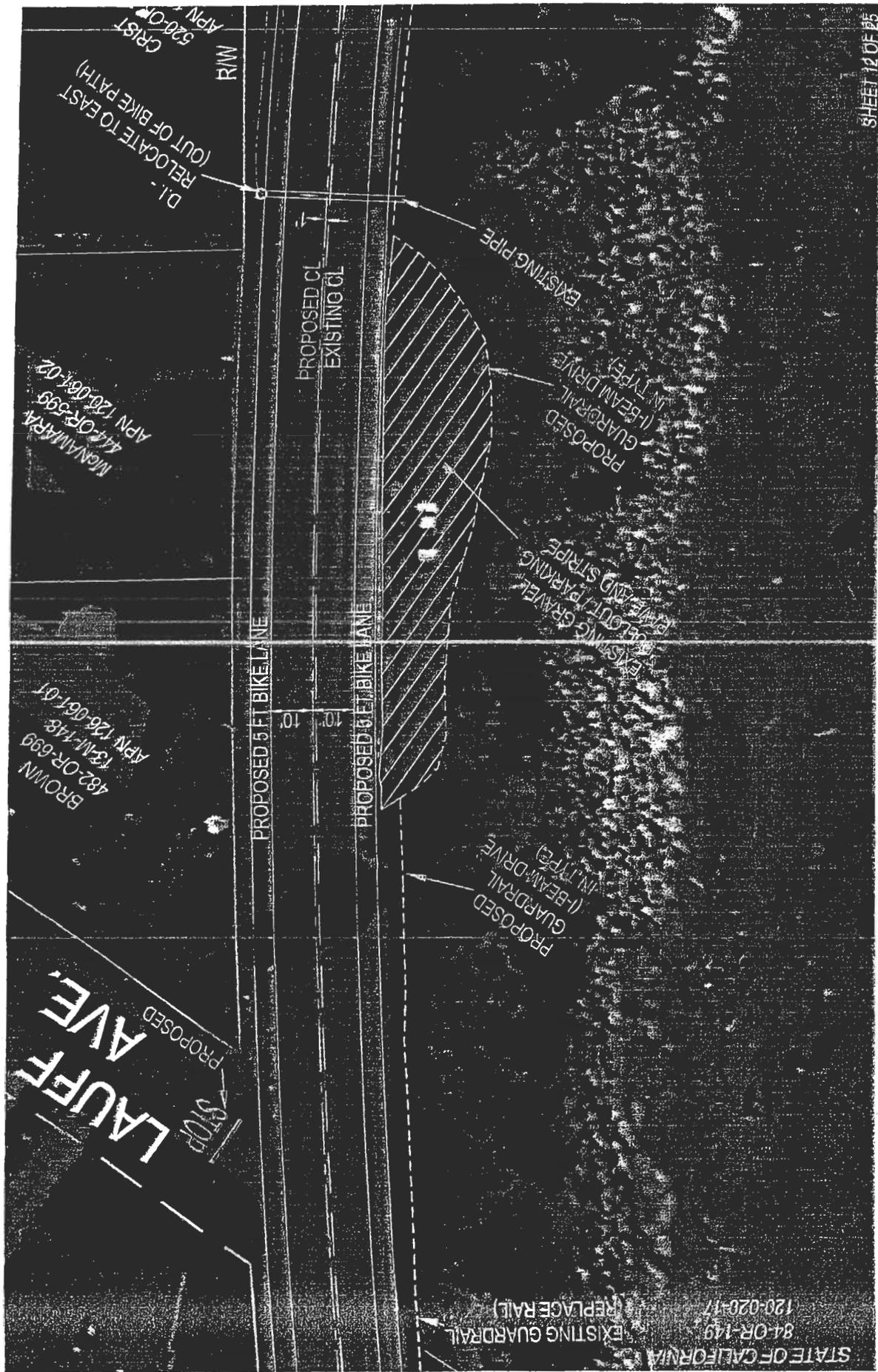
RE: Guardrail Study at Pebble Beach Drive turnout between Macken Avenue and Lauff Avenue

Dear Tina,

At your request, Stover Engineering has investigated the necessity of a vehicle barrier for the turnout located on the west side of Pebble Beach Drive between Macken Avenue and Lauff Avenue in Crescent City, California. Our analysis conforms to the Caltrans Highway Design Manual (HDM) and Chapter 7 of the Caltrans Traffic Manual (TM). We recommend that a steel beam guardrail be installed at this location, based on Caltrans design standards and similar existing installations located along Pebble Beach Drive.

Pebble Beach Drive has a 4 foot shoulder with a metal beam guardrail for most of the distance along the west side of the roadway starting near Spruce Street heading south into Crescent City city limits. The posted speed limit is 30 mph. The turnout we are studying is approximately 129 feet long and is 32 feet from the edge of the nearest traveled way to the top of bank at the widest location. The turnout is located on a 30 foot high bluff overlooking the beach below. The slope of the bluff varies from 1.5:1 to nearly vertical. There are three similar sized turnouts with similar conditions located on Pebble Beach Drive north of the turnout being analyzed. The two turnouts directly to the north have metal beam guardrails and the turnout furthest to the north has decorative wood guardrail. Both the turnouts directly to the north and the furthest to the north are close to the same length but are slightly narrower at their widest points. The second turnout to the north is the largest of the four. Section 304.1 of the HDM defines embankment slopes steeper than 3:1 as being considered non-recoverable and non-traversable. The turnout being analyzed between Macken Avenue and Lauff Avenue is the only turnout along this section of Pebble Beach Drive that does not have any form of safety barrier to keep vehicles from going over the embankment. See attached aerial photograph for subject location.

Section 309.1 of the HDM discusses horizontal clearances to roadside objects and the need to provide a clear recovery zone for errant vehicles from each direction. A clear recovery zone provides additional space for drivers that lose control of their vehicles and are directed off road to safely regain control and come to a stop or navigate back onto the traveled roadway. Clear recovery zone widths are dependent upon several factors including roadway design speed, traffic volume, alignment, side slope, and weather. Fixed objects located within the clear recovery zone should be eliminated, relocated outside of the recovery zone, or made to be yielding. If this cannot be done, the object should be shielded by guardrail or a crash cushion. The HDM recommends a minimum clear recovery zone of 20 feet on highways with



PROPOSED CHANGE

approaching traffic and provide smooth transition.” The TM also states that gaps of less than 200 feet between guardrail installations should be avoided. Not only does the unprotected embankment create a safety hazard, but the abruptly terminated guardrail without any taper outside of the clear zone creates an unsafe condition for errant vehicles.

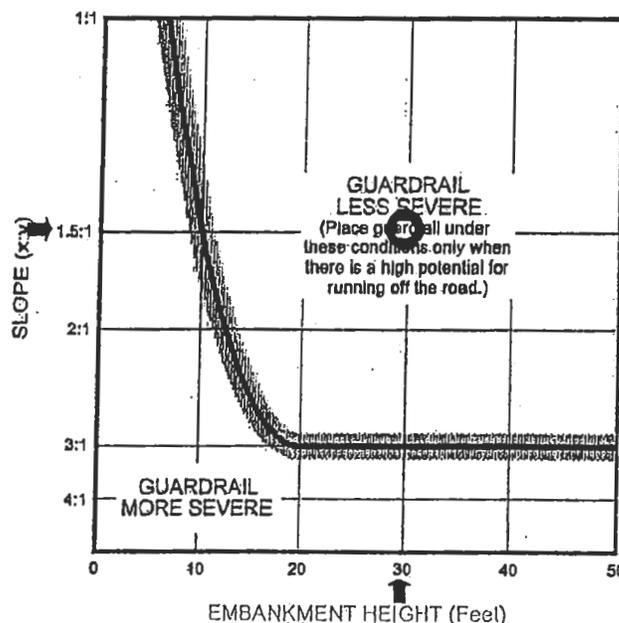
**Climatic Conditions:** “Frequent dense fog or snow and ice conditions increase the probability of a vehicle running off the road and going down an embankment. In addition, locations subject to high velocity cross winds have an increased probability of vehicles running off the road.”

Analysis – Frequent dense fog and high velocity cross winds increases the probability of vehicles running off the road. With a lack of street lighting in the area, a steel beam guardrail will provide a reflective surface for drivers and alert them of the hazard.

**Severity:** When determining if a guardrail is necessary, we must determine whether traversing the embankment or hitting the guardrail would be more severe. Caltrans uses an Equal Severity Curve (Figure 7-1) to help determine which is more severe. It uses the slope of the embankment in relation to the height of the embankment. The curve shown on the graph indicates when the severity is relatively equal between the two. When the embankment is plotted significantly above the curve it indicates that traversing the embankment would greatly increase the severity of an accident and outweighs the increased less severe accidents involved in minor collisions with the guardrail.

Analysis – With a slope of 1.5:1 and a height of 30 feet, the turnout embankment plots well above the equal severity curve. Therefore, accident severity will be less if guardrail is installed.

Figure 7-1  
EQUAL SEVERITY CURVE  
(See Text for Instructions)



operating speeds greater than 45 mph and refers to the AASHTO Roadside Design Guide for lower speed roads. The AASHTO Roadside Design Guide was not available to us at the time of this report. It can be safely assumed that a 20 foot recovery zone is adequate. Stopping sight distance for a 30 mph roadway is a minimum distance of 200 feet.

It has been proposed by the County to install an asphalt dike or large rocks spaced close enough together to act as a vehicle barrier to the embankment. The HDM manual refers to Chapter 7 of the TM for the design of traffic safety systems. The HDM and TM do not discuss large boulders as vehicle barriers and states that concrete barriers should only be used under special circumstances. Section 303 of the HDM defines the general purpose for curbs and dikes are to be used primarily for "...channelization, access control, separation between pedestrians and vehicles, and to enhance delineation." It goes on to state "Curbs and dikes are not considered traffic barriers." Section 7-03.2 of the TM discusses guardrail types and states that "Metal beam guardrail is the standard for embankment and fixed object protection."

The procedure for embankment guardrail consideration at a given location, as outlined in Chapter 7 of the TM, is as follows:

**Accidents:** "Guardrails should only be installed at locations with a high run-off-road accident history or where there is a significant potential for such accidents."

Analysis – We are unaware of any run-off-road accidents recorded at this location even though there is a significant potential due to other factors addressed in this report.

**Alignment:** Isolated curves on otherwise high-standard roads, first curve in a series of curves, compound curves, or curves with larger central angles have higher probabilities of vehicles running off the road.

Analysis – The turnout is not located on an isolated curve or series of curves. It is located on the inside radius of a long gradual curve and therefore is no concern.

**Volume of Traffic:** "The higher the volume of traffic, the greater is the probability that run-off-road accidents will occur."

Analysis – The average daily traffic (ADT) recorded at the intersection of Pacific Avenue with Pebble Beach Drive between the dates of 8/15/2005 and 8/26/2005 for north bound traffic was found to be 709.8. The ADT shows Pebble Beach Drive north of Pacific Avenue to be a relatively high traveled county roadway.

**Roadside Recovery Area:** "The narrower the recovery area, the greater is the probability that a run-off-road vehicle will go down an embankment.

Analysis – With little recovery area on the west side of Pebble Beach Drive, the County has installed steel beam guardrails for much of this section of roadway as well as most of the turnouts. The guardrail has approximately a 129 foot break at the turnout between Macken Avenue and Lauff Avenue. The TM states that "Guardrail typical layouts are designed to place the ends of guardrail installations away from

Tina McClendon  
15 March 2010  
Page 4

Continuing the guardrail around the turnout will protect vehicles from the embankment and create a safer condition where the currently existing guardrails are terminated without transitions. The use of rock barriers or asphalt dike has the potential to add to or create unsafe conditions of their own. The HDM recommends guardrails to be offset a minimum of 4 feet from the hazard they are shielding. With the minimum offset from the embankment, it would leave the turnout with 28 feet of space at its widest point which is slightly wider than the recommended width for a recovery zone. Our recommendation is to use the protective metal beam barriers that are already in place at the two turnouts to the north.

We trust this report meets your needs. If you have any questions or concerns, please feel free to contact us.



Very truly yours,

STOVER ENGINEERING

A handwritten signature in cursive script, appearing to read "Sean Ewing".

Sean Ewing, P.E.  
Project Engineer

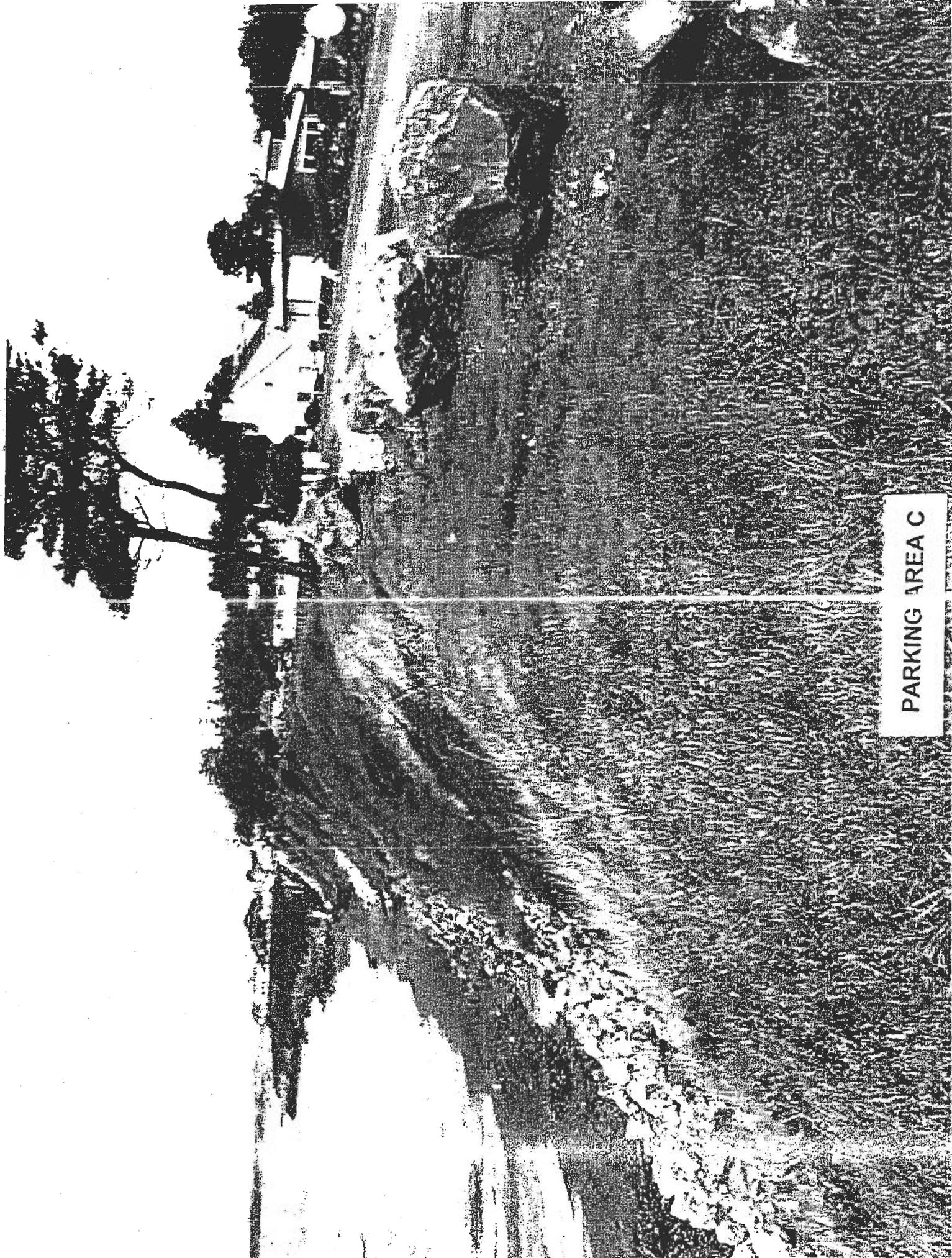
Attachments

QA/QC WLS





PARKING AREA C

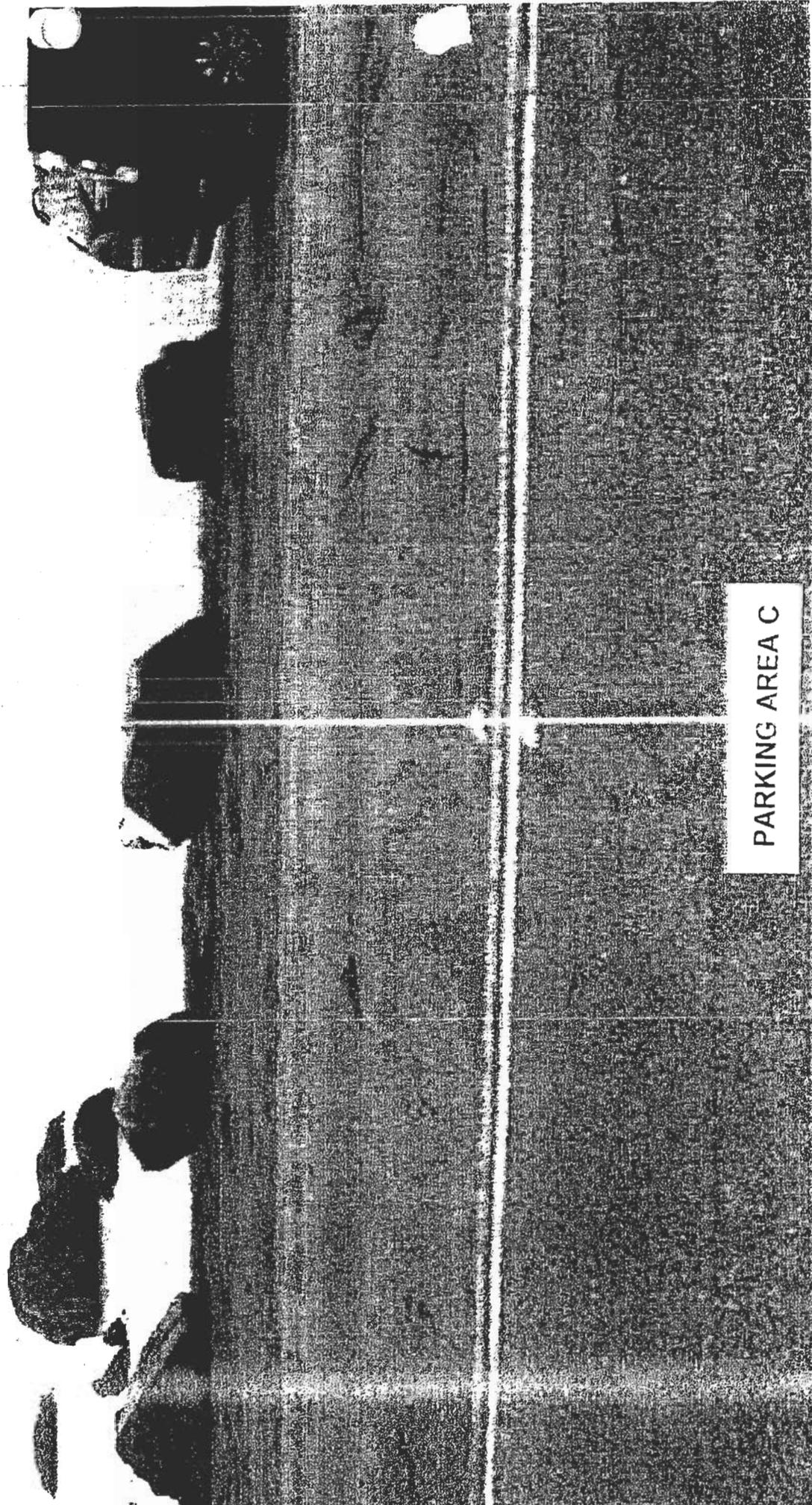


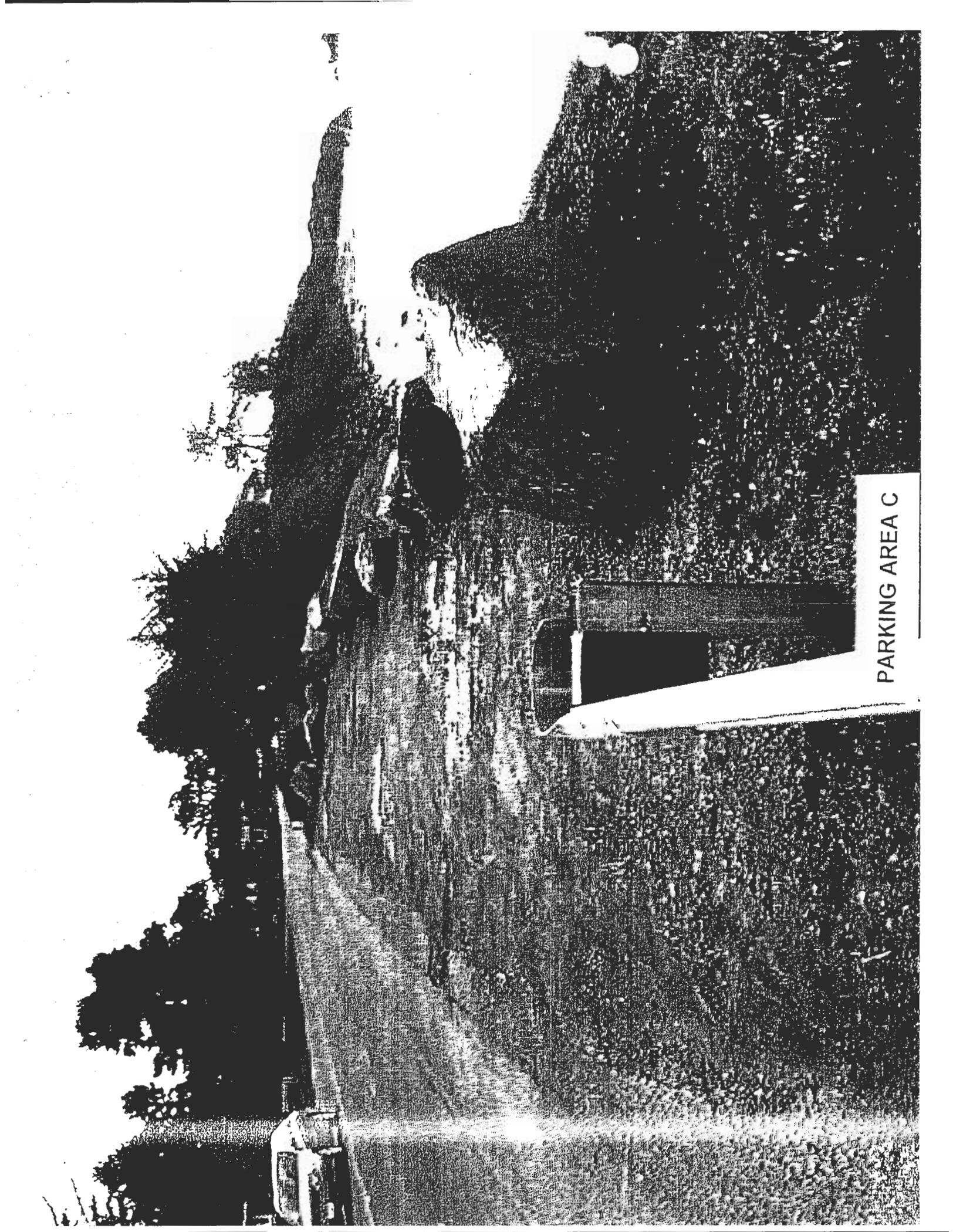
PARKING AREA C



PARKING AREA C

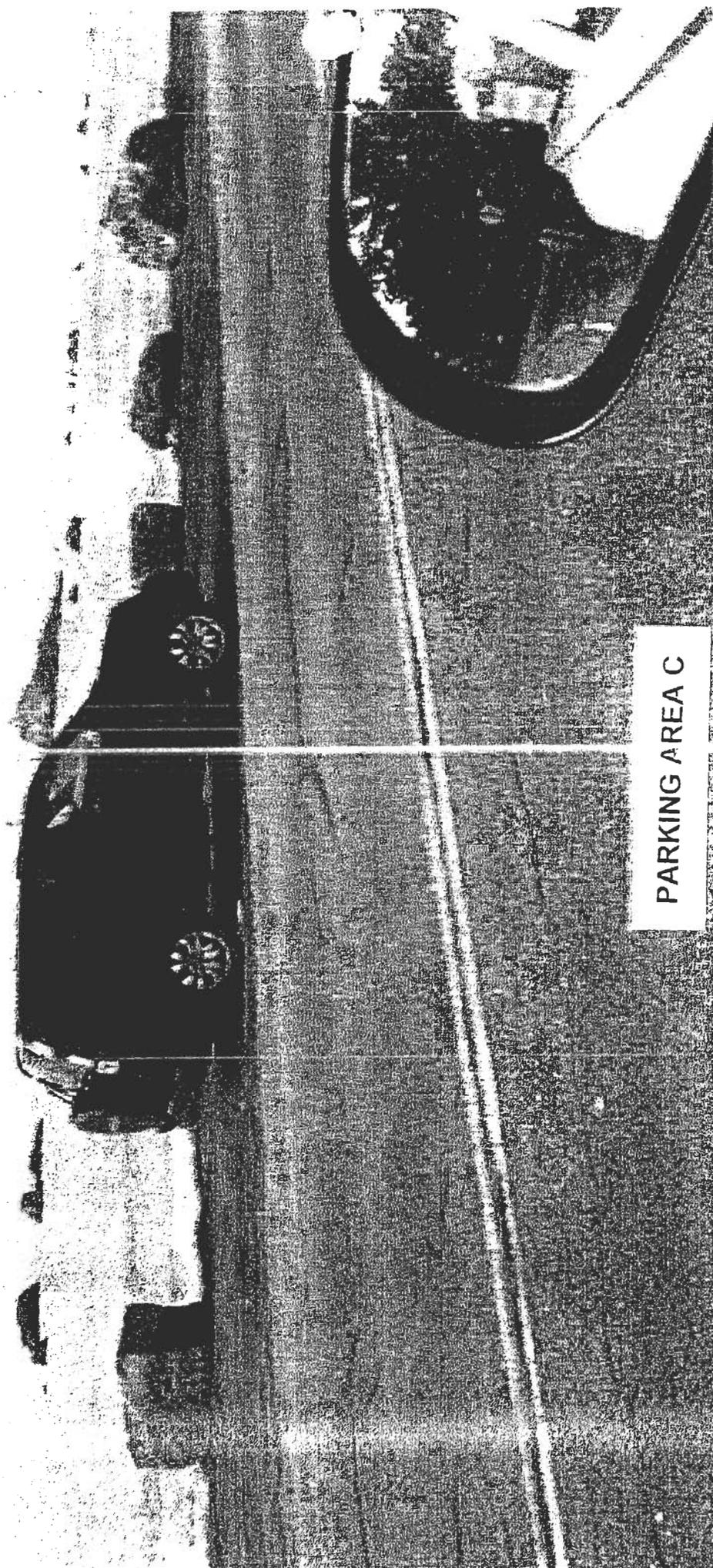
PARKING AREA C





PARKING AREA C

PARKING AREA C





**COUNTY OF DEL NORTE**  
COMMUNITY DEVELOPMENT DEPARTMENT

981 "H" Street, Suite 110  
Crescent City, California 95531

Fax (707) 465-0340

Planning  
(707) 464-7254

Engineering & Surveying  
(707) 464-7229

Airport  
(707) 464-7288

Building Inspection  
(707) 464-7253

To: Del Norte County Planning Commission

From: Randy Hooper, Planner III 

Date: March 3, 2010

Re: Coastal Grading Permit GP2008-81C (Amendment) - County of Del Norte

This is an amendment to a previously approved project (see attached Staff Report) for various improvements to Pebble Beach Drive. The project was conditionally approved by the Planning Commission on November 5, 2008. This amendment proposes to place either guardrail or boulders at a turnout/parking area identified as "Parking Area C" in the previously approved project plan. Parking Area C is located between Lauff Avenue and Macken Avenue on the west side of Pebble Beach Drive.

As originally submitted, Parking Area C was approved for paving and placement of an "AC-Dike" (a curb-like feature approximately 6 to 12-inches above grade). Upon preparation for work on the project it was determined that after the surface was paved an AC-Dike would not provide adequate protection for vehicles. As a temporary "stop-gap" measure the County Road Division placed approximately 14 boulders around the west side of Parking Area C to provide temporary protection for vehicles at this location (see attached photos).

The proposed guardrail is approximately 29-inches in height; the boulders range from 28 to 36-inches in height and 5 to 7-feet in width. Photos have been included which demonstrate what the existing guardrail along other portions of Pebble Beach looks like (the proposed guardrail would essentially match the other guardrail). Photos of the boulders at the location are also included with this Report.

An important element to the placement of either guardrail or boulders at this location is retaining visibility due to it's location. The County's Local Coastal Program and the Coastal Act require that scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Staff has corresponded with Coastal Planner Jim Baskin of the California Coastal Commission regarding the project. Mr. Baskin has indicated that keeping the temporarily placed boulders as a permanent fixture at the location is preferable over the guardrail because of the boulder's "relatively low-profile, gapped spacing, natural earthen material appearance."

Furthermore, Mr. Baskin states that his office "believes this alternative (guardrail) would likely result in greater impacts to visual resources insofar as; (1) the barrier would obstruct a greater percentage of the ocean and beaches vistas; and (2) the metal railing and wood post construction would not 'blend with the natural contours of the landscape,' as required LUP Visual Resources Policy 5.a., nearly as would the existing boulders."

Condition #1 of the project, as previously approved by the Planning Commission, states, "The project shall be developed in substantial accord with the submitted design and sheet plans." As this proposed amendment to the project does not significantly change or alter the overall project design no changes to adopted findings or approved conditions are necessary. Staff recommends the modification be accepted and the Coastal Grading Permit be amended. If accepted, the Commission shall direct Staff to either (1) replace the boulders with guardrail or (2) retain the boulders at Parking Area C.

Del Norte County Planning Commission  
981 H Street  
Crescent City, CA 95531

3/3/10

Regarding the Amendment to the Pebble Beach Drive Rehabilitation-Bike/Pedestrian Project  
Commissioners,

The logical answer to the requested amendment is a simple NO. That is unless the county wants to go into the business of destroying million dollar views.

The project in question has been approved by anyone and everyone and reviewed repeatedly in public hearings. At the hearings the supervisors, the public, the CHP, anybody in the county who cared and the County Engineer were present and thereby approved this plan.

One can drive either north or south on Pebble Beach and find parking areas protected by exactly the same type of curb approved by everyone in this project. It's even possible to find bluff top areas which are not protected by anything. One wonders why the city or county isn't running around dumping giant boulders in these spots. You can drive 199, 101 or almost any county road and find hundreds of similar non "issues".

As approved, the county sidestepped the California Environmental Quality Act by claiming this was a project of replacement and reconstruction. This claim will become invalid by granting this amendment. Which should precipitate full review for the CEQA. The two state granting agencies, the California Coastal Commission and even Mike Thompson who has endorsed this project should fully reconsider the project if amended.

Please notify me in writing of you final decision in this matter.

Sincerely,



Ron van Noord  
2835 Elk Valley Road  
Crescent City, Ca 95531

For Frank and Patty McNamara, owners  
252 N. Pebble Beach Dr.  
Crescent City

RECEIVED BY THE  
PLANNING COMMISSION  
AT MEETING OF

3/3/10

**Del Norte County Planning Commission  
Public Hearing / March 3, 2010**

DEL NORTE COUNTY - Amendment to the Pebble Beach Drive Rehabilitation-Bike/Pedestrian Project - CGP2008-81C located along Pebble Beach Drive, Crescent City.

Staff gave a brief summary of the project. Staff stated that they did receive a letter from a Mr. Wiens and the Commission was provided a copy. Staff stated that he is essentially opposed to the project, sighting disruption of the view shed. Staff stated that Mr. Wiens does offer a couple of alternative designs and staff would like to point out design number three, which is basically to keep the boulders but selectively choose which ones would remain there. Staff stated that could be a possibility or at least a recommendation of Mr. Wiens. Staff from the County Road Division and Engineering Division were present this evening to speak specifically about the project. Chair Restad opened the public hearing. Ron van Noord, of 2835 Elk Valley Road, addressed the Commission. Mr. van Noord stated that he was present this evening on behalf of his in-laws who own 252 N. Pebble Beach Drive, which is directly east of parking area "C". Mr. van Noord stated that he wrote a letter to the Commission and would like to read it and then provide copies to the Commissioners.

*"The logical answer to the requested amendment is a simple NO. That is unless the county wants to go into the business of destroying million dollar views.*

*The project in question has been approved by anyone and everyone and reviewed repeatedly in public hearings. At the hearings the supervisors, the public, the CHP, anybody in the county who cared and the County Engineer were present and thereby approved this plan.*

*One can drive either north or south on Pebble Beach and find parking areas protected by exactly the same type of curb approved by everyone in this project. It's even possible to find bluff top areas which are not protected by anything. One wonders why the city or county isn't running around dumping giant boulders in these spots. You can drive 199, 101 or almost any county road and find hundreds of similar non "issues".*

*As approved, the county sidestepped the California Environmental Quality Act by claiming this Was a project of replacement and reconstruction. This claim will become invalid by granting this amendment. Which should precipitate full review for the CEQA. The two state granting agencies, the California Coastal Commission and even Mike Thompson who has endorsed this project should fully reconsider the project if amended."*

Mr. van Noord thanked the Commission, gave them copies of his letter and resumed his seat. James R. Brown, of 262 N. Pebble Beach Drive, addressed the Commission. Mr. Brown stated that he wanted to speak in opposition to the proposed change in this project and echo the concerns that Mr. van Noord just expressed but there are a few points he would like to review as well. Mr. Brown stated that it seems to him that the project is being proposed to create a parking area where there is a real question, in his mind, that there should be one in the first place. If you look at this particular parking area, you will notice that it is considerably different than most of the other parking areas on the road in terms of the space provided for parking. It accommodates somewhere between 2 to 4 vehicles, unless a large RV is parked laterally in the area which usually extends onto the road itself because the parking space is not that wide in the first place. Mr. Brown stated that he gets the fact that this has gone through a previously approved project and there were a lot of people that came forward to speak about the whole Pebble Beach project. Mr. Brown stated that there is still some fundamental question in his mind that this should even be regarded as a parking place in the first place. In addition to being relatively narrow, there is a sharp drop off there but if you look up and down the parking areas that problem is dealt with in a variety of ways;

ranging from a split rail fence to the kind of curb that was originally approved for this project. Mr. Brown stated that he would also question how the parking lot will be striped once it is paved, particularly given that this is a bike pathway project. If you look carefully at this, as the bikes go by and because of the narrowness, it seems to be the greater liability and he isn't sure that has been adequately dealt with. Mr. Brown stated that in his mind it definitely constitutes a safety hazard for the bikers that are going by if this proposed change goes forward. Finally, there are the issues with CEQA and with the Coastal Commission. He views this as a substantive change in that this requires additional action on their part. If there is to be a parking area there, it is his recommendation that the curb approach or the split rail approach be the ones that are considered. Mr. Brown stated that allowing RV's to park there, especially the big ones, are very problematic. The area would be far better served by doing what is done in other areas along Pebble Beach and that is to have a nice walk in grass area to overlook the beach in the first place. There is ample off street parking available on Lauff, Macken and the other streets in the area. Mr. Brown stated that if the Commission has to go forward with this he supports what was originally approved; the boulders in any size shape or form are completely unacceptable. Mr. Brown thanked the Commission and resumed his seat. Chair Restad asked if there were other questions or comments. Hearing none the public hearing was closed. Commissioner Pritchett asked why the change from the curb was made? Commissioners Brown, LaForest and Restad stated that was their same question. Staff stated that there was staff from the Road Department present this evening but essentially as staff stated in the narrative about the project it is a very low curb and a determination was made that that wasn't enough to stop a vehicle from going over the edge. Jeff Daniels, the Road Superintendent, addressed the Commission. Mr. Daniels stated that the project was relatively new to him and his position. Mr. Daniels stated that he went out to do the grading work for the parking lot and it's not a parking lot, it's a turn out but he went out to put some gravel down and he felt at that time that if it was going to be made a new parking area or turn out then there needed to be some type of safety device. It was discussed with staff within CDD and felt that the boulders would be adequate for safety. Chair Restad asked if a curb wouldn't do it; a high curb? Mr. Daniels stated that he didn't feel that a curb would do it and it was discussed with the County Engineer and the Deputy Director of the Engineering and Road Department, and Deputy Director of the Planning and Building Department but Mr. Daniels feels that this is a safety issue. There are some places where there isn't a guard rail and there is just a curb but this is a brand new parking lot. Mr. Daniels stated that he felt if they were putting in a brand new parking area there needs to be something there. He wasn't in the process of the design of this project. He became the road superintendent after the project was already approved. Sometimes when you get out in the field you see things differently than you do when you are penciling it out on paper. Commissioner Pritchett asked Mr. Daniels if the 6-12 inch curb was installed, how much space would be between the curb and the drop off. Staff stated that if the Commission looked at page 44 and 45 of the Agenda, it would be right around where the white line is. Commissioner Pritchett stated that his question is if somebody hit the curb and go over the curb, how much space they would have before they go over. Mr. Daniels stated that they would have approximately 8 feet and that is a judgment call. Commissioner Howard stated that the 8 feet would exist between the dark black area in the picture and the white dotted line. Mr. Daniels stated yes and that previous to this there was a traffic accident on Pebble Beach Drive which occurred in a turn out. The car hit the new guard rail that was placed there and that happened in the turn out, further to the north of this particular parking lot "C". Commissioner Howard stated that this is a County approved designated parking area under the plan. Kevin Hamblin, Director of Community Development, addressed the Commission. Mr. Hamblin stated that yes it was. Mr. Hamblin stated that from what he understands was that this was developed over time and was never official. With the improvements to Pebble Beach Drive, then the County recognized it, improves it as an official turn out and there in lies the problem. If there is no turn out, that's contrary to the plan because the plan has a turn out but the curb along the edge of the turn out seems to be inadequate for safety issues. The fact that this turn out area was recognized as one, is now slated for improvements and maintenance by the County, and therefore needed the safe guards for public safety if that was going to be an official County turn out. Commissioner Pritchett asked if there was access to the beach from this location. Staff stated no. Commissioner

Pritchett stated that this was basically used as a park and look spot. Staff stated yes. Commissioner Pritchett asked when the parking lot was installed how many cars it will hold. Mr. Hamblin stated that he asked Mr. Reeve, the County Engineer, to get the plans. Mr. Hamblin stated that based on the pictures on page 44 and 45 it looks like maybe 5 or 6 cars at the most. Chair Restad asked if all the other turn outs on Pebble Beach have guard rails or if they have the curb. Mr. Daniels stated that there are no new proposed parking areas. This is a new proposed parking area; all the other parking areas are older parking areas. Chair Restad asked if they all had guard rails. Mr. Daniels stated that some of them do and some of them don't. Mr. Daniels stated that his concern for public safety was that parking area "C" is the farthest drop to the beach. Mr. Daniels stated that it was a judgment call and feels it's a very good judgment call because he wouldn't want to see anyone go off that bluff because it is the highest part of Pebble Beach Drive. Commissioner Brown stated that until the Road Department put the boulders in, there was nothing there, correct. Mr. Daniels stated that there was nothing there but it also was not designated a parking area either. Chair Restad asked if there was any parking areas or turnouts south of this that doesn't have the berms. Mr. Daniels stated that south of this there is a large parking lot, where the stairs go down to the beach, and that is the only one north of there. Chair Restad stated that that one doesn't have a guardrail. Mr. Daniels stated that it does have a guardrail on part of it. Commissioner Brown stated that as she understands it the property owners are objecting to the guardrail also from this letter. Chair Restad stated that this was proposed as a berm originally, not a guardrail. Mr. Daniels stated that was correct and he asked staff if he could put a guardrail in but he was told that he couldn't put a guardrail in there. Commissioner Howard asked what the staff recommendation was for the Commission. Staff stated that there are three options; the Commission can maintain the existing plan, which is the AC dike, which has already been approved. The alternatives would be the guardrail and the boulders. The Commission can either go with one of the alternatives or can stick with the original plan. There has been correspondence from Coastal Commission on the scenic view shed issue and they support the boulders and that is also staffs recommendation because staff doesn't want to make waves with Coastal. Chair Restad stated that Coastal had already approved the AC dike. Commissioner Howard stated that the Coastal Commission approved the AC dike which was the short curb. Commissioner Brown asked if Coastal did approve the boulders. Staff stated that they have correspondence from Coastal Commission to support the boulders. A Coastal staff person was up here and had a look at the site and he didn't see an issue with the boulders from a view shed stand point. Commissioner Howard stated that he wasn't sure this was adequately explained to him when this project came to the Commission the first time regarding the pre-existing use as a parking lot or it not being a pre-existing use as designated by the County; it was just a pull out that has always been there. When it was brought before the Commission by staff he thought it was already a parking lot and not necessarily one that the Commission was creating. Commissioner Howard stated that he doesn't know how the rest of the Commission feels about that but Commissioner Pritchett wasn't here during those discussions but the rest of the Commission was. Commissioner Howard stated that he would love to hear from the Commission what their memory was of this project. Commissioner Brown stated that she doesn't remember the project at all. Commissioner Howard stated that he doesn't remember it being designated as a parking lot previously and a change of use. Commissioner Brown stated that it's not really a change in use. Commissioner Brown asked when this project originally came before the Commission. Staff stated that the project was approved in November of 2008. Commissioner Brown stated that she wasn't present at that meeting. Staff stated that he has lived here his whole life and it's always been a place that's been used as a place for people to look out at the ocean. Staff stated that it was formalized, yes, by the approval of the Coastal Grading Permit in 2008 as parking area "C" and is on the sheet plans that way. The formal designation of a parking spot probably wasn't prior to that. Chair Restad stated that the only issue is over the curb, boulders or the guardrail; it isn't the parking part of it so much. Commissioner LaForest asked how many rocks there were and asked if there were any 20 inch high ones. Mr. Daniels stated that there were 14 rocks there now. The Road Department does have small boulders but they selected the ones that they felt was adequate for there. Mr. Daniels stated that they took into consideration that we also have to look at those boulders too when we drive up and down the road. There are some smaller boulders but how much time

do we want to spend going out and getting those? Commissioner LaForest stated that it seemed to him that if the curb wouldn't do it then maybe a boulder 6 inches higher would. Staff asked Mr. Daniels what the minimum height of a boulder would have to be in order to address the safety issues. Staff stated that they do realize that it would be time consuming to replace the boulders but in order for a comfort level for everyone, staff may need to make that decision to do it. Mr. Daniels stated that it was his understanding that they didn't want to break the ground when they put the boulders out there, so they didn't want to dig down into the ground to put the boulders down any further because they didn't want to disturb anything, so they just placed the boulders where they are. Mr. Daniels stated that if they were allowed to, they would. Staff stated that they are just wondering if boulders that are 30 inches could be replaced with 20 inch boulders and accomplish the same safety goal even if it does take County time in order to do that. Mr. Daniels stated that he thought that could be possible but they would definitely have to look because he wouldn't want to put a 20 inch by 20 inch boulder but a 20 by 8 feet long and those are a little harder to find. Chair Restad asked if a bigger curb could be built. Chair Restad asked if boulders would be placed further south of this, where does it stop. Commissioner Pritchett stated that this is one of those things where over time it just happened; it was a turnout and then a parking area. On its best day 5 or 6 cars, tops, would be in the parking area. If it's an RV, you are looking at an RV and maybe a car or two at best. Is there really a need for this space? It's just a view access. Chair Restad stated that the boulders are to prevent people from driving over the cliff. Commissioner Howard stated that it's a safety issue. Commissioner Brown stated that unless the boulders were placed on the edge of the road then someone can still drive out there. Commissioner Pritchett stated that may have to be a curb. Commissioner LaForest stated that now we are talking a guardrail right by the road. Commissioner Pritchett stated that if it was a standard curb. Chair Restad stated that he's almost going back to where it was originally approved. It was approved, this was talked about, where does it stop? If you are going to put boulders on this one, then the rest should be done too. Commissioner LaForest asked if he heard someone ask if the curb could be made higher. Mr. Daniels stated that as proposed, at 6 to 12 inches, it wouldn't be adequate enough to stop a car. Commissioner Brown asked if the curb could be made higher. Mr. Daniels stated no, not with asphalt. Commissioner Pritchett stated that staff mentioned something in regards to liability if the Commission went with the current plan. Would there be exposure if a car rolled over. Staff stated that that was more of a legal question but thinks that the pragmatic answer would be yes, if you have the option to provide a reasonable means of safety to the public and the Commission doesn't do that and something happens, staff is sure some creative lawyer could come up with an argument to point liability on the County. Commissioner Pritchett stated that there are other places and is the County going to boulderize the entire Pebble Beach Drive. Staff stated that as Mr. Daniels pointed out, this was selectively looked at because of its unique features; it's high. It's not like further north where it drops down and is more gradual. Commissioner Brown stated that her feeling is to either lower the boulders to no higher than 20 inches or leave it as an AC dike and no guardrail. Commissioner Pritchett stated that if someone wants to drive their car or someone else's car over the edge someplace, they are going to find it. The question is can the Commission stop the person who accidentally forgets to put the car in park. Commissioner Pritchett asked if the County has had any cases of this at this location. Staff stated that there was a vehicle that went over that edge in 2008. They didn't drive over the edge but a vehicle did go over the edge. Commissioner Pritchett stated that there have been no cases of an accident. Chair Restad stated that the curb would slow them down a little bit if a car was parked and was rolling. Commissioner Pritchett stated that that was his point earlier when he asked how much space was there. He's assuming if you are looking at the sunset and you put your car in park and all of a sudden you hit the curb; do you have enough time to hit the brakes? Commissioner Pritchett stated that he is in support of the original proposal. Chair Restad stated that he is too. Commissioner Brown moved to deny the amendment and leave the project as originally designed. Commissioner Pritchett seconded the motion, with the project being denied on a polled vote of 2 noes and 3 ayes with Chair Restad, Commissioner Pritchett and Commissioner Brown voting to deny the amendment and keep the project as originally approved.

Agent: Art Reeve, County Engineer

APP# CGP2008-31C

**STAFF REPORT**

APPLICANT: County of Del Norte

APPLYING FOR: Pebble Beach Drive Rehabilitation and Bike Paths Coastal Trail

AP#: 120-020-15, 16, 17, 22 and 120-290-04

LOCATION: Pebble Beach Drive from City limits to Washington Boulevard

PARCEL(S) SIZE: N/A      EXISTING USE: County Road      EXISTING STRUCTURES: Improved road surface with safety railing.

PLANNING AREA: 4 Crescent City Urban      GENERAL PLAN: Urban Residential, Ag, Public Facility

ADJ. GEN. PLAN: Pacific Ocean

ZONING: PF- C (A)(H), PF-C, R1 B6, A-5, A-20      ADJ. ZONING: Ag 20, RCA

1. PROCESSING CATEGORY:    NON-COASTAL    APPEALABLE COASTAL X  
                                         NON-APPEALABLE COASTAL    PROJECT REVIEW/ APPEAL

2. FIELD REVIEW NOTES:    DATE: 10/3/08      HEALTH DEPT X      BUILDING INSP X  
                                                                                         PLANNING X      ENGINEERING/SURVEYING X

ACCESS: Pebble Beach Drive    ADJ. USES: Residential, beach use, agricultural

TOPOGRAPHY: Uplifted area above beach to relatively flat with some sand dune features on the periphery

DRAINAGE: very localized

DATE OF COMPLETE APPLICATION: October 9, 2008

3. ERC RECOMMENDATION: Application complete. Approval with Conditions. The following CEQA exemptions apply:

1. Restriping of streets or highways is statutorily exempt from CEQA pursuant to Section 21080.19 of the Public Resources Code;
2. The project will involve negligible or no expansion of use of Pebble Beach Drive beyond that existing and is therefore exempt under Section 15301, Existing Facilities including items (c) and (d);
3. The project includes the replacement or reconstruction of existing structures and facilities that will be located on the same site and have the same purpose and capacity as the facilities being replaced, and are therefore exempt under Section 15302, Replacement or Reconstruction;
4. The creation of bicycle lanes on existing rights-of-way is specifically exempted under Section 15303 (h); and
5. The project consists of minor public alterations in the condition of the project area, Section 15304. CEQA Class 3 and 4 exempt.

10/28/08

#### 4. STAFF RECOMMENDATION:

##### **Background**

Pebble Beach Drive parallels the shoreline for approximately two miles between its intersection with Washington Boulevard on the north and the City limits of the City of Crescent City on the south. The road has approximately 5,500 lineal feet of frontage in the urban residential area north of Crescent City and approximately 4,300 lineal feet of frontage in the agricultural area north of the residential area. Pebble Beach Drive is recognized in the Local Coastal Plan (LCP) as a significant source of recreational opportunities for the community and visitors to the area. Pebble Beach Drive offers access to sandy beaches, rocky shorelines, tide pools, and views of the offshore rocks located along the shoreline. The area is used by locals and visitors for walking, bicycling, surf fishing, surfing, and numerous other activities associated with an accessible shoreline. Traffic counts on Pebble Beach Drive indicate a rather consistent average daily traffic of 1,500 vehicles per day. There is little variation between summer traffic counts and winter traffic counts, indicating a constant year round use of the area.

##### **Setting**

As stated above, Pebble Beach Drive is a scenic drive that has approximately two miles of ocean frontage. With the exception of three residences on the west side of Pebble Beach Drive, the frontage of Pebble Beach Drive on the ocean side of the street is all publicly owned either directly by the County or by the State. Pebble Beach Drive offers panoramic ocean views of numerous pocket beaches, sandy alcoves, rock outcroppings, sea stacks offshore, Castle Rock and other numerous offshore rocks. This stretch of shoreline includes coastal attractions such as seasonal whale watching, bird migration, marine life, surfing, tide pools, and views of two offshore lighthouses. Existing public access includes two formal stairways to the beach and nine pull-out parking areas. Currently, pedestrians thread on and off of the road shoulder, between sections of rusted safety rail and the informal paths parallel to the road. These paths do not interconnect and tend to terminate at impassable locations forcing the pedestrian back into the travel lane/shoulder. Cyclists must compete with motorized vehicles for use of the paved roadway surface. Traffic moves more rapidly than it should for the conditions and adds to the risk to the pedestrians and bicyclists.

Pebble Beach Drive is presently improved with two travel lanes and little to no shoulder. The travel lane on the east side of the centerline is eleven feet in width. The travel lane on the ocean side of the centerline is 12 feet in width. The fog line demarcates the outside edge of the two travel lanes. In most cases there is less than one to two feet of pavement beyond the fog line. This lack of shoulder pushes bicyclists, pedestrians, and those pushing wheeled carriages into a portion of the travel lane. Over the past five years there have been 13 accidents on Pebble Beach Drive.

##### **Project Summary**

The County has long sought to make safety improvements to Pebble Beach Drive. In 2003, the County prepared, through a consultant, designs for improvements to Pebble Beach Drive. A document titled Pebble Beach Feasibility Study was prepared and a public meeting was held to discuss the consultant's recommendations. The proposals by the consultant included relocation of safety rail, maintaining or widening road widths, and placement of trail sections on the ocean side of the safety rail. The proposals of the consultant were not well received by the public and the associated costs were high. Maintenance after construction was a concern of County staff. The consultant's study was not implemented and staff was directed to examine a less costly and more feasible alternative design.

Pebble Beach drive is listed as a high priority bicycle improvement project in the Del Norte County and Crescent City 2007 Bicycle Facilities Plan and as a high priority road rehabilitation project in the 2007 Regional Transportation Plan Update. The County secured funding through the Surface Transportation Improvement Program (STIP) to conduct the design and partially fund the improvements. STIP funds will pay for approximately 57% of the total projected costs. The STIP funding will provide for the overlay of Pebble Beach Drive from the city limits of Crescent City to Hemlock Drive and the addition of several hundred feet of curb, gutter and sidewalk. Bicycle lanes on both sides of the road will also be provided. STIP funding amounts to \$841,000. The remaining part of the total project is being funded through the Coastal Conservancy.

The Coastal Conservancy funding will provide for the bicycle lanes from Hemlock Avenue to Washington Boulevard on both sides of the road. On the western side of the project, existing guardrail facing will be replaced, some guardrail will be slightly relocated and additional guardrail will be installed in several areas to protect the areas from damage associated with uncontrolled vehicle use. The existing parking lots will be resurfaced and restriped with this funding.

County Engineering staff has made every effort to design a project with minimal impact to the environment, as well as to surrounding property owners. Two meetings have been held to allow residents of the project area to provide input into the proposed design. The design before the Commission reflects changes requested by the public but still maintains the objective of the project and that is a safer and improved Pebble Beach Drive. In general the project before the Commission will include the following:

- There will be some reduction in lane width in residential areas as a traffic calming device, and to accommodate existing conditions. The proposed road lane width is ten feet for both lanes. There will also be some re-alignment of the center line to increase site distance and to accommodate existing conditions.
- Four crosswalks with speed tables (traffic calming devices) will be installed on Pebble Beach Drive. A crosswalk will be installed at the intersection of Pacific Avenue and Pebble Beach Drive. The right turn lane at the intersection of Pacific Avenue and Pebble Beach Drive will be eliminated.
- Bike lanes/pedestrian paths will be installed on both sides of the road from the City limits to Washington Boulevard. In some instances the construction of the bike lane may require excavation of materials to establish a suitable base. This excavation for base for the bike lanes is expected to be 18 inches or less in depth.
- There will be minimal disturbance to the areas in which new guardrail is being placed; the metal I-beam posts will be driven into the soil and there is no necessity for excavation. The vast majority of the guardrail (safety rail) will be replaced in the same location with some guardrail posts being replaced in kind depending upon their individual condition.
- Construction of an extension of sidewalk from Pacific Avenue to the crosswalk to the beach stairway access on Pebble Beach Drive.
- Resurfacing of Pebble Beach Drive and its adjoining parking lots with restriping of the road and of those parking lots currently striped for parking spaces.

### **Environmental Review**

Pebble Beach Drive and its maintenance pre-dates the Coastal Act and maintenance of existing facilities is exempt from a Coastal Development Permit (CDP) process. The bike lanes north of Hemlock are of sufficient improved width to accommodate the proposed bike lanes. South of Hemlock the bike lanes will be within the existing right-of-way but will require modification of Pebble Beach Drive. The safety

rall is a replacement of an existing essential safety structure. Where new safety rail is being installed is primarily to protect undeveloped areas from vehicular damage and erosion of soils. Resurfacing and restriping is a maintenance of existing facilities and does not require a permit. The project, as proposed, is exempt from the California Environmental Quality Act (CEQA) under several listed exemptions within CEQA. The restriping of streets or highways is statutorily exempt from CEQA pursuant to Section 21080.19 of the Public Resources Code. The project as proposed will involve negligible or no expansion of the use of Pebble Beach Drive beyond that existing and is therefore exempt under Section 15301, Existing Facilities including items (c) and (d). The project includes the replacement or reconstruction of existing structures and facilities that will be located on the same site and have the same purpose and capacity as the facilities being replaced, and are therefore exempt under Section 15302, Replacement or Reconstruction. The creation of bicycle lanes on existing rights-of-way is specifically exempted under Section 15303 (h). The project consists of minor public alterations in the condition of the project area, Section 15304.

Though not specifically required, a biological assessment was prepared for the project. This biological assessment was conducted by Galea Wildlife Consulting (GWC). No wetlands were located within or in proximity to the project area. The Pacific Ocean is located west of the project site and Marhoffer Creek has an existing crossing through a set of large culverts on Pebble Beach Drive. In general, no expansion of the project is proposed west of Pebble Beach Drive except within the existing footprint of the County road, parking lots, and other existing improvements. Due to the proximity of the project site to the shoreline, GWC did determine that several listed animal species associated with the adjacent marine environment potentially occur in the vicinity of the project area. Habitat within the project site was not found for the listed species. For example, the California Native Plant Society lists several sensitive plants which are associated with coastal bluff or dune habitats. The only plant detected within or in close proximity to the project was Wolf's evening primrose. A consulting botanist, Kyle Wear, was brought in to examine the plant. Wear determined that the sample was a common hybrid and not the target sensitive species.

Within the project footprint, the site has been previously disturbed and Pebble Beach Drive constructed. Other than the shoulder work and the excavation for the proposed sidewalk, no new subsurface excavations are expected. The general area of residential development has been previously significantly disturbed by human activities including earthmoving. Previous archeological surveys in the project area did not uncover any significant cultural resources. The County has required of other projects in the same general area to allow a cultural monitor to be present during excavation activities associated with the project proposed. The County has control of the project being proposed and therefore can coordinate with the local tribes to allow a cultural monitor to be present during ground disturbing activities. Should the local tribe determine that they do not wish to have an observer present; a written statement to that effect will meet the proposed condition.

### **Visual Resources**

The LCP and Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Pebble Beach Drive has scenic qualities and a fairly unobstructed view to the ocean. The existing and therefore the proposed safety rail will remain the same height as it presently exists. Pedestrians and motorists will continue to have scenic visual opportunities along Pebble Beach Drive after completion of this project. Asphalt berms are to be used at two of the parking lots instead of installing new safety rail. These asphalt berms will allow relatively unhindered views of the ocean. There will be some project elements that will have a temporary impact during project construction. Equipment will be used during the project

that will temporarily obstruct views. This visual impact will be temporary. The project will require traffic control and construction signage indicating that the user of Pebble Beach Drive should be more focused on the construction control rather than the scenic views. Therefore, given the temporary and transient nature and the fact that the construction will not significantly alter scenic public views, a finding can be made that the project is consistent with the applicable sections of the Coastal Act and the LCP.

### **Public Recreation and Access**

The Coastal Act requires that every coastal development permit issued for new development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and recreation policies..." The proposed project has limited new development between the nearest public road and the sea. There will be new guardrails placed to protect areas from damage by uncontrolled vehicular use and the project also includes paving a defacto parking area. Neither of these two elements rise to the level of negatively affecting public recreation and access. These two elements along with the rest of the proposed project actually enhance the public's opportunity for safer public recreation and access to the sea via Pebble Beach Drive and its adjoining parking lots and accessways both improved and informal. The safety rail layout includes retaining the openings in the safety rail that currently provide informal access along the shoreline. Use of existing formal access will be improved by providing ADA accessible sidewalks that connect the existing sidewalks of Pacific Avenue to a marked crosswalk across Pebble Beach Drive to the scenic viewpoint at the facilities at the stairway area between Pacific Avenue and Grand Avenue.

As with the visual impacts discussed above, any adverse impacts to public access would be of a limited duration during actual construction activities in the immediate area of the accessway. A condition has been included which limits the duration of any temporary closures of formal public accessways and also prohibits construction activities during potentially high use holiday or events. Therefore, the Commission can find the project as conditioned will not adversely affect public recreation and access to or along the shoreline and will preserve public access and recreational opportunities.

### **Coastal Trail**

The proposed project is one component of a larger Coastal Conservancy effort to coordinate implementation of the California Coastal Trail with the City of Crescent City, Del Norte County, and the Crescent City Harbor District. The Coastal Conservancy has supported the development of the Crescent City Harbor Master Plan and the Point Saint George Management Plan each of which include future segments of the Coastal Trail. Presently the City of Crescent City is constructing a pedestrian-bike bridge across Elk Creek which will be a key element in the Coastal Trail in our area. Pursuant to Chapter 9 (Section 31400 et seq.) of the Coastal Conservancy enabling legislation, the Conservancy is funding a portion of this total project as part of its effort to implement a system of public accessways to and along the State's shoreline. The Conservancy is authorized to award grants to a local agency to develop and manage lands for public access along the coast. The proposed project will meet this goal by connecting coastal access to and along the coast in an area recognized as a destination of Regional, National, and International interest. The proposed project will implement a 1.86 mile section of the California Coastal Trail.

### Project Elements

The following is a more detailed description of the proposed changes to the existing roadway:

1. Addition of Curb, Gutter & Sidewalks
  - a. Pebble Beach Drive/Pacific Avenue intersection: Curb, gutter and sidewalks will be installed for 100 feet north of the intersection of Pacific Avenue and Pebble Beach Drive and for 180 feet south of the same intersection.
  - b. There are 135 feet of existing curb, gutter and sidewalk starting 120 feet south of the center line of the Pacific Avenue intersection. An additional 475 feet will be installed beginning 255 feet south of the Pacific Avenue intersection for drainage control and alleviation of ponding in the roadway.
  - c. An asphalt or other berm will be placed on the north end of the parking lot just north of Grand Avenue to redirect runoff and to control existing erosion. The area within the parking area and on the shore side of the berm will be revegetated.
2. Overlay
  - a. Pebble Beach Drive will be overlaid from the city limits of Crescent City to the intersection with Hemlock Avenue. Should funding permit the resurfacing of the travel lanes of Pebble Beach Drive will continue to the intersection of Washington Boulevard.
  - b. The existing improved parking lots will be resurfaced and restriped and the defacto parking lot north of Macken Avenue will be surfaced and bermed to control drainage and erosion.
3. Bicycle Lanes
  - a. The entire length of the project will be striped with 5 foot bicycle lanes on both sides of the street.
  - b. Additional surfacing will be required in some areas to accommodate the bicycle lanes. This will all occur in county right-of-way and generally over graveled areas of the shoulder; limited areas of grass/lawn will be removed and surfaced as part of the bike lane on the east side of Pebble Beach Drive.
4. Crosswalks

Formal crosswalks will be installed at the following locations:

  - a. Del Monte Street - raised
  - b. Pebble Beach Access (stairs) - raised
  - c. 110 feet south of Murphy Avenue - raised
  - d. 275 feet north of Hemlock Avenue - raised
  - e. Pacific Avenue intersection
5. Reduction in Width of Travel Lanes

In order to limit the areas of construction to add the bike lanes and as part of a traffic calming effort, the traffic lanes will be reduced to 10 feet in width from the city limits of Crescent City to 435 feet North of Hemlock Avenue for a distance of 5,730 feet.
6. Replacement of Guardrail Facing

The facing on all existing guardrail (or otherwise referred to as safety rail) in the project will be replaced with galvanized facing.
7. Relocation of Guardrail

The following location will require relocation of guardrail:

  - a. Location: 110 feet south of Freeman Street - 30 feet will be moved west approximately 2 feet. (traffic hazard as presently installed)
  - b. Location: 120 south of Hemlock Avenue - 145 feet will be moved west between 4 to 5 feet. (constricted area)

8. Locations of Proposed New Guardrail Installation  
The following location will require installation of new guardrail:
  - a. From the beach stair access parking lot for a distance of 250 feet south to Parking Area A, for safety (site of a previous accident).
  - b. For a distance of 60 feet across from Macken Avenue (elimination of unauthorized vehicular use).
  - c. From 70 feet south of Lauff Avenue for a distance of 22 feet south (completing a gap in guardrail placement).
  - d. From the driveway of the Terry McNamara residence for a distance of 425 feet north (elimination of unauthorized vehicular use).
  - e. From a point 630 feet north of the McNamara driveway for a distance of 470 feet north (elimination of unauthorized vehicular use and safety set back from bluff).
  - f. The most northerly parking area will have approximately 65 feet of new guardrail (to prevent unauthorized vehicular use).
9. Access to be Created in Existing Guardrail
  - a. At the site 150 feet north of Freeman Street.
  - b. At the site 300 feet north of Freeman Street.
10. Reconstruction of Existing Guardrail

Approximately 175 feet of old wooden guardrail at the south end of the project is to be replaced.
11. Parking Areas
  - a. Parking area A will be re-paved and striped. The northerly 50 feet of asphalt will be removed and the area will be vegetated.
  - b. Parking area B will be re-paved and striped. The AC dike will be retained.
  - c. Parking area C will be re-paved and AC dike will be installed (between Lauff & Macken).
  - d. Parking area D will be re-paved and possibly striped.
  - e. Parking area E will be re-paved.
  - f. Parking area F will be re-paved.
  - g. Parking area G will be re-paved and striped. The gate will be replaced.
  - h. Parking area H will be re-paved and striped.
  - i. Parking area I will be re-paved and striped.
12. Rehabilitation
  - a. The northerly 50 feet of Parking area A will be re-vegetated.
  - b. There is a "de facto" parking area just south of Macken Avenue. The old road base there will be removed and the area vegetated.
13. Drainage
  - a. At the site 85 feet north of Grand Avenue, the existing ditch will be piped and covered for a distance of 50 feet. This ditch is regularly cleaned and maintained.
  - b. From a point 45 feet north of the center of Macken Avenue for a distance of 80 feet south, the ditch will be piped and covered. This ditch is regularly cleaned and maintained.
  - c. The drain opposite the Anderson property may be replaced as it drains backwards (possibly just plugged).
  - d. All drainage pipes crossing the road will be inspected to determine if replacement is warranted.
14. Existing Landscaping

Approximately 50 feet of post and rope fence 100 feet south of Whaleview Drive will be moved east approximately feet to accommodate the bicycle lane.

15. Re-Alignment of Roadway

- a. The roadway between Grand Avenue and Freeman Street will be re-aligned approximately 3 feet west.
- b. From the stairway near the Pacific Avenue intersection through Murphy Avenue, the roadway will be re-aligned approximately 1 foot east so the existing guardrail at this location will not have to be disturbed.
- c. The roadway from Hemlock Avenue for a distance of 250 feet south will be re-aligned between 2 to 3 feet west to improve slight distance to the south.

**Exhibits**

Each Commissioner has been provided with a full size color set of the preliminary design sheets for the proposed project. A reduced black and white copy is attached as part of the staff report. The Commission secretary and planning staff will also be provided with full size color sets as well as having full size color sets available at the CDD counter and at the public hearing of the Planning Commission. A location map is also attached. Engineering staff will provide as part of the record of proceedings a power point presentation of the project at the public hearing. This power point presentation will include the same information as detailed in the color sets provided to the Commission.

**Staff Recommendations**

Staff recommends that the Planning Commission open the public hearing and allow public comment. After consideration of any public comment, staff recommends that the Commission adopt the findings, determining the project to be exempt from the California Environmental Quality Act, approve the Coastal Development Permit with the conditions listed below:

5. FINDINGS:

- A. The proposed improvements are incidental to the primary transportation facility, the road, and the proposed improvements are necessary to improve public safety and visitor access to and along the shoreline.
- B. No fill of wetlands will occur and therefore the allowable use test of Section 30233 (a)(5) of the Coastal Act which authorizes the fill of wetland for incidental public service purposes does not apply.
- C. Pebble Beach Drive is a popular location for vehicular traffic, sight seeing, bicycling, pedestrians and the proposed improvements are essential to the health, safety, and general welfare of the citizen and visitors to Del Norte County.
- D. The project is to be constructed by a public agency (the County of Del Norte) in order to provide continued transportation facilities to the public.
- E. The project as proposed has minimal environmental impacts over the previous design prepared by consultants for Pebble Beach Drive.
- F. The project as recommended should not generate any off-site impacts such as sedimentation or turbidity as no streams or water bodies should be impacted by this project as conditioned and designed.
- G. Therefore given the temporary and transient nature and the fact that the construction will not significantly alter scenic public views, the Commission finds that the project is consistent with the applicable sections of the Coastal Act and the LCP regarding scenic views.
- H. The Commission finds the project as conditioned will not adversely affect public recreation and access to or along the shoreline and will preserve public access and recreational opportunities.

- I. The project, as conditioned, is consistent with the policies and standards of the Local Coastal Plan Title 21 Zoning (Public Facility) which permits the operation and maintenance and improvements of public facilities.
- J. The project is consistent with the Del Norte County Certified Local Coastal Plan and therefore consistent with the California Coastal Act:
- K. The project is exempt from the California Environmental Quality Act under Sections 21080.19, 15301 Existing Facilities (operation, repair, maintenance, involving negligible expansion of existing use), Section 15302 Replacement or Reconstruction, Section 15303 (bicycle lanes) and Section 15304 Minor Alterations to Land.

6. CONDITIONS:

1. The project shall be developed in substantial accord with the submitted design and sheet plans;
2. Any substantial ground disturbance, other than replacement of existing facilities, below the top of the bank or beyond the existing safety rail, will require that a plant survey by a qualified botanist shall be conducted prior to clearing of the area beyond the safety rail or below the top of the bank;
3. To avoid adverse impacts on public access and recreational use construction activities shall be suspended or shall not occur during any federal holiday or during the following significant coastal access or recreational related local events:
  - a. Crescent City Triathlon (late August, if scheduled within the project area)
  - b. Coastal Clean-up Day (mid September)
  - c. Noll Longboard Classic (early October)
  - d. Sea Cruise (early October)
4. The project as recommended should not generate any off-site impacts however the County Engineer shall impose sediment controls when and if he or she deems necessary to control any area that may be determined in the field to need erosion controls. If erosion controls are implemented, the following shall apply;
  - (a) During construction, erosion (if any) shall be controlled to avoid adverse impacts to any wetland area;
  - (b) Temporary erosion and sedimentation control measures or the appropriate equivalent shall include straw bale barriers, silt fencing, mulching.
  - (c) A site plan shall be prepared showing the location of any temporary erosion control measures installed;
  - (d) A schedule shall be prepared by the County Engineer for removal of any temporary erosion control measures;
  - (e) If any permanent erosion control measures are installed, a site plan shall be prepared for them and a schedule of maintenance and inspection shall also be prepared and retained by the office of the County Engineer;
5. It is the policy of the County of Del Norte that should any archaeological resources be found during the project construction of the fence, construction activities shall be halted at the site until an evaluation of the find is made either by a qualified archaeologist or a representative the Smith River Rancheria or Elk Valley Rancheria; and
6. The office of the County Engineer shall contact the Smith River Rancheria or Elk Valley Rancheria two weeks prior to excavation over 18 inches in depth, and any construction activities occurring between Murphy and Hemlock Avenues, in order to allow the Rancheria to have an observer present. This requirement does not apply to replacement of existing subsurface drainage facilities such as the replacement of culvert piping. The applicant is responsible for any charge by the Rancheria for the time and expenses (if any) of the observer. Should the Rancheria determine that they do not wish to have an observer present; a written statement to that effect will meet the intent of this condition.

**PUBLIC HEARING**  
**CONSENT AGENDA**

- 1) CALTRANS – Coastal Grading Permit for Road Work on Highway 101 from post mile 41.0 to 42.25, 39.6 to 43.7 and 41.69 and 42.00 – CGP2010-07C located on Hwy 101, Smith River.

Chair Restad presented the Consent Agenda. Commissioner Brown moved to approve the Consent Agenda. Commissioner LaForest seconded the motion, which passed on a polled vote of 5 ayes and 0 noes.

**PUBLIC HEARING** - DEL NORTE COUNTY – Amendment to the Pebble Beach Drive Rehabilitation-Bike/Pedestrian Project – CGP2008-81C located along Pebble Beach Drive, Crescent City.

Staff gave a brief summary of the project. Staff stated that they did receive a letter from a Mr. Wiens and the Commission was provided a copy. Staff stated that he is essentially opposed to the project, sighting disruption of the view shed. Staff stated that Mr. Wiens does offer a couple of alternative designs and staff would like to point out design number three, which is basically to keep the boulders but selectively choose which ones would remain there. Staff stated that could be a possibility or at least a recommendation of Mr. Wiens. Staff from the County Road Division and Engineering Division were present this evening to speak specifically about the project. Chair Restad opened the public hearing. Ron van Noord, of 2835 Elk Valley Road, addressed the Commission. Mr. van Noord stated that he was present this evening on behalf of his in-laws who own 252 N. Pebble Beach Drive, which is directly east of parking area "C". Mr. van Noord stated that he wrote a letter to the Commission and would like to read it and then provide copies to the Commissioners.

*"The logical answer to the requested amendment is a simple NO. That is unless the county wants to go into the business of destroying million dollar views.*

*The project in question has been approved by anyone and everyone and reviewed repeatedly in public hearings. At the hearings the supervisors, the public, the CHP, anybody in the county who cared and the County Engineer were present and thereby approved this plan.*

*One can drive either north or south on Pebble Beach and find parking areas protected by exactly the same type of curb approved by everyone in this project. It's even possible to find bluff top areas which are not protected by anything. One wonders why the city or county isn't running around dumping giant boulders in these spots. You can drive 199, 101 or almost any county road and find hundreds of similar non "issues".*

*As approved, the county sidestepped the California Environmental Quality Act by claiming this Was a project of replacement and reconstruction. This claim will become invalid by granting this amendment. Which should precipitate full review for the CEQA. The two state granting agencies, the California Coastal Commission and even Mike Thompson who has endorsed this project should fully reconsider the project if amended."*

Mr. van Noord thanked the Commission, gave them copies of his letter and resumed his seat. James R. Brown, of 262 N. Pebble Beach Drive, addressed the Commission. Mr. Brown stated that he wanted to speak in opposition to the proposed change in this project and echo the concerns that Mr. van Noord just expressed but there are a few points he would like to review as well. Mr. Brown stated that it seems to him that the project is being proposed to create a parking area where there is a real question, in his mind, that there should be one in the first place. If you look at this particular parking area, you will notice that it is considerably different than most of the other parking areas on the road in terms of the space provided for parking. It accommodates somewhere between 2 to 4 vehicles, unless a large RV is parked laterally in the area which usually extends onto the road itself because the parking space is not that wide in the first place. Mr. Brown stated that he gets the fact that this has gone through a previously approved project and there were a lot of people that came forward to speak about the whole Pebble Beach project. Mr. Brown stated that there is still some fundamental question in his mind that this should even be regarded as a parking place in the first place. In addition to being relatively narrow, there is a sharp drop off there but if you look up and down the parking areas that problem is dealt with in a variety of ways; ranging from a split rail fence to the kind of curb that was originally approved for this project. Mr. Brown stated that he would also question how the parking lot will be striped once it is paved, particularly given that this is a bike pathway project. If you look carefully at this, as the bikes go by and because of the narrowness, it seems to be the greater liability and he isn't sure that has been adequately dealt with. Mr. Brown stated that in his mind it definitely constitutes a safety hazard for the bikers that are going by if this proposed change goes forward. Finally, there are the issues with CEQA and with the Coastal Commission. He views this as a substantive change in that this requires additional action on their part. If there is to be a parking area there, it is his recommendation that the curb approach or the split rail approach be the ones that are considered. Mr. Brown stated that allowing RV's to park there, especially the big ones, are very problematic. The area would be far better served by doing what is done in other areas along Pebble Beach and that is to have a nice walk in grass area to overlook the beach in the first place. There is ample off street parking available on Lauff, Macken and the other streets in the area. Mr. Brown stated that if the Commission has to go forward with this he supports what was originally approved; the boulders in any size shape or form are completely unacceptable. Mr. Brown thanked the Commission and resumed his seat. Chair Restad asked if there were other questions or comments. Hearing none the public hearing was closed. Commissioner Pritchett asked why the change from the curb was made? Commissioners Brown, LaForest and Restad stated that was their same question. Staff stated that there was staff from the Road Department present this evening but essentially as staff stated in the narrative about the project it is a very low curb and a determination was made that that wasn't enough to stop a vehicle from going over the edge. Jeff Daniels, the Road Superintendent, addressed the Commission. Mr. Daniels stated that the project was relatively new to him and his position. Mr. Daniels stated that he went out to do the grading work for the parking lot and it's not a parking lot, it's a turn out but he went out to put some gravel down and he felt at that time that if it was going to be made a new parking area or turn out then there needed to be some type of safety device. It was discussed with staff within CDD and felt that the boulders would be adequate for safety. Chair Restad asked if a curb wouldn't do it; a high curb? Mr. Daniels stated that he didn't feel that a curb would do it and it was discussed with the County Engineer and the Deputy Director of the Engineering and Road Department, and Deputy Director of the Planning and Building Department but Mr. Daniels feels that this is a safety issue.

Del Norte County Planning Commission Minutes

March 3, 2010

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There are some places where there isn't a guard rail and there is just a curb but this is a brand new parking lot. Mr. Daniels stated that he felt if they were putting in a brand new parking area there needs to be something there. He wasn't in the process of the design of this project. He became the road superintendent after the project was already approved. Sometimes when you get out in the field you see things differently than you do when you are penciling it out on paper. Commissioner Pritchett asked Mr. Daniels if the 6-12 inch curb was installed, how much space would be between the curb and the drop off. Staff stated that if the Commission looked at page 44 and 45 of the Agenda, it would be right around where the white line is. Commissioner Pritchett stated that his question is if somebody hit the curb and go over the curb, how much space they would have before they go over. Mr. Daniels stated that they would have approximately 8 feet and that is a judgment call. Commissioner Howard stated that the 8 feet would exist between the dark black area in the picture and the white dotted line. Mr. Daniels stated yes and that previous to this there was a traffic accident on Pebble Beach Drive which occurred in a turn out. The car hit the new guard rail that was placed there and that happened in the turn out, further to the north of this particular parking lot "C". Commissioner Howard stated that this is a County approved designated parking area under the plan. Kevin Hamblin, Director of Community Development, addressed the Commission. Mr. Hamblin stated that yes it was. Mr. Hamblin stated that from what he understands was that this was developed over time and was never official. With the improvements to Pebble Beach Drive, then the County recognized it, improves it as an official turn out and there in lies the problem. If there is no turn out, that's contrary to the plan because the plan has a turn out but the curb along the edge of the turn out seems to be inadequate for safety issues. The fact that this turn out area was recognized as one, is now slated for improvements and maintenance by the County, and therefore needed the safe guards for public safety if that was going to be an official County turn out. Commissioner Pritchett asked if there was access to the beach from this location. Staff stated no. Commissioner Pritchett stated that this was basically used as a park and look spot. Staff stated yes. Commissioner Pritchett asked when the parking lot was installed how many cars it will hold. Mr. Hamblin stated that he asked Mr. Reeve, the County Engineer, to get the plans. Mr. Hamblin stated that based on the pictures on page 44 and 45 it looks like maybe 5 or 6 cars at the most. Chair Restad asked if all the other turn outs on Pebble Beach have guard rails or if they have the curb. Mr. Daniels stated that there are no new proposed parking areas. This is a new proposed parking area; all the other parking areas are older parking areas. Chair Restad asked if they all had guard rails. Mr. Daniels stated that some of them do and some of them don't. Mr. Daniels stated that his concern for public safety was that parking area "C" is the farthest drop to the beach. Mr. Daniels stated that it was a judgment call and feels it's a very good judgment call because he wouldn't want to see anyone go off that bluff because it is the highest part of Pebble Beach Drive. Commissioner Brown stated that until the Road Department put the boulders in, there was nothing there, correct. Mr. Daniels stated that there was nothing there but it also was not designated a parking area either. Chair Restad asked if there was any parking areas or turnouts south of this that doesn't have the berms. Mr. Daniels stated that south of this there is a large parking lot, where the stairs go down to the beach, and that is the only one north of there. Chair Restad stated that that one doesn't have a guardrail. Mr. Daniels stated that it does have a guardrail on part of it. Commissioner Brown stated that as she understands it the property owners are objecting to the guardrail also from this letter. Chair Restad stated that this was proposed as a berm originally, not a guardrail. Mr. Daniels stated that was correct and he asked staff if he could put a guardrail in but he was told that he couldn't put a guardrail in there. Commissioner Howard asked what the staff recommendation was for the

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Commission. Staff stated that there are three options; the Commission can maintain the existing plan, which is the AC dike, which has already been approved. The alternatives would be the guardrail and the boulders. The Commission can either go with one of the alternatives or can stick with the original plan. There has been correspondence from Coastal Commission on the scenic view shed issue and they support the boulders and that is also staffs recommendation because staff doesn't want to make waves with Coastal. Chair Restad stated that Coastal had already approved the AC dike. Commissioner Howard stated that the Coastal Commission approved the AC dike which was the short curb. Commissioner Brown asked if Coastal did approve the boulders. Staff stated that they have correspondence from Coastal Commission to support the boulders. A Coastal staff person was up here and had a look at the site and he didn't see an issue with the boulders from a view shed stand point. Commissioner Howard stated that he wasn't sure this was adequately explained to him when this project came to the Commission the first time regarding the pre-existing use as a parking lot or it not being a pre-existing use as designated by the County; it was just a pull out that has always been there. When it was brought before the Commission by staff he thought it was already a parking lot and not necessarily one that the Commission was creating. Commissioner Howard stated that he doesn't know how the rest of the Commission feels about that but Commissioner Pritchett wasn't here during those discussions but the rest of the Commission was. Commissioner Howard stated that he would love to hear from the Commission what their memory was of this project. Commissioner Brown stated that she doesn't remember the project at all. Commissioner Howard stated that he doesn't remember it being designated as a parking lot previously and a change of use. Commissioner Brown stated that it's not really a change in use. Commissioner Brown asked when this project originally came before the Commission. Staff stated that the project was approved in November of 2008. Commissioner Brown stated that she wasn't present at that meeting. Staff stated that he has lived here his whole life and it's always been a place that's been used as a place for people to look out at the ocean. Staff stated that it was formalized, yes, by the approval of the Coastal Grading Permit in 2008 as parking area "C" and is on the sheet plans that way. The formal designation of a parking spot probably wasn't prior to that. Chair Restad stated that the only issue is over the curb, boulders or the guardrail; it isn't the parking part of it so much. Commissioner LaForest asked how many rocks there were and asked if there were any 20 inch high ones. Mr. Daniels stated that there were 14 rocks there now. The Road Department does have small boulders but they selected the ones that they felt was adequate for there. Mr. Daniels stated that they took into consideration that we also have to look at those boulders too when we drive up and down the road. There are some smaller boulders but how much time do we want to spend going out and getting those? Commissioner LaForest stated that it seemed to him that if the curb wouldn't do it then maybe a boulder 6 inches higher would. Staff asked Mr. Daniels what the minimum height of a boulder would have to be in order to address the safety issues. Staff stated that they do realize that it would be time consuming to replace the boulders but in order for a comfort level for everyone, staff may need to make that decision to do it. Mr. Daniels stated that it was his understanding that they didn't want to break the ground when they put the boulders out there, so they didn't want to dig down into the ground to put the boulders down any further because they didn't want to disturb anything, so they just placed the boulders where they are. Mr. Daniels stated that if they were allowed to, they would. Staff stated that they are just wondering if boulders that are 30 inches could be replaced with 20 inch boulders and accomplish the same safety goal even if it does take County time in order to do that. Mr. Daniels stated that he thought that could be possible but they would definitely have to look because he wouldn't want to put a 20

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March 3, 2010

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inch by 20 inch boulder but a 20 by 8 feet long and those are a little harder to find. Chair Restad asked if a bigger curb could be built. Chair Restad asked if boulders would be placed further south of this, where does it stop. Commissioner Pritchett stated that this is one of those things where over time it just happened; it was a turnout and then a parking area. On its best day 5 or 6 cars, tops, would be in the parking area. If it's an RV, you are looking at an RV and maybe a car or two at best. Is there really a need for this space? It's just a view access. Chair Restad stated that the boulders are to prevent people from driving over the cliff. Commissioner Howard stated that it's a safety issue. Commissioner Brown stated that unless the boulders were placed on the edge of the road then someone can still drive out there. Commissioner Pritchett stated that may have to be a curb. Commissioner LaForest stated that now we are talking a guardrail right by the road. Commissioner Pritchett stated that if it was a standard curb. Chair Restad stated that he's almost going back to where it was originally approved. It was approved, this was talked about, where does it stop? If you are going to put boulders on this one, then the rest should be done too. Commissioner LaForest asked if he heard someone ask if the curb could be made higher. Mr. Daniels stated that as proposed, at 6 to 12 inches, it wouldn't be adequate enough to stop a car. Commissioner Brown asked if the curb could be made higher. Mr. Daniels stated no, not with asphalt. Commissioner Pritchett stated that staff mentioned something in regards to liability if the Commission went with the current plan. Would there be exposure if a car rolled over. Staff stated that that was more of a legal question but thinks that the pragmatic answer would be yes, if you have the option to provide a reasonable means of safety to the public and the Commission doesn't do that and something happens, staff is sure some creative lawyer could come up with an argument to point liability on the County. Commissioner Pritchett stated that there are other places and is the County going to boulderize the entire Pebble Beach Drive. Staff stated that as Mr. Daniels pointed out, this was selectively looked at because of its unique features; it's high. It's not like further north where it drops down and is more gradual. Commissioner Brown stated that her feeling is to either lower the boulders to no higher than 20 inches or leave it as an AC dike and no guardrail. Commissioner Pritchett stated that if someone wants to drive their car or someone else's car over the edge someplace, they are going to find it. The question is can the Commission stop the person who accidentally forgets to put the car in park. Commissioner Pritchett asked if the County has had any cases of this at this location. Staff stated that there was a vehicle that went over that edge in 2008. They didn't drive over the edge but a vehicle did go over the edge. Commissioner Pritchett stated that there have been no cases of an accident. Chair Restad stated that the curb would slow them down a little bit if a car was parked and was rolling. Commissioner Pritchett stated that that was his point earlier when he asked how much space was there. He's assuming if you are looking at the sunset and you put your car in park and all of a sudden you hit the curb; do you have enough time to hit the brakes? Commissioner Pritchett stated that he is in support of the original proposal. Chair Restad stated that he is too. Commissioner Brown moved to deny the amendment and leave the project as originally designed. Commissioner Pritchett seconded the motion, with the project being denied on a polled vote of 2 noes and 3 ayes with Chair Restad, Commissioner Pritchett and Commissioner Brown voting to deny the amendment and keep the project as originally approved.

### REPORTS

- 1) Staff presented the minutes of the Environmental Review Committee meeting of February 11, 2010, to the Commissioners for their information regarding upcoming projects.

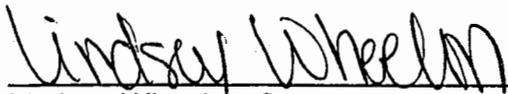
Del Norte County Planning Commission Minutes

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- 2) Commissioner Pritchett stated that he wanted to make sure what they voted on for the Pebble Beach Drive amendment; the Commission voted to keep the AC dike, the original plan? Chair Restad stated yes, to keep it the way that it was.
- 3) There were no questions or comments from the public.
- 4) There were no questions or comments from staff.

There being no further business, the meeting was adjourned at 7:36 p.m.



Lindsey Wheelon, Secretary



# DEL NORTE COUNTY BOARD of SUPERVISORS NOTICE OF APPEAL FORM

Appellant's Name: County of Del Norte  
 Address: 981 H Street, Suite 110  
Crescent City, CA 95531  
 Phone: (707) 464-7229

### TYPE OF PROJECT:

Use Permit       Minor Subdivision       Coastal Permit  
 Variance       Major Subdivision       Rezone

File Name of Project: Amendment to Coastal Grading Permit  
 Street Address Pebble Beach Drive, Parking Area C  
 Assessor Parcel Number: N/A  
 Date of Planning Commission Action: 3/3/2010

### BASIS FOR APPEAL

Be thorough in your statement, because only the findings you raise in your appeal statement will be included in the staff's memo to the Board of Supervisors. (Attach additional sheets if necessary.)

List any condition(s) and or findings being appealed and give reasons why you think it should be modified or removed:

The Planning Commission did not make any findings in their decision. The action taken was to deny the County's request for modification of a previously approved Coastal Grading Permit.

See attachment A, attached hereto and incorporated herein by this reference.

## NOTICE OF APPEAL

### Attachment A

#### STATEMENT OF GROUNDS OF APPEAL

##### **Coastal Grading Permit #2008-81C Pebble Beach Drive Rehabilitation and Blke Paths Coastal Trail Project**

On November 5, 2008, the Del Norte County Planning Commission approved the application for various improvements to Pebble Beach Drive from the city limits of Crescent City to Washington Boulevard, as presented by the Engineering Division. The project had been the subject of two prior neighborhood meetings and individual conversations with area residents. Staff was as accommodating as possible to ensure that current uses were minimally impacted, while issues of public safety and consistency with the Coastal Plan were addressed.

*Parking Area C* (between Lauff Avenue and Macken Avenue), as identified on the original plan, and as shown on the attachment hereto, was to be paved, and an AC dike installed instead of guardrail. This was to accommodate the property owners immediately across Pebble Beach Drive, Mr. & Mrs. Van Noord, who were concerned about the impact to their view.

After the installation of all other guardrail, and the paving of most of the parking lots, the Road Division began preparing *Parking Area C* for paving. This parking area is on a precipitous area of Pebble Beach Drive. It became apparent that safety concerns needed to be further addressed. Since there was no provision for guardrail in that area, the Road Superintendent opted to place large rocks along the western perimeter of the parking area. In his opinion, the AC dike would not be sufficient to stop a vehicle from going over the edge. After discussion with Planning Department and Community Development Department staff, he opted to place the rocks as a temporary measure.

The Van Noord's demanded removal of the rocks, and the matter was presented to the Del Norte County Planning Commission on March 3, 2010. The Planning Commission denied the County's request for the modification. There were no conditions or findings made, so the decision itself is being appealed.

The first condition of the Planning Commission's initial project approval is as follows: "*The project shall be developed in substantial accord with the submitted design and sheet plans.*" Staff submits that the installation of guardrail, or the placing of the rocks, is substantial compliance. Further, it is not uncommon for project plans to be modified once the implementation of a project is commenced.

The firm of *Stover Engineering* was contacted to provide an analysis of the effectiveness of a six inch (6") to twelve inch (12") berm in preventing a vehicle mishap. A copy of that analysis is attached hereto and incorporated herein by this reference. Additionally, staff conferred with County Counsel regarding possible liability issues and he felt an appeal of the decision was in order. Based upon that information, staff appeals the Planning

Commission decision and requests that the Coastal Grading Permit be modified to provide that steel beam guardrail may be installed at "Parking Area C."

Attachments: Initial Staff Report, October 9, 2008;  
Planning Commission Notice of Action, November 5, 2008;  
January 28, 2010 Letter to Planning, with attached photos;  
Guardrail Study prepared by *Stover Engineering*

# STOVER ENGINEERING

Civil Engineers and Consultants

EXHIBIT NO. 7

APPEAL NO.

A-1-DNC-10-016

COUNTY OF DEL NORTE

GUARDRAIL STUDY (1 of 4)

PO Box 783 - 711 H Street  
Crescent City CA 95531  
Tel: 707.465.6742  
Fax: 707.465.5922  
info@stovereng.com

TINA McCLENDON  
COUNTY OF DEL NORTE  
981 H STREET #110  
CRESCENT CITY, 95531

Job Number: 4076

15 March 2010

RE: Guardrail Study at Pebble Beach Drive turnout between Macken Avenue and Lauff Avenue

Dear Tina,

At your request, Stover Engineering has investigated the necessity of a vehicle barrier for the turnout located on the west side of Pebble Beach Drive between Macken Avenue and Lauff Avenue in Crescent City, California. Our analysis conforms to the Caltrans Highway Design Manual (HDM) and Chapter 7 of the Caltrans Traffic Manual (TM). We recommend that a steel beam guardrail be installed at this location, based on Caltrans design standards and similar existing installations located along Pebble Beach Drive.

Pebble Beach Drive has a 4 foot shoulder with a metal beam guardrail for most of the distance along the west side of the roadway starting near Spruce Street heading south into Crescent City city limits. The posted speed limit is 30 mph. The turnout we are studying is approximately 129 feet long and is 32 feet from the edge of the nearest traveled way to the top of bank at the widest location. The turnout is located on a 30 foot high bluff overlooking the beach below. The slope of the bluff varies from 1.5:1 to nearly vertical. There are three similar sized turnouts with similar conditions located on Pebble Beach Drive north of the turnout being analyzed. The two turnouts directly to the north have metal beam guardrails and the turnout furthest to the north has decorative wood guardrail. Both the turnouts directly to the north and the furthest to the north are close to the same length but are slightly narrower at their widest points. The second turnout to the north is the largest of the four. Section 304.1 of the HDM defines embankment slopes steeper than 3:1 as being considered non-recoverable and non-traversable. The turnout being analyzed between Macken Avenue and Lauff Avenue is the only turnout along this section of Pebble Beach Drive that does not have any form of safety barrier to keep vehicles from going over the embankment. See attached aerial photograph for subject location.

Section 309.1 of the HDM discusses horizontal clearances to roadside objects and the need to provide a clear recovery zone for errant vehicles from each direction. A clear recovery zone provides additional space for drivers that lose control of their vehicles and are directed off road to safely regain control and come to a stop or navigate back onto the traveled roadway. Clear recovery zone widths are dependent upon several factors including roadway design speed, traffic volume, alignment, side slope, and weather. Fixed objects located within the clear recovery zone should be eliminated, relocated outside of the recovery zone, or made to be yielding. If this cannot be done, the object should be shielded by guardrail or a crash cushion. The HDM recommends a minimum clear recovery zone of 20 feet on highways with

operating speeds greater than 45 mph and refers to the AASHTO Roadside Design Guide for lower speed roads. The AASHTO Roadside Design Guide was not available to us at the time of this report. It can be safely assumed that a 20 foot recovery zone is adequate. Stopping sight distance for a 30 mph roadway is a minimum distance of 200 feet.

It has been proposed by the County to install an asphalt dike or large rocks spaced close enough together to act as a vehicle barrier to the embankment. The HDM manual refers to Chapter 7 of the TM for the design of traffic safety systems. The HDM and TM do not discuss large boulders as vehicle barriers and states that concrete barriers should only be used under special circumstances. Section 303 of the HDM defines the general purpose for curbs and dikes are to be used primarily for "...channelization, access control, separation between pedestrians and vehicles, and to enhance delineation." It goes on to state "Curbs and dikes are not considered traffic barriers." Section 7-03.2 of the TM discusses guardrail types and states that "Metal beam guardrail is the standard for embankment and fixed object protection."

The procedure for embankment guardrail consideration at a given location, as outlined in Chapter 7 of the TM, is as follows:

**Accidents:** "Guardrails should only be installed at locations with a high run-off-road accident history or where there is a significant potential for such accidents."

Analysis – We are unaware of any run-off-road accidents recorded at this location even though there is a significant potential due to other factors addressed in this report.

**Alignment:** Isolated curves on otherwise high-standard roads, first curve in a series of curves, compound curves, or curves with larger central angles have higher probabilities of vehicles running off the road.

Analysis – The turnout is not located on an isolated curve or series of curves. It is located on the inside radius of a long gradual curve and therefore is no concern.

**Volume of Traffic:** "The higher the volume of traffic, the greater is the probability that run-off-road accidents will occur."

Analysis – The average daily traffic (ADT) recorded at the intersection of Pacific Avenue with Pebble Beach Drive between the dates of 8/15/2005 and 8/26/2005 for north bound traffic was found to be 709.8. The ADT shows Pebble Beach Drive north of Pacific Avenue to be a relatively high traveled county roadway.

**Roadside Recovery Area:** "The narrower the recovery area, the greater is the probability that a run-off-road vehicle will go down an embankment.

Analysis – With little recovery area on the west side of Pebble Beach Drive, the County has installed steel beam guardrails for much of this section of roadway as well as most of the turnouts. The guardrail has approximately a 129 foot break at the turnout between Macken Avenue and Lauff Avenue. The TM states that "Guardrail typical layouts are designed to place the ends of guardrail installations away from

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approaching traffic and provide smooth transition.” The TM also states that gaps of less than 200 feet between guardrail installations should be avoided. Not only does the unprotected embankment create a safety hazard, but the abruptly terminated guardrail without any taper outside of the clear zone creates an unsafe condition for errant vehicles.

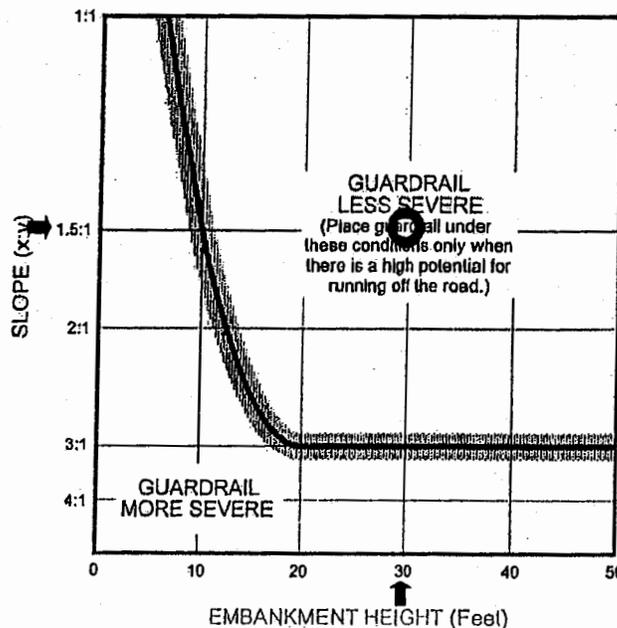
**Climatic Conditions:** “Frequent dense fog or snow and ice conditions increase the probability of a vehicle running off the road and going down an embankment. In addition, locations subject to high velocity cross winds have an increased probability of vehicles running off the road.”

Analysis – Frequent dense fog and high velocity cross winds increases the probability of vehicles running off the road. With a lack of street lighting in the area, a steel beam guardrail will provide a reflective surface for drivers and alert them of the hazard.

**Severity:** When determining if a guardrail is necessary, we must determine whether traversing the embankment or hitting the guardrail would be more severe. Caltrans uses an Equal Severity Curve (Figure 7-1) to help determine which is more severe. It uses the slope of the embankment in relation to the height of the embankment. The curve shown on the graph indicates when the severity is relatively equal between the two. When the embankment is plotted significantly above the curve it indicates that traversing the embankment would greatly increase the severity of an accident and outweighs the increased less severe accidents involved in minor collisions with the guardrail.

Analysis – With a slope of 1.5:1 and a height of 30 feet, the turnout embankment plots well above the equal severity curve. Therefore, accident severity will be less if guardrail is installed.

Figure 7-1  
EQUAL SEVERITY CURVE  
(See Text for Instructions)



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Tina McClendon  
15 March 2010  
Page 4

Continuing the guardrail around the turnout will protect vehicles from the embankment and create a safer condition where the currently existing guardrails are terminated without transitions. The use of rock barriers or asphalt dike has the potential to add to or create unsafe conditions of their own. The HDM recommends guardrails to be offset a minimum of 4 feet from the hazard they are shielding. With the minimum offset from the embankment, it would leave the turnout with 28 feet of space at its widest point which is slightly wider than the recommended width for a recovery zone. Our recommendation is to use the protective metal beam barriers that are already in place at the two turnouts to the north.

We trust this report meets your needs. If you have any questions or concerns, please feel free to contact us.



Very truly yours,

STOVER ENGINEERING

Sean Ewing, P.E.  
Project Engineer

Attachments

QA/QC WLS

4 of 4

STOVER ENGINEERING

The California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

RECEIVED

APR 26 2010

CALIFORNIA  
COASTAL COMMISSION

4/19/10

Dear Sirs,

This letter is to make you aware that Del Norte County has started amending it's "Pebble Beach Repaving Plan".

I am particularly alarmed that the County is destroying some of the last unfettered views of the Pacific by placing highway type guardrails along the coast in an area that has or will have 25 MPH speed limits. This type of high speed "fencing" is simply not appropriate in areas of this type. This project includes features to slow the traffic on this street in the form of reducing lane width to accommodate bike paths. The county is now quoting from CalTrans highway design manuals to justify the destruction of the views.

I feel that this "amendment", which was turned down by the Del Norte County Planning Commission, effectively bypassed regulation of this project by the California Coastal Commission.

This project was sold to the populace as a neighbor friendly repair and replacement plan. That pitch is now completely false due to the fact that they have now started constructing new guardrails where there have never been any.

Your swift action to prevent these changes would be appreciated.

Sincerely,

Signature on File

Ron van Noord  
2835 Elk Valley Road  
Crescent City, CA 95531

EXHIBIT NO. 8

APPEAL NO.

A-1-DNC-10-016

COUNTY OF DEL NORTE

CORRESPONDENCE