

**CALIFORNIA COASTAL COMMISSION****NORTH COAST AREA**

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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.

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

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

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:

- 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.

- 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.

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

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



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

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.

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.

**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.

**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.

**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

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.



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

**DON AND HELEN MILLER**

Page Seventeen

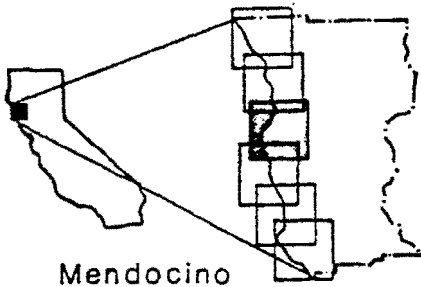
As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned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

## 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.



Mendocino

EXHIBIT NO. 1

APPLICATION NO.

A-1-FTB-97-33 (MILLER)

Location Map



California Coastal Commission

APPROXIMATE  
LOCATION

PACIFIC

MACKERRICH BEACH  
STATE PARK

Fort Bragg

Noyo

COASTAL



California Coastal Commission

LOCATION MAP

1 0 1 2  
miles



County of Mendocino

Sheet 3 of 6

PROJECT  
LOCATION

OCEAN

REYNOLDS AIRPORT

WINDY HILL

PACIFIC

17-4

CURRENT CITY LIMITS  
IMPROVEMENT DISTRICT  
BOUNDARY  
BOUNDARY NOT SHOWN BEYOND  
PENDING CURRENT CITY LIMITS

0 100 200 300 400

EXHIBIT NO. 2

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

MILLER

Vicinity Map

CITY OF FORT BRAGG

Highway One ↑

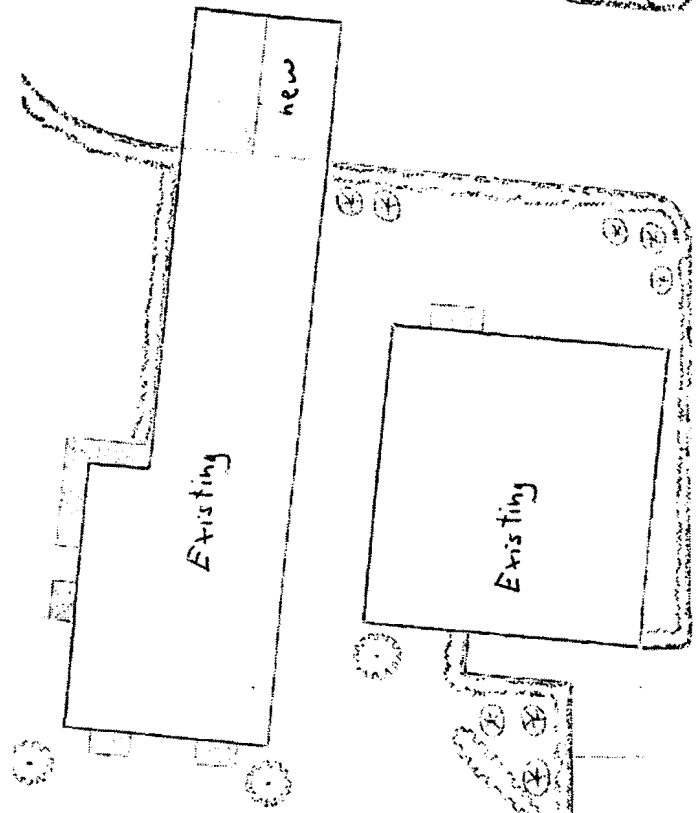
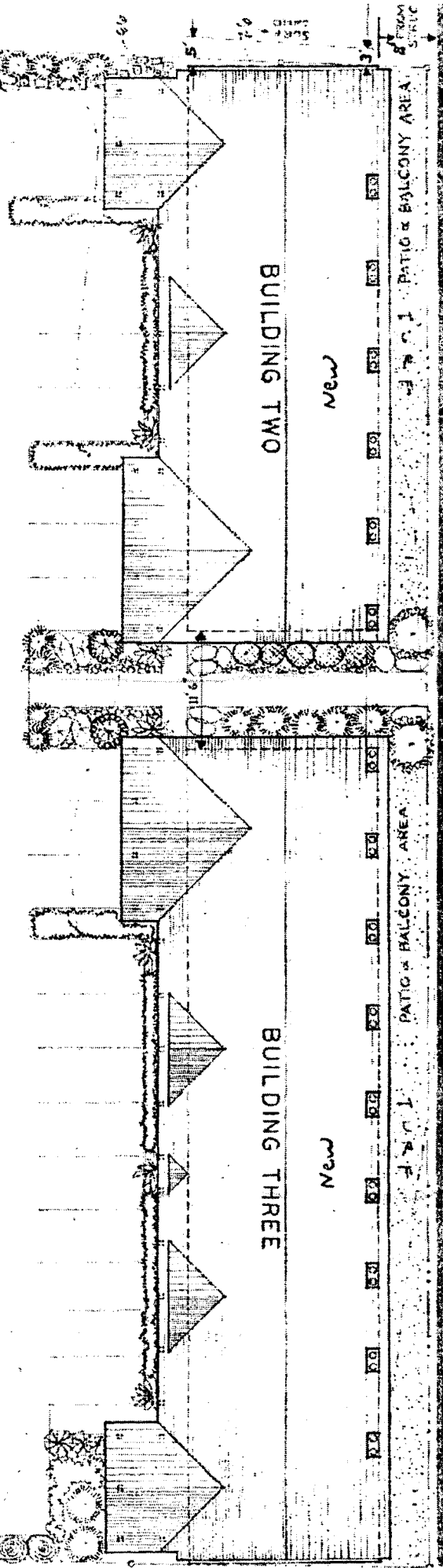


EXHIBIT NO. 3
APPLICATION NO. A-1-FTB-97-33
MILLER
Proposed Site Plan

TURF



EXISTING  
STRUCTURES

APPROX. SCALE  
32' = 1"

⊕ HEIGHT AT  
THIS POINT

VIEW CORRIDOR  
NORTH "SURF & SAND"  
SOUTH OCEAN VIEW  
9'6"

EXISTING  
STRUCTURES OF  
SURF & SAND

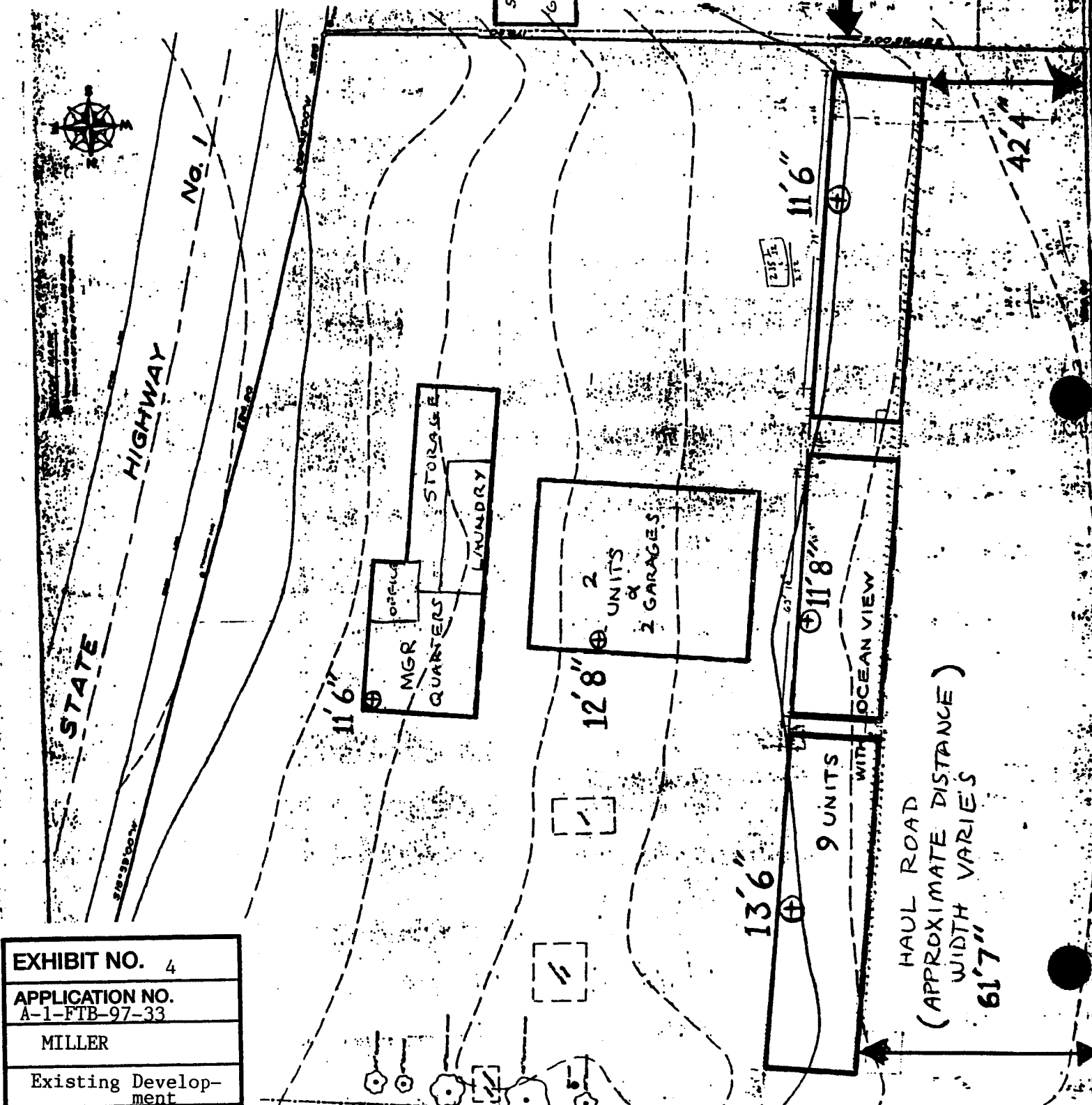
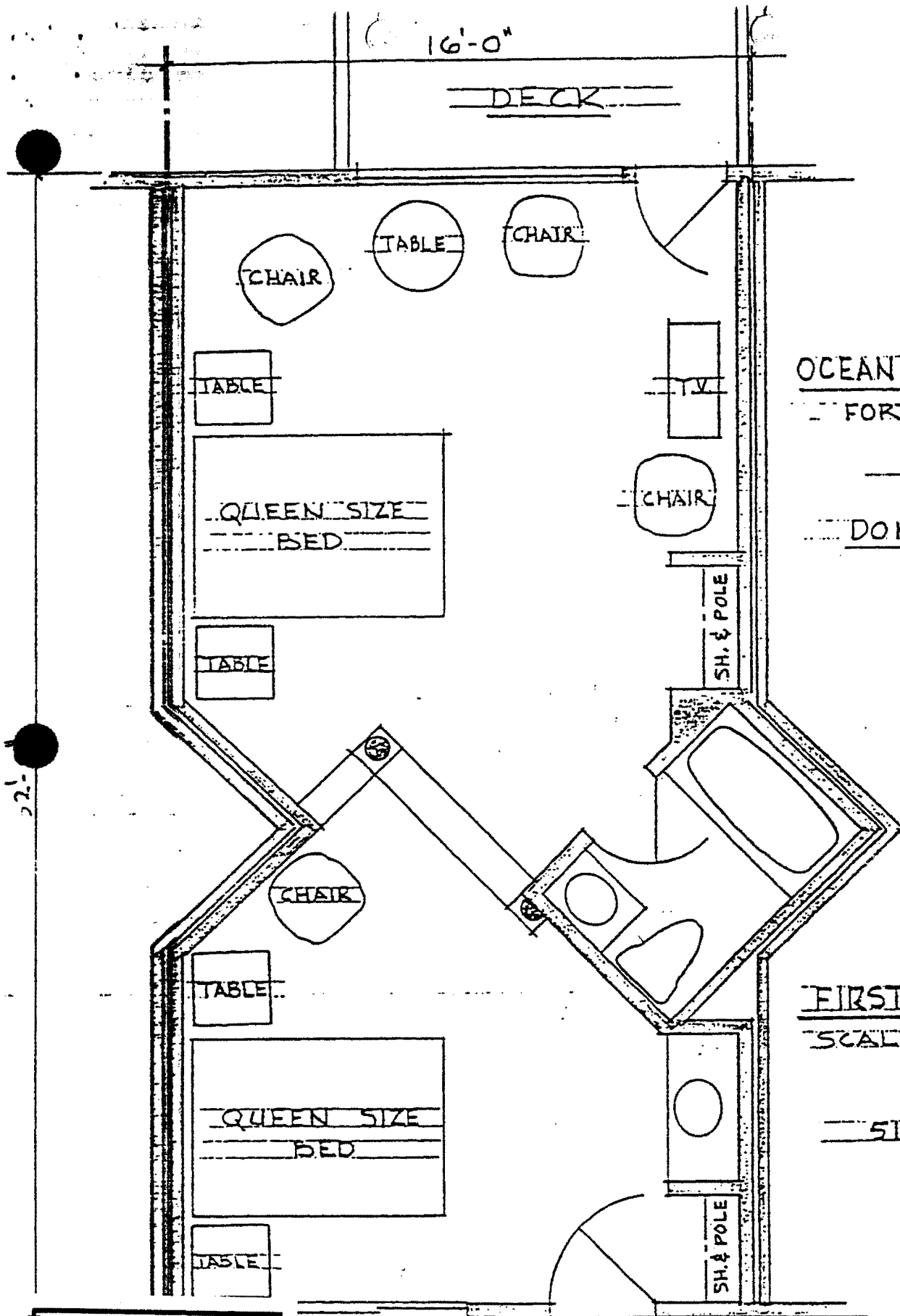


EXHIBIT NO. 4
APPLICATION NO. A-1-FTB-97-33
MILLER
Existing Development



OCEAN VIEW MOTEL  
FORT BRAGG, CA.

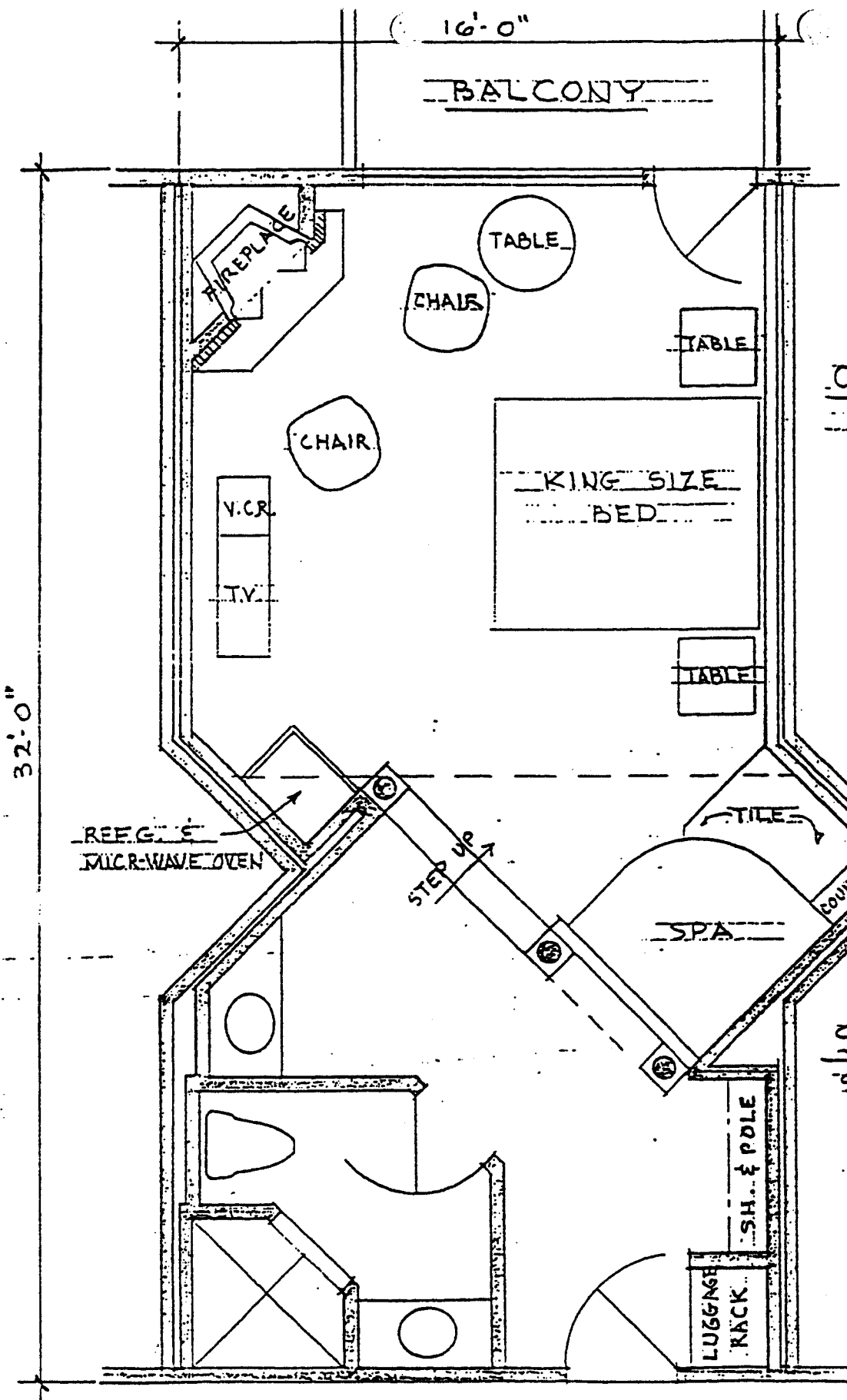
FOR  
DON MILLER

FIRST FLOOR PLAN  
SCALE 1/4" = 1'-0"

512 SQ. FT.

EXHIBIT NO.	5
APPLICATION NO.	A-1-FTB-97-33
MILLER	
Floor Plans	

WALK



OCEAN VIEW MOTEL  
FORT BRAGG, CA.

FOT  
DON MILLER

SECOND FLOOR PLAN  
SCALE  $\frac{1}{4}" = 1'-0"$

512 SQ. FT.

EXHIBIT NO.	6
APPLICATION NO.	A-1-FTB-97-33
MILLER	
Floor Plans	



Green View Lodging  
 Main St.  
 CA 95437

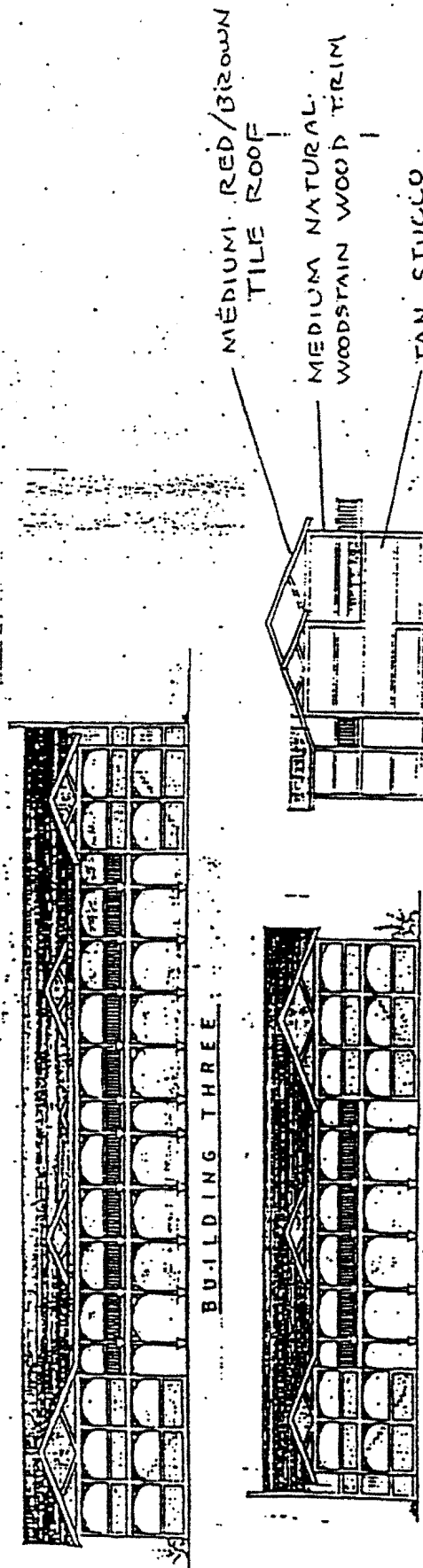
EXHIBIT NO. 7

APPLICATION NO.

A-1-FTB-97-33

MILLER

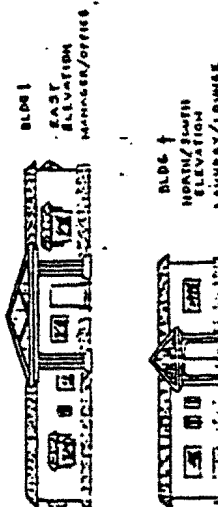
Elevation Plans



APPROX. SCALE  
 $\frac{1}{32}'' = 1'$

BLDG 1 & 4  
 EXISTING/MODIFIED

EAST ELEVATION



<b>EXHIBIT NO.</b>	8
<b>APPLICATION NO.</b>	A-1-FTB-97-33
<b>MILLER</b>	
<b>City Permit</b>	CDP 10-96



# **CITY OF FORT BRAGG**

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

**RECEIVED**  
 MAR 10 1997

CALIFORNIA  
 COASTAL COMMISSION

## **AMENDED** **PERMIT STATUS NOTIFICATION**

This document constitutes notification of the decision as indicated below. If you have any questions, please contact Scott Cochran, Planning Director, or Betty Partridge, Office Clerk at City Hall.

### **SUBJECT**

CDP 10-96; Don Miller; 1141 North Main Street; Demolition of existing 11 unit motel and construction of new two-story 30 unit motel, parking and landscaping

### **DECISION**

MOTION by Stuart, seconded by Bailey to approve CDP 10-96, adopt the Negative Declaration and its Mitigation Measures/Conditions with the following findings and conditions:

#### **COASTAL DEVELOPMENT PERMIT FINDINGS**

1. Project is not located within an environmentally sensitive habitat area.
2. The project development is in conformity with the certified Land Use Plan of the City of Fort Bragg's Local Coastal Plan.
3. The proposed use is consistent with the intent and purpose of the zoning district in which the property is located.
4. Approval is necessary to protect a substantial property right of the applicant.
5. Approval will permit a use which will be compatible with other uses in the area, and which will not be detrimental to other uses, rights or properties in the area.
6. The proposed use is one of the specifically enumerated uses allowed in the zoning district specified.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

#### **NEGATIVE DECLARATION FINDINGS**

The proposed project will not have a significant adverse effect on the environment; specifically in the following areas:

1. It will not have the potential to degrade the quality of the environment.
2. It will not achieve short-term, to the disadvantage of the long-term, environmental goals.
3. It will have no impacts which are individually limited, but cumulatively considerable.
4. It will not cause substantial adverse effects on human beings, either directly or indirectly. (Section 15082, CEQA guidelines)
5. Technical data and research, supplied by qualified experts, assisted the lead agency in identifying potential environmental impacts associated with the project. Through the use of a Mitigated Negative Declaration, the lead agency has recommended mitigation measures in conjunction with the conditions of approval to reduce potential environmental impacts to less than significant thresholds.

6. The subject request has met the scrutiny of the California Environmental Quality Act (CEQA) process, supporting documentation in the areas of drainage, noise, plant surveys, traffic, cultural resources investigations, geologic study, previous studies including the North Fort Bragg Traffic Plan, North Fort Bragg Infrastructure Extension, Fort Bragg Redevelopment Project EIR, the City's General Plan, Zoning Code and Local Coastal Plan, and the City's Water System Study and Master Plan, along with site analysis were used in order to determine that a Mitigated Negative Declaration could be recommended by the lead agency on this project. Environmental concerns have been adequately addressed through mitigation measures that have also been incorporated into the conditions of approval for the project.
7. All of the referral entities identified have reviewed the proposal and the Initial Study conducted by the lead agency and have no objections to the proposed Mitigated Negative Declaration of Environmental Impact for the proposed project.
8. The following entities were sent copies of this proposal, the Initial Study, and the project's Mitigation and Monitoring Plan to:
  - a) Mendocino County Planning Department;
  - b) Mendocino County Public Works Department;
  - c) Mendocino County Environmental Health Department;
  - d) Mendocino County Air Pollution Control District;
  - e) Caltrans - District 1;
  - f) State Water Quality Control Board;
  - g) State Department of Parks and Recreation;
  - h) California Coastal Commission;
  - i) State Department of Fish and Game;
  - j) State Office of Planning and Research;
  - k) US Department of the Interior;
  - l) US Fish and Wildlife Service;
  - m) Fort Bragg Unified School District;
  - n) Northwest Information Center (Sonoma State University);
  - o) Pacific Gas and Electric;
  - p) Century Cable;
  - q) California Highway Patrol;
  - r) Fort Bragg Police Department;
  - s) Fort Bragg Fire Department;
  - t) Fort Bragg Engineering Department;
  - u) Fort Bragg Redevelopment Agency Executive Director;
  - v) Fort Bragg Water Project Manager; and
  - w) Fort Bragg Deputy City Manager/Public Works.

A response due date of December 31, 1996 was given to the above entities.
9. The subject request complies with the applicable policies of the City of Fort Bragg's 1980 General Plan, Zoning Code and Local Coastal Plan as evidenced in the project's Initial Study and staff report.
10. Approval of this request will give consideration to the redevelopment of an underutilized parcel of commercial land in Fort Bragg. The proposed motel, increasing by 19 units, would add tax increment dollars to the Redevelopment Agency, generate additional sales and transient occupancy taxes for this property and provide entry level jobs for the youth and unemployed of this community.

EXHIBIT NO. 8
APPLICATION NO. A-1-FIB-97-33
City Permit CDP 10-96

MITIGATION MEASURES/CONDITIONS

1. The development will be required to use City water and sewer.
2. The existing well will be used for landscaping purposes only. A backflow prevention device shall be installed on said well.

3. Engineered design drainage system of infiltration and trenching. The system would work as follows:
  - a) Runoff from the two easterly buildings and asphalt entrance would 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, the 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.
4. Elimination of the existing septic system.
5. Disallowance of wood burning stoves and fireplaces.
6. Use low emission mobile construction equipment (e.g., tractor, scraper, dozer, etc.).
7. Water site and clean equipment morning and evening.
8. Spread soil binders on site, unpaved roads, and parking areas.
9. Apply approved chemical soil-stabilizers, according to manufacturers specifications, to all inactive construction areas (previously graded areas which remain inactive for 96 hours).
10. Reestablish ground cover on construction site through seeding and watering.
11. Employ construction activity management techniques, such as: extending construction period; reducing the number of pieces used simultaneously; increasing the distance between emission sources; reducing or changing the hours of construction; and scheduling activity during off-peak hours.
12. Pave construction roads and sweep streets if silt is carried over to adjacent public thoroughfares.
13. Reduce traffic speeds on all unpaved road surfaces to 15 miles per hour or less. Suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.
14. Wash off trucks leaving the site.
15. Maintain construction equipment engines by keeping them tuned.
16. Use low sulphur fuel for stationary construction equipment.
17. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
18. Use low emission on-site stationary equipment.
19. Closure of north driveway.
20. Prior to occupancy, construction of a left turn lane to Caltrans' standards.
21. Implementation of a corridor preservation setback of 50' from highway centerline.
22. Conduct a field survey in March 1997 to determine the presence of Point Reyes Blenosperma and Roderick's Fritillary.
23. 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.
24. Landscaping will be drought tolerant vegetation and irrigated by existing well on property.
25. Applicant must demonstrate that he has obtained the necessary amount of water retrofits before the City will approve a building permit or other entitlement necessary to let the motel go into business.
26. The project shall be designed that night lighting is shielded downward and directed away from adjacent properties.

EXHIBIT NO. 8

APPLICATION NO.  
A-1-FIB-97-33

City Permit  
CDP 10-96

27. During construction, prior to occupancy, the following shall occur:
- a) Monitoring will consist of directly watching the major excavation process. Monitoring will occur during the entire work day, and will continue on a daily basis until a depth of excavation has been reached at which resources could not occur. This depth is estimated as usually about five feet below grade at the beginning of the project, but may require modification in specific cases, and will be determined by the monitoring archaeologist based on observed soil conditions.
  - 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 (human burials) are encountered within the native soils of the parcel, all work should be halted in the immediate vicinity of the find. The County Coroner, project superintendent, and the Agency Liaison should be contacted immediately. The procedures to be followed at this point are prescribed by law.
  - d) If unique archaeological resources other than human burials are encountered, the project should be modified to allow the 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 that associate 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 tasks with all due speed.
28. 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.
29. Applicant shall omit the words "walk to ocean" between buildings two and three.

EXHIBIT NO.	8
APPLICATION NO.	A-1-FTB-97-33
City Permit CDP 10-96	

CONDITIONS

1. 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.
2. All public utilities shall be installed underground.
3. Prior to issuance of a building permit for the proposed motel, the applicant shall submit signed and approved copies of the necessary Encroachment Permit(s) from Caltrans to the Community Development Department.
4. Prior to construction, applicant shall install a fire hydrant on the same side of the highway as the motel. Actual location will be determined by the Fort Bragg Fire Protection Authority.
5. Applicant shall install a sprinkler system to Uniform Fire Code Standards for the motel complex.
6. Prior to construction, applicant shall submit improvement plans to the City Engineer for review and approval. Said plans shall demonstrate the engineered water drainage system of infiltration and trenching.
7. Coastal Development Permit 10-96 shall become null and void if the proposed activity has not started within two years of the date of approval for the subject request.
8. This permit may be revoked by the City of Fort Bragg at any time for violation of any of the terms and conditions of this permit by the owner, agents, or the representatives of the applicant.
9. 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.
10. This permit shall have no force or effect unless and until, accepted the terms agreed to, in writing by the applicant.

VOTE: Ayes: Stuart, Bailey and Matson.  
Noes: Doyle and Woelfel.

Any person aggrieved by an action of the Planning Commission may take an appeal to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of the action of the Planning Commission. Appeal forms may be obtained from, and must be filed with, the City Clerk's office during normal working hours.

DECISION BY: Planning Commission.

NOTIFICATION MAILED TO:

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

DATE OF DECISION: February 26, 1997.

DATE OF MAILING: March 3, 1997.

COPIES OF NOTIFICATION MAILED TO:

Andy Harney, P. O. Box 2833, Fort Bragg, CA 95437;

Roanne Withers for The Friends of Fort Bragg, P. O. Box 198, Fort Bragg, CA 95437;

Judith Vidaver, P. O. Box 25, Fort Bragg, CA 95437;

Char Flum, 318 North Whipple Street, Fort Bragg, CA 95437;

Norman Dyck, 318 North Whipple Street, Fort Bragg, CA 95437;

Paul and Barbara Clark, 809 North Main Street, Fort Bragg, CA 95437;

Tim Aguilar, 4205 Mariposa Drive, Santa Barbara, CA 93110.

cc: County Building Inspector  
Permit File  
City Clerk/Deputy City Administrator  
Interim City Manager

EXHIBIT NO. 8
APPLICATION NO. A-1-FIB-97-33
MILLER
City Permit CDP 10-96

632 North Main Street  
Fort Bragg, CA 95437  
July 17, 1997

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

EXHIBIT NO. 9

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

MILLER

Correspondence

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

Dear Miss Ginsberg:

On a yearly basis those rooms with the best ocean view rent first.

Those without an ocean view are usually the last to rent if at all.

To borrow money to replace non - ocean view rooms with more non - ocean view rooms is not feasible.

The lender knows this, the appraiser knows this and we certainly know this.

In spite of our non - ocean view rooms being the largest with the most amenities they rent only 23% of the time, plus are the lowest rental value per square footage of any of our rentals.

Even though the present lender is making this loan upon a current favorable appraisal, both the present lender and the SBA turned our loan application down when first submitted, it was only upon the most critical second review did they accept them.

To lessen the value of the improvements by subtracting ocean view units, design amenities or square footage will cancel our loan opportunity and our financial future.

Our resources are already stretched beyond comfortable limits and each delay adds to our financial stress.

Without these planned improvements we cannot compete. The new Surf and Sand did 71% occupancy October '96 through June '97. During this same time period 34% occupancy for us.

Decreasing the height of the proposed westernmost improvements to one story and placing additional one story units elsewhere on the property would mean increased cost per unit, add to roof and paved area revising drainage again increasing costs, decreased rental value of non - ocean view units resulting in less income to service a larger loan, thereby cancelling all SBA and conventional loan commitments.

Walkway between north and south improvements could be reduced or moved one unit further south. I believe the latter would offer the best view corridor with most logical placement and aesthetics.

The further we are from the haul road the less competitive our ocean view rooms, the very reason we purchased the property and the main reason it is zoned visitor serving. Our main competition is right on the haul road.

Our guests to insure more privacy from and to the haul road will not access from their patio or balcony as does the Surf and Sand. They will have to exit the east side of their rooms and then use the center walkway.



Other limitations to additional one story units and additional parking are the Caltrans set back of all buildings of fifty feet from the centerline of Highway 1 in this location.

The determination of how far the new improvements are to be from the haul road is determined by the amount of space needed for laundry and storage in the existing middle building.

Again this loan would not be possible if existing buildings could not be modified.

From the original plans through numerous modifications we have, (1) reduced the number of units from 54 to 30, (2) reduced paved and roofed areas by over 40%, (3) have reduced the managers quaters, ours, to one bedroom, (4) reduced the footprint of 30 units to be the same as the present 11, (5) this reduction can save the small stand of trees on the north boundary, (6) Have closed the North entrance, (7) we are planting trees and shrubs to soften the buildings setting and to hide parking and trash bins, (8) to additionally soften the lines of the buildings we have added posted arches to the walkways which will have both hanging flowers and potted shrubs and flowers at their bases, (9) peaks and dormers have been added to roof lines to break up flat surfaces and (10), the only "impact" is one of pleasing and attractive improvements in place of deteriorating structures, beautifully landscaped new accommodations.

There are no negative visual impacts to our project. Impact: to press or drive firmly together; to force tightly together; pack; wedge, noun; striking together; violent contact; collision; the force of a collision; shock.

No other motel in town will have the amount of landscaping we do to soften and blend the improvements. Who would not say that this is a visual improvement over what is there now?

We base this conclusion on the existing motels, discussions with people from all walks of life, professional and non-professional, first time meetings, guests acquaintences, long time friends, etc. No one has ever mentioned to us personally that we might be overlooking a visual impact that should be reduced!

In ten miles of coastline there are only five highway visitor serving zoned parcels within the city limits. This zoning has not been changed by two EIRs or any of the plans that the city or we have been required to follow.

The value of these lots in serving the public should not be diminished by perserving a view corridor which never existed before that has as much chance of being seen as winning the lottery, especially after we have spent thousands of hours to make this the most attractive and comfortable visitor serving improvement within our means.

What is one eighth (1/8) of a viewing second compared to the days, weeks and months of tens of thousands of guests who will be enjoying and gaining an appreciation of the real view inside and out for many years to come.

Why not use the the professional expertise we have to create the most aesthetically pleasing and comfortable place to stay that we can?

EXHIBIT NO.	9
APPLICATION NO.	A-1-FTB-97-33
MILLER	



The haul road is for people who like an easy walk with a view.

Our improvements between two existing motels are not going to impact their walk in any way.

And once they are past Baxmans Gravel and Eastman Trucking, there is nine and one half miles of haul road without any commercial business.

What guarantee do we have that we will not be the only motel to be set back from the haul road when others are completed? The only one that cannot claim an 180 degree ocean view?

We purchased the property in 1990 because at that time the city had contracted to make city water and sewer available for the needed improvements. To our dismay the city's contract was halted. It has taken us seven stressful years to plan and arrange for these improvements again!

Because of additional costs today and declining resources all the conditions necessary to make this loan possible for these improvements may not ever be available to us again. Making them a matter of public record may cause additional financial risk.

We hope it is evident to you from all the aspects of the information we and the city have supplied, that we have planned this project to meet all the concerns that have been raised to the best of our ability and resources.

EXHIBIT NO.	9
APPLICATION NO.	A-1-FTB-97-33
MILLER	
Correspondence	

Summary of major possible adjustments:

Instead of moving the north south units closer together to preserve the nine foot six inch "view corridor" that is effectively blocked from the south approach by Surf And Sands garage, we could add three feet to present eight foot six inch corridor partially blocked by the managers quarters and move it fifteen feet south expanded to eleven feet six inches on the new plans.\*\*\*

By taking an additional five feet off the existing middle building the facing of the new improvements can be set back thirteen feet from the haul road on the southern end and approximately twenty two feet on the northern end.

Redirect access. Our guests, to insure more privacy from and to the haul road, will not access from their patio or balcony as the Surf and Sand does. They will exit from the east side and use the center walkway to access the haul road.

\*\*\* In the information that was faxed to you July 8, 1997 it explains that the "view corridor" between Surf and Sand exists only until the four replacement trees, planted in September 1996, reach ten feet in diameter on their way to a maximum possible growth of twenty five feet. Mr. Sanders owner of the Surf and Sand, as he promised, has planted these replacement trees with a watering system supported by a well to insure their growth.

We do not believe that making these adjustments are in our best interests and are at best of minimal interest to the public.

No one has ever driven by and stopped whether for a stay or an inquiry has ever mentioned glimpsing the ocean through a "view corridor" or view of the ocean in passing our property. Over seven years that is over twenty thousand people!

Conclusion:

Without any conditions imposed upon our plans the only significant impacts on the area is, (1) the replacing of deteriorating buildings with attractive visitor serving improvements, and (2) we will be able to compete fairly with our neighbors new improvements and change of land use.

EXHIBIT NO. 9
APPLICATION NO. A-1-FTB-97-33
MILLER
Correspondence

Mr. Sanders (Surf and Sand) and us were to start construction in 1990.

Bureaucracy has been kinder to Mr. Sanders.

If each layer of bureaucracy is to level inequity upon inequity upon an individual or business only the wealthiest and/or the luckiest can survive.

If each level of government or government action ignores the previous level of injustice, where can the individual without costly procedure and delay turn to for justice. and in the end we all know that justice delayed is an inadequate justice.

At this point in time we believe we should have a small measure of justice, by using our present plans to which the City of Fort Bragg applied a more stringent measure of control than was applied to the Surf and Sand. To ignore the past is to ignore justice

Mr. Sanders footprint has increased twenty fold, ours remains virtually the same. His land use changed.

Mr. Sanders view of the ocean has shrunk by twenty fold. Our present plans are an increase. Our land remained the same.

We have arrived at a precarious balance and your decision may tip us over.

All we are asking is that the lesser equality that we have arrived at be maintained after over forty years of the same land use.

By signing this letter we certify that to the best of our knowledge this information we are submitting is complete and correct.

We also certify that we understand that the failure to provide any requested information or any misstatements submitted in support of our proposal shall be grounds for revoking a permit on the basis of such misrepresentation, or for seeking of such further relief as may seem proper to the commission.

Don Miller

Don Miller

JULY 18, 1997

Date

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	Correspondence

RECEIVED  
JUL 14 1997

CALIFORNIA  
COASTAL COMMISSION

Roanne Withers  
Ron Guenther  
Friends of Fort Bragg  
P.O. 198  
Fort Bragg, CA 95437  
(707) 961-1953

July 9, 1997

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

Attention: Jo Ginsberg

**RE: Appeal NO. A-1-FTB-97-33 / Miller-Ocean View Motel / Fort Bragg CDP 10-96/  
SCR 10-96.**

Members of the Commission and Staff,

Generally we support most of the Mitigation Measure/Conditions 1 through 29 and Conditions 1 through 10 as required by the City of Fort Bragg and agreed to by the applicant (AR Ex. 15). Of particular concern to us is that Mitigation Measure #20. "Prior to occupancy, construction of a left hand turn lane to Caltrans standards", and Mitigation #21 "Implementation of a corridor preservation setback of 50' from highway centerline", be retained.

We have three areas of concern about the proposed project we would like to see reviewed and addressed by your staff.

**(1) Lack of a Geotechnical Investigation**

We have never been able to get an exact height figure for this project. It varies throughout the Administrative Record from 24 feet (AR Ex. 30, pg. 9) up to 28 feet (AR Ex. 21), with the City Planner stating that the applicant is entitled to a 35 foot maximum height as allegedly allowed by the zoning code (AR Ex. 5).

The vagueness of the height seems to be related to varying amounts of fill which might be placed under the buildings. According to the applicant, this fill would then dictate the final height of the buildings (AR Ex. 4, pg. 6). Two Planning Commissioners attempted to inquire about the fill, but we find the response by the City Planner and applicant to be inadequate.

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To Planning Commissioner Doyle's inquiry, "How high is the fill to be used?" Miller replied, "Not considerable. It may raise the height by perhaps 3 feet, making the total height 28 feet" (AR Ex. 21 page 6). Commissioner Stuart inquired as to why "fill was necessary." The project applicant responded that "if he used fill dirt it would raise the building by a foot to a foot and one-half higher, then when the foundation is poured, we would not have to use as much cement" (AR Ex. 30 page 8). The project's architect stated to the City Council hearing on the applicant's appeal, "there may be as much as 3 feet of fill at the lowest part of the property in order to correct a drainage problem" (AR Ex. 4, page 7).

Then it came to our attention, however that there may be near surface groundwater present on the site. Via a local news radio interview with the project applicant on June 17, 1997, the applicant described the problem he has with "rooms flooding" in the rainy season. We have been aware that there is a small year around wetland area at the end of a culvert located on the northwest corner of the property near the Haul Road. While the applicant was not very explicit, this new information combined with the varying amount of fill/height issue caused us to re-review the Administrative Record and CEQA Negative Declaration for groundwater, drainage, soil and engineering information which would explain the amount and purpose of the fill in this "flooding" context.

This lead us to the following important new revelation regarding the engineering design and safety of the proposed building. We discovered that the geotechnical investigation (soils and engineering report) did not review the project site but the site for the proposed Beachcomber Motel addition, 4 parcels to the south, located on a bluff and on a higher grade elevation from the applicant's project. We also discovered that the drainage engineer (Paoli) only made one site visit, and reviewed topographic plans in order to reach his conclusion that "most if not all rainfall and runoff is absorbed on-site..." In other words, no soil sampling borehole studies were conducted on the site.

.The *Geotechnical Investigation for the Beachcomber* addition states "The entire Mendocino Coast is located within a region subject to a high level of seismic activity...Groundwater was only encountered in borehole four...at an approximate depth of 13.5 feet below the existing ground surface...The silty sand surface topsoil unit is loose and moderately compressible and contains a significant amount of organics. It is judged that the upper 24 inches of this unit is not suitable in its existing condition for foundation support. Foundations will be required to extend below this zone of loose and organic material, and into a firmer bearing material...Site grading should commence with stripping of surface vegetation and topsoil...It is anticipated that grading will be minimal and consist of minor cuts and fills of less than 2 feet to achieve building pad and pavement grade to provide for site drainage...Where fill is required, the exposed surface should be scarified to a depth of eight inches...fill should spread in lifts with a loose thickness of eight

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inches or less..." (AR Ex. 35M)

Regarding the applicant's project, "Commissioner Doyle cited there was no seismic study to review". In response, Planner "Cochran stated that the geology at the Beachcomber site is basically the same situation and there is no specific impacts on geology from that study." (AR Ex. 30, page 7)

It is apparent that the *Beachcomber Geotechnical Investigation* was used to satisfy important project seismic review, engineering, and safety criteria for the Beachcomber addition. This is to be achieved for the Beachcomber (with a low groundwater table) by excavating approximately 2 feet of unstable topsoil with footing foundations "at least 24 inches below grade". *Fill for the Beachcomber is to be used only as a replacement for unstable soils encountered 24 inches below the grade.*

We believe that the only thing that would account for the subject project's increase in building height of 1 to 3 feet, dictated by the project's 1 to 3 of proposed fill, is that the applicant is proposing to place the fill on top of the existing grade of land (with possible near surface groundwater on the site).

Ultimately, we can only conclude that the building engineering specifications outlined in the *Beachcomber Geotechnical Investigation* are not being adhered to in the Miller project, therefore the Miller project has no soil, engineering, or seismic review or mitigation planning information. The City Planning Commission and City Council are not engineers and could not reach a conclusion that the applicant's project could safely vary so significantly from the geotechnical investigation used to approve the project. The City Planner is also not an engineer and is not qualified to make a decision that engineering specifications for building in one area can concurrently serve for another area and in the final analysis be completely ignored. The City Planner failed to seek project review by the City's Technical Advisory Committee which includes the City Engineer which might have given the Planning Commission and Council appropriate guidance on this issue.

Therefore we request that a site specific geotechnical investigation, followed by a new drainage plan based on this investigation ( if necessary) be required for this project. However, the specific geotechnical investigation and drainage plan would be dictated by the final site location and size of the project, which leads to our second area of concern.

**(2) Setback and Height Impact on MacKerricher State Park Haul Road, and Height Impact on Hwy 1.**

In 1986 the subject area was annexed to the City. At that time the Haul Road and a "buffer

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corridor" between the road and its eastern neighboring property owners was owned by Georgia-Pacific Corporation. The Haul Road was used by logging trucks during the day and was open to public vehicular traffic in the evenings and on the weekends. The City's LCP, along with LCP 1986 amendments, and its General Plan zoning and development review standards for the subject area contain no new construction property line set back requirements for the rear of a building. However, at the time of the original construction of the applicant's motel, other motels, and later in 1986 the heavy vehicular use dictated the actual wide development setbacks from the Haul Road.

The Department of Parks and Recreation, owner of the ocean bluff property to the west of Haul Road, obtained the Haul Road from Georgia-Pacific in 1992-3, and shortly thereafter closed the Haul Road to all vehicular traffic. Prior to Park's acquisition of the Haul Road, however, Georgia-Pacific sold the "buffer corridor" strips of land to the eastern property owners. Therefore some of the neighboring property owners now have an expanded property ownership to 3 feet from the pavement edge of the Haul Road. We do not know if the subject property was a part of this "buffer corridor" sale or if it already had ownership to the Haul Road.

MacKerricher State Park and its Haul Road are located west of Highway 1 in a "sensitive coastal resource area" as defined by the Coastal Act Section 30116 which discusses the protection of "special communities or neighborhoods which are significant visitor destination areas" by "minimizing the alteration of natural land forms". Also the Coastal Act places one of its highest priorities on encouraging and protecting coastal dependant recreation and these special communities.

Regarding the subject property, California Department of Parks and Recreation District Superintendent Robert R. La Belle states, "From our perspective, the development of commercial facilities adjacent to the State Park raises more concerns than the visual impact and integrity issues...we are concerned about possible safety issues that can result from building too close to the Haul Road trail. While traffic may be light now, once the Pudding Creek Trestle is open, this southern end of the trail will experience an increase in bicycle and pedestrian use." (AR Ex. 9)

The applicant's project, as proposed, is to be built 5 to 7 feet from the edge of the Haul Road. The existing motel is 48 feet from the Haul Road (AR Ex. 56).

(City of Fort Bragg Mitigation Measure #21 calls for an implementation of a Caltrans 50' corridor preservation setback on Highway 1 (AR Ex. 21, pg. 6). This is to add another 30' to the current 20' right of way from the Hwy. 1 centerline. Landscaping within the setback area is an acceptable use (AR Ex. 41).)

The Surf and Sand motel, to the north and constructed a few feet from the Haul Road, was

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approved by the City previous to Park acquisition of the Haul Road, and previous to the North Fort Bragg Traffic Plan, which included a Caltrans requirement of a 30' addition to its corridor preservation setback. The remaining parcels to the north, up to the Baxman industrial property, all have existing structures that are currently set back from the Haul Road farther than the existing Miller project.

In order to protect the integrity of the Haul Road sensitive coastal resources area, we would like to see the western footprint of the new building remain the same as it is now, 1-story building(s) 48' from the Haul Road. We think that if 1-story motel room buildings were reconfigured on the existing footprint this 48' area could be used as a landscaped commons for guests, followed to the west with a low lying vegetative barrier. This would address State Park's concern about motel guest and Haul Road safety issues, provide a visual transition from building to Park for Haul Road visitors, and provide the applicant some valuable use of the area.

Concern about the massiveness of a second story addition to this motel causing an "alley affect" along Hwy. 1 and the Haul Road was the primary concern of the public and Planning Commissioners voting to not approve the Scenic Corridor Permit.

We believe it is possible to create 22+ 1-story motel rooms (located 48' from the Haul Road and including the 30' addition to the Hwy 1 corridor set back), especially if they were configured in an east/west line-up, resulting in extensive new public view corridors from Hwy. 1 to the ocean. This type of configuration, set back, and view restoration conforms with the Coastal Act and City LCP. Additionally, the applicant could double the amount of rooms now existing.

### **(3)Water**

We would like to see the project's final amount of rooms/spas meet not only the City's formula for amount of retrofit requirements but also we would like to see the City monitor the motel's actual use (until such time as the water over-draft of the Noyo is resolved) for additional retrofits requirement based on actual use.

This is a compromise to our original desire for a focused EIR on the City's over-draft of the Noyo River in order to supply domestic water to its customers and this project's additional impact.

Friends of Fort Bragg has a great concern about the City's historic and current overdraft of the Noyo River, violation of its water rights permit, impact on fish by-pass flows and other coastal zone estuary dependant species during river low-flow times of the year in order to supply existing City water connections (as expressed in detail in our appeal to the Commission.) In order to seek a resolution to the continuous over-draft, Friends of Fort Bragg filed suit in March

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of 1996, based on a complaint, that the City was violating its water rights permit, lodged by the Department of Fish and Game (DFG) with State Water Resources Control Board(SWRCB). This area of City resource mismanagement is quite complex and includes the jurisdictional participation of SWRCB, the State Department of Health Services, Drinking Water Division(DHS), and DFG.

There are two areas of possible over-all resolution to the overdraft. The short term resolution recently proposed by SWRCB and tentatively agreed to by all parties is that the City's water rights permit will be amended to prohibit drafting from the Noyo during the low-flow time of year except during the high tide. This proposal will be tested for the first time this fall with an eye on possible salt-water intrusion. While not a complete solution, it is generally believed by all parties that this permit restriction will be more protective of the coho, steel head, and other species than the current permit restrictions. It is unknown whether the "high tide" proposal will increase the City's supply, either actual or as currently limited by DHS. Under DHS restrictions the City cannot increase the amount of water delivery beyond DHS limitations but can "retrofit" existing connections in order to add new water connections but not increase water use.

The second area of possible longer term resolution may come from the City's aggressive and thorough, but to date unsuccessful search for a new water supply/supplement source. Currently, the City is pursuing two yet to be "proven" options (possible fresh or de-desalination brackish water wells near the river or damming a Noyo River tributary for a reservoir) . Both of these options, if proven viable, are beyond the City's ability to finance. Significant federal, state and/or local taxpayer assistance will be needed to bring either on-line. We think it will be several years before a new or supplemental source will be available to meet the City's current and future drinking water needs.

The City is also in the process of up-dating its General Plan. The Draft Environmental Impact Report (EIR) for the General Plan will be available for review very soon. This EIR promises to thoroughly analyze the City's water supply, existing connections, and 20 year build-out water supply needs. There are two Coastal Zone proposed motels (Baxman/Blue Dolphin and Wisdom/Hare Creek) which were court ordered to prepare EIRs focusing on water supply. A third Coastal Zone proposed motel (Hunt/Beachcomber located in the same planning area as the Miller motel) voluntarily agreed to do an EIR. These EIRs will "tier" off of the General Plan EIR.

The City's Mitigation Measures/Conditions #23 states, " 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." Within this City Retrofit Program the project's 15 motel room additional 80 gallon spa's use was calculated at 80% of total spa fill-ups per unit per day (AR Ex. 36). Commissioner "Dovle asked if the added water use by the motel would be compensated by the retrofit

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program." Interim City and Water Project Manager "Murphey replied, Yes. To assure this the Planning Commission could condition that the units retrofitted could be monitored over a year. If not enough savings, then additional would be required to compensate." (AR Ex. 21, pg. 4) We don't think a year is enough, given fluctuation in the tourist lodging industry and rain/drought weather conditions, but even at that the City failed to condition any monitoring.

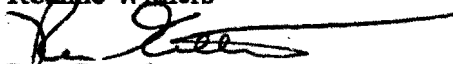
It is ludicrous that in a community which is suffering an extreme water shortage -- a 100% water bill total fine can be imposed on residents who do not reduce their usual use by 10% during the low-flow water emergency times of the year -- a motel, with unmonitored luxury 80 gallon spas, was approved with the barest minimum of water use compensation.

We do not expect the Coastal Commission to resolve the City of Fort Bragg water crisis with a "disapproval" of this motel. However, by conditioning the project for on-going water usage monitoring, and compensating retrofits if necessary, the Commission could insure that this project will not impact an already impacted river and its habitat.

Thank you for your time and consideration about this project's impacts on the public's resources which we believe can be lessened or eliminated all the while meeting the applicant's desire to increase the amount of rooms and income generating capacity of the site.



Roanne Withers



Ron Guenther

For Friends of Fort Bragg

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CALIFORNIA  
COASTAL COMMISSION

July 15, 1997

Gary and Carolyn Milliman  
17451 Redwood Springs Dr.  
Fort Bragg, CA. 95437

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

The purpose of this letter is to express our support for the Ocean View Lodging project (CP#A-1-FTB-97-33 Miller) as currently designed.

We relocated to the North Coast from the Los Angeles area some 20 years ago. One of the reasons we moved to the Mendocino Coast was to enjoy the coastal environment. A pleasant coastal environment includes the elements of coastal access, clean air, view sheds and quality development well placed.

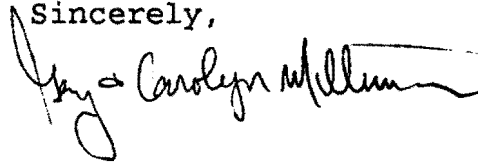
Our observations with respect to the subject project are as follows:

1. At the posted speed limit of 25 mph, the view time while passing this property is six seconds.
2. The existing structure is in poor condition and is not visually appealing from either Highway 1 or the State Park. The new project will be a great improvement.
3. It seems appropriate that development of this type occur in cities. In our view, tourism accommodations should be allowed to proceed where services are available (water, sewer, police, fire) and that "view corridor" protection be focused on the remaining 90% percent of the Mendocino Coast.
4. During the summer season, there is a shortage of motel rooms in the Fort Bragg area. When adequate overnight accommodations are not available, access to the coast is impaired. The subject project will increase the availability of overnight accommodations by 1,710 stays during the peak summer period (July 1-September 30).
5. We have reviewed the staff letter (7/8/97) which contains a number of suggestions for design modifications. It is important to remember that this is a "postage stamp" size parcel. We think that design considerations already included in the project adequately address coastal protection issues.

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Thank you for your consideration of our comments. The subject project is consistent with what we feel is a quality coastal environment.

Sincerely,



cc: Don and Helen Miller  
Scott Cochran, City of Fort Bragg

EXHIBIT NO. 11

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

MILLER

Correspondence

# *Brough Business Services*

ILA L. BROUGH, E.A.

P.O. Box 617  
245 Morine Way  
Clearlake Oaks, CA 95423  
Phone (707) 998-9169  
Fax (707) 998-4218

468 So. Franklin St.  
Fort Bragg, CA 95437  
Phone (707) 964-1794  
FAX: 707)964-1792

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June 19, 1997

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
North Coast Area  
45 Fremont St.  
San Francisco, CA 94105-2219

Re: Donald and Helen Miller  
Ocean View Lodging  
Fort Bragg, CA

Gentlemen:

As a business owner in Fort Bragg, as well as a concerned citizen, I have watched the delays and red tape Mr. and Mrs. Miller have waded through in an effort to receive the approval to upgrade their facility. Finally, after years of frustration, not to mention the money involved (every delay adds that much more costs to any project), they received approval from the City to go ahead, only to have the so-called "Friends" (what a misnomer) of Fort Bragg cause even more delay. And now the possibility that they may be required to start all over again or abandon their long fought for project is unbelievable.

If there was a real ecological or environmental reason for this, it would be understandable. However, this appears not be the case. I rarely write this kind of letter - as with many business people, our time is limited, so our voice is not often heard. However, the treatment here of Mr. and Mrs. Miller is so grossly unfair and uncalled for, I, for one, would like to ask that the Commission restore their permission to continue the project without further delay.

Thank you for considering my request. I know that a great many citizens of Fort Bragg feel precisely the same about this matter. It is a known fact that any community that is continually stifled in its efforts to grow and improve itself sooner or later dies.

Yours sincerely,

*Ila Brough*  
Ila L. Brough

ILB:nc

CC: Mr. & Mrs. Donald Miller

EXHIBIT NO.	12
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MILLER	
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6-22-97

Att: Jo Ginsburg  
Appeal No. A-1-FTB-97-33

I think Don and Helen Miller's  
project should go forward as  
expediently as possible.

They have followed all  
the rules and given all the  
information requested. Please  
get this project started as  
soon as possible.

Sincerely,  
Barbara L. Spear

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COASTAL COMMISSION

EXHIBIT NO. 13

APPLICATION NO.  
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Correspondence

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CALIFORNIA  
COASTAL COMMISSION

July 8, 1997

Attn.: Jo Ginsberg - Appeal No. A-1-FTB-97-33  
CALIFORNIA COASTAL COMMISSION  
North Coast Area  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219

Dear Mr. Ginsberg,

This letter is in support of Don and Helen Miller's proposed rebuilding of the Ocean View Motel on Highway 1 in Fort Bragg.

The present structure is old and in need of repair, while the proposed new structure would not only enhance the area, but also attract the additional tourists this town so desperately needs to survive.

I have been a North Coast resident for four years, and am continually dismayed by the slow political process brought on by small radical fringe groups who have no understanding of the economic necessities of the region. While I do not support unchecked growth and development in the area, I do believe any improvement to an existing property should be allowed to go forward.

Again I support the Miller's project and urge that the Coastal Commission approve the proposed structure immediately.

Sincerely,



Brad Clark  
P.O. Box 382  
Little River, CA 95456

EXHIBIT NO.	14
APPLICATION NO.	A-1-FTB-97-33
MILLER	
Correspondence	

