

CALIFORNIA COASTAL COMMISSION  
NORTH COAST AREA  
FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260

Th 19



Request Filed: September 2, 1997  
Staff: Jo Ginsberg  
Staff Report: September 19, 1997  
Commission Hearing: October 9, 1997  
Commission Action:

STAFF REPORT: REVOCATION REQUEST

APPLICATION NO.: **R-A-1-FTB-97-33**

APPLICANT: **DON AND HELEN MILLER**

PROJECT LOCATION: 1141 North Main Street, Fort Bragg, Mendocino County, APN 069-241-31.

PROJECT DESCRIPTION: Partial demolition of an existing 11-unit motel (Ocean View Lodging) and construction of a new two-story 30-unit motel, parking, and landscaping.

PERSONS REQUESTING REVOCATION: **Friends of Fort Bragg, Represented by Roanne Withers and Ron Guenther**

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission find that no grounds exist for revocation under either Section 13105(a) or (b), and deny the request.

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STAFF NOTES

1. Submittal of Requests for Revocation and Reconsideration.

The project that is the subject of this revocation request was approved by the City of Fort Bragg on April 14, 1997. The project as approved by the City of Fort Bragg was appealed to the Commission by the Friends of Fort Bragg on April 28, 1997. On August 14, 1997, the Commission approved with conditions Coastal Permit No. A-1-FTB-97-33. On September 2, 1997, the appellants of the project, Friends of Fort Bragg, submitted a request for revocation and a request for reconsideration of the permit approved by the Commission.

Pursuant to Coastal Act Section 30627 and Section 13109.2 of the California Code of Regulations, only an applicant for a coastal development permit shall be eligible to request a reconsideration. The appellants of the project do not meet this criterion, and, therefore, are not eligible to request reconsideration. However, the revocation request submitted by the Friends of Fort Bragg has been accepted for processing and will be considered by the Commission at a public hearing during the meeting of October 7-10, 1997 in Del Mar.

**2. Grounds for Revocation.**

The California Code of Regulations, Title 14, Division 5.5, Section 13105 states the grounds for the revocation of a coastal development permit are as follows:

Grounds for revocation of a permit shall be:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;
- (b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application. 14 Cal. Code of Regulations Section 13105.

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**CONTENTIONS BY FRIENDS OF FORT BRAGG:**

The Friends of Fort Bragg, in requesting a revocation, contend that the grounds in section 13105 exist because:

- (1) Inaccurate, erroneous, and incomplete information was intentionally included by Fort Bragg City Planner Scott Cochran, acting as a representative for the project applicant, in connection with the Commission's approval of the subject Coastal Development Permit which deletes Special Condition No. 4. "Specifically, Mr. Cochran failed to inform the Commission and its staff of the City's approved North Fort Bragg Traffic Plan, along with this Plan's certified EIR which supports the locally approved left-hand turn lane traffic mitigation measure requirement." (See Exhibit No. 10.)

- (2) They were not properly noticed with a copy of the Addendum to the staff's recommendation to the Commission, or even of an intention to Addendum the report, anytime before the hearing. They therefore could not bring their concerns to staff previous to the hearing, nor could they prepare their hearing representative to address the Commission regarding the Addendum, with staff's new and surprising recommendation to delete the special condition which required construction of a left-hand turn lane to Caltrans' standards. (See Exhibit No. 6.)

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STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution and findings:

I. Denial

The Commission hereby denies the request for revocation on the basis that (1) there was no intentional inclusion of inaccurate, erroneous or incomplete information in connection with the coastal development permit application where accurate and complete information would have caused the Commission to require additional or different conditions on the permit or deny the application; and (2) there was no failure to comply with the notice provisions of Section 13054 where the views of the persons not notified were otherwise not made known to the Commission and could have caused the Commission to require additional or different conditions or deny the application.

II. FINDINGS AND DECLARATIONS:

The Commission finds and declares as follows:

A. Project Description/Background.

The subject site consists of a 1.2-acre site on the west side of Main Street (Highway One) which contains an existing one-story, 11-unit motel called Ocean View Lodging. The project as originally approved by the City of Fort Bragg was appealed to the Commission by the Friends of Fort Bragg, who raised the issues of procedural inadequacies, inadequate environmental review, visual resources, overdrafting of the Noyo River, water supply, and protection of vegetative resources. At the Commission meeting of June 13, 1997, the Commission determined that substantial issue existed with respect to the grounds on which the appeal had been filed. No Commission action on the de novo portion of the appeal was taken at that time.

On August 14, 1997 the Commission approved with conditions Coastal Permit No. A-1-FTB-97-33. The project approved by the Commission on appeal consists of the partial demolition of the existing motel and the construction of a new two-story, 25-foot-high, 30-unit motel with parking and landscaping (see Exhibit No. 3). Just prior to the Commission hearing on August 14, 1997, staff prepared an addendum (see Exhibit No. 6) to the original staff recommendation, recommending, among other things, that the Commission delete proposed Special Condition No. 4. Proposed Special Condition No. 4 would have required the applicant to construct a left-hand turn lane on Highway One according to Caltrans' standards. This condition had been attached to the City's approval of the project. It had been Commission staff's understanding, at the time this condition was included in the recommendation, that Caltrans had recommended that this condition be attached to the City's approval of the project. Subsequent to the mailing of the staff report for the project, it came to light that Caltrans had in fact not recommended requiring this condition. Staff also determined, for the reasons discussed below in Finding C.1, that the policies of the City's certified LCP did not require the inclusion of this special condition. Therefore, staff prepared an addendum recommending deletion of the proposed condition from the staff recommendation. The addendum was hand-carried to the Commission hearing, distributed at the meeting, and discussed by Commission staff during its presentation.

**B. Persons Requesting Revocation**

Section 13106 of the Commission's regulations states that:

Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permit applicant's intentional inclusion of inaccurate information or failure to provide adequate public notice as specified in Section 13105 may request revocation of a permit.

The persons requesting revocation do not demonstrate within their request that they did not have an opportunity to participate in the permit proceeding before the Commission or that any inability to participate in the proceeding resulted from any action or inaction of the permit applicant. In this case, the permit applicants are Don and Helen Miller, who were not represented by an agent in their de novo proceeding before the Commission. The revocation request instead alleges the omission of information by the City planner and failure to receive in a timely manner an addendum to a staff recommendation by Coastal Commission staff. Neither of the alleged reasons are a result of the action or inaction of the applicant or resulted in the ability of the persons requesting revocation to participate in the proceeding before the Commission. Moreover, the representative for the Friends of Fort Bragg did address the

Commission in the public hearing after the staff presented their final recommendation.

Therefore, the persons requesting revocation have not demonstrated their ability to seek revocation. However, regardless of the requestors' ability to seek revocation, because the stated grounds for revocation have not been determined by the Executive Director to be patently frivolous and without merit, the Executive Director has referred the revocation request to the Commission for a determination on the merits of the request, consistent with section 13106 of the Commission's regulations.

C. Grounds for Revocation.

Pursuant to 14 California Code of Regulations (C.C.R.) Section 13108, the Commission has the discretion to grant or deny a request to revoke a coastal development permit if it finds that any of the grounds, as specified in 14 C.C.R. Section 13105, exist. 14 C.C.R. Section 13105 states, in part, that the grounds for revoking the permit shall be as follows: (1) that the permit application intentionally included inaccurate, erroneous or incomplete information where accurate and complete information would have caused the Commission to act differently; and (2) that there was a failure to comply with the notice provisions where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to act differently.

On August 2, 1997 the North Coast District Office received a written request for revocation of the subject coastal development permit (see Exhibit No. 4). As previously stated, the request for revocation is based on both of the grounds indicated above.

1. Section 13105(a)

The first alleged grounds for revocation contains three essential elements or tests which the Commission must consider:

- a. Did the application include inaccurate, erroneous or incomplete information relative to the permit?
- b. If the application included inaccurate, erroneous or incomplete information, was the inclusion intentional?
- c. Would accurate and complete information have caused the Commission to require additional or different conditions or deny the application?

For the first alleged grounds for revocation to be valid, all three of the above tests would have to be met. If one or more of the above tests are not met, the permit cannot be revoked on the basis of Section 13105(a).

As indicated above, the first standard consists, in part, of the inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application. Because the City of Fort Bragg has a certified LCP, the City issues its own coastal permits, and the coastal permit application for the project was reviewed and approved by the City. The project was later reviewed by the Commission as an appeal. Thus the Commission and its staff did not review a coastal permit application made directly to the Commission, but, rather, reviewed the City permit files for the project, including the permit application contained within those files.

Friends of Fort Bragg assert that there was inaccurate, erroneous, or incomplete information relative to the permit. In the coastal development permit application, the applicants in fact did not propose a left-turn lane or discuss the North Fort Bragg Traffic Plan. However, that kind of information is not something the applicant would normally propose in an application. The initial permitting agency, in this case, the City, would normally address the issue of traffic impacts and mitigation in its staff report and environmental documents. City staff did discuss transportation and circulation matters in its Discussion of Environmental Evaluation that accompanies the Environmental Checklist for the project, indicating that the applicant had agreed to the construction of the left-turn lane. The applicants, however, strenuously objected to such a condition as part of the coastal development permit. In support of their position, the applicants provided evidence that Caltrans had determined that a left-turn lane was not required and that an analysis of traffic accident data for SR1 from Pudding Creek Road to Airport Road showed a low accident rate, with no specific correctable accident pattern attributable to motel access. The competing viewpoints on the inclusion of a left-hand turn lane were the subject of several letters handed out at the Commission hearing on the matter (see Exhibit Nos. 7-9). As such, the record before the Commission included the competing opinions on the subject matter at issue. The Commission finds, therefore, there is no evidence of the submittal of inaccurate, erroneous, or incomplete information as asserted by the persons requesting revocation.

With respect to the second part of Section 13105(a), Friends of Fort Bragg contend the following:

"Intentional inclusion of inaccurate, erroneous, and incomplete information [included] by City Planner Scott Cochran, acting as a representative for the project applicant, in connection with the Commission's approval of the subject Coastal Development Permit which deletes Special Condition 4. We believe Mr. Cochran represented the

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applicant at the hearing because Mr. Cochran did not advocate or support the City's interest, but wholly that of the applicant to the extreme detriment of the City's interest.

Specifically, Mr. Cochran failed to inform the Commission and its staff of the City's approved North Fort Bragg Traffic Plan, along with this Plan's certified EIR which supports the locally approved left-hand turn lane traffic mitigation measure requirement."

As stated above, the second standard of Section 13105(a) consists of determining whether the inclusion of any inaccurate, incomplete, or erroneous information was intentional. The revocation request does not contain any evidence that would indicate that the information presented was inaccurate, incomplete, or erroneous. Furthermore, Commission staff has not found any evidence of the intentional inclusion of inaccurate or erroneous information. As stated above, the various opinions regarding whether a left-turn lane should be required have been the subject of ongoing correspondence between the applicant, the City, Caltrans and the Commission, and this correspondence was part of the addendum to the staff recommendation handed out at the Commission hearing on the matter (see Exhibit No. 4). The applicant's opposition to the inclusion of a left-hand turn lane was the subject of several of these letters and the competing viewpoints were in no way concealed (see Exhibit Nos. 7-9). Therefore, the Commission finds that there was not any intentional inclusion of inaccurate, erroneous, or incomplete information in connection with the application.

The third standard for the Commission to consider is whether accurate and complete information would have resulted in the requirement of additional or different conditions or the denial of the application. As stated above, the Commission finds that there was not any intentional inclusion of inaccurate, erroneous, or incomplete information in connection with the application. Friends of Fort Bragg contend that since the North Fort Bragg Traffic Plan and its EIR were adopted by the City as part of the Fort Bragg General Plan Circulation Element, and since the Traffic Plan implements a policy of the LCP, the Traffic Plan must be implemented by the Coastal Commission.

In fact, the Traffic Plan and Tier III Final Environmental Impact Report, completed in September, 1992 and incorporated into the Circulation Element of the City's General Plan on October 26, 1992, was never incorporated into the City's certified LCP, and so is not a part of the LCP. It is the certified LCP which is the standard of review for a coastal permit, and the Traffic Plan was never submitted by the City to the Commission for certification as an LCP Amendment. The LCP contains no policies requiring the construction of left-hand turn lanes as mitigation for all development along Highway One. The LCP does contain a policy (XV-5) that states that the City shall work with the State Department of Transportation (Caltrans) to develop improved highway

access standards, and that those standards shall include, but not be limited to, parking area stacking lanes; the number and placement of driveways in relation to intersections and turning lanes; on-street parking; access visibility; and curb, gutter, sidewalk and landscaping requirements. As stated above, Caltrans did not require any such mitigation be attached as a condition of project approval.

In addition, the Amendment to the City of Fort Bragg Land Use Plan certified by the Commission in May of 1985 contains a discussion of the annexed areas of Fort Bragg, including the area north of Pudding Creek in which the subject property is located. The amendment states that while traffic along Highway 1 north of Pudding Creek is less than in other portions of the City, there is only one lane in each direction along this portion of Highway One, and that additional development may increase the traffic safety hazards and decrease the flow by increasing the number of turns. The amendment further states that improvements to traffic flow/safety in this area should be considered, e.g., left turn lanes. However, there is no specific policy that mandates all developers to provide for such improvements as a condition of permit approval. The Commission thus did not include in its approval of the project a special condition requiring such a lane.

Similarly, even if the North Fort Bragg Traffic Plan relied on by the persons requesting revocation had been incorporated into the certified LCP, the traffic plan also does not require a left-turn lane. Instead, each project's potential impacts on coastal access are assessed on a case-by-case basis. In this case, although the mitigated negative declaration indicates that the primary benefits of a left-turn lane are reduced delay and lower accident potential, for purposes of coastal development permit approval, the record before the Commission contains no evidence that the project would create either significant delays affecting coastal access or accident patterns attributable to motel access.

The Commission therefore concludes that even had the Commission been aware of the North Fort Bragg Traffic Plan, it would not have required additional or different conditions or denied the project, as the Traffic Plan itself doesn't warrant or establish a left-turn lane requirement for the subject development and is not a part of the City's certified LCP. The Commission approved a permit for a project that was found to be consistent with the City's LCP, and would still have been considered to be consistent with the LCP even if the Commission had been aware of the traffic plan.

The Commission finds, therefore, that the grounds in 13105(a) do not exist. The Commission finds there is no evidence of the intentional inclusion of inaccurate or erroneous information. As stated above, the various opinions regarding whether a left-turn lane should be required have been the subject of ongoing correspondence that was part of the addendum to the staff



recommendation handed out at the Commission hearing. The competing viewpoints were in no way concealed. Finally, the "incomplete information" asserted by the Friends of Fort Bragg to be left out of the permit application--that is, the information regarding the North Fort Bragg Traffic Plan--is not information that would have caused the Commission to require additional or different conditions or deny the application.

2. Section 13105(b)

The second alleged grounds for revocation of the permit is that there was a failure to comply with the public notice requirements of Section 13054 of the Commission's regulations, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to act differently.

There are three tests or elements to be met which the Commission must consider for the second ground for revocation.

- 1) Was there compliance with the notice provisions of 13054?
- 2) Were the view of the persons not notified otherwise made known to the Commission?
- 3) Could the views of the persons not notified have caused the Commission to require different conditions or deny the application?

The Friends of Fort Bragg assert that they were not given notice of the staff's addendum with its recommendation to delete Special Condition No. 4, per Section 13105(b), and they therefore could not bring their concerns to staff previous to the hearing, nor prepare their hearing representative to address the Commission regarding the addendum.

With respect to the first part of the question regarding whether there was proper notification pursuant to Section 13054 of the Commission's regulations, the Commission finds that adequate meeting notice, consistent with the requirements of Section 13054, was provided. The notice provisions of Section 13054 refer to noticing adjacent landowners and residents of pending coastal permit applications. Notice of the application must be provided to adjacent landowners and residents within one hundred feet of the perimeter of the parcel. In this case, the Commission mailed public hearing notice of the August 14, 1997 hearing to a total of 17 parties, including all of the landowners and residents within 100 feet of the property and other interested parties. The persons requesting the revocation were mailed a copy of the hearing notice as well as the staff recommendation. Section 13054(c) states that the Commission shall revoke a permit if it determines that the permit was granted without proper notice having been given. As discussed herein, proper

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notice was given and there is no basis for revoking the permit pursuant to Section 13054(c).

The revocation request did not assert that there was no notice of the public hearing, only that there was no prior notice of the addendum. However, the noticing requirements of Section 13054 do not require that notice of the staff recommendation itself be provided. Although the staff customarily mails copies of the staff report to people known to have a particular interest in a proposed project, 13054 does not specifically require mailing of the staff reports, or any addendum to the staff report. In addition, the addendum was available at the Commission hearing, and at the beginning of the staff presentation, which was made by staff member Bob Merrill, it was stated for the record that there was an addendum to the staff recommendation.

Mr. Merrill stated "There is an addendum contained in the green packet that was distributed to you yesterday where we make a couple of changes to the report...we are dropping a special condition that originated, actually, with the City's approval of the project for a left-turn lane off of Highway One. There is an LCP policy that encourages cooperation with Caltrans in minimizing traffic impacts. We felt that condition was consistent with that. However, the policy is not strong enough to actually mandate that specific measures like left-turn lanes actually be incorporated into the project. And we have found that Caltrans has not taken a stand requiring such a left turn lane and we felt it would be unsupportable to require specifically that the left turn lane be put in, so our addendum drops that condition."

It is the practice of the staff to make changes to staff recommendations through an addendum, which is proper. No additional notice besides the addendum itself is required for minor changes to a project or for an addendum report which describes changes or provides additional information or findings. As noted above, the content of the addendum was discussed during the staff presentation. Additionally, the representative for Friends of Fort Bragg spoke after the staff had modified its recommendation, indicating that Friends of Fort Bragg had an extreme concern about staff's recommendation to eliminate the permit condition requiring a left-hand turn lane. Therefore, the persons requesting revocation and other interested parties had legally adequate notice of the addendum. Further, the contents of the addendum did not invalidate the adequacy of the public hearing notice given. In summary, the Commission finds that the assertion concerning the addendum does not constitute inadequate notice.

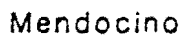
Regarding the second part of the above question, relative to whether the view of the persons who were not notified were otherwise made known to the Commission, the revocation request does not identify persons who were not notified. In addition, the North Coast Area office did not receive any returned hearing notices from those parties notified. Further, the Friends of

Fort Bragg's representative did state during his presentation that "we've just heard that now staff is eliminating that condition which is of extreme concern." Thus the Friends of Fort Bragg were specifically aware of the revised staff recommendation and the Commission was aware of the views of the Friends of Fort Bragg on this subject.

Therefore, the Commission finds that the revocation request has not provided relevant information to support an assertion that persons were not adequately notified or that the views of persons who were not notified were not otherwise made known to the Commission.

Finally, Section 13105(b) states that grounds for revocation of a permit shall be failure to comply with the notice provisions of Section 13054 where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application (emphasis added). In this case, the Friends of Fort Bragg were specifically aware of staff's revised recommendation and the Commission was aware that Friends of Fort Bragg had a concern regarding the elimination of the permit condition requiring a left-hand turn lane off Highway One. As discussed above in subsection C.2, had the Commission been given additional information by Friends of Fort Bragg regarding their concerns about the left-hand turn lane, the Commission's decision would not have been different. The Commission concludes that no element of Section 13105(b) has been met and thus no grounds exist for revocation under 13105(b).

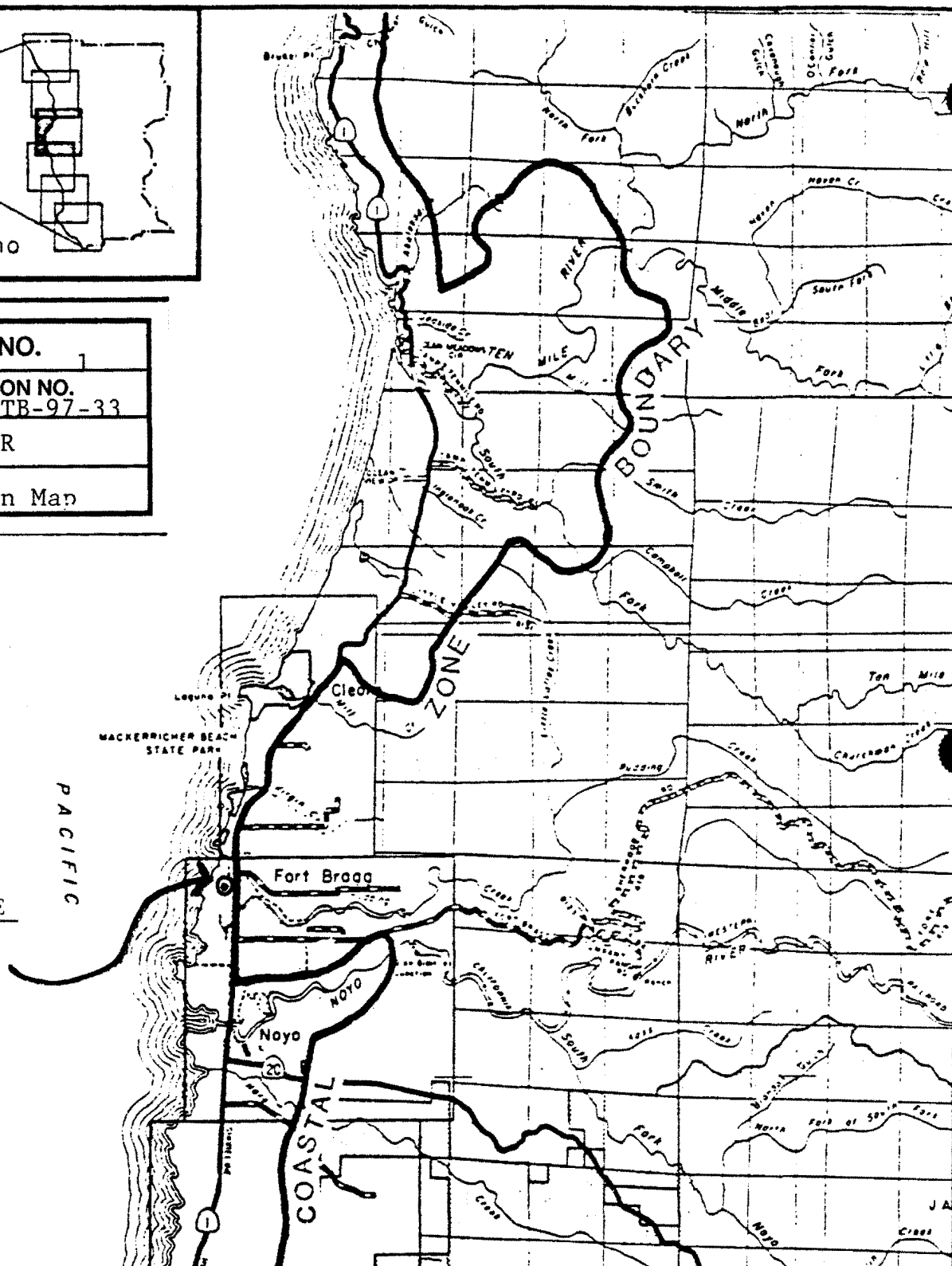
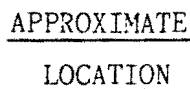
As listed above, the request for revocation does not meet the requirements of 14 C.C.R. 13105(a) or (b). The Commission finds, therefore, that this revocation request should be denied on the basis that no grounds exist because there is no evidence of the intentional inclusion of inaccurate, erroneous, or incomplete information in connection with a coastal development permit application which could have caused the Commission to require additional or different conditions on a permit or deny an application; and on the basis that there is no evidence that the notice provisions of Section 13054 were not complied with where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application.



**APPLICATION NO.**  
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MILLER

Location Man



California Coastal Commission

## LOCATION MAP



PROJECT  
LOCATION

OCEAN

PACIFIC

CURRENT CITY LIMITS  
IMPROVEMENT DISTRICT  
BOUNDARY  
INDICATED BY DASHED LINE  
FROM CURRENT CITY LIMITS

# CITY OF FORT BRAGG

EXHIBIT NO. 2

APPLICATION NO.  
R-A-1-FTB-97-33

MILLER

Vicinity Map

Highway One ↑

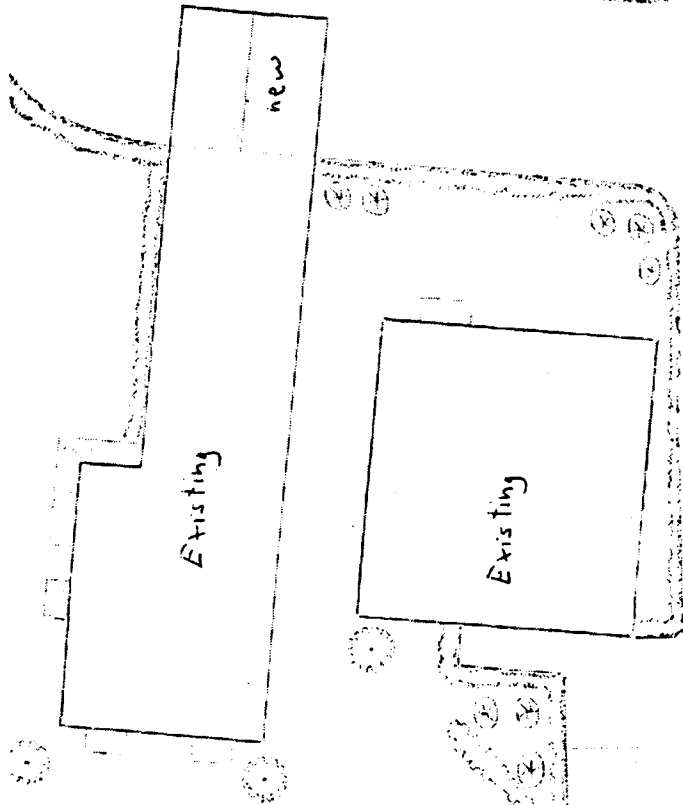


EXHIBIT NO.	3
APPLICATION NO.	R-A-1-FTB-97-33
MILLER	
Site Plan	

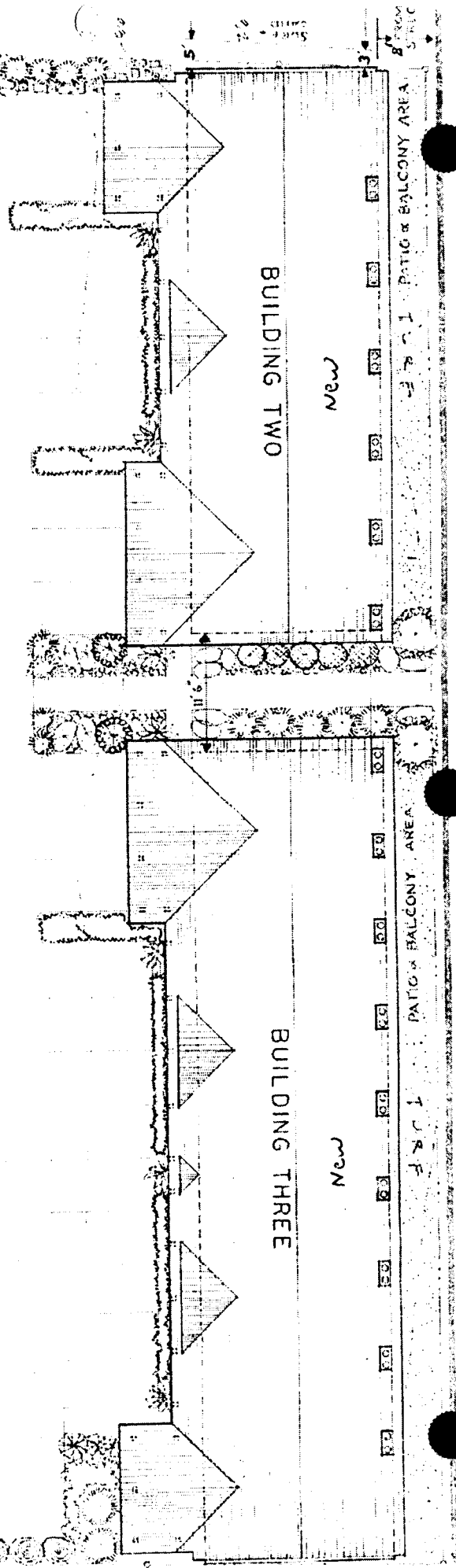


EXHIBIT NO.	4
APPLICATION NO.	R-A-1-FTB-97-33
MILLER	
Revocation Request	

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CALIFORNIA  
COASTAL COMMISSION

Friends of Fort Bragg  
Roanne Withers  
Ron Guenther  
428 N. Harrison St.  
Fort Bragg, Ca 95437  
(707) 961-1953

August 28, 1997

California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219  
Attention: Peter Douglas, Executive Director

Certified/Registered Mail No. Z 683 799 248

**Re: August 14, 1997 Approval of Coastal Permit No. A-1-FTB-97-33 (Miller)**

Members of the Commission,

As the California Coastal Commission Appellants from the City of Fort Bragg subject project approval, we have a considerable interest in fully participating in the Coastal Commission's review of this project. We were properly noticed of the Commission's hearing, and supplied a copy of the staff report for the hearing's Agenda Item Th 16d. We accordingly addressed our concerns regarding this report in writing, which were then included in the staff report. An oral summary of our written concerns was read by a representative at the hearing.

However, we were not properly noticed with a copy of the Addendum to this report (dated two days before the hearing), or even of an intention to Addendum the report, anytime before the hearing. We were only verbally informed there were some additional drainage plan items that were to be added to the staff report. Therefore, we could not bring our concerns to staff previous to the hearing, nor could we prepare our hearing representative to address the Commission regarding Addendum Section II. Highway Modifications, with staff's new and surprising recommendation to delete Special Condition 4 which states, "Prior to occupancy of the site, the applicant shall construct a left-hand turn lane to Caltrans' standards."

As a result of not being properly informed, we are requesting the Commission's reconsideration of its decision to approve Coastal Permit No. A-1-FTB-97-33 (Miller) under the *California Code of Regulations*, Title 14. Natural Resources, Division 5.5: California Coastal Commission, Article 6: Section 13059.

Also, under *California Code of Regulations*, Title 14. Natural Resources, Division 5.5: California Coastal Commission, Article 16: Section 13105, we are requesting the Commission's revocation of this project's Coastal Development Permit based on the intentional inclusion of inaccurate, erroneous, and incomplete information by Fort Bragg City Planner Scott Cochran, acting as a representative for the project

applicant, in connection with the Commission's approval of the subject Coastal Development Permit which deletes Special Condition 4. We believe Mr. Cochran represented the applicant at the hearing because Mr. Cochran did not advocate or support the City's interest, but wholly that of the applicant to the extreme detriment of the City's interest.

Specifically, Mr. Cochran failed to inform the Commission and its staff of the City's approved *North Fort Bragg Traffic Plan*, along with this Plan's certified Environmental Impact Report (EIR) which supports the locally approved left-hand turn lane traffic mitigation measure requirement.

Furthermore, since we did not receive any notice what-so-ever of the Addendum and its recommendation to delete Special Condition 4 per *Regulation* Section 13105(b), we were prevented from bringing significant information bearing directly on the Commission's decision to your staff and subsequently to your attention.

The *North Fort Bragg Traffic Plan* and its EIR were adopted by the City (on October 26<sup>th</sup>, 1992, per Resolution No. 1930-92) a few years after the subject project planning area was annexed into the City as an update to and part of the "Fort Bragg General Plan Circulation Element". The *Traffic Plan* specifically implements Policy XV-5 of the City's LUP. The *Traffic Plan* states in its EIR Section 1.3: Administration of the Environmental Impact Report, "Project for which this document is prepared: North Fort Bragg Traffic Plan *mandated by the Local Coastal Plan.*" (Emphasis added.)

If a Responsible Agency, such as the Coastal Commission or Caltrans considered the *Traffic Plan* and its EIR not adequate at the time it was circulated and subsequently approved, then a Responsible Agency is required under CEQA Guideline Section 15096(c) take the issue to court in a timely manner or be deemed to have waived all objection. Neither the Coastal Commission or Caltrans objected in this manner, therefore the *Traffic Plan* and its EIR is an approved, adopted and very important part of the City's LCP/LUP.

When the Coastal Commission assumed jurisdiction of the subject Coastal Development Permit, it also assumed jurisdiction over administering the City's LCP Policy XV-5 implementing *Traffic Plan* and EIR. However, we see no evidence which would indicate that the Commission staff reviewed or considered the *Traffic Plan* and its EIR traffic mitigation measures when making a recommendation to completely delete Special Condition 4 to the Commission. (We note here that the Planner listed both the *Traffic Plan* and its EIR as consulted studies in the Mitigated Negative Declaration, but did not include the text of the EIR even though the *Traffic Plan* and EIR are one document.)

The City Planner states in his prepared Mitigated Negative Declaration for the subject project that he did consider the *Traffic Plan* and its EIR in combination with a site specific traffic analysis when he initially reviewed the project. The City Planner was also required in his preparation of the Mitigated Negative Declaration — under legal requirements of environmental review which is specifically highlighted by

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MILLER	



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virtue of being so stated in the *Traffic Plan* EIR — to consider the cumulative traffic impacts of known proposed development in the subject area. Based on all of these considerations (as required by the *Traffic Plan* EIR) the City had the legal mandate to require construction of a left-hand turn lane prior to occupancy as this project's mitigation for traffic impacts in the area. The Planner never states in the Mitigated Negative Declaration that construction of the left-hand turn land was a Caltrans "requirement". Nor was it necessary or legally required for Caltrans to specifically "require" this mitigation in order for the City (or the Commission) to legally require the mitigation. Caltrans has already approved the *Traffic Plan* and EIR which triggers overall and cumulative impact review for the area subsequently necessitating the ensuing mitigation. The applicant agreed to this mitigation *before* the Mitigated Negative Declaration was circulated for review by Responsible Agencies and the public. The applicant subsequently *never* opposed, rejected, or complained about this mitigation in writing or in oral testimony during the various project approval hearings of the City's Planning Commission and City Council.

Now, the City Planner, based on a belated objection of the applicant to Coastal Commission staff, recently consulted with Caltrans and reports Caltrans "does not feel this left turn lane is required at this time". All of this new consultation and reporting of the lack of a Caltrans "requirement" has been done absent all Lead Agency (Coastal Commission) and Responsible agency (City and Caltrans) consideration of the approved *Traffic Plan*, its EIR, and the California Environmental Quality Act (CEQA) statutory and guideline requirements for EIR mitigation cumulative impact review of known proposed projects.

We believe this was done because the City Planner intentionally failed to bring the *North Bragg Traffic Plan*, its EIR, and its mitigation measures to the attention of the now Lead Agency (Commission) and Caltrans despite and contrary to his and the local decision makers' review of the *Traffic Plan*, and its EIR requirement for consideration of known proposed projects and resulting approval of the left-hand turn lane construction traffic mitigation measure. The only basis we can see for the recently reported Caltrans opinion is a narrow piecemealing site specific traffic review and analysis of increased traffic and current traffic volumes which would not trigger the threshold of the Caltrans standard for requiring left-hand turn lane construction. This narrow analysis is contrary to CEQA statutes, guidelines and case law, contrary to the approved *Traffic Plan* and its EIR, contrary to the expert traffic consultant's opinion, contrary to the local decision makers' full review and desires, contrary to long-time and significant citizen efforts to resolve a serious problem, contrary to the Coastal Act, and results in planning chaos and significant environmental impact.

#### **The North Fort Bragg Traffic Plan**

The North Fort Bragg Traffic Plan and its EIR are the result of litigation brought by the subject project's appellants. Very briefly, the Court found that the City had violated CEQA procedure and the City settled the litigation by agreeing to complete full environmental review of the north Fort Bragg annexed area, and to plan for accommodation of expected traffic growth.

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For all new and/or additional development (other than single family homes) in the *Traffic Plan* area Caltrans and the Coastal Commission (as Responsible Agencies) have already approved the *North Fort Bragg Traffic Plan* and its traffic increase mitigations when the City circulated for comments and then approved of this Plan and certification of its EIR. The only item at issue for Caltrans was its desire for a 68' center lane setback and the subject areas' property owners concern of loss of property. This issue was to be "worked out" in the future based on Caltrans review of each project proposal and subsequent site specific recommendation/requirement for center lane setback.

The *Traffic Plan* EIR lists a number of policies and implementations which are intended to guide individual development approval decisions and assessment of individual and cumulative traffic impacts in the area. Via the *Traffic Plan* and its EIR the City is given a number of implementation options for how it will insure mitigation of increased traffic impacts due to new and/or additional development, and to fairly apportion both costs of the *Traffic Plan* itself and costs for implementation of eventual full center lane channelization of this Hwy 1 area in the City limits. This process was to start after certification of the EIR in 1992 and be completed within a period of 10 years (or so) when the area is projected to reach a level of service which would instigate a Caltrans requirement of center lane channelization before future development could be approved.

One *Traffic Plan* EIR mitigation option — Goal 1 implementation measures — is for the City to collect a "new traffic allocation assessment" for cost of eventual improvement from a project applicant. This option allows for an apportioned share of eventual center turn lane channelization implementation costs for singular projects to be accumulated in an early piecemeal fashion when no other projects are proposed or known about, and before and after actual full or partial center lane channelization occurs. The total cost of center/left hand turn channelization cannot ever, nor was it intended to be fully accumulated via allocation fees before full or partial center lane channelization is actually implemented because some parcels may not ever develop and/or traffic volumes would increase to a center lane requirement threshold level before full development of the area.

The other option — Goal 2 implementation measures — requires the City (under CEQA) to further consider cumulative traffic impacts from previously approved and known proposed projects in conjunction with a subject proposed project's impacts, and institutes necessary City traffic mitigation implementation flexibility. The City can then implement further methods (besides collecting assessment fees) of mitigating traffic impacts while proceeding toward the goal of actual full center lane channelization. The City mitigation measure of requiring construction of a left hand turn lane to Caltrans standards prior to occupancy for the subject project is not at the City's complete discretion because it is based on the City's legal obligation to ensure a traffic mitigation implementations necessary to satisfy the eventual complete center lane channelization mitigation mandate of this EIR. The timing of implementing this type of mitigation is also not at the City's complete discretion because the timing difference of when just allocation fees can be collected, versus a requirement of partial to full channelization implementation, is based on the cumulative traffic impacts of baseline traffic increase

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along with actual and proposed projects as they come about.

It is not the intention of the *North Fort Bragg Traffic Plan* EIR to base *all* actual traffic mitigation on *when and if* a total center lane channelization traffic mitigation implementation cost is accumulated. Such an interpretation would either insure the channelization would never be built (as long as one or more property owners in the area did not develop) or place the entire channelization implementation burden (less whatever allocations fees had been or would be collected) on the specific developer whose new traffic impacts pierced the Caltrans requirement threshold. It is the intention of the *Traffic Plan* and EIR to require a pragmatic City approach to fairly apportioning traffic mitigation implementation costs and actual implementations before, during, and after actual full center lane channelization implementation occurs.

There has been one project (Surf and Sand motel) approved after the litigation instigating the *Traffic Plan* and EIR was settled and before the *Traffic Plan* and EIR were complete. A traffic impact study was not required for this project. In 1994 a small addition to an existing motel (Beachcomber) was approved absent an allocation fee. There are three more known traffic increasing motel projects in various advanced stages of project approval (including the subject project) in the subject area. The *Traffic Plan* is half way into its 10 year subject area Hwy 1 level of service projection, which includes non-project generated traffic growth volume. All together, these five motel projects and increased baseline traffic result in a significant amount of increased traffic on a very narrow, shoulderless, curvy section of Hwy 1.

Within the subject project's Mitigated Negative Declaration circulated for Responsible Agency and public review, Caltrans was never presented with information about all the other proposed projects' and approved projects' increased traffic generation and additional ingress/egress turning impacts, nor were the other known proposed projects' additional traffic increase/ingress/egress impacts specifically addressed in the applicant's expert traffic study. However, the applicant's traffic expert *did* review the *North Fort Bragg Traffic Plan* projections and Caltrans traffic volume projections in conjunction with the subject project's traffic increase/ingress/egress impacts and concluded a left-hand turn lane construction mitigation is warranted at this time.

The proposed projects' cumulative traffic and ingress/egress impact and absence of Caltrans consideration of such were not (nor could not be) raised by the public (other than to support the mitigation, which we consistently did) during the project's approval process because *Caltrans never objected to the left-hand turn lane and the applicant agreed to the City's left hand turn lane construction mitigation before the project's Mitigated Negative Declaration was circulated for review.* However, the City Planner had knowledge of these proposed projects, City decision makers had knowledge of the proposed projects and all, in their expert opinions, determined the left-hand turn construction was warranted. The project applicant did not object at various hearings, and Caltrans has approved the City's *Traffic Plan* increased traffic mitigation measures through its approval of the *Traffic Plan* and its EIR.

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We cannot fathom the City Planner's recent circumvention of the Caltrans and City approved LCP *North Fort Bragg Traffic Plan* and EIR. The Planner misrepresented the facts when he suddenly placed all City rationale and basis for requiring left-hand turn construction on a narrow in scope Caltrans opinion which is solely based on the Planner's deficient presentation of the planning information to Caltrans.

As a matter of law, we believe the Commission cannot make a legal finding which allows it to override, understate, or delete an approved LUP/LCP Environmental Impact Report mitigation measure without providing an equal or greater mitigation to the impact. This, the Commission has not done. Thus, the Commission has abused its discretion. If this decision is allowed to stand the result will be a north Fort Bragg traffic crisis of major proportions caused by the Commission's precedent setting nullification of an implementation of an LCP/LUP EIR mitigation measure designed, in part, to make the LCP/LUP consistent with Coastal Act Section 30211.

We look forward to more thoroughly addressing our concerns upon the Commission's reconsideration of its action regarding its deletion of this project's Special Condition 4.

Please keep us informed.

Thank you,



Roanne Withers



Ron Guenther

For Friends of Fort Bragg

Enclosures for the Public/Administrative Record:

North Fort Bragg Traffic and Environmental Impact Report  
Notice of Completion SCH #91093091  
City of Fort Bragg Resolution No. 1930-92

cc: Jim Murphey, Fort Bragg City Manager  
DeeLynn Carpenter, City Clerk (For the Public Record)  
Jo Ginsburg, Coastal Commission Staff  
Mark Massara, Esq., Sierra Club California Coastal Program, 1642 Great Highway  
San Francisco, California 94122  
Rod Jones, Esq., General Counsel Mendocino CoastWatch, P.O. Box 189,  
Mendocino, CA 95460

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## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

Th 16d



Staff: Jo Ginsberg  
Staff Report: July 25, 1995  
Hearing Date: August 14, 1997  
Commission Action:

STAFF REPORT: APPEALDE NOVO ACTION ON APPEAL

LOCAL GOVERNMENT: City of Fort Bragg

DECISION: Approval with Conditions

APPEAL NO.: A-1-FTB-97-33

APPLICANT: DON AND HELEN MILLER

PROJECT LOCATION: 1141 North Main Street, Fort Bragg, Mendocino County, APN 069-241-31.

PROJECT DESCRIPTION: Partial demolition of an existing 11-unit motel (Ocean View Lodging) and construction of a new two-story 30-unit motel, parking, and landscaping.

APPELLANT: Friends of Fort Bragg

AGENT: Roanne Withers and Ron Guenther

SUBSTANTIVE FILE DOCUMENTS: Fort Bragg Local Coastal Program; Fort Bragg CDP 10-96/SCR 10-96.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions the coastal development permit application for the proposed project on the basis that it is consistent with the City's certified LCP and with the public access and recreation policies of the Coastal Act.

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Staff Report

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Commission staff considers that the main issue raised regarding the proposed project is that of visual resources, as the subject site is on the west side of Highway One in a designated Scenic Corridor Combining Zone. Staff believes that with the exception of visual impacts on users of the adjacent public Haul Road, the impacts are minimal and there are no apparent feasible ways to significantly enhance views through the site. Staff is recommending a special condition that requires relocating the proposed new structures an additional five feet back from the Haul Road to reduce visual impacts to users of the Haul Road.

The applicant's project was approved by the City with a number of special conditions imposed to ensure the project's consistency with the certified LCP. Commission staff recommends attaching these conditions (as modified) to the coastal permit, in addition to two new special conditions that will address visual impacts and drainage.

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PROCEDURAL NOTE

On February 27, 1997 the City of Fort Bragg Planning Commission approved with conditions Coastal Development Permit 10-96, and denied Scenic Corridor Review 10-96. The City issued a Notice of Final Action on the Coastal Development Permit before the SCR had been approved. The applicants, Don and Helen Miller, appealed the Planning Commission's denial of the Scenic Corridor Review to the City Council. On April 14, 1997, the City Council upheld the appeal of Don and Helen Miller, reversing the Planning Commission decision of February 26, 1997. The City then issued a second Notice of Final Action, which superseded the earlier Notice of Final Action. The Commission then opened an appeal period, during which time the project was appealed by the Friends of Fort Bragg.

At the Commission meeting of June 13, 1997, the Commission determined that substantial issue existed with respect to the grounds on which the appeal had been filed, pursuant to Section 13115 of the California Code of Regulations. Staff had not prepared a recommendation with regard to the merits of the permit application, so no Commission action on the de novo portion of the appeal was taken at that time.

As the project as approved by the City has been found to raise a Substantial Issue with respect to the policies of the LCP, the City's approval no longer governs, and the Commission must consider the merits of the project with the LCP de novo. A public hearing and vote on the project has been scheduled for the meeting of August 14, 1997, when the Commission will consider the merits

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of the permit application. The Commission may approve, approve with conditions (including conditions different than those imposed by the City), or deny the application.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, is in conformance with the certified City of Fort Bragg LCP, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

1. Revised Site Plan:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit, for the Executive Director's review and approval, a revised site plan and final project plans that show a redesigned project, including all necessary changes to structures on the site, that incorporates the following changes:

- a. Both proposed new motel structures (Buildings Two and Three) shall be set back from the Haul Road an additional five feet from what is currently proposed on the site plan (see Exhibit No. 3), resulting in a setback of the western walls of the buildings from the Haul Road of at least 13 feet at the south end of the property, and approximately 22 feet at the north end of the property.

The project shall be developed in accordance with the revised plans approved by the Executive Director.

2. Final Drainage and Grading Plans:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, final drainage

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and grading plans for the project that have been approved by the City of Fort Bragg's engineer that are consistent with the recommendations made by Paoli Engineering, pursuant to the letter dated September 3, 1996. At a minimum, the engineered drainage system of infiltration and trenching shall include the following components:

- a) Runoff from the two easterly buildings and asphalt entrance will be directed into infiltration trenches in the planter area at the south quadrant of the site.
- b) Runoff from the westerly asphalt areas and the two westerly buildings will be directed to infiltration trenches between the westerly buildings and the westerly property line.
- c) Under heavy rainfall conditions, when runoff from the westerly building could exceed the ability of these trenches to handle the water, the excess water will be collected in a pump chamber near the northwest property corner. The pump system will pipe the water into a series of infiltration trenches in the northeast quadrant of the property.

The property shall be developed in accordance with the final plans approved by the Executive Director.

3. Highway Encroachment:

- a) PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit to both the Executive Director of the Coastal Commission and the City of Fort Bragg Community Development Department signed and approved copies of the necessary Caltrans Encroachment permits.
- b) The project shall be developed in a manner consistent with maintaining a corridor preservation setback of 50 feet from the Highway One centerline.
- c) Prior to completion of the project, the existing northern driveway shall be closed.

4. Highway Modifications:

PRIOR TO OCCUPANCY of the site, the applicant shall construct a left-turn lane to Caltrans' standards.

5. Prevention of Polluted Runoff:

To minimize polluted runoff from construction operations, the applicant shall take the following steps during construction:

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- a) The site shall be watered and equipment shall be cleaned morning and evening;
- b) Soil binders shall be spread on the site, unpaved roads, and parking areas;
- c) Approved chemical soil-stabilizers shall be applied, according to manufacturers' specifications, to all inactive construction areas (previously graded areas which remain inactive for 96 hours);
- d) Ground cover shall be re-established on the construction site through seeding and watering.

6. Water/Sewer Modifications:

The development shall use City water and sewer services. The existing septic system shall be eliminated, and the existing well will be used for landscaping purposes only. A backflow prevention device shall be installed on the well.

7. Water-Saving Measures:

To minimize water use resulting from the project, the applicant shall implement the following measures:

- a) The applicant shall hire a contractor to retrofit 84 residential units now being served by the City's water system which do not have low flow water fixtures.
- b) The applicant must demonstrate that he has obtained the necessary amount of water retrofits before the motel begins operation. Such proof shall be submitted, in writing, to both the City of Fort Bragg and the Executive Director of the Coastal Commission.
- c) All landscaping shall be drought-tolerant vegetation and irrigated by the existing well on the property.

8. Design Restrictions:

Night lighting, including any lights attached to the outside of the buildings, shall have a directional cast downward.

9. Archaeological Monitoring:

During construction and prior to occupancy, the following shall occur:

- a) Daily monitoring by a qualified archaeologist shall take place, consisting of watching during the entire work day until a depth of excavation has been reached at which resources could not occur. This depth is estimated at about five feet below grade, depending on soil conditions.

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- b) Spot checks will consist of partial monitoring of the progress of excavation over the course of the project. During spot checks, all spoils material, open excavations, recently grubbed areas, and other soil disturbances will be inspected. The frequency and duration of spot checks will be based on the relative sensitivity of the exposed soils and active work areas. The monitoring archaeologist will determine the relative sensitivity of the parcel.
- c) If prehistoric human interments are encountered within the native soils of the parcel, all work shall cease in the immediate vicinity of the find. The County Coroner, project superintendent, and the Agency Liaison should be contacted immediately, and procedures as prescribed by law should be followed.
- d) If unique archaeological resources other than human burials are encountered, the project should be modified to allow artifacts or features to be left in place, or the archaeological consultant should undertake the recovery of the deposit or feature. Significant cultural deposits are defined as archaeological features or artifacts associated with the prehistoric period, the historic era Mission and Pueblo Periods, and the American era up to about 1900. A representative of the Native American community must be contacted in all cases where prehistoric or historic era Native American resources are involved.
- e) Whenever the monitoring archaeologist suspects that potentially significant cultural remains or human burials have been encountered, the piece of equipment that encounters the suspected deposit will be stopped, and the excavation inspected by the monitoring archaeologist. If the suspected remains prove to be nonsignificant or noncultural in origin, work will recommence immediately. If the suspected remains prove to be part of a significant deposit, all work should be halted in that location until removal has been accomplished. If human remains (burials) are found, the County Coroner must be contacted.
- f) Equipment stoppages will only involve those pieces of equipment that have actually encountered significant or potentially significant deposits, and should not be construed to mean a stoppage of all equipment on the site unless the cultural deposit covers the entire building site. During temporary equipment stoppages brought about to examine suspected remains, the archaeologist should accomplish the necessary task with all due speed.
- g) In the event that unique archaeological resources are unearthed during project construction, the applicant shall cap those resources by adding a protective layer of dirt and then placing the improvement right on top of this protective layer.

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10. Public Utilities:

All public utilities shall be installed underground.

11. Other Approvals:

- a) There shall be full compliance with all the requirements of the Fire, Health, Water, Sewer, Building, and Public Works Departments of the City of Fort Bragg.
- b) The City, its officers, agents, and employees may inspect the property at any time and the applicant agrees not to deny or impede access to the subject property for the City.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

1. Project and Site Description:

The subject site consists of a 53,567-square-foot lot (1.2 acres) on the west side of Main Street (Highway One) which contains an existing one-story, 11-unit motel called Ocean View Lodging. Nine of the motel units are located at the rear of the parcel (west side) in a structure that extends almost the entire length of the parcel, and two of the units are located in a separate structure along with two garages to the east of the nine-unit structure (see Exhibit No. 4). Also on the property is another structure containing the manager's quarters, laundry, and storage, and a few small outbuildings. The old logging haul road, now owned and operated by State Parks as a public pedestrian and bicycle path, is located immediately adjacent and to the west of the subject site.

The proposed project consists of the partial demolition of the existing motel and the construction of a new two-story, 25-foot-high, 30-unit motel with parking and landscaping. The new units will be located in two structures at the back of the parcel (west side). Some of the existing structures will remain and be modified (see Exhibit No. 3).

There are a number of existing trees on the site which are not proposed for removal. No sensitive habitat has been identified on the subject parcel.

2. Adjacent Development:

The subject site is one of five lots at the north end of Fort Bragg that are designated highway-visitor serving commercial. Four of these lots, including the subject site, are developed with motels. Immediately south of the subject site is the recently constructed Surf and Sand Motel, approved by the City in

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1988 but not constructed until 1994. The Surf and Sand is two stories high and blocks most of the ocean views from Highway One; there are narrow glimpsed views available between the buildings on the site, and a narrow glimpsed view (approximately nine feet wide) available between the Surf and Sand and the existing Ocean View Lodging (subject site). The Surf and Sand extends quite close to the Haul Road to the west. Just south of the Surf and Sand is an open public parking lot owned by State Parks which provides parking for the Haul Road (as well as providing views). South of the parking lot is the Beachcomber Inn, part of which is two stories in height, and part of which is one-story; there are no ocean views available from Highway One at this site. A coastal development permit for a new addition to the Beachcomber is currently being processed by the City.

To the north of the subject site is the one-story Hi-Seas Motel, which is set back quite a distance from the Haul Road. The existing structure blocks all views of the ocean from Highway One at this site. To the north of the Hi-Seas is an industrially developed site operated by the Baxman Gravel Company; there is another industrial site north of Baxman Gravel. Ocean views from Highway One are substantially blocked along these parcels.

3. Visitor Serving Facilities:

LUP Policy IV-1 states that the City shall provide for and encourage additional visitor serving commercial facilities by maintaining existing areas designated for highway-visitor serving commercial; allowing visitor serving uses within all commercial land use designations; and maintaining the "highway-visitor serving commercial" land use designation as one allowing primarily recreational and visitor serving uses.

The subject site is designated highway-visitor serving commercial, and currently supports a nine-unit motel, which is a principally permitted use in this designation, pursuant to Zoning Code Section 18.29.100. The proposed project is an expansion of the motel, consistent with the designation. The proposed project, therefore, is consistent with LUP Policy IV-1 and Zoning Code Section 18.29.100, as the site will continue to support a visitor serving use.

The Commission's concern, therefore, is not so much with the proposed use, which is a high-priority one under the Coastal Act, but with the specific design of the structures that are proposed and their impacts on views of the sea from Highway One and on views from the adjacent public Haul Road.

4. Visual Resources:

LUP Policy XIV-1 states that new development within the City's coastal zone shall be sited and designed to protect views to and along the ocean, be

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visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section XVII (S) of the Amendment to the City of Fort Bragg Land Use Plan certified by the Commission in 1985 includes Scenic Corridor Review criteria for approval of a project's site plan and drawings. This section states that the structure shall be so designed that it, in general, contributes to the character and image of the City as a place of beauty, spaciousness and balance; that the exterior design and appearance of the structure is not of a quality of scale so as to cause the nature of the neighborhood to materially depreciate in appearance and values; and that the structure is in harmony with proposed adjacent development in the area and the Scenic Corridor Zone and in conformity with the LCP.

Zoning Code Section 18.61.028, Coastal visual resources and special communities, states that permitted development within the coastal scenic corridors shall minimize the alteration of natural landforms, be visually compatible with the character of the surrounding area, be sited and designed to protect views to and along the ocean and scenic coastal areas, and, wherever feasible, restore and enhance visual quality in visually degraded areas.

The existing structures of the one-story, nine-unit motel block all views of the ocean, except for a narrow, glimpsed view available at the south end of the property, where there is a 9'6" gap between the existing Ocean View Lodge and the adjacent Surf and Sand Motel. This gap between motels will be reduced to approximately 3 feet by the proposed new 30-unit, two-story motel units. According to the applicant, the glimpsed view was previously blocked by trees which were removed during construction of the recently built Surf and Sand on the adjacent property, and trees have been planted to replace these removed trees. Once the new trees have obtained full growth, the existing narrow gap between the motels will once again be blocked by trees. At the north end of the property, views through the gap between the Ocean View Lodge and the adjacent Hi-Seas Motel are almost entirely blocked by existing trees, which will remain in place.

It is clear that the proposed two-story, 30-unit motel will be larger and higher than the existing one-story, 11-unit motel, and, as such, will result in some change to the coastal viewshed. However, the existing motel, which extends almost the entire length of the parcel, already blocks nearly all views of the ocean, except for narrow glimpsed views on either side of the motel and through openings in the building, so it cannot be concluded that the new motel will have a significantly greater impact on the coastal viewshed. The narrow glimpsed views on either side of the motel will be reduced by the new structure, which will extend all the way to the property boundaries, but there will be a narrow view corridor between the two new motel structures

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which will provide for a glimpsed view somewhat comparable to what exists now. Furthermore, a large view corridor exists two lots to the south, where the public parking lot owned by State Parks provides parking and access for the Haul Road.

The Commission considered various alternatives to the currently proposed motel design that might enhance views through the site to improve visual quality. Theoretically, the number of proposed units could be reduced; the second story could be eliminated; the new motel units could be located closer to Highway One, set back farther from the Haul Road; or the entire project could be redesigned in a way that left view corridors open to the ocean. However, most of these alternatives have not been demonstrated to be feasible.

The existing motel is nine units; the proposed 30-unit motel is still relatively small, and reducing the number of proposed units below 30 would make the project financially infeasible, according to the applicant. Several existing structures that are intended to remain intact and become part of the new motel are situated on the parcel such that most proposals for rearranging buildings and units to open up view corridors would require their demolition or replacement. The applicant contends that the added high cost associated with replacing those structures would make the project infeasible to build. In addition, a redesign of the project that retained the same number of motel units and opened significant view corridors to the ocean would inevitably result in at least some motel units being built where they would not provide ocean views. Rooms without ocean views could not be rented out for as high a rate, thereby reducing revenue from the project. The applicant states the existing funding for the project is dependent on each of the proposed 30 units having ocean views and commanding a higher room rate. Likewise, removing the second story would necessitate an infeasible redesign of the whole project, or a reduction of the number of units to a financially infeasible number. The Commission thus concludes that there are no feasible alternatives that would enhance views through the site to improve visual quality.

Although the proposed development will not have a significantly greater impact on views through the site from Highway One, it will have a visual impact on the public using the Haul Road to the west as it will extend quite a bit closer to the Haul Road than does the existing motel. The existing one-story, nine-unit motel, which is located in the Scenic Corridor Combining Zone, is approximately 12 feet in height, set back 40 feet from the Haul Road at the south end of the property, and set back approximately 60 feet from the Haul Road at the north end. The proposed new motel is 30 units, 25 feet high and two stories, set back approximately 8 feet from the Haul Road at the south end of the property, and approximately 17 feet from the Haul Road at the north end of the property.

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To reduce visual impacts of the proposed new development on public users of the Haul Road, the Commission thus attaches Special Condition No. 1, requiring the motel units to be set back an additional five feet from the Haul Road than the proposed project is currently set back, such that the units will be set back from the Haul Road a total of at least 13 feet at the south end and approximately 22 feet at the north end. To accommodate this relocation, the middle building, which now contains two motel units but will be used for laundry and storage, will have to be modified and shortened by five feet. The Commission considered requiring that the motel units be relocated even closer to Highway One, with a greater setback from the Haul Road, but that would adversely affect views from Highway One and would also necessitate removal of the existing middle building, which is intended to remain as part of the proposed plan. The cost of replacing this structure elsewhere on the site makes the proposal infeasible.

Pursuant to Section XVII(S) of the 1985 LUP Amendment, new structures in the Scenic Corridor Combining Zone must be designed to contribute to the character and image of the City as a place of beauty, spaciousness and balance, and must be in harmony with adjacent development in the area. The proposed 30-unit motel will be in character with surrounding development, as it will be comparable in bulk and height to the adjacent two-story Surf and Sand Motel directly south, and the Beachcomber Inn three lots to the south. In addition, the proposed new development will be more attractive than the existing motel on the site, which is becoming decrepit; the new project includes considerable landscaping of trees and shrubs, as well as posted arches on the walkways with hanging flowers and potted shrubs and flowers. As such, the proposed new development will improve the visual character of the site, consistent with the visual policies of the LCP.

To further minimize visual impacts, the Commission attaches Special Condition No. 8, which requires that night lighting, including any lights attached to the outside of the buildings, shall have a directional cast downward; Special Condition No. 10, which requires that all public utilities shall be installed underground; and Special Condition No. 3, which requires that a corridor preservation setback of 50 feet from the Highway One centerline shall be implemented, and that the northern driveway shall be closed.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with LUP Policy XIV-1, Section XVII (S) of the 1985 LUP Amendment, and Zoning Code Section 18.61.028, as the project will be visually compatible with the character of the surrounding area, will not have any significant adverse impacts on visual resources, and will improve the visual character of the site.

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MILLER	

5. Public Access:

Projects located within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP. Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section III of the City of Fort Bragg's LUP and Zoning Code Section 18.61.021 contain a number of policies regarding standards for providing and maintaining public access.

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

The subject site, while located west of the first public road, is not an oceanfront or blufftop parcel and is not used by the public to reach the sea. Thus, the proposed project will not obstruct any existing access to the sea and the minor increase in land use intensity associated with construction of additional motel units will not create a significant demand for new access facilities or burden existing access in the area. The new demand created can be adequately handled by the adjacent public Haul Road and other nearby blufftop and shoreline access.

However, the proposed project would adversely affect use of the immediately adjacent Haul Road, owned and operated by State Parks as a public access path. The existing motel is set back from the Haul Road approximately 40 feet at the south end, and approximately 60 feet at the north end. The proposed new motel units would be set back from the Haul Road approximately 8 feet at the south end, and approximately 17 feet at the north end. This proximity to the public access path might have adverse impacts on public users of the Haul Road, such as reducing the sense of open space and sunlight, and creating a sense of intrusion on private property that might reduce the public's enjoyment of the access path. To address this concern, the Commission attaches Special Condition No. 1, requiring that the new motel units be set back from the Haul Road an additional five feet, to reduce the impacts of the new development on users of the public access path. As noted above, five feet is the maximum additional setback possible without requiring removal of existing structures.

The Commission therefore finds that, as conditioned, the proposed project, which does not include any provision of new public access, is consistent with the public access policies of the Coastal Act and the City's Local Coastal Program.

EXHIBIT NO. 5
APPLICATION NO.
MILLER



**A-1-FTB-97-33**  
**DON AND HELEN MILLER**  
Page Thirteen

6. New Development/Water Resources:

LUP Policy XV-8 states that all new development within the coastal zone shall be connected to the City water and sewer systems. LUP Policy XV-9 states that the City shall determine, when it receives a Coastal Development Permit application, that adequate potable water is available to service the proposed facility, including during peak service demands.

Zoning Code Section 18.61.022 states that the quality and quantity of groundwater resources shall be maintained and where feasible restored through control of wastewater discharge and entrainment, runoff controls, and prevention of groundwater depletion enforced through specific methods, including requiring new development in the coastal zone for which water or sewer service is needed to be connected to the City water or sewer systems, and requiring that existing development in the coastal zone currently utilizing well and/or septic systems that do not meet health standards to convert to City water and sewer.

Zoning Code Section 18.61.029(A) states that all new development constructed in the City coastal zone shall be connected to the City water and sewer systems as a condition of obtaining a coastal development permit.

To address these policies, the City had attached several special conditions to its approval for the project, which the Commission finds appropriate. The Commission thus attaches Special Condition No. 6, which requires that the new development use City water and sewer, that the existing septic system be eliminated, and that the existing well be used for landscaping purposes only, with a backflow prevention device installed on the well.

The Commission also attaches Special Condition No. 7, which requires that the applicant hire a contractor to retrofit 84 residential units now being served by the City's water system which do not have low flow water fixtures, and that the applicant demonstrate that he has obtained the necessary amount of water retrofits before the motel can go into operation. Thus the applicant will have to demonstrate, via completing the required number of retrofits, that he has reduced the amount of water demand within the City by an amount equal to the additional water demand created by his new motel units, consistent with LUP Policy XV-9. This retrofit program has been in place in the City of Fort Bragg for several years. Special Condition No. 7 also requires that all landscaping shall be drought-tolerant vegetation and irrigated by the existing well on the property.

The Commission therefore finds that the proposed development, as conditioned, is consistent with LUP Policy XV-8 and XV-9, and Zoning Code Sections 18.61.022(A) and 18.61.029(A), as water use resulting from the project will be minimized.

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<b>EXHIBIT NO. 5</b>
<b>APPLICATION NO.</b>
<b>MILLER</b>

7. Runoff, Erosion, and Surface Grading:

LUP Policy VI-4 states that changes in runoff patterns which result from new development shall not cause increases in soil erosion and may be allowed only if mitigation measures sufficient to allow for the interception of any material eroded as a result of the proposed development have been provided.

In addition, Zoning Code Section 18.61.022.(B)(1) states that runoff shall be controlled in new developments such that biological productivity and quality of coastal waters, marine resources, and riparian habitats is protected, maintained, and, where appropriate, restored. New development shall not cause increases in soil erosion nor disturb wetland or riparian habitats. Section 18.61.022.(B)(4)(e) states that drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or disturbance.

To address these concerns, the City had attached several conditions to its approval for the project, which the Commission finds appropriate. The Commission thus attaches Special Condition No. 2, which requires submittal of final drainage and grading plans that include installation of an engineered drainage system of infiltration and trenching, and Special Condition No. 3, which requires measures to minimize polluted runoff from construction activity, such as watering the site and cleaning construction equipment, spreading soil binders on the site, unpaved roads, and parking areas, etc.

The Commission thus finds that the proposed project, as conditioned, is consistent with LUP Policy VI-4 and with Zoning Code Section 18.61.022, as measures shall be taken to control runoff and drainage and to minimize construction impacts.

8. Archaeological Resources:

LUP Policy XIII-2 states that when in the course of grading, digging, or any other development process, evidence of archaeological artifacts is discovered, all work which could damage or destroy such resources shall cease and City Planning Staff shall be notified immediately of the discovery. City Planning Staff shall notify the State Historic Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historic Preservation Officer, development of the site may be halted until an archaeological assessment of the site can be made and mitigation measures developed.

Section 18.61.027.(B) of the Zoning Code states that where development will adversely affect archaeological or paleontological resources, the City shall require reasonable mitigation measures, and that when in the course of grading, digging or any other development process, evidence of archaeological

EXHIBIT NO. 5
APPLICATION NO.
MILLER

artifacts is discovered, all work which could damage or destroy such resources shall cease.

The cultural resources evaluation done for the site by Archaeological Resource Service indicates that given what has been noted in other studies about the aboriginal and historic Indian occupation of the north Pudding Creek vicinity and the presence of the historic Mendocino Indian Reservation in the same general area, there seems to be a high probability that some signs of Native American usage will be visible within or adjacent to the Ocean View Lodge property. An investigation was made, and no surface evidence was encountered of aboriginal activity. However, the archaeologist who did the evaluation made a number of recommendations regarding monitoring procedures and measures to be taken if any archaeological resources are found on the subject site. The City had incorporated these recommendations into the special conditions it attached to its coastal permit, and the Commission finds these conditions to be appropriate. The Commission therefore attaches Special Condition No. 9, which incorporates these recommendations.

9. Public Works:

Policy XV-5 states that the City shall work with the State Department of Transportation (Caltrans) to develop improved highway access standards, which shall include parking area stacking lanes; the number and placement of driveways in relation to intersections and turning lanes; on-street parking; access visibility; and curb, gutter, sidewalk and landscaping requirements. Due to the proposed project's impacts on traffic, Caltrans has required a left-turn lane be added to Highway One. In addition, Caltrans requires a 50-foot Highway One setback.

To address these concerns, the City had attached several special conditions to the permit for the project, which the Commission finds appropriate, as they provide for access improvements called for by Policy XV-5. The Commission therefore attaches Special Condition No. 4, which requires that prior to occupancy of the site, the applicant shall construct a left-turn lane to Caltrans' standards, and Special Condition No. 3, which requires that the applicant submit approved copies of the necessary Caltrans Encroachment permits, that a 50-foot setback be implemented from the Highway One centerline, and that the northern driveway be closed.

10. Environmentally Sensitive Habitat Areas:

LUP Policy IX-1 and Zoning Code Section 18.61.025 state that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas; development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would

significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

A botanical survey done for the subject site indicates that nine plants of concern are known to occur on the coastal terrace prairie in the Fort Bragg area. Seven of these were in bloom at the time of the botanical survey, and none of these seven were located by the search. The other two, the Point Reyes blennosperma and the Roderick's fritillary, were not blooming at the time of the search, and so their presence or absence could not be confirmed. However, the botanist did indicate that since the entire site was developed, the possibility of any such specimens occurring on the site was extremely low. Furthermore, these plants, if they exist on the property, would be found in the northwest portion of the parcel where no new development is proposed. The Commission thus finds that the proposed project will have no impacts on environmentally sensitive habitat, and is therefore consistent with LUP Policy IX-1 and Zoning Code Section 18.61.025.

11. California Environmental Quality Act (CEQA).

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

The proposed project has been conditioned in order to be found consistent with the policies of the City of Fort Bragg LCP and the public access and recreation policies of the Coastal Act. Mitigation measures, including requirements that (1) the development be set back farther from the adjacent Haul Road; (2) final drainage and grading plans be submitted; (3) a corridor preservation setback of 50 feet from the Highway One centerline be implemented; (4) the applicant construct a left-turn lane to Caltrans' standards; (5) measures be taken during construction to minimize impacts including polluted runoff; (6) the development use City water and sewer, the existing septic system be eliminated, and the existing well be used for landscaping purposes only; (7) the applicant hire a contractor to retrofit 84 residential units now being served by the City's water system which do not have low flow water fixtures, and all landscaping be drought-tolerant vegetation and irrigated by the existing well on the property; (8) night lighting have a directional cast downward; (9) archaeological monitoring take place during construction; and (10) all public utilities be installed underground, will minimize all adverse environmental impacts.

EXHIBIT NO. 5
APPLICATION NO.
MILLER

**A-1-FTB-97-33**

**DON AND HELEN MILLER**

Page Seventeen

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

9526p

EXHIBIT NO.	5
APPLICATION NO.	
MILLER	

ATTACHMENT A

Standard Conditions

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

EXHIBIT NO.	5
APPLICATION NO.	
MILLER	

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

Th 16d 

12 August 1997

TO: COASTAL COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter M. Douglas, Executive Director  
Steven F. Scholl, Deputy Director  
Jo Ginsberg, Coastal Planner

SUBJECT: Addendum to Coastal Permit No. A-1-FTB-97-33 (Miller), Th 16d

Staff has two changes to make to the conditions in the staff recommendation mailed July 25, 1997, on the above-referenced item. The changes concern Special Condition No. 2, regarding the the review of final drainage and grading plans, and Special Condition No. 4, regarding the installation of a left-turn lane on Highway One. These items are discussed below under Sections I and II, respectively. In addition, as noted under Section III, the Commission has received a number of additional items of correspondence from the public on this item, which are included as attachments. Please note that these letters are in addition to the letter listed for item 16d under "Coastal Permit Applications" in the cover memo.

I. Drainage and Grading.

The engineer who surveyed the subject property made recommendations in September of 1996 regarding drainage and grading based on the original project plans, which included four new buildings. These recommendations were submitted with the applicant's application, and were included as part of Special Condition No. 2 of the coastal permit. However, the current project plans include only two new buildings, with two existing buildings that will be modified. The engineer wrote a subsequent letter dated 3 January 1997, which included recommendations that superseded his previous recommendations, based on the revised project plans. The applicant sent staff a copy of this letter after the staff recommendation for this application had been mailed. Staff therefore recommends that the Commission substitute a new Special Condition No. 2, which incorporates the most recent recommendations of the engineer regarding drainage and grading, as described below.

EXHIBIT NO. 6

APPLICATION NO.  
R-A-1-FTB-97-33

MILLER

Addendum

**A-1-FTB-97-33**  
**DON AND HELEN MILLER**  
**Page Two**

EXHIBIT NO.	6
APPLICATION NO.	
MILLER	

Please substitute the following Special Condition No. 2 for the condition in the staff recommendation on pages 3 and 4:

**2. Final Drainage and Grading Plans:**

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, final drainage and grading plans for the project that have been approved by the City of Fort Bragg's engineer that are consistent with the recommendations made by Paoli Engineering, pursuant to the letter dated January 3, 1997. At a minimum, the engineered drainage system of infiltration and trenching shall include the following components:

1. The grading and drainage plan shall be designed to allow runoff from Building 1 (office and manager's quarters), Building 4 (laundry and storage), and the access driveway to be distributed into the vegetative area east of the parking for Buildings 2 and 3.
2. The runoff from Buildings 2 and 3, and their associated parking lots, shall be directed into the turf areas between these buildings and the old haul road.
3. The turf area mentioned above shall be regraded to allow any runoff to be directed to the drainage way that is parallel to the northerly property line.
4. The existing culvert crossing under the haul road shall be cleaned out and repaired or replaced if necessary.
5. Drainage and maintenance easements shall be obtained from the adjacent owners.

The property shall be developed in accordance with the final plans approved by the Executive Director.

**II. Highway Modifications.**

The City of Fort Bragg had attached to its approval for this project a special condition requiring construction of a left-turn lane on Highway One to Caltrans' standards. Commission staff included this condition in the staff recommendation mailed July 25, 1997, noting that the condition was consistent with Policy XV-5 of the City's LUP, which states that the City shall work with the Caltrans to develop improved highway access standards. However, since preparation of the staff recommendation, the applicant has raised opposition to this condition and questioned its appropriateness. Staff has considered



**A-1-FTB-97-33**  
**DON AND HELEN MILLER**  
**Page Three**

the applicant's concerns and concludes that since Caltrans did not directly require a left-turn lane, and since Policy XV-5 of the LCP does not specifically require such a measure, this condition should not be required. Staff thus recommends that Special Condition No. 4 be deleted.

Please delete the following Special Condition found in the staff recommendation on page 4:

4. Highway Modifications:

PRIOR TO OCCUPANCY of the site, the applicant shall construct a left-turn lane to Caltrans' standards.

III. Correspondence.

Additional correspondence on this project which has been received since mailing of the staff recommendation has been attached to this addendum.

EXHIBIT NO. 6
APPLICATION NO.
MILLER

Don Miller  
632 North Main Street  
Fort Bragg, CA 95437

Miss Jo Ginsberg ✓  
Coastal Planner North  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

July 31, 1997

RE: Coastal Permit No. A-1-FTB-97-33 (Miller)

Dear Miss Ginsberg:

As indicated by Paoli Engineering & Surveying letter of January 3, 1997 the latest site plan does not need as elaborate a drainage plan as discussed in his September 1996 letter.

As usual the "Friends of Fort Bragg" would have you believe a condition that does not exist to support other statements and conditions which are also untrue and do not exist.

None of our guest rooms have ever come close to flooding.

As described in Mr. Paoli's letter the two small ponding areas of six inch depth that occurred after two years of hundred year storms were three feet below floor level and fifteen feet from the closest unit!

No one is more interested in having proper drainage than I am.

Sincerely,

*Don Miller*

Don Miller

FAXED JULY 31, 1997

1 PAGE

RECEIVED

JUL 31 1997

CALIFORNIA  
COASTAL COMMISSION

EXHIBIT NO. 7

APPLICATION NO.

R-A-1-FTB-97-33

Miller

Correspondence

637 North Main Street  
Fort Bragg, CA 95437

Miss Jo Ginsberg  
Coastal Planner North  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

RECEIVED  
AUG 04 1997

RE: Coastal Permit No. A-1-FTB-97-33 (Miller)

CALIFORNIA  
COASTAL COMMISSION

August 1, 1997

Dear Miss Ginsberg:

The City of Fort Bragg has on file a letter from CALTRANS which states, "If the city requires left-turn channelization as a condition of project approval . . .". It is not a requirement of CALTRANS for this project.

We are increasing an existing motel by only nineteen units.

Surf & Sand put in thirty units where none had existed before.

CALTRANS did not require left-turn channelization there.

I believe since both Surf & Sand and we were prepared to build with paid for permit applications in 1990 and both were delayed by city planning for water and sewer extension that we should not be required to put in a turn lane either.

The only difference is the difficulty we had in obtaining financing.

As CALTRANS is the state agency with the professional staff and expertise for the responsibility of highway safety and construction, we believe the Coastal Commission as an agency of the state should be in conformity and consistent with CALTRANS requirements for turn lanes.

Surf and Sand was not required to do a turn lane.

The parking area for walking the Hual Road does not have a turn lane though hundreds of cars a day may park there.

The double side by side entrances for Best Western Motel of approximately sixty units and a mobile home park of forty two units has existed for over fifty years.

CALTRANS by their professional expertise and criteria has not judged it necessary to channelize for safety reasons any of these entrances. Nor has CALTRANS asked the city to channelize our entrance or any of the above entrances.

Until this CALTRANS criteria mandates otherwise we do not believe a turn lane is required.

At this late stage it is a prohibitive cost to bear.

Sincerely,

*Don Miller*

Don Miller

EXHIBIT NO.	7
APPLICATION NO.	
MILLER	

Ginsberg  
1001 Farmer North  
California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

654 North Main Street  
Fort Bragg, CA 95437

RECEIVED  
AUG 04 1997

RE: Coastal Permit No. A-1-FTB-97-33 (Miller)

CALIFORNIA  
COASTAL COMMISSION

August 1, 1997

Dear Miss Ginsberg:

It has been my understanding, since the beginning of this project in 1990 to the present, that the jurisdiction of turn lanes on Highway One is with the City of Fort Bragg and CALTRANS and not a condition that can be imposed by the Coastal Commission.

If I am wrong about the above please write and inform me at your earliest convenience. Thank you.

Sincerely,

*Don Miller*

Don Miller

EXHIBIT NO.	7
APPLICATION NO.	
MILLER	

Don Miller  
632 North Main Street  
Fort Bragg, CA 95437

Miss Jo Ginsberg  
North Coast Planner  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

RE: Coastal Permit No. A-1-FTB-97-33 (Miller)

August 2, 1997

Dear Miss Ginsberg:

We do not believe an individual should be made to perform a costly procedure when the states own criteria says that it is not necessary to perform that same procedure.

We believe the criteria for the individuals performance should not be higher than the states duty to perform that same procedure.

During the summer months at given time during the day over forty vehicles are in the Haul Road parking lot where vehicles seldom used to park before the early '90s.

At an average stay of one hour and over thirteen hours of daylight during the summer months, that is 520 vehicles in and 520 vehicles out in one day.

That is 50 times more than the change of our motel from 11 units to 30 units!

And even with this increase created by Haul Road parking CALTRAN data for 1993 to 1995 indicates a 1.70 Acc/MVM compared to the statewide average for similar roadways of 2.92 Acc/MVM!

Again we do not believe we should be required to put in a turn lane when neither the state, or our neighbors been have been required to do so!

RECEIVED  
AUG 05 1997

CALIFORNIA  
COASTAL COMMISSION

Sincerely,

*Don Miller*  
Don Miller

EXHIBIT NO.	7
APPLICATION NO.	
MILLER	

EXHIBIT NO. 7

APPLICATION NO.

MILLER

Don Miller  
632 North Main Street  
Fort Bragg, CA 95437

Ginsberg  
Coast Planner

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

FAXED AUG. 8, 1990

RE: Coastal Permit No. A-1-FTB-97-33 (Miller)

August 8, 1997

Dear Miss Ginsberg:

Mr. Sanders of Surf & Sand has placed 31 new units on his parcel without a turn lane.

Ours is an increase of only 19 units without a turn a turn lane.

Mr. Sanders "Percentage Allocation" is 15.66 for 31 new units.

Ours for 19 new units would be only 9.60.

According to CALTRANS Highway One is still comfortably below level D in this area and a turn lane for our project is not required.

As you can see by the enclosed/faxed samples that constructing a turn lane could be 4 to 8 times what a shared cost might be.

Our road frontage is 260 feet. A turn lane that must include the modification of Airport Road on the east side of the highway 220 feet north of our entrance could mean modifying Highway One for a distance of over 1200 feet or serving 2400 feet of the combined east and west side highway frontage or 9 times our highway frontage.

No one has yet been assessed a fee for a turn lane nor has CALTRANS or the city determined what the cost of any assessment would be.

I received these plans August 5, 1997 from Mr. Urkofsky upon my third request. The first request was made in 1990. Mr. Urkofsky is with CALTRANS Transportation Planning, his phone number is 707-441-5812.

Without Caltrans funds and planning the 19 parcels that are not exempt will never be able to pay for the 79 parcels that are exempt and for those of the 19 non-exempt who may never improve their property.

There are still many unresolved highway right of way decisions to be made. The most obvious in this area is where and what side of the highway is to be widened and who is responsible for modifying streets entering Highway One.

Our fifty foot set back would eliminate the parking of the Hi-Seas and Beachcomber motels. The Surf & Sand would lose the five units next to the highway and parking next to the highway.

Maybe instead of widening we could also use the 20% given up to CALTRANS at some future time?

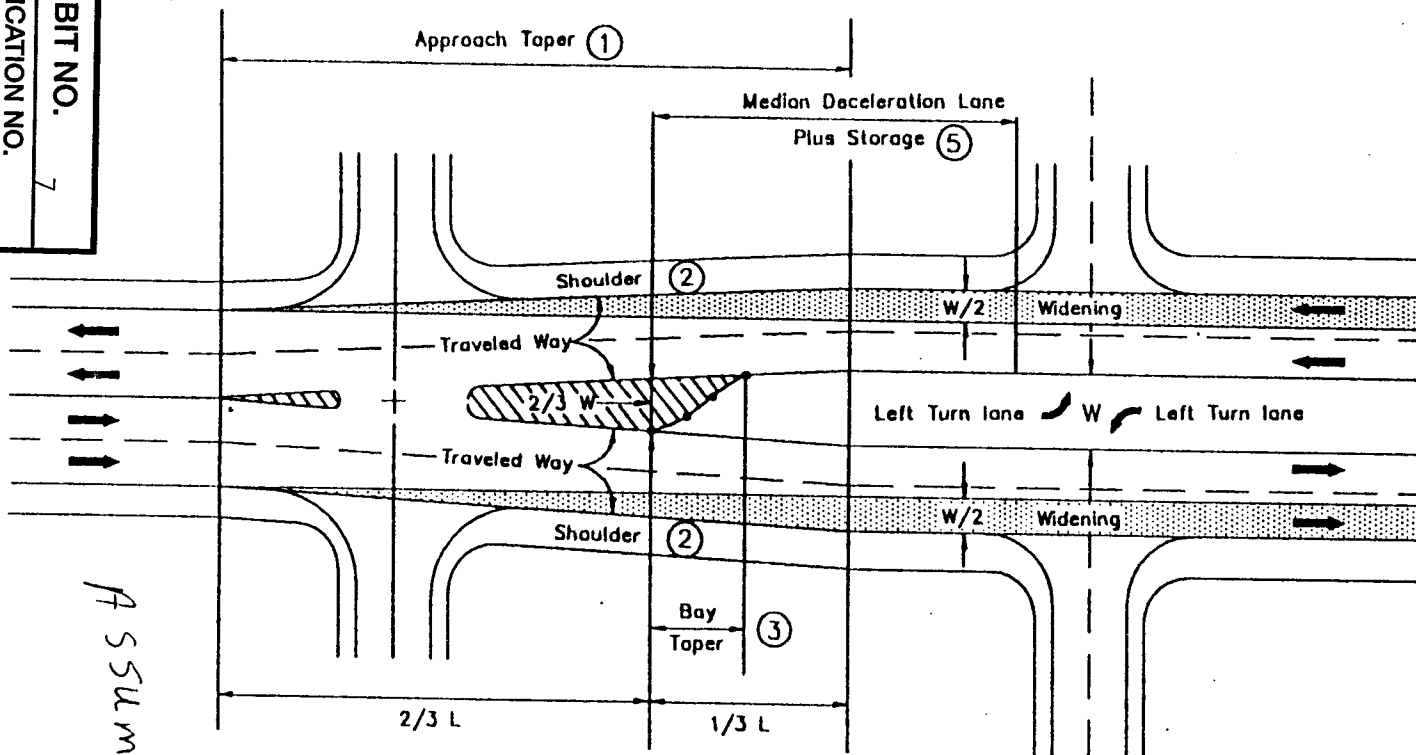
Sincerely,

*Don Miller*

Don Miller

Figure 405.2C

Minimum Median Left-turn Channelization  
(Widening on Both Sides in Urban Areas with Short Blocks)



EQUATION: ④

$$L = \frac{V^2(W/2)}{150}$$

ASSUMED  
NORTH  
↑

## NOTES:

- ①  $L = 150$  m Maximum
- ② Where width is restricted, shoulder width may be reduced and parking restricted. For bicycle use, a minimum 1.2 m shoulder is required (1.5 m if gutter is present).
- ③ Bay taper length = 18 m to 36 m. (See Table 405.2A)
- ④ Assumes equal widening each side. Where widening is unequal, use a fraction that is proportional to widening on each side.
- ⑤ For deceleration lane length see Table 405.2B.

Where  $L$  = Length of Approach Taper - Meters

$W$  = Width of Median Lane - Meters

$V$  = Design Speed - km/h

EXHIBIT NO.

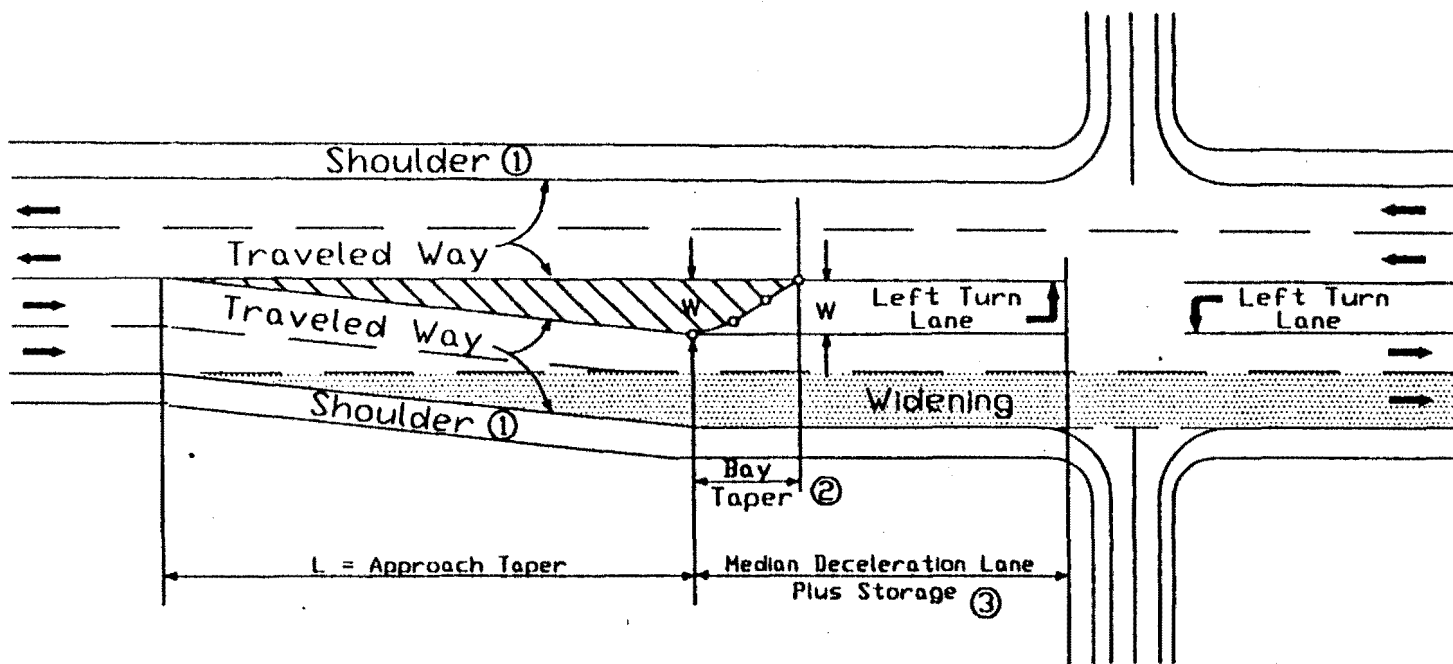
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APPLICATION NO.

MILLER

## Standard Left-turn Channelization

Figure 405.2A



$$\text{EQUATION: } L = \frac{V^2 W}{150} \text{ ④}$$

Where  $L$  = Length of Approach Taper - meters  
 $V$  = Design Speed - km/h  
 $W$  = Width of Median Lane - meters

## NOTES:

- ① Where width is restricted, shoulder width may be reduced and parking restricted. For bicycle use, a minimum 1.2 m shoulder is required (1.5 m if gutter is present).
- ② Bay taper length = 18 m to 36 m. (See Table 405.2A)
- ③ For deceleration lane length see Table 405.2B.
- ④ Where both sides of roadway are widened, use a fraction of 'W' that is proportional to widening on each side.

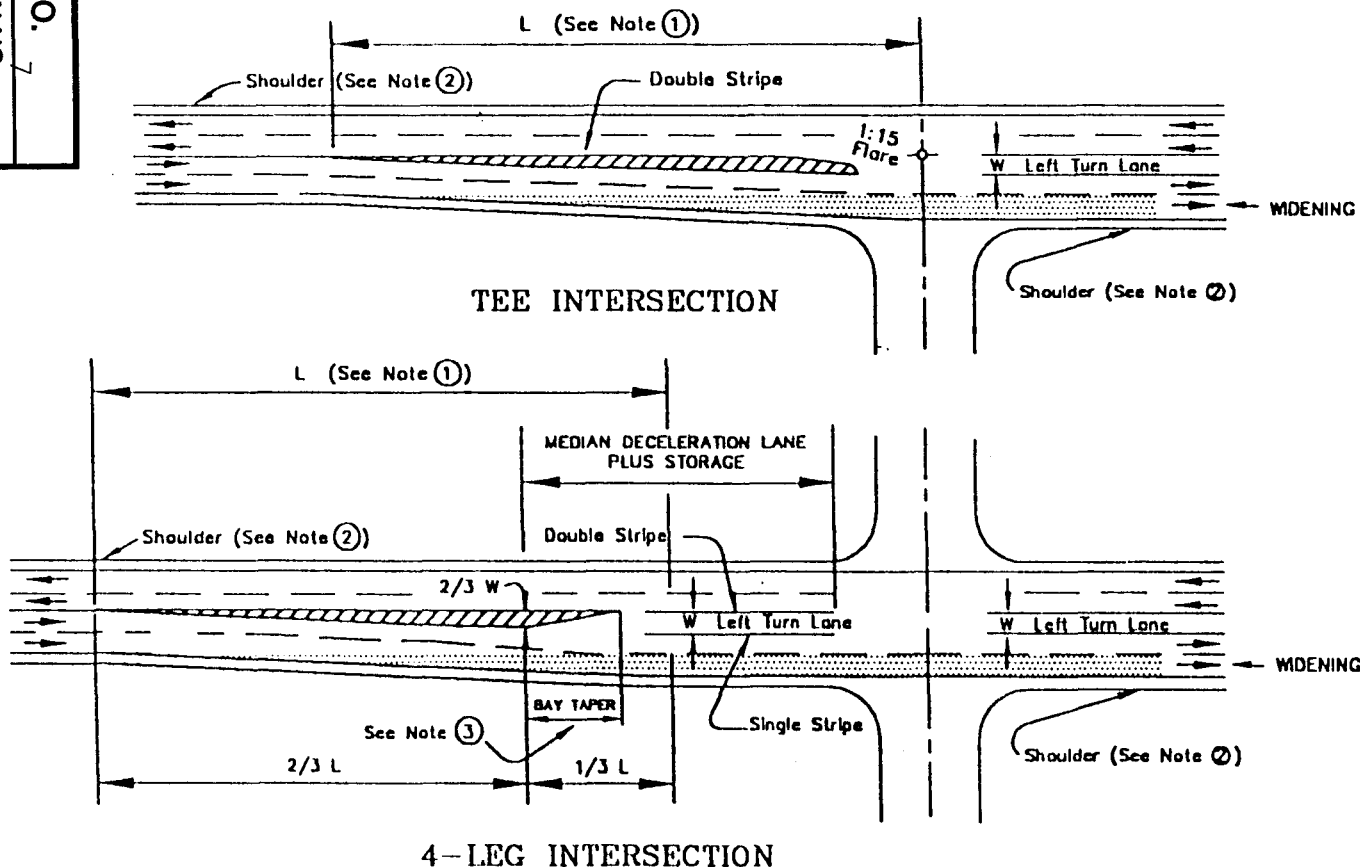
EXHIBIT NO. 7

APPLICATION NO.

MILLER



**Figure 405.2B**  
**Minimum Median Left-turn Channelization**  
**(Widening on one Side of Highway)**



## EQUATION

$$L = \frac{V^2 W}{60}$$

Where L = Length of Transition - Feet  
W = Width of Median Lane - Feet  
V = Design Speed - MPH

## NOTES:

- ① L = 500' Maximum
- ② Where width is restricted, shoulder width may be reduced and parking restricted. For bicycle use, a minimum 4' shoulder is required.
- ③ Bay taper length 60' to 120' (See Table 405.2A).

EXHIBIT NO. 7

APPLICATION NO.

MILLER

EXHIBIT NO. 8
APPLICATION NO. R-A-1-FTB-97-33
MILLER
City Correspondence



**CITY OF FORT BRAGG**

*Incorporated August 5, 1889*  
416 N. Franklin St.  
Fort Bragg, CA 95437  
FAX 707-961-2802

RECEIVED  
AUG 07 1997

CALIFORNIA  
COASTAL COMMISSION

August 5, 1997

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

Dear Ms. Ginsberg:

In response to our phone conversation on August 5, 1997, the following information is attached.

A Traffic Study performed by Bernard Johnson, recommending the left turn lane. Previously on another project (Beachcomber Motel Expansion) Caltrans referred to a NCHRP Report 279, warranting a left turn lane. In a subsequent report, Mr. Johnson followed suit and made it a recommendation for the Miller project.

Should you have any questions regarding this matter, please give me a call at (707) 961-2828.

Sincerely,

Scott Cochran  
Planning Director

SCC/brp  
cc: Miller project file

July 16, 1996  
Project 7636

Mr. Don Miller  
632 North Main Street  
Fort Bragg, CA 95437

**Subject: Oceanview Lodging Traffic Study Update**  
**APN 69-241-04**

Dear Mr. Miller:

I am pleased to submit this traffic study update for your Oceanview Lodging project. The study responds to the letter of June 13, 1996 from the City Planning Director, Scott Cochran, in which he describes the necessary study focus. Primary issues are trip generation, Main Street (SR1) impact, and consistency with the North Fort Bragg Traffic Plan (the Plan).

### *Traffic Considerations*

Oceanview Lodging is on 1.03 acres of HVC property at 1141 North Main Street in the southwest quadrant of SR1 and Airport Road. The current project involves demolition of nine units along the west (coastal) side of the site and replacing them with 30 new motel units. The manager's unit will be remodeled and two adjacent motel units will be remodeled as a lounge and laundry. The total project will have 31 units including the manager's apartment, an increase of 19 over the present size of 12 units with manager. The previous project proposal in 1990 would have added 43 units for a total of 55.

The site plan calls for closing the north driveway and limiting access to the south driveway. This minimizes conflict points on SR1 and keeps the access point removed from Airport Road.

Trip generation characteristics are slightly different than for the previous study. The current rate is 8.6 vehicle trips per motel unit per day with 10% in the peak hour. Directional splits are 60% in, 40% out, and 15% north, 85% South. The resulting generation is shown in Table 1.

**Table 1. TRIP GENERATION**  
**Existing and Proposed**

LAND USE	UNITS	RATE	VEHICLE TRIPS, Daily and Peak Hour			
			Daily	In	Out	Hour Total
Existing Motel	12	8.6	103	6	4	10
Proposed Motel	31	8.6	267	16	11	27
Change	19		164	10	7	17

Inbound and outbound traffic was assigned north and south resulting in the movements shown in Table 2. The critical movement is the left turn onto the Oceanview site. This turn is about 3% of the northbound through movement of 440vph and would be turning against 320vph southbound.

**Table 2. TURNING MOVEMENTS**  
**Peak Hour**

DIRECTION	LEFT TURN	RIGHT TURN
Inbound	14	2
Outbound	2	9

This condition is in the range where a left turn lane is warranted based on NCHRP Report 279, a guide for intersection channelization. The primary benefits are reduced delay and lower accident potential.

An analysis of traffic accident data for SR1 from Pudding Creek Road to

Airport Road shows a low accident rate. Caltrans data for three years (1993-95) indicates 1.70 Acc/MVM compared to the Statewide average for similar roadways of 2.92 Acc/MVM. A detailed analysis shows no specific correctable accident pattern attributable to motel access.

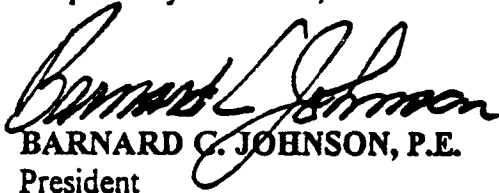
Capacity and safety concerns indicate that left turns should be removed from through movements on SR1. As in other parts of Fort Bragg, a continuous left turn lane should be implemented in the study area. This treatment is believed to be consistent with Caltrans plans; however, no State funds have been allocated for such an improvement at this time.

#### *Consistency With the Plan*

Table 3 in the Plan establishes proportional shares for parcel owners involved in Plan area transportation improvements. A share of 3.21% is indicated for the Oceanview site. The project is consistent with the Plan and will have fewer units than previously assumed.

This concludes the update evaluation for the proposed Oceanview Lodge. If you need additional information, please let me know.

Respectfully submitted,

  
BARNARD G. JOHNSON, P.E.  
President

c:\amipro\docs\636RPT02.sam

EXHIBIT NO. 8
APPLICATION NO.
MILLER

EXHIBIT NO.	8
APPLICATION NO.	
MILLER	



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*  
416 N. Franklin St.  
Fort Bragg, CA 95437  
FAX 707-961-2802

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AUG 12 1997  
CALIFORNIA  
COASTAL COMMISSION

August 7, 1997

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

Dear Ms. Ginsberg:

This letter is written to help clarify the City of Fort Bragg's position on the Miller project related to the condition of requiring a left turn lane.

Based on past projects' traffic studies and a Caltrans response, the City required this condition to be consistent with a previous Caltrans concern. However, we are now aware that Caltrans does not feel this left turn lane is required at this time.

The City requests that the condition be amended to provide that Mr. Miller be required to deposit funds to cover the cost of the left turn lane for his frontage at such time as those improvements are required by Caltrans and the City.

Should you have any questions regarding this matter, please give me a call at (707) 961-2828.

Sincerely,

Scott Cochran  
Planning Director

SCC/brp

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

EUREKA, CA 95502-3700

TDD PHONE 707/445-6463

(707) 445-6413

October 18, 1996

EXHIBIT NO. 9

APPLICATION NO.  
R-A-1-FTB-97-37

MILLER

Caltrans  
Correspondence

1-Men-1-62.80

APN 069-241-31

Miller Coastal Develop. Permit

CDP 10-96/SCR 10-96

Mr. Scott Cochran  
City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, CA 95437

Dear Mr. Cochran:

We have reviewed the proposed Coastal Development Permit to allow demolition of an existing 11-unit motel and construction of a 30-unit motel, parking, and landscaping along the west side of North Main Street (Route 1), located in the City of Fort Bragg, just south of Airport Road, and have the following comments:

1. Route 1 in the vicinity of this project is a two-lane conventional highway. Right of way on the east side of the highway is 50 feet from centerline. Right of way on the west is 20 feet from centerline by prescriptive right. As a condition of approval, we recommend a corridor preservation setback of 50 feet from highway centerline should be implemented. This is consistent with the Route Concept, the Highway Design Manual and Caltrans' corridor preservation policies for two-lane highway widths. Such a setback will allow sufficient width for future highway improvement needs, will minimize the chance of disrupting property improvements, and will provide a buffer for safety, dust and traffic noise between development and traffic related concerns. Building improvements or permanent improvements needed to meet State or local standards, such as septic tanks, leach fields, or parking should not be located within this corridor setback area. Landscaping within the setback area is an acceptable use.
2. We recommend that adequate provision be made for off-street parking.
3. We support the use of a single access driveway, located at the southern end of the project site.

Any work within the State highway right of way as a result of this project will require an Encroachment Permit from Caltrans (per 1991 Statutes relating to the California Department of Transportation, Chapter 3, Articles 1 and 2). The Encroachment

EXHIBIT 41

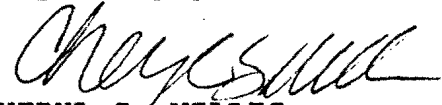
Mr. Scott Cochran  
October 18, 1996  
Page 2

Permit application submittal must include a copy of the lead agency's conditions of project approval. Provisions for adequate sight distance and turning geometrics are the responsibility of the applicant. Early consultation on engineering plans and drainage plans that affect State highway right of way is recommended. Requests for Encroachment Permit application forms can be sent to Caltrans District 1 Permits Office, P. O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6390.

Plans submitted to the Caltrans Permits Office must be in metric form (use of both metric and English will be acceptable).

We would appreciate receiving a copy of the conditions of approval for this project. Please contact Martin Urkofsky at (707) 441-5812 if you require further information.

Very truly yours,



CHERYL S. WILLIS  
District Division Chief  
Planning

EXHIBIT NO.	9
APPLICATION NO.	
MILLER	

## DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700

EUREKA, CA 95502-3700

TDD Phone 707/445-6463

(707) 445-6412

**RECEIVED**

DEC 30 1996

CITY OF FORT BRAGG

December 26, 1996

1-Men-1-62.80

APN 069-241-31

Miller Coastal Dev. Permit

CDP 10-96/SCR 10-96

Mr. Scott Cochran  
City of Fort Bragg  
416 N. Franklin Street  
Fort Bragg, CA 95437

Dear Mr. Cochran:

We have reviewed the proposed Coastal Development Permit to allow demolition of an existing 11-unit motel and construction of a 30-unit motel, parking, and landscaping along the west side of North Main Street (Route 1), located in the City of Fort Bragg, just south of airport Road. This proposal, dated November 27, 1996, is subsequent to the September 19, 1996 submission. We have the following comments:

- All comments in our October 18, 1996 letter to you (attached) are still valid.
- If the City requires left-turn channelization as a condition of project approval, we recommend a two-way, left-turn lane. The two-way, left-turn lane must fit the same dimensions that would be required of a left-turn lane. A two-way, left-turn lane will provide greater safety for the traveling public when entering and exiting the project.

We would appreciate receiving a copy of the conditions of approval for this project. Please contact Martin Urkofsky at (707) 441-5812, if you require further information.

Very truly yours,

CHERYL S. WILLIS  
District Division Chief  
Planning

Attachment

EXHIBIT NO. 9

APPLICATION NO.

MILLER



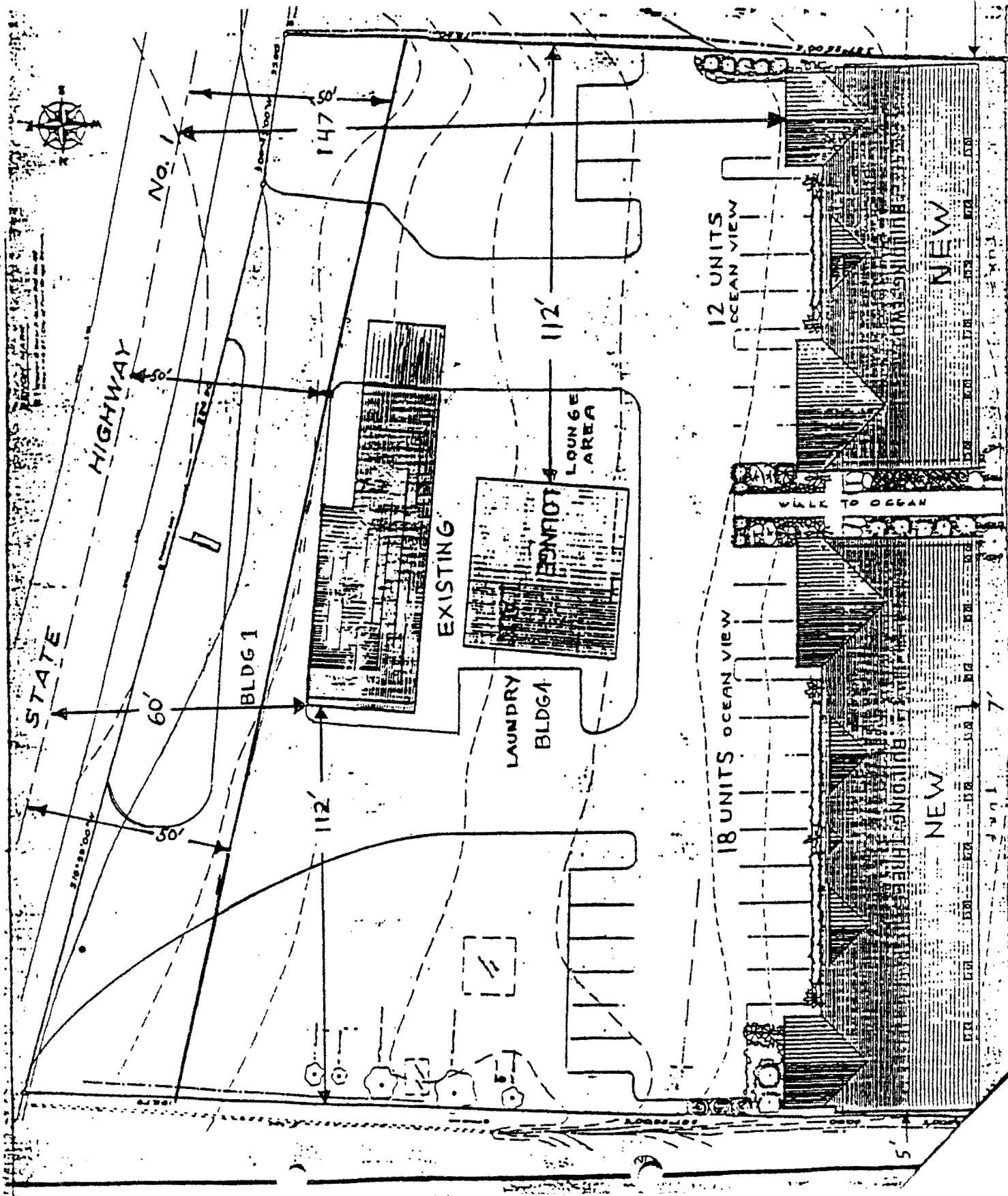
Ocean View Lodging  
1141 North Main St.  
Fort Bragg, CA 95437

APPROX. SCA  
32' = 1"

EXHIBIT NO. 9

APPLICATION NO.

MILLER





# FINAL PLAN & ENVIRONMENTAL IMPACT REPORT

## North Fort Bragg Traffic Plan

EXHIBIT NO. 10
APPLICATION NO. R-A-1-FTB-97-33
MILLER
North Fort Bragg Traffic Plan

City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, California 95437  
707 . 961 . 2825  
September 28, 1992

City of Fort Bragg  
General Plan Revision Program  
**CIRCULATION ELEMENT**  
**NORTH FORT BRAGG TRAFFIC PLAN**  
SCH#91093091

**FINAL**  
**TRAFFIC PLAN AND**  
**TIER III ENVIRONMENTAL IMPACT REPORT**  
September 28, 1992

**CITY COUNCIL**  
John Cimolino, Mayor  
Patti Campbell  
Matt Huber  
Lindy Peters  
André Schadé

**CITY ADMINISTRATION**  
Gary Milliman, City Administrator  
DeeLynn Carpenter, City Clerk  
Roy Mitchell, Finance Director  
Scott Cochran, Planning Assistant  
Dave Goble, Engineering Coordinator

*Consulting services provided by*

THE COMPANY OF  
**Eric Jay Toll AICP**  
INCORPORATED

1030 East William - Suite 407  
Carson City, Nevada 89703  
702 • 583 • 8967

and

Barnard C. Johnson, P.E., Inc.  
1973 Ocean Avenue  
San Francisco, California 94127  
415 • 333 • 3334

EXHIBIT NO. 10

APPLICATION NO.

MILLER

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City of Fort Bragg • Circulation Element  
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EXHIBIT NO. 10
APPLICATION NO.
MILLER

EXHIBIT NO.	10
APPLICATION NO.	
MILLER	

# Consolidated Tier III Final Environmental Impact Report North Fort Bragg Traffic Plan

## 1 Introduction

The City of Fort Bragg (lead agency<sup>a</sup> and applicant) is considering an amendment to its General Plan to add a Traffic Plan for the North Fort Bragg area to the newly revised Circulation Element.<sup>b</sup> The City has authorized preparation of a tiered environmental impact report in order to provide a foundation for the understanding of the environmental consequences of its decision and to consider potential alternatives to its action. The City is acting as lead agency, as it is the governmental jurisdiction to make a decision concerning approval of the proposed General Plan amendment. This is the Tier III Environmental Impact Report, which is intended to supplement the Tier I EIR for the Circulation Element that was certified on January 27, 1992. The Tier I EIR is incorporated by reference, as is the annexation environmental impact report of North Fort Bragg Annexation Area of January 1983, prepared by Winzler and Kelly. The Draft Tier III EIR was released in July, 1992, and comments were received between July 13 and September 1, 1992. The Final Environmental Impact Report responds to those comments.

### 1.1 Environmental Impact Reports

#### 1.1.1 California environmental regulations

The State of California has a law in effect called the *California Environmental Quality Act*,<sup>c</sup> more commonly called by its acronym, CEQA (pronounced SEE-kwa). The law, nested in the Public Resources Code, requires that every governmental entity considering a project must make an informed decision based on the environmental consequences of its action.

<sup>a</sup> A lead agency is the public agency with principal responsibility for carrying out the project (14 CCR §15367).

<sup>b</sup> The adoption of the revised Circulation Element is scheduled for October 28, 1991, during the review period. The City Council has held its final hearings and has directed that the Element be prepared for adoption.

<sup>c</sup> State of California, Public Resources Code §21000 et. seq.

## 1.3 Administration of the Environmental Impact Report

*Project* ..... City of Fort Bragg

*Project for which this document is prepared*

..... North Fort Bragg Traffic Plan (mandated by the Local Coastal Plan)

*Lead agency actions required*

Action by the City Council to amend the Fort Bragg General Plan with the adoption of the Traffic Plan as part of the Circulation Element

*Responsible agencies<sup>8</sup>*

California Department of Transportation (CalTrans): cooperation needed for implementing the goals related to the State Transportation Improvement Program (STIP) and State Highways.

Mendocino Council of Governments (MCOG): Approval required to implement programs requiring COG funds.

California Coastal Commission: Review of the Plan for conformance with the Local Coastal Plan.

Mendocino County Board of Supervisors: Approval of a memorandum of understanding or joint powers agreement to implement portions of the Traffic Plan in the unincorporated area.

*Report supervision* ..... Scott Cochran, Planning Assistant

City of Fort Bragg

416 North Franklin Street

Fort Bragg, California 95437

(707) 961-2825

*Consultant for preparation of the EIR* .

EXHIBIT NO. 10

APPLICATION NO.

MILLER

..... Eric Jay Toll AICP

1050 East William, Suite 407

Carson City, Nevada 89701

702 • 883 • 8987

## 1.4 Purpose

The purpose of the tiered environmental impact report (EIR) is twofold. First, it is intended to examine the proposed circulation element and alternatives in order to supply the data required for an informed decision by the Council. Second, the Tier I EIR is intended to provide a foundation from which future project-specific environmental impact reports can be prepared. Early in the implementation of the California Environmental Quality Act, a document called a *Focused EIR* was permitted when it appeared that environmental issues were centered around one or two topics. Legal decisions and a refinement of the EIR process resulted in the elimination of the Focused EIR as a viable option in the early 1980s.

The Tiered EIR replaced that concept with a different approach. When a city is considering a policy document, it is not only impractical, but highly speculative to require that

<sup>8</sup> A responsible agency is a public agency which will issue a permit for a project over which the lead agency has primary responsibility (14 CCR §15381).

1992

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APPLICATION NO.
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Study parcel	APN	Acres	Percentage allocation		Zoning district
			Assessment	New traffic	
230	20-550-01	2.60	2.62%	8.11%	Highway/Visitor Commercial
240	20-530-02	45.00	Fee on subdivision <sup>4</sup>		Residential Suburban
250	69-241-01	N/A	Exempt- State Park		Open Space

When a property owner of a developed parcel wishes to change the land use to a new or different land use under the provisions of the new traffic allocation system, the property owner would be required to submit a traffic study showing the existing traffic generated by the property and its land use. The traffic study would then need to calculate the new traffic that will be generated by the change in land use. If the traffic is to be the same or less than existing traffic, then there would be no assessment charged to the property. If the traffic is to be greater than the current traffic volume, as a condition of the development permit, the property owner will be required to pay an apportioned fee. The formula for this new fee is to add the acres of the parcel to the 32.06 acres over which the original costs were apportioned. The percentage will be multiplied by the cost of the improvements. These funds will then be allocated to those having paid for the improvements and returned as a cash payment or credit.

## 7. General Plan goals, policies, and implementing programs

**Goal TP-1:** Develop a program, with the cooperation and assistance of the County and Caltrans, to ensure that new development within the North Fort Bragg Plan area does not cause traffic within the Plan area to exceed area road network Level of Service D (V/C 0.81-0.90 at intersections) on a summer peak hour.

**Policy TP-1.1:** Provide opportunities for flexible methods of obtaining road improvements.

**Implementation Measure TP-1.1(a):** When project is proposed, allow the property owner to either bear the costs of improvements required to Highway 1 directly related to the proposed project, and constructed in conformance with the overall design scheme for the area; or Permit consideration of a comprehensive road improvement program to construct all new facilities in concert with Caltrans improvements to the Plan area.

**Implementation Measure TP-1.1(b):** No building permits for other than single family residences proposed for undeveloped parcels on which one single family residence is permitted by zoning, shall be issued until a property owner agrees to either construct the onsite and offsite road improvements directly related to the project; or pays an estimated fee to cover the cost of the overall area improvements. As part of the fee payment, the proponent shall be required

<sup>4</sup>This parcel may be subdivided into more than one single family residence. The first residence would not pay a fee, each additional residence will pay a fee equal to 1.5% of the cost of improvements.



City of Fort Bragg • Circulation Element  
NORTH FORT BRAGG TRAFFIC PLAN  
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Se.

to agree to receive a refund of an proportional overcharge or to reimb. City for any shortfalls in the share of proportional costs.

**Policy TP-1.2:** Utilize the North Fort Bragg Traffic Plan as the basis for collecting the costs of development-related road improvements on Highway 1.

**Implementation Measure TP-1.2(a):** This policy shall not be applicable to any existing parcel of land within the City of Fort Bragg or the unincorporated County upon which development is limited by zoning to construction of one new single family residence on an existing parcel zoned for single family residential use or continued use of one existing single family residence.

**Policy TP-1.3:** The City shall apportion the cost of improvements within the Plan area pursuant to the options available within State law.

**Implementation Measure TP-1.3(a):** The costs of preparing the Traffic Plan shall be collected as a part of any traffic improvement costs for the project area. Each parcel shall pay the a proportional amount of the cost of the traffic plan calculated from the percentage of total traffic shown in the Traffic Budget.

**Implementation Measure TP-1.3(b):** The cost of the improvements to each intersection shall be assessed as a percentage of the total cost based on the percentage of projected traffic onto Highway 1 as shown on Table 3.

**Implementation Measure TP-1.3(c):** The City shall work with the County of Mendocino, CalTrans, or the Mendocino Council of Governments to finalize an engineering plan for the improvement of Highway 1 between the Pudding Creek bridge and the north City limits to accommodate two travel lanes, a continuous center left-turn lane, shoulders, and utilities, and shall work expeditiously with a goal of commencing construction prior to the conclusion of the short-term planning period. The design of the Plan shall conform to any requirements of the City and CalTrans related to road construction.

**Implementation Measure TP-1.3(d):** The City shall work with CalTrans to determine whether or not the funds allocated for the HSOPP improvements to Highway 1 can be allocated to the overall improvements in the area, provided that none of the funds allocated to Highway 1 are used to cover costs associated with any other roads in the area.

**Implementation Measure TP-1.3(e):** Each parcel's proportional share shall be based on the percentage identified in Table 3 as specified for each of the three intersections for which fees are to be collected. This table shall be the rational nexus for impact fee allocations.

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APPLICATION NO.
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City of Fort Bragg • Circulation Element  
NORTH FORT BRAGG TRAFFIC PLAN  
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**Policy TP-1.4:** Ensure that property owners providing disproportionate amounts of right-of-way to the improvements are treated fairly.

**Implementation Measure TP-1.4(a):** Parcels on the east side of Highway 1 shall be permitted to develop to the population density or building intensity based on the grossland area under ownership prior to road improvements unless the property owner has received other compensation from the City or State for surrendering land area for inclusion in the right-of-way.

**Implementation Measure TP-1.4(b):** If other compensation was received, the development of the parcel shall strictly conform to the requirements of the zoning code. Any requested variance shall not be approved if it is related to a development hardship that resulted from the reduction of land area for which compensation was granted.

**Policy TP-1.5:** Allow flexibility in land development within the Plan area.

**Implementation Measure TP-1.5(a):** If a property owner of a developed parcel proposes a change in use or other project which will generate more traffic than the current land use, consider approval of the increased development potential provided that the parcel's proportional share of road improvement costs are amended from Table 3 as follows:

- (1) The proponent shall submit a traffic analysis prepared by a qualified engineer that estimates the traffic volume and compares it to the parcel's existing traffic volume.
- (2) If the traffic is to be the same or less than existing traffic, then there would be no assessment charged to the property.
- (3) If the traffic is to be greater than the current traffic volume, as a condition of the development permit, the property owner will be required to pay an apportioned fee.
- (4) The formula for this new fee is to add the acres of the parcel to the 32.06 acres over which the original costs were apportioned. The percentage will be multiplied by the cost of the improvements.
- (5) These funds will then be allocated to those having paid for the improvements and returned as a cash payment or credit.

**Implementation Measure TP-1.5(b):** When a parcel is proposed for subdivision, the property owner shall assign the allocation of traffic from the parcel's budget to each of the new parcels.

**Implementation Measure TP-1.5(c):** Prior to submittal of the parcel or final map, the City shall require that a note be placed on the parcel or final map and the City's official zoning map indicating the division of traffic budget between parcels.

**Goal TP-2:** Provide for development flexibility in considering traffic impact.

EXHIBIT NO. 10
APPLICATION NO.
MILLER

City of Fort Bragg • Circulation Element  
NORTH FORT BRAGG TRAFFIC PLAN  
FINAL VERSION

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September 28, 1992

**Policy TP-2.1:** Use accepted engineering practices for consideration of alternate methods of mitigating peak hour and critical lane traffic impacts.

**Implementation Measure TP-2.1(a):** Allow the use of accepted engineering standards related to traffic study and analysis to consider mitigation to peak hour and critical lane movement impacts.

• **Implementation Measure TP-2.1(b):** Nothing in this Plan shall understate or override the legal requirements of environmental review as mandated by the California Environmental Quality Act.

**Goal TP-3:** Direct pedestrian and bicycle usage to the Coastal Conservancy Coastal Access Road (former Georgia-Pacific Haul Road and Trestle).

**Policy TP-3.1:** Develop, as part of the overall improvements, a pedestrian and bicycle access from Highway 1 to the Conservancy's Coastal Access Road.

**Implementation Measure TP-3.1(a):** Include in the improvement plans a pathway, minimum ten feet wide, that will connect from Highway 1 at the north City limits along the north boundaries of Study Area Parcels 010 and 020 to the Coastal Access Road. Include prominent signs directing pedestrian and bicycle traffic off of Highway 1 to the Coastal Route.

EXHIBIT NO.	10
APPLICATION NO.	
MILLER	

