

CALIFORNIA COASTAL COMMISSION

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Filed:	April 26, 1999
49 th Day:	June 14, 1999
180 th Day:	October 23, 1999
Staff:	Jo Ginsberg
Staff Report:	May 21, 1999
Hearing Date	June 7, 1999
Commission Action:	

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **A-1-FTB-98-38-A**

APPLICANTS: **ROBERT A. HUNT**

PROJECT LOCATION: 1101/1111 North Main Street, Fort Bragg, Mendocino County, APNs 069-241-09 and 069-241-37.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: (1) Construction of a two-story, 25-foot-high, 45-unit motel addition, reception room, parking, and landscaping, and (2) demolition of four rental structures and outbuildings.

DESCRIPTION OF AMENDMENT: Revise two special conditions concerning water supply and conservation to allow use of an existing on-site domestic water well to serve the entire motel, rather than requiring the development to be connected to the City water system.

SUBSTANTIVE FILE DOCUMENTS: City of Fort Bragg Local Coastal Program; Fort Bragg CDP 4-96/SCR 6-96/VAR 4-96; Final EIR for the Beachcomber Motel Addition.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the requested amendment to the coastal development permit originally granted for construction of a 45-unit motel addition, reception room, parking, and landscaping, and demolition of four rental structures and outbuildings.

In its initial approval of CDP 4-96 for construction of a 45-unit motel addition to an existing 27-unit motel, the City of Fort Bragg attached mitigation measures that required that the proposed development use City water and sewer services, and that the existing well be used on-site only for landscaping. The City also required a number of water-saving measures, including requiring that the existing well be connected to the City's water system, or, if the City did not accept the existing well to become part of the City's water system, that sufficient retrofits had to be completed so that no net new water demand would be generated by the project, etc. The Commission, when it found that the appeal of this project raised a substantial issue, also attached to the project de novo the same conditions regarding water use and conservation (Special Conditions No. 8 and 9 of Coastal Permit No. A-1-FTB-98-38).

Since then, the City has revisited the water situation for the site. A City Water Committee met and decided that under certain circumstances, it would be appropriate to allow on-site wells to serve new development, if water testing concluded that the on-site water supply was adequate in terms of quality and quantity, and would not impact adjacent groundwater wells. The City passed Ordinance No. 812-99, amending certain sections of the Fort Bragg Municipal Code concerning the use of domestic wells, and will submit to the Commission an LCP Amendment seeking to revise the relevant sections of the LCP to reflect these changes.

Pending action on this LCP Amendment, the City passed Resolution No. 2304-99 amending a mitigation measure for the Beachcomber Motel to provide water from an existing well (see Exhibit No. 5). Mitigation Measure 3.3-A of the City's Mitigated Negative Declaration for the project was amended "to permit the direct use of water from the existing well on the Project site as the water source for the expanded motel."

The applicant, with the City's support, seeks to amend his coastal permit such that Special Conditions No. 8 and 9 are modified to reflect this change. Staff recommends approval of the proposed amendment, as it will eliminate a further burden on the City's limited water supply by allowing the applicant to provide water for the development on his site with an existing water well for which a satisfactory hydrologic study was performed. The proposed amendment request is consistent with the policies of the current LCP, which states that "All new development within the coastal zone shall be connected to the City water and sewer system. Limited exceptions may be allowed in special or hardship cases." The City considers the subject case to be a "special" case, and thus an exception under the current LCP is appropriate. Staff thus believes that the proposed development with the proposed amendment is consistent with the certified Fort Bragg LCP, which is the standard of review for this project.

STAFF NOTES

1. Standard of Review.

The City of Fort Bragg has a certified Local Coastal Program. This project, which is in the City's coastal permit jurisdiction, came to the Commission on appeal. The Commission found that a substantial issue existed, and approved the project de novo, with conditions. As the development is located within a certified area, the City of Fort Bragg's LCP, not the Coastal Act, is the standard of review.

2. Procedural Note.

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

In this case, the applicant submitted an amendment request that seeks to modify two special conditions of the original permit. First, the amendment seeks to revise Special Condition No. 8, to eliminate requirements that the development use City water services, and that the existing well be used on-site only for landscaping purposes. The City's LCP currently requires new development to connect to City water, unless special or hardship circumstances exist. According to City staff, the LCP included this requirement because at the time of certification, the area between the Noyo River and Pudding Creek, which then comprised most of the City, was known to have very shallow groundwater, and the water drawn from that area was inadequate in terms of both water quantity and water quality. Thus, to ensure that new development would be supplied with adequate water, the City required all new development to connect to City water, which was at that time the most reliable and safe source of water. City water is drawn from the Noyo River. Since that time, the City has developed a severe water supply problem, and due to fish bypass flow requirements, now has limited water supply available from the Noyo River. In addition, the area north of Pudding Creek, which includes the subject site, has been annexed by the City; this area is part of a different groundwater basin, and has deeper, more abundant groundwater. Hydrologic testing has been demonstrated that the well on the subject site can provide adequate and safe water for the entire motel project. By using the existing well on the site to serve the development, the City's limited water supply will be unaffected. Thus, the proposed change to Special Condition No. 8 is consistent with the intent of the LCP, which is to ensure safe and adequate water for new development. As Special Condition No. 8 was attached to the original permit based on this LCP policy, the proposed change to the condition is also consistent with the intent of the approved permit.

The amendment also seeks to revise Special Condition No. 9, which requires the use of various water-saving measures such as retrofits to offset the demand for water the motel project would have placed on the City water system. These measures will no longer be necessary under the proposed amendment, as the development would be served by the existing well rather than by City water service. Since the purpose of this condition was to conserve City water, and City water will be conserved by allowing the use of the existing well to serve the development, the proposed change to Special Condition No. 9 is consistent with the intent of the original condition. Thus, the proposed amendment will not lessen or avoid the intent of the approved permit.

In addition, there is also newly discovered material information in the form of the City's new policy to allow domestic wells to be used on-site under specified circumstances. The City has passed a resolution amending the Fort Bragg Municipal Code, as well as passing a resolution amending the Local Coastal Plan, and intends to submit to the Commission an LCP amendment that seeks to change certain LCP policies regarding water use. The City also passed Resolution No. 2304-99 amending an EIR mitigation measure for the Beachcomber Motel (the subject development) which required that the on-site well be used only for landscaping, and that the development be connected to City water. The basis of the EIR mitigation measure was the requirement that there would be no net new water demand on the City's water supply generated by the project. Resolution No. 2304-99 allows water from the existing on-site well to serve the development, consistent with the intent of the mitigation measure, as the hydrological study confirmed that the well capacity is adequate, and will have no significant effect on neighboring wells. Staff thus determined that the amendment request can be accepted for processing and should be heard before the Commission.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION:

I move approval of Application No. A-1-FTB-98-38-A.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a "YES" vote, resulting in the adoption of the following resolution and findings. To pass the motion requires an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT AMENDMENT:

The Commission hereby approves the proposed amendment to the coastal development permit, on the grounds that the proposed development with the proposed amendment will be in conformity with the provisions of the certified City of Fort Bragg LCP. Granting of the permit amendment would comply with the California Environmental Quality Act because there are no feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. Standard Conditions: See attached.

III. Special Conditions:

Special Conditions No. 8 and 9 of the original permit have been revised, as described below. All other special conditions of Coastal Permit No. A-1-FTB-98-38 shall remain the same.

8. Sewer Modifications:

The development shall use City sewer services.

9. Water-Saving Measures:

To minimize water use resulting from the project, and ensure that no net new water demand will be generated by the project, the applicant shall implement the following measures:

- a) The applicant shall use an on-site well for all water use, thus having no impact on the City of Fort Bragg's water system.
- b) All landscaping shall be drought-tolerant vegetation and irrigated by the existing well on the property. The irrigation system design shall be a low emission or drip system. The irrigation system shall be timed for watering only between 6 p.m. and 6 a.m. No overspray into non-landscaped areas shall be permitted.
- c) All spas/hot tubs shall meet County Health Department requirements.

IV. FINDINGS AND DECLARATIONS:

The Commission finds and declares the following:

1. Project and Site Description:

The subject site is located immediately south of the existing 27-unit Beachcomber Motel, on the bluff along the north side of the mouth of Pudding Creek, between Highway One and the Old Haul Road in MacKerricher State Park. The general area includes motel development along the

west side of Highway One, as well as across Highway One southeast of the project site. To the south is the Pudding Creek Beach and estuary, while to the west is an undeveloped portion of MacKerricher State Park that includes the old Haul Road. The old Haul Road is now a popular, heavily used public pedestrian and bicycle path that runs for several miles north along the coastal bluffs.

The original project consisted of the construction of a 45-unit motel addition, comprised mostly of three separate new buildings, one building with 18 units, another with 14, and a third with 11. In addition, the project included a two-story building housing a reception room and two additional motel units, parking, landscaping, and demolition of four rental structures and outbuildings. (See Exhibits 3 and 4). As originally approved, the project was to be served by City water, with project landscaping to be irrigated with water derived from an existing well currently serving the existing Beachcomber Motel. Another well on the project site was required to be abandoned, and, in fact, has already been sealed.

The proposed amendment request seeks to modify two special conditions of the original permit, Special Conditions 8 and 9. Special Condition No. 8, as approved by the Commission, reads as follows:

8. Water/Sewer Modifications:

The development shall use City water and sewer services. The existing well shall be used on-site only for landscaping purposes.

The amendment seeks to replace this condition with the following condition:

9. Sewer Modifications:

The development shall use City sewer services.

Special Condition No. 9, as approved by the Commission, reads as follows:

9. Water-Saving Measures:

To minimize water use resulting from the project, and ensure that no net new water demand will be generated by the project, the applicant shall implement the following measures:

- a) If the City is in agreement, the existing well shall be connected to the City's water system.
- b) If the City does not accept the existing well to become part of the City's water supply system, sufficient retrofits must be completed so that no net new water demand will be generated by the project. If retrofits are

required, the applicant shall hire a contractor to retrofit residential units now being served by the City's water system which do not have low flow water fixtures. The City shall determine the adequate number of required retrofits.

- c) 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.
- d) All landscaping shall be drought-tolerant vegetation and irrigated by the existing well on the property. The irrigation system design shall be a low emission or drip system. The irrigation system shall be timed for watering only between 6 p.m. and 6 a.m. No overspray into non-landscaped areas shall be permitted.
- e) Upon completion and occupancy of the project, if retrofits have been completed and actual metered use of water should exceed the average of 60 gpd/unit, additional retrofit requirements will be applied and must be provided by the property owner until the water use is reduced so that there is no net new demand. One year after initial occupancy of the motel addition, the applicant shall submit written proof to the City and for the review and approval of the Executive Director of the Coastal Commission, that demonstrates that this requirement has been satisfied.
- f) All spas/hot tubs shall meet County Health Department requirements.

The amendment seeks to replace this condition with a new condition that would replace parts a, b, c, and e of the existing condition with a requirement that the applicant shall use the on-site well for all water use. The other requirements of the existing condition would be retained. The proposed change seeks to eliminate requirements that the development hook up to the City water system, and requirements that if the City does not accept the existing well as part of the City's water supply system, then retrofits must be completed. The new condition would read as follows:

9. Water-Saving Measures:

To minimize water use resulting from the project, and ensure that no net new water demand will be generated by the project, the applicant shall implement the following measures:

- a) The applicant shall use an on-site well for all water use, thus having no impact on the City of Fort Bragg's water system.
- b) All landscaping shall be drought-tolerant vegetation and irrigated by the existing well on the property. The irrigation system design shall be a low emission or drip system. The irrigation system shall be timed for watering only between 6 p.m. and 6 a.m. No overspray into non-landscaped areas shall be permitted.

- c) All spas/hot tubs shall meet County Health Department requirements.

2. Project History.

The City Planning Commission approved a previous version of the project in July 1996, after having approved a Negative Declaration. The Friends of Fort Bragg appealed the Commission's decision to the City Council, arguing that the Negative Declaration was deficient, and that the approved findings, mitigation measures, and conditions were inadequate to mitigate significant impacts on the environment. The Friends of Fort Bragg also requested a reconsideration and denial of a City-approved variance, and requested that an EIR be prepared for the project.

In August 1996, based on this appeal, the City rescinded its earlier approval and required the preparation of an EIR on the project. The project was then modified, with the number of units being reduced from 50 to 46, and with one continuous building being eliminated in favor of three new buildings. On February 25, 1998, the Planning Commission denied the Coastal Permit, Scenic Corridor Review, Use Permit, and Variance request. On March 23, 1998, the City Council heard an appeal by the applicant of the Planning Commission's decision. The City Council upheld the appeal, and reversed the Planning Commission's decision, thus approving the project as modified. The applicant reduced the height to 25 feet, thus eliminating the need for a use permit.

The decision by the City Council was appealed to the Commission, who found on June 11, 1998 that the appeal raised a Substantial Issue, and subsequently approved the project de novo, with a number of special conditions, including conditions regarding water service and water-saving measures that reflected the intent of the mitigation measures the City adopted for the project when it was processing its permit for the motel addition.

3. New Development/Water Resources:

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. The Public Works Department supervised a series of test well drillings on the site, and determined, based on the resulting hydrologic study, that the existing well on the site has sufficient capacity to safely service the project, and that it will not adversely affect neighboring wells. The Commission thus finds that the proposed development with the proposed amendment is consistent with LUP Policy XV-9 of the certified Fort Bragg LCP.

LUP Policy XV-8 states that all new development within the coastal zone shall be connected to the City water and sewer system, and that limited exceptions may be allowed in special or hardship cases.

Zoning Code Section 18.61.022(A)(1) states that all new development in the Coastal Zone for which water or sewer service is needed shall be connected to the city water or sewer systems, and that limited exceptions to this requirement may be allowed by the approving authority in special or hardship circumstances and where accompanied by specific findings. Section 18.61.022(A)(2) states that existing development in the Coastal Zone currently utilizing well and/or septic systems that do not meet health standards shall convert to city water and sewer.

Zoning Code Section 18.61.029(A)(2) 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, except where the approving authority makes specific findings that there are special or hardship circumstances.

The City of Fort Bragg's water supply is very limited, and the groundwater table is particularly shallow in the area between the Noyo River and Pudding Creek. To allow for new growth, the City requires that new development result in no new net demand on the City's water supply. Normally, the City requires that new development connect to the City's water service, and requires developers to retrofit toilets and other plumbing fixtures elsewhere in town to gain a measure of water savings and to apply the water saved through these retrofits to the developer's proposed project. When the City initially approved the motel addition project, it required a mitigation measure providing for the subject project to be connected to City water, and for the developer to either connect his existing on-site well to the City's water system, or, if the City didn't accept the existing well to become part of the City's water supply system, to complete retrofits on residential units within the town that were being served by the City's water system but did not have low-flow water fixtures. The Commission, when it approved the project de novo, subsequent to finding that the appeal raised a substantial issue, attached similar conditions to its coastal permit for the purpose of ensuring that no net new water demand would be generated by the project.

Since that time, the City established a Water Committee to re-evaluate the water situation in Fort Bragg. The Water Committee was established as a sub-committee of the Public Works Committee and included private citizens and two City Council members, functioning as a citizen's advisory group. The Water Committee determined that it might be appropriate under certain circumstances for domestic wells to serve new development in lieu of connecting to the City's water system. As a result, the City passed Ordinance No. 812-99 amending certain sections of Fort Bragg's Municipal Code (see Exhibit No. 7) to allow domestic wells on a permanent basis in lieu of connecting to the City's water system under specified circumstances. These circumstances would include, but not be limited to, a hydrological study being prepared that concludes that the well would support the proposed land use with no significant impact on adjacent groundwater wells, and that the water quality from the well was found acceptable to the State Department of Health or other appropriate agency. The City also passed Resolution No. 2307-99 (see

Exhibit No. 8), amending various sections of the Local Coastal Plan to allow on-site wells to serve new development under certain circumstances, and intends to submit soon a proposed LCP Amendment to the Commission for certification to reflect these changes.

In addition, the City passed Resolution No. 2304-99 (see Exhibit No. 5) amending a mitigation measure adopted pursuant to the EIR for the Beachcomber Motel to provide water from an existing well. The resolution states that the Public Works Department had supervised a series of test well drillings on the project site, and based on the resulting hydrologic study, determined that the mitigation measure concerning water supply for the subject site was not necessary because the existing well on the project site has sufficient capacity to safely service the project. The City thus revised the mitigation measure to permit the direct use of water from the existing well on the project site as the water source for the expanded motel.

The proposed changes to the LCP will spell out the specific circumstances under which an on-site well can provide water for new development. As noted above, the City's certified LCP currently allows an exemption to the requirement that all new development constructed in the City's coastal zone must be connected to the city water *where the approving authority makes specific findings that there are special or hardship circumstances*. The LCP currently does not specify what these "special circumstances" might be. In this case, the City has made specific findings for the subject development via Resolution No. 2304-99, delineating the special circumstances in this case. The Commission thus finds that the proposed project with the proposed amendment is therefore consistent with LUP Policy XV-8, and Zoning Code Sections 18.61.022(A) and 18.61.029(A)(2).

In conclusion, the Commission thus approves the proposed development with the proposed amendment on the grounds that allowing the existing domestic well to serve the entire motel project will protect water resources as it will eliminate an additional burden on the City's limited water system, and will adequately and safely serve the development on the site, consistent with the City of Fort Bragg's certified LCP.

4. 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)(A) 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.

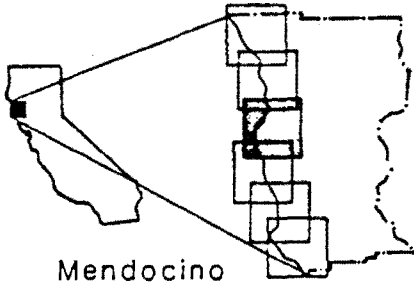
The proposed amendment has been conditioned to be found consistent with the policies of the certified LCP and to minimize all adverse environmental effects. Mitigation measures have been imposed requiring (1) that the applicant to use an on-site well for all water use; (2) that landscaping be drought-tolerant and irrigated using a low emission or drip system that is timed for watering only between 6 p.m. and 6 a.m., with no overspray into non-landscaped areas permitted; and (3) that all spas/hot tubs meet County Health Department requirements.

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 amendment, as conditioned to mitigate the identified impacts, can be found consistent with Coastal Act requirements to conform to CEQA.

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-98-38-A

HUNT

LOCATION MAP

APPROXIMATE
LOCATION

PACIFIC

MACKERRICHER BEACH
STATE PARK

COASTAL

Fort Bragg

Noyo

Noyo

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LOCATION MAP



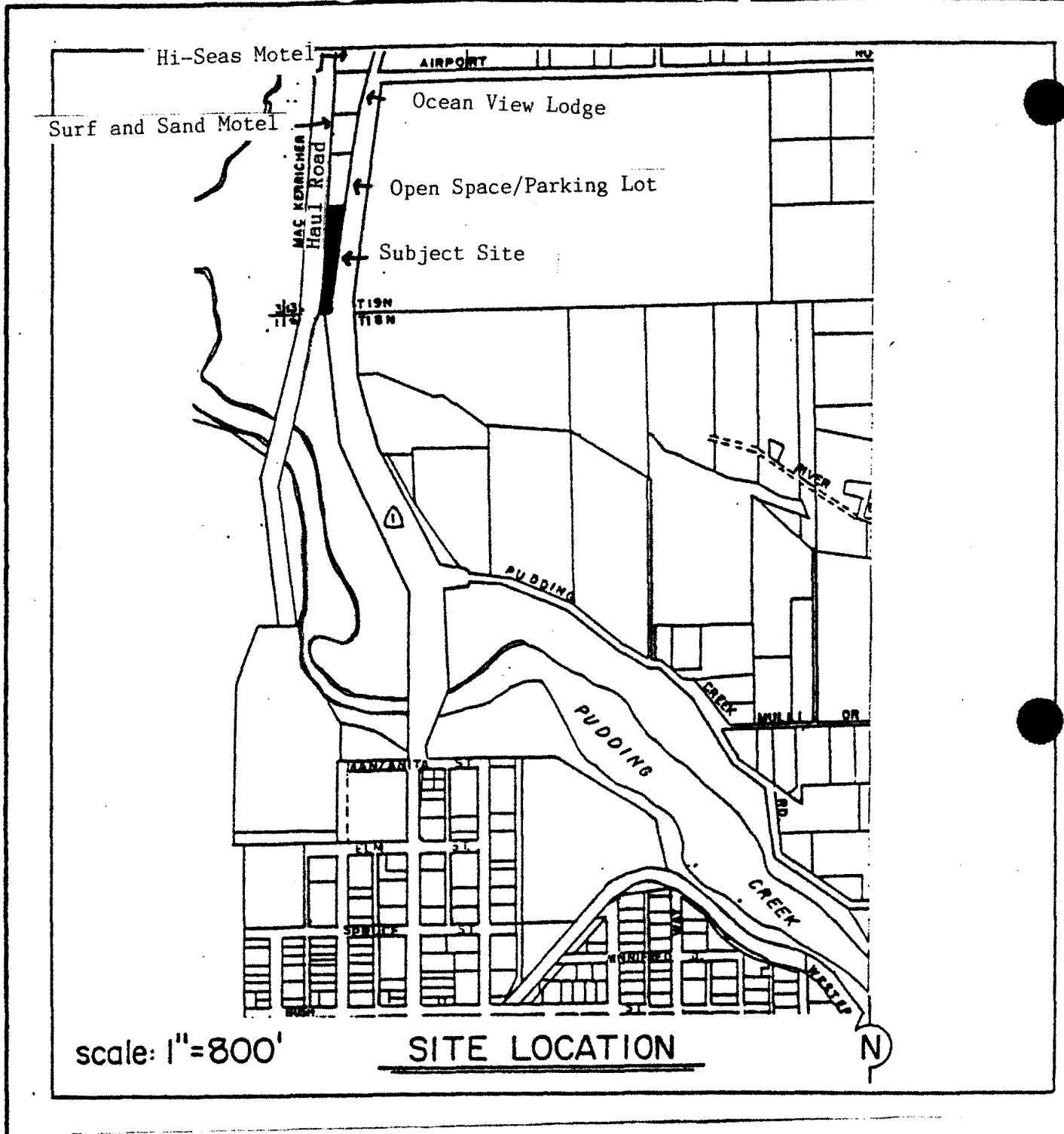


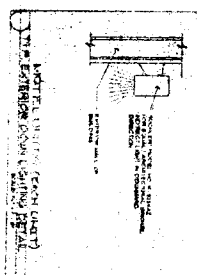
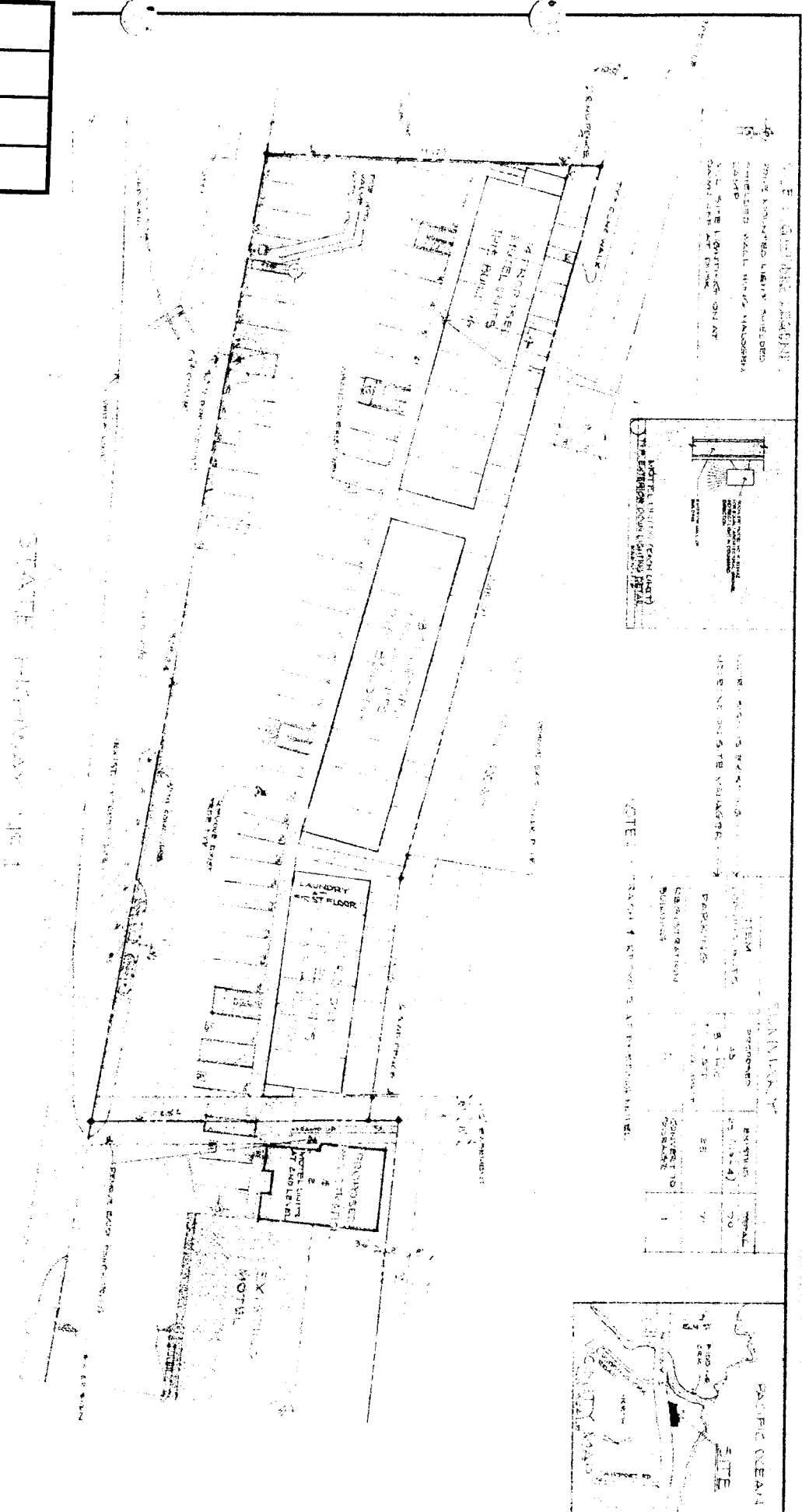
EXHIBIT NO. 2
APPLICATION NO. A-1-FTB-98-38-A
HUNT
Site Location

EXHIBIT NO. 3

APPLICATION NO.
A-1-FTB-98-38-A

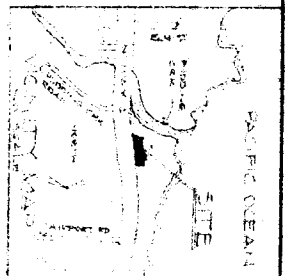
HUNT

Site Plan



NOTE: SEE ARCH. & ENGINEER'S SITE SPECIFICATIONS.

NO.	DESCRIPTION	AREA (SQ. FT.)	REMARKS
1	PARKING	70	
2	LAUNDRY	20	
3	TRUCK WASH	20	
4	ENTRANCE	20	
5	REAR COURT	20	
6	TRUCK WASH	20	
7	TRUCK WASH	20	
8	TRUCK WASH	20	
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BEACHCOMBER MOTEL

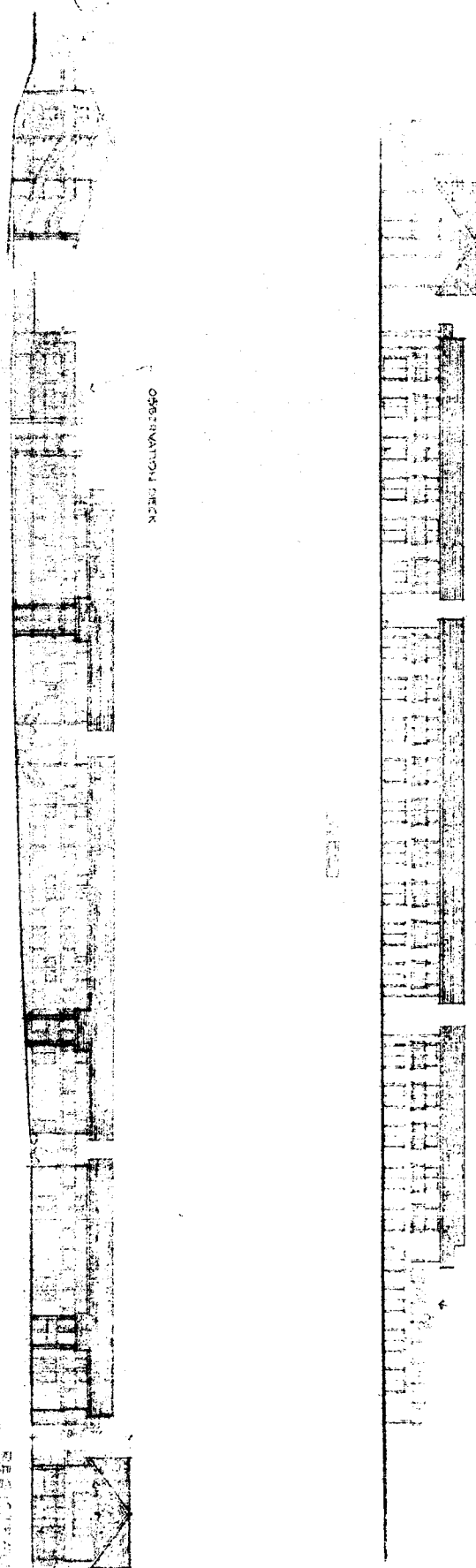
EDWARD TAUBOLD ARCHITECT
1430 TAUBOLD CT.
PORT BRADDOCK, WA 98148
C-06303
PH: 206 944 8748

EXHIBIT NO. 4

APPLICATION NO.
A-1-FTB-98-38-A

HUNT

Motel Addition



BEACHCOMBER MOTEL
 1000 S. BEACH
 OCEAN BEACH, CALIF. 92038
 EDWARD TAUBOLD AIA
 ARCHITECT
 1000 S. BEACH
 OCEAN BEACH, CALIF. 92038
 TEL. (619) 435-1111
 FAX (619) 435-1112
 WWW.EDWARDTAUBOLD.COM

BEACHCOMBER MOTEL

EDWARD
 TAUBOLD AIA
 ARCHITECT
 1000 S. BEACH
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 WWW.EDWARDTAUBOLD.COM

RESOLUTION NO. 2304-99

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT BRAGG
AMENDING A MITIGATION MEASURE FOR THE BEACHCOMBER MOTEL
TO PROVIDE WATER FROM AN EXISTING WELL**

WHEREAS, Robert Hunt ("Applicant") applied to the City for approval to expand a motel (the "Project"); and

WHEREAS, an Environmental Impact Report (EIR) for the Project was certified by the City Council; and

WHEREAS, the City adopted CEQA findings for the Project, including a Mitigation Monitoring Program (MMP); and

WHEREAS, the EIR determined that the Project would require the City to provide 2,760 gallons of public water per day; and

WHEREAS, the MMP required said impact to be mitigated by: 1) accepting the existing well as part of the City's water supply system; 2) completing retrofits to off-set any increases in demand; or 3) securing a well or other alternative water source to off-set any increases in demand (Mitigation Measure 3.3-A); and

WHEREAS, following the certification of the EIR and adoption of the MMP, the Public Works Department supervised a series of test well drillings on the Project site, and based on the resulting hydrologic study, determined that the above mitigation measure is not necessary because the existing well on the Project site has sufficient capacity to safely service the Project; and

WHEREAS, the City Council wishes to modify Mitigation Measure 3.3-A to provide that the Project will be served by the existing well on the Project site.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fort Bragg that:

1. Mitigation Measure 3.3-A is hereby revised to state:
"to permit the direct use of water from the existing well on the Project site as the water source for the expanded motel."
2. Pursuant to Public Resources Code sections 15162 and 15164(c), the City Council finds, based upon substantial evidence in the record, that this change to the Project does not require preparation of a subsequent EIR, a supplemental EIR or other additional CEQA documentation because there are no "substantial changes" with respect to the project or the circumstances under which the project is undertaken, and there is no "new information of substantial importance" as those terms are defined in Public Resources Code section 15162.

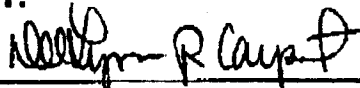
The above and foregoing Resolution was introduced by Councilmember Gjerde,

EXHIBIT NO.	5
APPLICATION NO.	A-1-FTB-98-38-A
	HUNT
Resolution No.	2304-99

seconded by Councilmember Melo, and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 29th day of March, 1999, the following vote:

AYES: Councilmembers Melo, Benedetti, Gjerde, Peters, and Mayor White.
NOES: None.
ABSENT: None.

ATTEST:



DeeLynn R. Carpenter, CMC, City Clerk



MICHELE WHITE, Mayor

Z:\Public Hearings & Notices (formerly TXTDOC)\1999\RESO2304-99.doc

EXHIBIT NO.	5
APPLICATION NO.	A-1-FTB-98-38-A
	HUNT
Resolution No.	2304-99



EXHIBIT NO.	6
APPLICATION NO.	A-1-FTB-98-38-A
HUNT	
Staff Report for Resolution 2304-99	

CITY OF FORT BRAGG

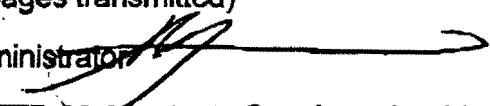
Incorporated August 5, 1889
 416 N. Franklin St.
 Fort Bragg, CA 95437
 FAX 707-961-2802

RECEIVED
 APR 21 1999
 CALIFORNIA
 COASTAL COMMISSION

FAX MEMORANDUM

Date: April 21, 1999

To: Jo Ginsberg, Coastal Planner, California Coastal Commission
 FAX (415) 904-5400 (5 pages transmitted)

From: James Murphey, City Administrator 

Subject: Amendment to CDP A-1-FTB-98-38 (Hunt - Beachcomber Motel Project)

Enclosed are the staff reports related to Resolution 2304-99 which you have requested and which pertain to the above project. The first report was prepared by City Staff for the City Council meeting of March 22, 1999 at which time the City Council made pertinent findings, approved the use of the private well as an acceptable mitigation measure and directed the preparation of the above resolution. Note reference to the Coastal Commission's approval of the permit in the report. The second report was prepared for the City Council meeting of March 29, 1999 at which time the City Council adopted the pertinent resolution.

If you need any additional information or clarification from the City please contact me at 707-961-2823.

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MEETING DATE**March 22, 1999**

EXHIBIT NO.	6
APPLICATION NO.	A-1-FTB-98-38-A
	HUNT
	Staff Report for Resolution 2304-99

DEPARTMENT**Administration****BEACHCOMBER MOTEL (HUNT) WATER MITIGATION MEASURE & MONITORING
AMENDED****SUMMARY**

The Assistant City Attorney has reviewed the original Summary Report. He has recommended that three additional findings be added and that a resolution prepared for adoption at the next meeting. The bulk of the report remains the same.

The proposal is to provide that the use of the existing well for both the old and new portions of the motel is an acceptable mitigation measure in that it meets the basic requirement for mitigation of Impact 3.3-A and that there are special circumstances in this case as described below.

The basis of the EIR mitigation measure for Impact 3.3-A was the requirement that there will be no net new water demand on the City's water supply generated by the project. The first mitigation option of this requirement was that the City accept the existing well serving the motel as part of the City's water supply system and another was that a well might be developed in another part of the City to offset new water demand. These were due to the provision in the LCP that required that all new development be connected to the water system with limited exception to be allowed in special or hardship circumstances.

The existing well on the site had a hydrologic study which confirmed that the well capacity was more than needed for both the existing and new development and had no significant effect on neighboring wells. Further the system is a private system approved by a State agency. The City has initiated an ordinance which is to be adopted at this meeting that defines the special circumstance for permitting use of private wells for development. The well on this site meets those requirements. It is in the best interest of the City to allow use of private wells in certain circumstances in order to reduce the City's dependence on surface water sources. Neither does it seem reasonable, as provided in an alternate mitigation, to accept a well in another area of the City and not at this location where proper testing for capacity and water quality has been completed.

It is to be noted that the Coastal Commission, having approved the development permit on appeal, must also approve this revised mitigation measure as an amendment to the permit.

RECOMMENDATION

A. Make the following finding that there are special circumstances related to this site and project, specifically:

1. The site has a well that conforms to the provisions of Ordinance 812-99 as being adopted that relates to such wells.

- 2. It is in the better interest of the City to permit the use of the well as a private well rather than accepting it as a part of the City's water supply system due to ongoing oversight, testing and monitoring requirements;
- 3) It is in the best interest of the City to allow use of private wells in certain circumstances in order to reduce the City's dependence on surface water sources;
- 4) Use of the private well for all uses on the site meets the basic requirement of the EIR that there will be no net new water demand on the City's water supply generated by the project;
- 5) An Environmental Impact Report for the project was certified by the City Council.
- 6) The City Council approved the required CEQA findings for the project, including a Mitigation Monitoring Program.
- 7) Pursuant to Public Resources Code sections 15162 and 15164(e), THE City Council has determined, based on substantial evidence in the record that the proposed changes do not require preparation of a subsequent EIR or other additional CEQA documentation because there are no "substantial changes with respect to the project or the circumstances under which the project is undertaken, and there is no "new information of substantial importance" as those defined in Public Resources Code section 15162.

- B. Approve the use of the private on site well as an acceptable mitigation measure for Impact 3.3-A.
- C. Prepare a Resolution for action at the next meeting adopting the above findings.

MOTION ON RECOMMENDATION

A. Motion to make the following finding that there are special circumstances related to this site, and project specifically:

- 1. The site has a well that conforms to the provisions of Ordinance 812-99 as being adopted that relates to such wells.
- 2. It is in the better interest of the City to permit the use of the well as a private well rather than accepting it as a part of the City's water supply system due to ongoing oversight, testing and monitoring requirements;
- 3) It is in the best interest of the City to allow use of private wells in certain circumstances in order to reduce the City's dependence on surface water sources;
- 4) Use of the private well for all uses on the site meets the basic requirement of the EIR that there will be no net new water demand on the City's water supply generated by the project;
- 5) An Environmental Impact Report for the project was certified by the City Council.
- 6) The City Council approved the required CEQA findings for the project, including a Mitigation Monitoring Program.
- 7) Pursuant to Public Resources Code sections 15162 and 155164(e), the City Council has determined, based on substantial evidence in the record that the proposed changes do not require preparation of a subsequent EIR or other additional CEQA documentation because there is no "substantial changes with respect to the project or the circumstances under which the project is undertaken, and there is no "new information of substantial importance" as those defined in Public Resources Code section 15162.

- B. Motion to a approve the use of the private on site well as an acceptable mitigation measure for Impact 3.3-A.
- C. Motion to direct staff to prepare a Resolution adopting the above findings for action at the next meeting.

EXHIBIT NO.	6
APPLICATION NO.	A-1-FTB-98-38-A
HUNT	
Staff Report for Resolution 2304-99	



MEETING DATE
March 29, 1999

DEPARTMENT
Community Development

CITY OF FORT BRAGG

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

AGENDA ITEM SUMMARY REPORT

Resolution 2304-99; Amending Findings of Fact relating to the Beachcomber Motel Expansion Project

SUMMARY

Distribution of this report was delayed pending completion of the resolution. This item pertains to the Coastal Development Permit and related EIR approved for the Beachcomber Motel expansion at 1111 N. Main St. At their last meeting the City Council made certain findings related to circumstances related to the site, an existing well thereon, and the appropriateness of permitting use of the well to serve both the existing motel and the expansion rather than requiring the use of water from the City system or other listed mitigation measures, including acceptance of the well as part of the City's system. Based on those findings the City Council approved the use of the private on site well as an acceptable mitigation measure for Impact 3.3-A. as stated in the project EIR, specifically, that the project will result in no net increase in water demand or consumption, i.e. from the City's existing system.

This resolution incorporates the findings and decision of the City Council and formalizes those actions.

RECOMMENDATION

Adopt Resolution 2304-99.

MOTION PURSUANT TO RECOMMENDATION

Motion to adopt Resolution 2304-99.

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EXHIBIT NO.	6
APPLICATION NO.	A-1-FTB-98-38-A
HUNT	
Staff Report for Resolution 2304-99	

COUNCIL ACTION

APPROVE: _____
DENY: _____
TABLE: _____ **UNTIL** _____
RECEIVE & FILE: _____
MASTER FILE: # _____

AGENDA ITEM # 3

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

An Ordinance Amending Fort Bragg Municipal Code Chapter 14.04 WATER DEPARTMENT AND REGULATIONS, Chapter 18.07 COASTAL ZONE DEFINITIONS, CHAPTER 18.34 I-H HEAVY INDUSTRIAL ZONE, Chapter 18.61 COASTAL ZONE COMBINING ZONE, and certain sections of Fort Bragg's Local Coastal Plan and Land Use Program.

CORRECTED
ORDINANCE NO. 812-99

THE CITY COUNCIL OF THE CITY OF FORT BRAGG DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Fort Bragg Municipal Code Chapter 14.04 WATER DEPARTMENT AND REGULATIONS, Section 14.04.125 Wells for domestic use, is hereby repealed in its entirety and amended to read as follows:

"14.04.125 "Wells for domestic use

For the purposes of this chapter, wells for domestic use, shall be construed as wells for residential, commercial and industrial uses with water quality suitable for human consumption and other personal needs.

The City of Fort Bragg will allow connection of appropriately permitted new domestic wells only during a time of a water hook-up moratorium, i.e. where a moratorium on water connections or added use has been imposed by a State agency or the City, or when there is an absence of infrastructure to serve the property. Once the moratorium is lifted or the necessary infrastructure is provided, the property owner must connect to the city water system within 60 days of written notice from the City and convert the domestic well to a non-domestic well (see Section 14.04.127).

A. EXCEPTIONS:

1. Domestic wells existing prior to June 9, 1994 shall be recognized by the city as legally allowable .
2. The City of Fort Bragg may allow domestic wells on a permanent basis in lieu of connecting to the City's water system under specified circumstances. Specified circumstances would include, but are not limited to:
 - a. A well having hydrological study conducted by a licensed professional during the dry summer months, said study concluding that the well would support the proposed land use and there that would be no significant impact on adjacent ground water wells; AND
 - b. The water quality from said well is found acceptable to the State Department of Health Services or other appropriate agency.

B. Where any well is located on a property where there is also a connection to the City's water system, there must be an approved backflow prevention device installed at the water service connection.

Except as amended, Chapter 14.04, is hereby reaffirmed.

Section 2. Fort Bragg Municipal Code Chapter 18.07 COASTAL ZONE DEFINITIONS, Section 18.07.060, *Aquaculture*, is hereby repealed in its entirety and amended to read as follows:

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APPLICATION NO.	A-1-FTB-98-38-A
	HUNT
Ordinance No.	812-99

EXHIBIT "A"

"18.07.060 Aquaculture.

"Aquaculture" means a form of agriculture as defined in Section 17 of the Fish and Game Code. Aquaculture products are agricultural products, and aquaculture facilities and land uses shall be treated as agricultural facilities and land uses in all planning and permit-issuing decisions governed by this code. Aquaculture shall not be construed as being included in provisions for "crop and tree farming" as permitted in certain portions of this code.

Except as amended, Chapter 18.07 is hereby reaffirmed.

Section 3. Fort Bragg Municipal Code Chapter 18.34 I-H HEAVY INDUSTRIAL ZONE, Section 18.34.020 Uses is hereby amended, in part, as follows:

Land Uses	I-H	I-H-CZ
...		
Aquaculture		P
...		
Any use similar to those specified above which the planning commission finds to conform with the purpose and intent of this chapter and to be compatible and appropriate to the district in which it is proposed	UP	<u>UP ...</u> "

Except as amended, Chapter 18.34 is hereby reaffirmed.

Section 4. Fort Bragg Municipal Code Chapter 18.61 COASTAL ZONE COMBINING ZONE, Section 18.61.029 Public works (A)(2) is hereby repealed in its entirety and amended to read as follows:

"18.61.029 Public Works

- ...
- A. 2. 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, except as provided in Fort Bragg Municipal Code Section 14.04.125, where the approving authority makes findings that specified circumstances exist related to the use of a private well, and as provided in Section 14.04.127. The specified circumstances under Section 14.04.125 would include, but are not limited to:
- a. A well having a hydrological study conducted by a licensed professional during the dry summer months, said study concluding that the well would support the proposed land use and that there would be no significant impact on adjacent ground water wells; AND
 - b. The water quality from said well is found acceptable to the State Department of Health Services or other appropriate agency. ..."

Except as amended, Chapter 18.61 is reaffirmed.

Section 5. Local Coastal Program Manual, Section C LAND USE PLAN, Chapter VI WATER AND MARINE RESOURCES, Subsection F. Water and Marine Resources Policies, Policy VI-1/XV-2, is hereby repealed in its entirety and amended to read as follows:

"F. Water and Marine Resources Policies

- B. Policy VI-1/XV-2: 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, except as provided in Fort Bragg Municipal Code Section 14.04.125, where the approving authority makes findings that specified circumstances exist related to the use of a private well, and as provided in Section 14.04.127. The specified circumstances under Section 14.04.125 would include, but are not limited to:

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C.

- 1) A well having a hydrological study conducted by a licensed professional during the dry summer months, said study concluding that the well would support the proposed land use and that there would be no significant impact on adjacent ground water wells; AND
- 2) The water quality from said well is found acceptable to the State Department of Health Services or other appropriate agency.

Section 6. Local Coastal Program Manual, Section C **LAND USE PLAN**, Chapter XV PUBLIC WORKS, Subsection E. Public Works Policies, Policy VI-XV-2, is hereby repealed in its entirety and amended to read as follows:

"E. Public Works Policies

D. Policy VI-1/XV-2: 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, except as provided in Fort Bragg Municipal Code Section 14.04.125, where the approving authority makes findings that specified circumstances exist related to the use of a private well, and as provided in Section 14.04.127. The specified circumstances under Section 14.04.125 would include, but are not limited to:

- 1) A well having a hydrological study conducted by a licensed professional during the dry summer months, said study concluding that the well would support the proposed land use and that there would be no significant impact on adjacent ground water wells; AND
- 2) The water quality from said well is found acceptable to the State Department of Health Services or other appropriate agency.

Except as amended, Chapter XV, is hereby reaffirmed.

Section 7. Publication. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause it to be published at least once in a newspaper of general circulation published and circulated in the City.

The foregoing Ordinance was introduced by Councilmember Peters, at a regular meeting of the City Council of the City of Fort Bragg held on March 8, 1999, and adopted at a regular meeting of the City Council held on March 22, 1999, by the following vote:

AYES: Councilmembers Benedetti, Gjerde, Peters, and Mayor White.
 NOES: None.
 ABSENT: None.
 ABSTAIN: Councilmember Melo.

s/ Michele White

 MICHELE WHITE, Mayor

ATTEST:
 s/DeeLynn Carpenter

 DeeLynn R. Carpenter, CMC
 City Clerk

PUBLISH: April 1, 1999; Corrected April 8, 1999
 EFFECTIVE: April 21, 1999.

EXHIBIT NO.	7
APPLICATION NO.	A-1-FTB-98-38-A
HUNT	
Ordinance No.	812-99

RESOLUTION NO. 2307-99

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT BRAGG
RESOLUTION AMENDING THE LOCAL COASTAL PLAN
LCPA 1-98**

(Amendment to Chapter 14.04 Water Department and Regulations, Chapter 18.07 Coastal Zone Definitions, Chapter 18.34 I-H Heavy Industrial Zone(Coastal Zone Only), Chapter 18.61 Coastal Zone Combining Zone, and certain sections of Fort Bragg's Local Coastal Plan and Land Use Program Manual)

WHEREAS, the City of Fort Bragg has a certified Local Coastal Plan; and

WHEREAS, pursuant to Public Resources Code Section 30510, et seq., the City Council of the City of Fort Bragg desires to amend its Local Coastal Plan, such amendment to take effect upon Coastal Commission approval; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. A. The City Council finds that the duly noticed public hearing(s) was held with regard to the City of Fort Bragg's application (LCPA 1-98).
- B. The City Council finds that the review of the amendment to the Local Coastal Plan was circulated to those agencies as called for in California Administrative Regulation 13551, concluding that this is the environmental review for amendments to the area with in the Coastal Zone.
- C. The City Council finds that this Resolution Amending the City's Local Coastal Plan, LCPA 1-98 and amending certain section of the Fort Bragg Municipal Code, are related land use planning actions and must be considered together.
- D. The City Council finds that the proposed Local Coastal Plan Amendment confirms to the provisions of the City's Local Coastal Plan as it is proposed.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the certified Local Plan of the City of Fort Bragg be amended to incorporate those changes outlined in Ordinance 812-99 adopted on March 22, 1999, a copy of which is attached thereto as Exhibit "A".

The above and foregoing Resolution was introduced by Councilmember Gjerde, seconded by Councilmember Benedetti, and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 29th day of March, 1999, the following vote:

AYES: Councilmembers Benedetti, Gjerde, Peters, and Mayor White.
NOES: None.
ABSENT: None.
ABSTAIN: Councilmember Melo.

Michele White

MICHELE WHITE, Mayor

ATTEST:

DeeLynn R. Carpenter

DeeLynn R. Carpenter, CMC, City Clerk

EXHIBIT NO.	8
APPLICATION NO.	A-1-FTB-98-38-A
HUNT	
Resolution No.	2307-99

CALIFORNIA COASTAL COMMISSION

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

Th 6b



EXHIBIT NO.	9
APPLICATION NO.	A-1-FTB-98-38-A
HUNT	
Excerpts from Original CDP	

Filed: April 24, 1998
 49th Day: June 12, 1998
 Staff: Jo Ginsberg
 Staff Report: May 22, 1998
 Hearing Date: June 11, 1998
 Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Fort Bragg

DECISION: Approval with Conditions

APPEAL NO.: **A-1-FTB-98-38**

APPLICANT: **ROBERT HUNT**

PROJECT LOCATION: 1101/1111 North Main Street, Fort Bragg,
Mendocino County, APNs 069-241-09, 069-241-37.

PROJECT DESCRIPTION: (1) Construction of a two-story, 25-foot-high,
45-unit motel addition, reception room, parking,
and landscaping, and (2) demolition of four
rental structures and outbuildings.

APPELLANT: **Friends of Fort Bragg**

AGENT: Roanne Withers

SUBSTANTIVE FILE DOCUMENTS: Fort Bragg Local Coastal Program; Fort Bragg CDP
4-96/SCR 6-96/VAR 4-96; Final EIR for the
Beachcomber Motel Addition.

SUMMARY OF STAFF RECOMMENDATION:

1. SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed, and

A-1-FTB-98-38
ROBERT HUNT

Page Two

that the Commission hold a de novo hearing, because the appellant has raised a substantial issue with the local government's action and its consistency with the certified LCP.

The City Of Fort Bragg approved construction of a two-story, 45-unit motel addition to an existing 27-unit motel, plus a reception room, parking, and landscaping, and demolition of four rental structures and outbuildings at a site located on the west side of Main Street (Highway One) at the north end of the City of Fort Bragg. The appellant contends that the project is not consistent with the City's LCP, and has two areas of concern: visual impacts and water supply. The contentions made by the appellant are valid grounds for appeal, as they are supported by an allegation that the development is not consistent with the County's certified LCP.

The appellant alleges that the project as approved by the City is not consistent with visual policies of the LCP, which require that new development within the City's coastal zone be sited and designed to protect views to and along the ocean and to be visually compatible with the character of surrounding areas, and that the views from the bluffs at the mouth of Pudding Creek be protected. The appellant further alleges that the project as approved by the City is not consistent with the LCP's water policies, which require that all new development within the coastal zone shall be connected to the City water system.

Staff believes that a substantial issue is raised with regard to the conformance of the project with the policies of the LCP. More specifically, staff believes that the contentions regarding visual impacts raise a substantial issue with regard to conformance with the LCP. The development approved by the City is not compatible with the existing character of the area, which includes several motels that are located at least 12 feet back from the public Haul Road, a popular, heavily used public pedestrian and bicycle path that runs for several miles north along the coastal bluffs on the west side of Highway One (part of MacKerricher State Park). The proposed two-story registration building (reception room), which includes two motel units, will encroach as close as 3 1/2 feet from the edge of the Haul Road.

Staff believes that the contentions regarding water supply do not raise a substantial issue with regard to conformance with the certified LCP, which states that all development constructed in the City's coastal zone shall be connected to the City water system. The contentions do not raise a substantial issue because the project as approved by the City will be connected to the City water system.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on Page 5.

EXHIBIT NO. 9

APPLICATION NO.
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Excerpts from
Original CDP

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HUNT	
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2. SUMMARY OF STAFF RECOMMENDATION DE NOVO: APPROVAL WITH CONDITIONS

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

Staff believes that the proposed project is inconsistent with the visual and scenic resource policies of the LCP. However, staff believes that if certain special conditions are attached to the permit, the project will be consistent with the City's LCP. Thus the adverse impacts of the project can be mitigated through special conditions.

More specifically, staff recommends that the Commission attach a condition requiring the redesign and/or relocation of the portion of the registration building that encroaches within 3 1/2 feet of the Haul Road so that the building encroaches no closer than 20 feet from the edge of the Haul Road. In this way, the proposed registration building will be in character with surrounding development, which is sited approximately 12-60 feet from the edge of the Haul Road. In addition, staff recommends that the Commission attach several other special conditions that will ensure that the proposed development minimizes visual impacts and protects visual resources, such as requiring additional screening landscaping to soften the view from Highway One and from the Pudding Creek bluffs; requiring that all structures be no higher than 25 feet, consistent with the Scenic Corridor Combining Zone height requirement; requiring other design restrictions such as minimizing night lighting and using non-reflective materials; and requiring that utilities be undergrounded.

In addition to recommending specific conditions addressing visual impacts, staff is recommending that the Commission attach several other conditions that are similar to conditions the City had attached to its permit to ensure the project's consistency with the certified LCP.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on Page 14.

STAFF NOTES:

1. Appeal Process.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603.)

PART TWO - DE NOVO ACTION ON APPEAL

Notes

1. Procedure.

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project with the LCP de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the City), or deny the application.

2. Incorporation of Substantial Issue Findings.

The Commission hereby incorporates by reference the Substantial Issue Findings above.

I. MOTION, STAFF RECOMMENDATION DE NOVO, AND RESOLUTION:

1. Motion:

I move that the Commission approve Coastal Development Permit No. A-1-FTB-98-38 subject to conditions.

2. Staff Recommendation of Approval:

Staff recommends a YES vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. Resolution to Approve Permit:

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.

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HUNT

Excerpts from
Original CDP

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 incorporate the following changes:

a. The two-story structure containing the reception room (registration) and two motel units shall be redesigned or relocated such that it does not encroach any closer than 20 feet from the edge of the Haul Road.

b. Other proposed structures may be redesigned to accommodate the two units that may be lost from the registration structure, so long as the buildings encroach no closer than 20 feet from the edge of the Haul Road, are no higher than 25 feet, except for the southernmost portion (approximately 45 feet in length) of the southerly motel unit structure, which shall remain at one story and at its currently proposed height, and remain in at least three separate new buildings with breaks in between each building.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Landscaping Plan:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit, for the Executive Director's review and approval, a landscaping plan prepared by a qualified professional with expertise in the field of landscaping, such as a landscape architect. The plan shall provide for the planting of additional Monterey cypress trees (approximately 15 trees) and shrubs to infill the existing row of Monterey cypress along the eastern property boundary and to extend the row to the south end of the site. In addition, the plan shall provide for the planting of groundcover east of the cypresses. The groundcover shall consist of drought-tolerant native or naturalized species, such as Erigonum (buckwheat), Abronia (sand verben), Fragaria (beach strawberry), Baccharis pilularis (prostrate coyote brush), and Arctostaphylos (manzanita).

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	HUNT
Excerpts from Original CDP	

The plan shall further include a tree maintenance program (e.g., pruning, fertilizing, watering, etc.) for newly planted trees and shrubs and a tree replacement program on a one-to-one or greater ratio for the life of the project. The new trees and shrubs shall be planted within 60 days of completion of the project. The applicant shall notify the Executive Director in writing when the trees have been planted, and Commission staff shall verify the planting via a site visit or by examining photographs submitted by the applicant.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Tree Removal:

This permit does not authorize the removal of any trees from the subject parcel, other than those required to be removed to meet fire safety regulations. Any future removal of trees shall require a new coastal permit or an amendment to Coastal Permit No. A-1-FTB-98-38.

4. Prevention of Polluted Runoff:

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

a) PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for Executive Director review and approval a site drainage/erosion control plan that shall be developed by a registered civil engineer. This plan shall include (1) the design for a new storm drainage system that collects runoff from all developed portions of the site and delivers it to the existing channel between the site and Highway One; and (2) a plan to maintain the system so that it operates effectively. The drainage plan shall meet all City requirements and be approved by the City prior to allowing construction to begin.

The plan shall also include a design for a storm water interceptor. All drainage shall be routed through the storm water interceptor, which shall be constructed to intercept runoff from pavement and roofs before it leaves the site, and shall be monitored every other week to ensure that it is clean and operating properly. The applicant shall be responsible for cleaning the storm water interceptor as needed. No drainage from the developed portion of the site will be allowed to flow over the bank to Pudding Creek.

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APPLICATION NO. A-1-FTB-98-38-A
HUNT
Excerpts from Original CDP

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

b) During construction, an impermeable barrier shall be constructed near the southern edge of the property to ensure that no runoff from the site is allowed to flow to the slopes above Pudding Creek. The type of barrier will be determined as part of the required site drainage/erosion control plan.

c) During construction, the site shall be watered and equipment shall be cleaned morning and evening; soil binders shall be spread on the site, unpaved roads, and parking areas; and 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) Bared soils that will not be covered with pavement or buildings shall be replanted with permanent native, drought-tolerant vegetation as soon as construction activities are completed in the area. If soil moisture is deficient, new vegetation should be supplied with supplemental water until firmly established. Cutting or mowing grasses shall be conducted as needed to encourage the spread of the grasses. All seeded areas shall be inspected for failures and reseeded, fertilized, and mulched within the planting season, using half the original application rates.

e) The parking area shall be swept prior to the onset of the rainy season (between September 1 and September 15 of each year) to reduce the impacts of vehicle-generated pollutants that are washed off roofs and paved areas by early storms.

5. Design Restrictions:

All exterior materials, including roof and windows, shall be non-reflective to minimize glare. All exterior lights, including any lights attached to the outside of the buildings, shall be low-wattage, non-reflective, and have a directional cast downward. Outdoor lighting shall be kept to a minimum, and security lighting in the parking areas shall be shielded to minimize direct spillage on adjacent property. Any light source over 10 feet high shall incorporate a cut-off shield to prevent light spill.

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The old wood fence adjacent to the east side of the site shall be replaced with a similar wood fence and extended to the south end of the site to provide visual buffering of parked cars and the new buildings.

All two-story structures on the site shall be no higher than 25 feet. The southernmost portion (approximately 45 feet in length) of the southern motel inn structure shall be one story in height.

6. Highway Modifications:

PRIOR TO OCCUPANCY of the development approved by this coastal development permit, a left-turn lane on northbound Highway One shall be constructed at the project access driveway. The left-turn lane shall be constructed to Caltrans' standards.

7. Caltrans Encroachment:

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 all necessary Caltrans Encroachment permits.

8. Water/Sewer Modifications:

The development shall use City water and sewer services. The existing well shall be used on-site only for landscaping purposes.

9. Water-Saving Measures:

To minimize water use resulting from the project, and ensure that no net new water demand will be generated by the project, the applicant shall implement the following measures:

- a) If the City is in agreement, the existing well shall be connected to the City's water system.
- b) If the City does not accept the existing well to become part of the City's water supply system, sufficient retrofits must be completed so that no net new water demand will be generated by the project. If retrofits are required, the applicant shall hire a contractor to retrofit residential units now being served by the City's water system which do not have low flow water fixtures. The City shall determine the adequate number of required retrofits.
- c) 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.

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- d) All landscaping shall be drought-tolerant vegetation and irrigated by the existing well on the property. The irrigation system design shall be a low emission or drip system. The irrigation system shall be timed for watering only between 6 p.m. and 6 a.m. No overspray into non-landscaped areas shall be permitted.
- e) Upon completion and occupancy of the project, if retrofits have been completed and actual metered use of water should exceed the average of 60 gpd/unit, additional retrofit requirements will be applied and must be provided by the property owner until the water use is reduced so that there is no net new demand. One year after initial occupancy of the motel addition, the applicant shall submit written proof to the City and for the review and approval of the Executive Director of the Coastal Commission, that demonstrates that this requirement has been satisfied.
- f) All spas/hot tubs shall meet County Health Department requirements.

10. 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 any archaeological or paleontological resources are discovered on the project site during construction authorized by this permit, all work that could damage or destroy these resources shall be suspended. The applicant shall then have a qualified archaeologist inspect the project site, determine the nature and significance of the archaeological materials, and, if he or she deems it necessary, develop appropriate mitigation measures using standards of the State Historic Preservation Office.

Should the qualified archaeologist determine that mitigation measures are necessary, the applicant shall apply to the Commission for an amendment to Permit No. A-1-FTB-98-38 requesting that the permit be amended to include the mitigation plan proposed by the qualified archaeologist. The plan shall provide for monitoring,

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evaluation, protection, and mitigation of archaeological resources on the project site. Should the archaeologist determine that no mitigation measures are necessary, work on the project site may be resumed.

11. Public Utilities:

All public utilities on the property shall be installed underground.

12. 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.

13. Conditions Imposed By Local Government:

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

1. Proposed Project and Site Description:

As noted in the Substantial Issue portion of this report, the subject site is located immediately south of the existing 27-unit Beachcomber Motel, on the bluff north of Pudding Creek, between Highway One and the old Haul Road within MacKerricher State Park. The general area includes motel development along the west side of Highway One, as well as across Highway One southeast of the project site. To the south is the Pudding Creek Beach and estuary, while to the west is an undeveloped portion of MacKerricher State Park that includes the old Haul Road. The subject site is currently occupied by four rental cottages (Pudding Creek Ranch).

The proposed project consists of the construction of a two-story, 45-unit motel addition, including three separate new buildings, one building with 18 units, another with 14, and a third with 11. The applicant has reduced the southernmost building by four units and thus to one story to reduce visual impacts from Highway One and from Pudding Creek. The proposed project also includes the construction of a two-story reception room (registration building), parking, and landscaping, and demolition of the existing rental

cottages. The applicant initially proposed the motel addition to be 26 feet high, except for the registration building, which was proposed at 28 feet high. Although the applicant's plans show the structures to be 26-28 feet in height, sometime before the City Council approved the project, the applicant reduced the height of all structures to 25 feet to be consistent with the Scenic Corridor Combining Zone requirements.

The reception room (registration building) encroaches to within 3 1/2 feet of the edge of the Haul Road, which is part of MacKerricher State Park. The project parking area would be constructed right to the east edge of the property.

The proposed addition would be served with potable water by the City. Project landscaping would be irrigated with water derived from an existing well that currently serves the existing Beachcomber Motel. Another existing well on the project site will be abandoned.

There is no sensitive habitat on the subject parcel, although the Federally endangered tidewater goby (*Eucyclogobius newberry*), a species of fish endemic to California, inhabits the Pudding Creek estuary to the south of the subject site.

The surrounding development and the project history are discussed in Findings 2 and 3 of the Substantial Issue Findings.

2. 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 four rental cabins; the existing adjacent Beachcomber motel supports 27 motel units. The proposed project consists of construction of 45 new motel units, a principally permitted use in this designation, pursuant to Zoning Code Section 18.29.100. 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 and provide for additional visitor-serving facilities.

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3. 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.

LUP Policy XIV-3 states that the views from the bluffs at the mouth of Pudding Creek and the Noyo River shall be protected.

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 proposed development is located on the west side of Highway One, just north of the Pudding Creek bluffs, within the Scenic Corridor Combining Zone. The proposed motel expansion consists of 45 new motel units in three two-story, 25-foot-high structures, plus a two-story registration building that also includes two new units. The three motel unit structures are sited approximately 20 feet back from the public Haul Road, while the registration building is set back only 3 1/2 feet.

Due to its size and number of units, the proposed project will result in changes to the coastal viewshed. However, with the exception of the encroachment of the registration building towards the Haul Road, the proposed motel addition is, in general, consistent and compatible with the visual character of the area. The surrounding area is a developed, urban area with a number of other two-story structures, including several two-story motels. Furthermore, the proposed motel structures will not have a significant adverse effect on views from Highway One as the highway is recessed into a road cut, and the existing buildings and raised Haul Road already block ocean views from

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the highway. Thus, there are currently no ocean views available from Highway One through the site, so the new addition will not block existing views from the Highway. The motel addition will be no more than 25 feet in height, consistent with adjacent development. Additionally, due to the fact that the applicant eliminated the second story (four units) from the southerly portion of the southernmost building, the project will not significantly affect views from the mouth of Pudding Creek. Furthermore, the proposed motel addition will be an improvement, visually, over the existing rental cabins, which are somewhat decrepit.

However, the two-story reception room (registration building), which includes two motel units on the second floor, is located only 3 1/2 feet from the edge of the public Haul Road, which is much closer to the Haul Road than all other nearby development, and thus is not consistent with the visual character of the surrounding area as seen from the Haul Road. In addition, the view along the coast for users of the Haul Road could be compromised by the intrusion of the proposed two-story structure so close to the Haul Road. The existing Beachcomber motel, just north, is approximately 24 feet from the edge of the Haul Road; the Surf and Sand, two lots to the north of the Beachcomber, is approximately 12 feet from the edge of the Haul Road, and the recently approved expanded Ocean View Lodge, one lot north of the Surf and Sand, is sited 13-22 feet from the edge of the Haul Road. The Hi-Seas Motel, north of the Ocean View Lodge, is set back more than 60 feet from the edge of the Haul Road.

To minimize visual impacts, the Commission attaches several special conditions. To ensure that all proposed new structures are located at least 20 feet back from the eastern edge of the Haul Road, thus minimizing visual impacts from the public Haul Road and ensuring that the proposed project is compatible with the visual character of the surrounding area, the Commission attaches Special Condition No. 1. This condition requires submittal of a revised site plan and final project plans that show a redesigned project which sites the proposed two-story structure containing the reception room and two motel units such that it does not encroach any closer than 20 feet from the edge of the Haul Road. The Commission recognizes that this modification may result in the applicant having to remove the two motel units from the registration building, and/or removing the parking spaces that currently are sited east of the registration building. However, this condition is worded such that the units are not required to be removed, and the applicant may be able to redesign the motel project so that the units may be accommodated on-site in some other way.

To minimize and soften the visual impacts of the project from Highway One and from the Pudding Creek area, and to provide landscape screening of the buildings, the Commission attaches Special Condition No. 2, which requires that the applicant submit a landscaping plan prepared by a qualified

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professional with expertise in the field of landscaping. The plan shall provide for the planting of additional Monterey cypress trees to infill the existing row of Monterey cypress along the eastern property boundary and to extend the row to the south end of the site. This will provide a continuous vegetative barrier between the highway and the new buildings. In addition, the plan shall provide for the planting of drought-tolerant native or naturalized species of groundcover east of the cypresses. The plan shall further include a tree maintenance program and a tree replacement program.

To ensure that existing trees which provide landscape screening are not removed, the Commission attaches Special Condition No. 3, which states that this permit does not authorize the removal of any trees from the subject parcel, other than those required to be removed to meet fire safety regulations, and that any future removal of trees shall require a new coastal permit or an amendment to Coastal Permit No. A-1-FTB-98-38. This will ensure that the landscape screening that will soften and minimize visual impacts of the structures as seen from Highway One will remain in place.

To further minimize visual impacts of the project, and to ensure that the adverse impacts of lighting and glare from the motel will be minimized, the Commission attaches Special Condition No. 5, which imposes design restrictions to the proposed project. Special Condition No. 5 requires that all exterior materials, including roof and windows, shall be non-reflective to minimize glare; that all exterior lights, including any lights attached to the outside of the buildings, shall be low-wattage, non-reflective, and have a directional cast downward; that outdoor lighting shall be kept to a minimum, and security lighting in the parking areas shall be shielded to minimize direct spillage on adjacent property; and that any light source over 10 feet high shall incorporate a cut-off shield to prevent light spill. Special Condition No. 5 also requires that the old wood fence adjacent to the east side of the site shall be replaced with a similar wood fence and extended to the south end of the site to provide visual buffering of parked cars and the new buildings. This condition further requires that all two-story structures on the site shall be no higher than 25 feet, to be consistent with surrounding development, and that the southernmost portion of the southern motel inn structure shall be one story in height to reduce visual impacts from the Pudding Creek bluffs.

To further minimize visual impacts, the Commission attaches Special Condition No. 11, which requires that all public utilities on the property shall be installed underground.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with LUP Policies XIV-1 and XIV-3, 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

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any significant adverse impacts on visual resources, and is in harmony with the adjacent development in the area.

4. Public Access:

Projects located between the first public road and the sea 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. Coastal Act Section 30210 states that maximum access and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Coastal Act Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

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. Policy III-1 states that shoreline access shall be required in the City's coastal zone, as specified in certain subsequent policies. Policies III-2 through III-14 discuss requiring public access at specific locations through the Fort Bragg coastal zone. Policy III-15 states that the City will protect the public's constitutionally guaranteed rights of access to and along the shoreline by ensuring that new development will not interfere with the public's right of access where acquired through use. Zoning Code Section 18.61.021.A states that the City shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to the shoreline, and includes guidelines for requiring coastal access in Fort Bragg regarding location, design and siting, minimizing hazards, mitigation, access for disabled persons, residential privacy, sensitive resource areas, parking provisions, and signing, as well as specific requirements for providing vertical, lateral, and blufftop 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 or Pudding Creek. Thus, the proposed project will not obstruct any existing

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access to the sea and the 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 24 feet, and other nearby visitor serving facilities are set back at least 12 feet from the Haul Road. The other motel unit structures proposed by the applicant are set back 20 feet. As proposed, the registration building is set back only 3 1/2 feet from the eastern edge of the Haul Road. This proximity to the public access path would have significant adverse impacts on public users of the Haul Road, such as reducing open space and sunlight, and creating a sense of intrusion 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 proposed registration building be redesigned and/or relocated such that it is no closer than 20 feet to the edge of the Haul Road, to reduce the impacts of the new development on users of the public access path.

In addition, another significant adverse impact of the development is the substantial increase in traffic generated by the proposed project, which will create congestion and thus affect public access to the coast in the immediate area and also other nearby locations on the coast. Caltrans has indicated that, based on traffic volumes estimated to result from the proposed project, a left turn channelization is warranted to mitigate traffic impacts generated by the project. Caltrans opines that development over the next 20 years will increase traffic volumes on Highway One to a point where the Highway will operate at Level of Service (LOS) F, which is considered to be unacceptable.

LUP 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.

Further, the Final EIR prepared for the site requires a left-turn lane as a mitigation measure because the proposed project, in combination with other development in the area, will cumulatively reduce the Level of Service (LOS) along Highway One. The EIR indicates that the project will cause increases in traffic volumes that are substantial in relation to the existing traffic load and street capacity. This criterion was measured as increased volumes that will result in a decrease in level of service below LOS D guidelines established by the City at intersections at peak hour in summer. The

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criterion for Level of Service D would be a delay of 25.1 to 40 seconds. Assuming full occupancy of the new motel, the project will generate 448 new trips per day on a weekday, including 27 new trips during the afternoon peak hour. On the weekends, the project will generate 389 trips, including 32 trips during the midday peak hour.

The EIR asserts that development over the next 20 years will increase traffic volumes on Highway One to a point where the highway will operate at LOS F (considered unacceptable). With increasing traffic volumes, there will be an increased chance of accidents at the project access point, as well as at other businesses and residences along the highway. Based on future anticipated growth on Highway One between the Pudding Creek Bridge and Airport Road, the traffic analysis for the General Plan recommended that this section be expanded from the existing two lanes to three lanes. This expansion would be needed in approximately 15 years. With the addition of a center turn lane, this roadway segment would be expected to operate with a LOS E or better under these future conditions. Notably, the North Fort Bragg Traffic Plan also recommended a continuous left turn lane from the Pudding Creek Bridge to the northern City limits.

A complete analysis of the traffic impacts from projected development over the next 20 years was conducted by the EIR being prepared for the City's General Plan revision. The traffic report indicates that the cumulative traffic will result in the section of Highway One north of the Pudding Creek Bridge operating at LOS F (unacceptable). While two of the study intersections will continue to operate acceptably at LOS C or better, the intersection of Highway One and Pudding Creek Road will deteriorate to a LOS F condition. Because of this long-term problem, any project that generates traffic on Highway One or at this intersection will contribute to a significant cumulative traffic impact.

While the construction of a left-turn lane would adequately mitigate this impact, there is no plan for constructing this lane. Given that there is no guarantee that a left-turn lane will be constructed, the EIR recommends that the City require the left-turn lane (pocket) specifically proposed for the project. This improvement will mitigate the proposed project's identified significant adverse impacts on coastal access by reducing congestion resulting from the increase in vehicular traffic. Given the existing traffic load and street capacity, the left-turn lane will ensure public access to the coast in the immediate area and other nearby locations.

Therefore, to address the significant adverse impacts on access caused by the increase in traffic resulting from the proposed project, the Commission attaches Special Condition No. 6, which requires that prior to occupancy of the development approved by this permit, a left-turn lane on northbound Highway One shall be constructed at the project access driveway, to Caltrans'

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standards. The Commission further attaches Special Condition No. 7, which requires that 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.

The Commission therefore finds that, as conditioned, the proposed project, which does not include any provision of new public access, but does require the provision of a left-turn lane on Highway One and does require that all proposed structures be set back at least 20 feet from the Haul Road, is consistent with the public access policies of the Coastal Act and the City's Local Coastal Program.

5. 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. LUP Policy VI-7 states that new development within the annexed areas shall be connected to the City water and sewer systems.

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.

The City of Fort Bragg's water supply is very limited, and to allow for new growth, the City requires that new development result in no net demand on the City's water supply. Developers achieve this by retrofitting toilets and other plumbing fixtures elsewhere in town to gain a measure of water savings and to apply the water saved through these retrofits to the developer's proposed project. By requiring the water-saving measures in an amount that will ensure no net demand on the water system, the Commission can make the finding that adequate potable water is available to serve the development, consistent with LUP Policy XV-9.

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The Commission thus attaches to the permit Special Condition No. 8, which requires that the new development use City water and sewer and that the existing well be used for landscaping purposes only, and Special Condition No. 9, which imposes a number of water-saving measures. Special Condition No. 9 includes provisions that require the applicant to demonstrate before operation of the motel addition and one year after the addition has been in use that no net water demand will be generated by the project.

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.

6. Runoff, Erosion, and Surface Grading/Environmentally Sensitive Habitat:

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.

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 there are no rare or endangered plant species on the subject site. However, the Federally endangered tidewater goby (*Eucyclogobius newberry*), a species of fish endemic to California, inhabits the Pudding Creek estuary to the south of the subject site, and there is the potential that polluted runoff might affect this species.

To address this concern, and to minimize polluted runoff from construction operations, the City had attached several conditions to its approval for the

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project, which the Commission also finds appropriate to ensure that polluted runoff does not affect Pudding Creek and the endangered tideway goby which inhabits the creek. The Commission thus attaches Special Condition No. 4, which requires submittal of a site drainage/erosion control plan that shall be developed by a registered civil engineer and which includes the design for a new storm drainage system that collects runoff from all developed portions of the site and delivers it to the existing channel between the site and Highway One. The plan shall also include design for a storm water interceptor.

Special Condition No. 4 also requires that during construction, some form of impermeable barrier shall be constructed near the southern edge of the property to ensure that no runoff from the site is allowed to flow to the slopes above Pudding Creek; that during construction the site shall be watered and equipment shall be cleaned morning and evening; that soil binders shall be spread on the site, unpaved roads, and parking areas; that approved chemical soil-stabilizers shall be applied, according to manufacturers' specifications, to all inactive construction areas; that bared soils that will not be covered with pavement or buildings shall be replanted with drought-tolerant vegetation as soon as construction activities are completed in the area; and that the parking area shall be swept prior to the onset of the rainy season (between September 1 and September 15 of each year) to reduce the impacts of vehicle-generated pollutants that are washed off roofs and paved areas by early storms.

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, and is also consistent with LUP Policy IX-1 and Zoning Code Section 18.61.025, as an environmentally sensitive habitat area that could be affected by polluted runoff from the proposed project will be protected.

7. 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

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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 there is a disturbed portion of a known archaeological site, CA-Men-1839, located on the subject site. The report states that there is a slight potential that construction could cause further damage to the archaeological site, and makes a number of recommendations. To protect archaeological resources, the Commission attaches Special Condition No. 10, which describes in detail a number of monitoring and spot check procedures, as recommended by the Cultural Resources Evaluation, and requires that if any archaeological or paleontological resources are discovered on the project site during construction authorized by this permit, all work that could damage or destroy these resources shall be suspended and a qualified archaeologist must inspect the project site, determine the nature and significance of the archaeological materials, and, if he or she deems it necessary, develop appropriate mitigation measures using standards of the State Historic Preservation Office.

The Commission thus finds that the proposed development, as conditioned, is consistent with LUP Policy XIII-2 and Section 18.61.027.(B) of the Zoning Code, as archaeological resources will be protected.

8. 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)(A) 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 effect 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 have been attached, including requirements that (1) the project be redesigned so that all structures are located at least 20 feet from the edge of public Haul Road; (2) a landscaping plan be submitted that provides for the planting of additional Monterey cypress trees to infill the existing row of Monterey cypress along the eastern property boundary, to extend the row to the south end of the site, and to provide for the planting of groundcover east of the cypresses, and that a tree maintenance program and a tree replacement program

be provided; (3) no trees be removed from the subject parcel, other than those required to be removed to meet fire safety regulations, without a new coastal permit or an amendment to Coastal Permit No. A-1-FTB-98-38; (4) the applicant provide a number of mitigations to prevent polluted runoff, such as submitting a site drainage/erosion control plan that shall be developed by a registered civil engineer and that includes a design for a storm water interceptor; that during construction, some form of impermeable barrier shall be constructed near the southern edge of the property to ensure that no runoff from the site is allowed to flow to the slopes above Pudding Creek, etc.; (5) design restrictions be imposed, such as requiring that all exterior materials, including roof and windows, shall be non-reflective to minimize glare; all exterior lights, including any lights attached to the outside of the buildings, shall be low-wattage, non-reflective, and have a directional cast downward; outdoor lighting shall be kept to a minimum, and security lighting in the parking areas shall be shielded to minimize direct spillage on adjacent property, etc.; (6) a left-turn lane on northbound Highway One shall be constructed at the project access driveway to Caltrans' standards; (7) the applicant shall submit signed and approved copies of the necessary Caltrans Encroachment permits; (8) the development shall use City water and sewer services, and the existing well will be used for landscaping purposes only; (9) to minimize water use resulting from the project, the applicant shall implement a number of water-saving measures; (10) to protect archaeological resources, during construction monitoring and spot checks shall take place; (11) all public utilities on the property shall be installed underground; and (12) 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.

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, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

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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.

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