

## **CALIFORNIA COASTAL COMMISSION**

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# Th10c

### **2-24-0867 (WILDLANDS CONSERVANCY ACCESS IMPROVEMENTS) NOVEMBER 14, 2024 HEARING EXHIBITS**

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# Location Maps

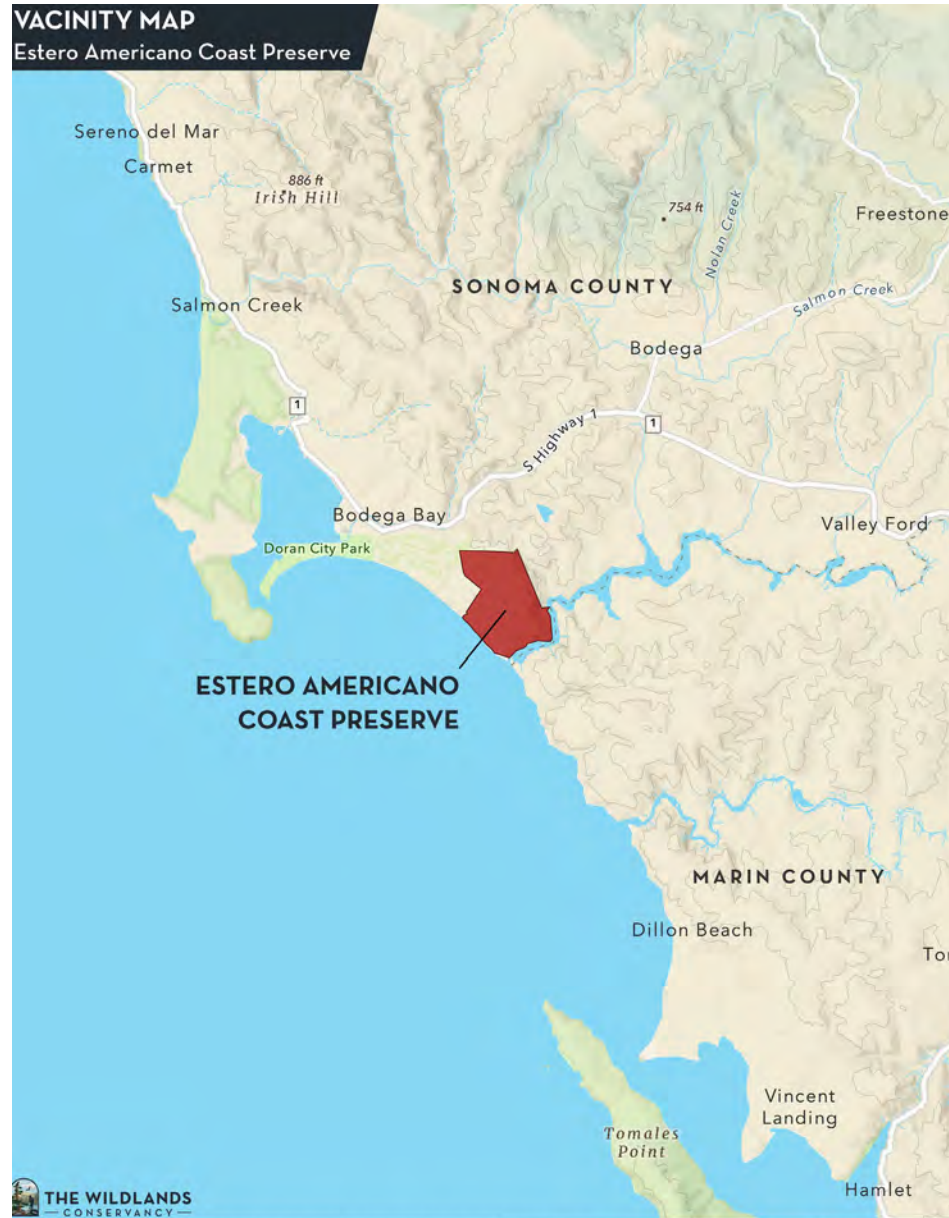
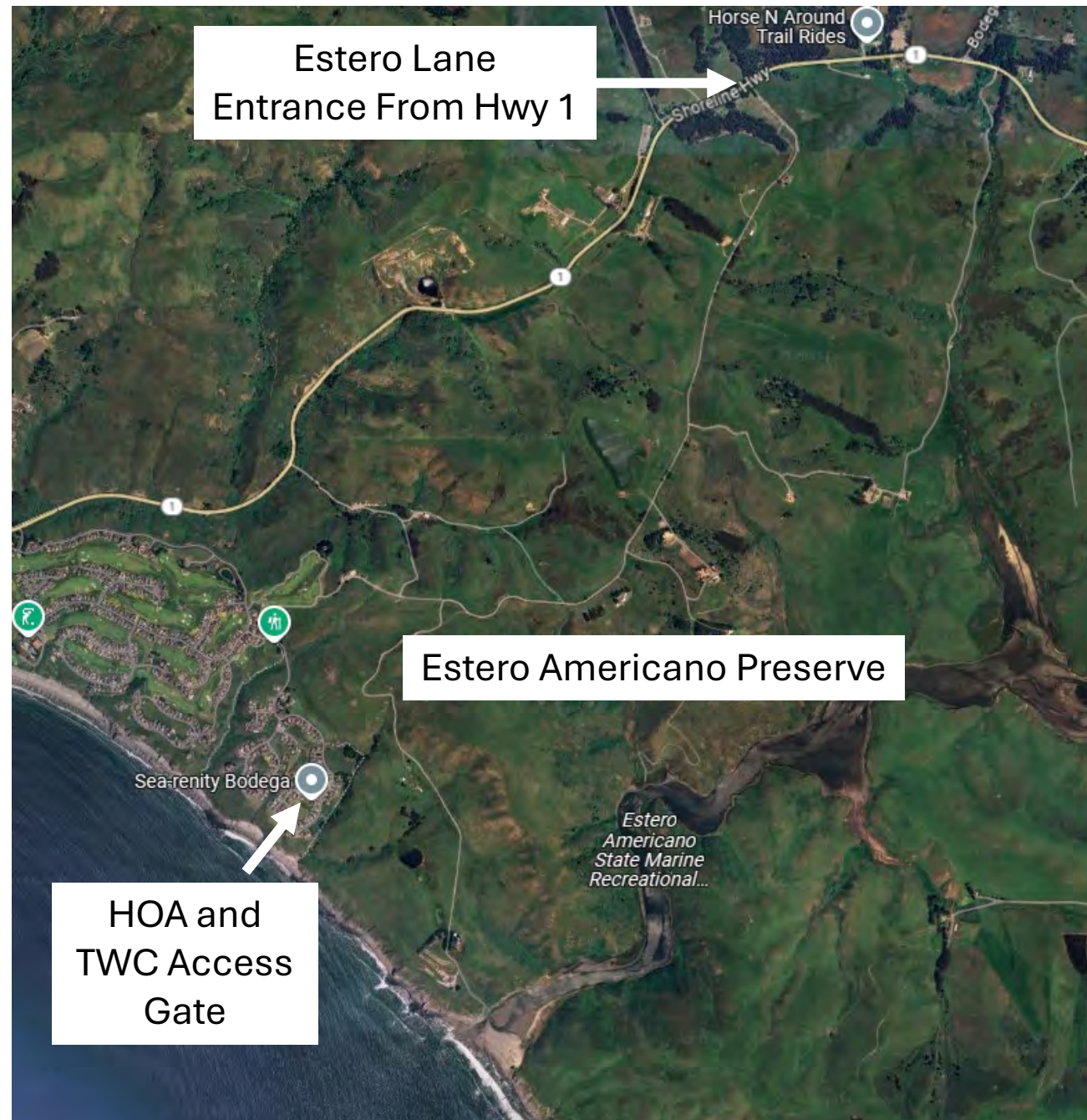


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The data contained within the map extent is intended solely for the internal use of the party to which it is directly conveyed. Distribution of the data in any form to any third party is strictly prohibited. The Wildlands Conservancy (TWC) makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the information, data or services furnished herein. TWC has made best efforts to ensure accuracy and quality in producing this map. However, the data on which it is based may have come from any of a variety of sources with varying degrees of accuracy beyond TWC's control. TWC makes no guarantee as to the accuracy of the features shown on this map and is not responsible for any unintended consequences derived from its use. Data Sources: Sonoma County, esri. Map developed October 2, 2024 by John Trammell.







# Site Area Photos



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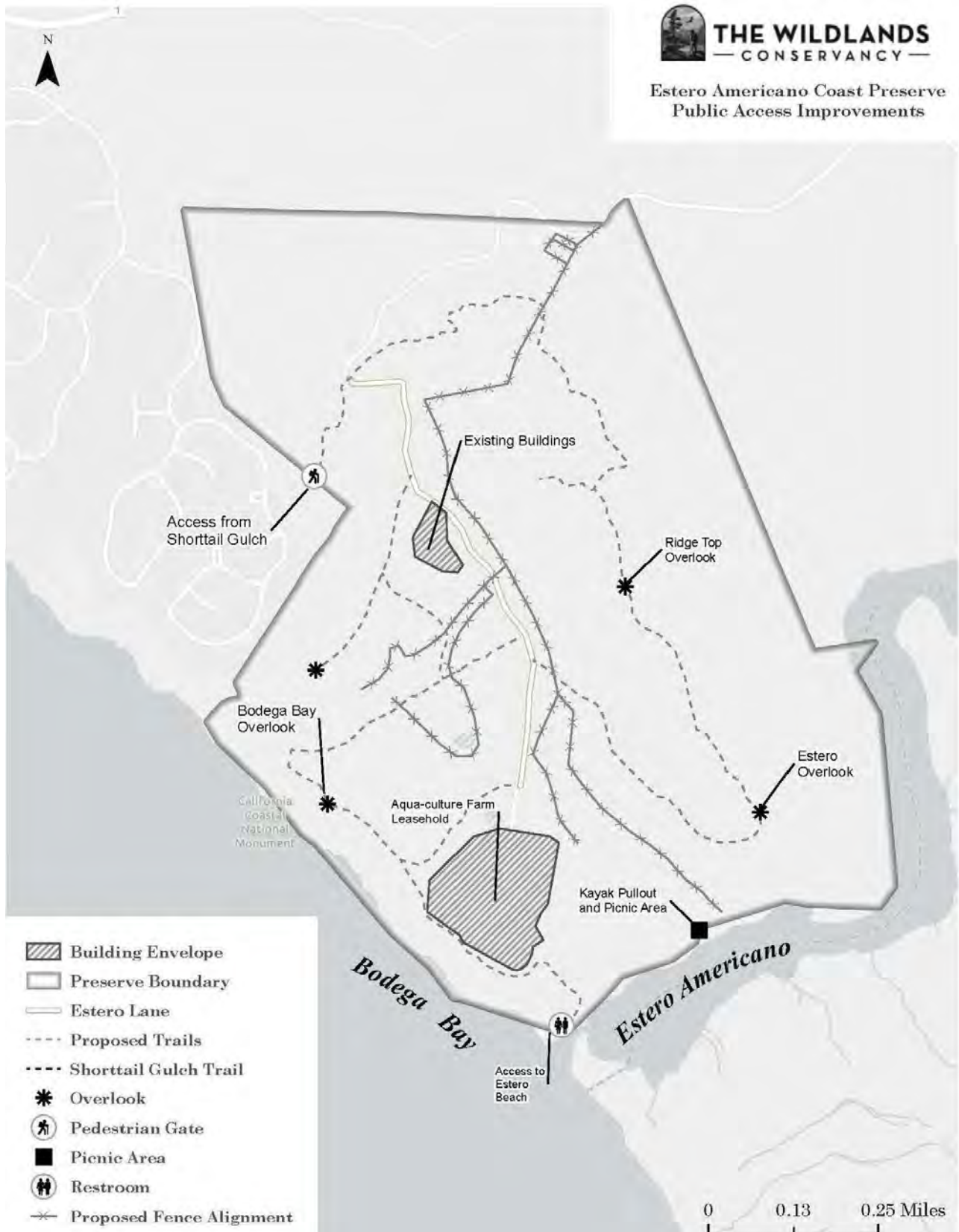
View looking  
south over  
the Preserve



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Beach at  
Estero Americano

# Proposed Project Plan



# Mitigation For Trail Development

## Mitigation for Trail Development

### 1.0 PROJECT INFORMATION

Title **Estero Americano Coastal Access Project**

Owner name and address **The Wildlands Conservancy**

**39611 Oak Glen Rd**

**Oak Glen, CA 92399**

Contact Person name, title, email, and phone **Luke Farmer, Regional Director**

**[luke.f@wildlandsconservancy.org](mailto:luke.f@wildlandsconservancy.org)**

**(707) 328-8539 cell**

**Ryan Berger, Preserve Manager**

**[Ryan.b@wildlandsconservancy.org](mailto:Ryan.b@wildlandsconservancy.org)**

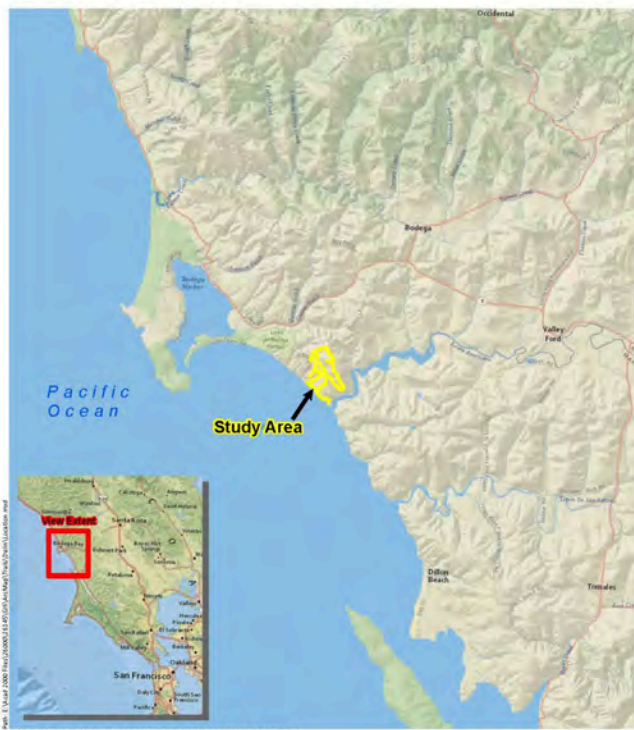
**(707) 696-3263**

## 2.0 PROPOSED PROJECT

### 2.1 Project Location

The Estero Americano Coastal Access Project (Project) is located at the Estero Americano Coastal Preserve (Preserve), a 547-acre property owned by The Wildlands Conservancy (TWC), a non-profit with a mission to provide free access to over 200,000 acres of privately owned nature preserves in California, Utah, and Oregon. The Estero Americano Coastal Preserve is protected in perpetuity under a conservation easement held by the Sonoma County Agricultural Preservation and Open Space District to ensure the continuation and improvement of the conservation values at the site. The Preserve is also bound by a Recreation Covenant under the Sonoma County Agricultural Preservation and Open Space District, mandating that TWC provide public trails originating from our boundary with Regional Park's Shorttail Gulch Trailhead. Figure 1 below is a vicinity map showing the location of the Preserve and Figure 2 shows the general Project Area of the trails proposed in this project area.

**Figure 1.**

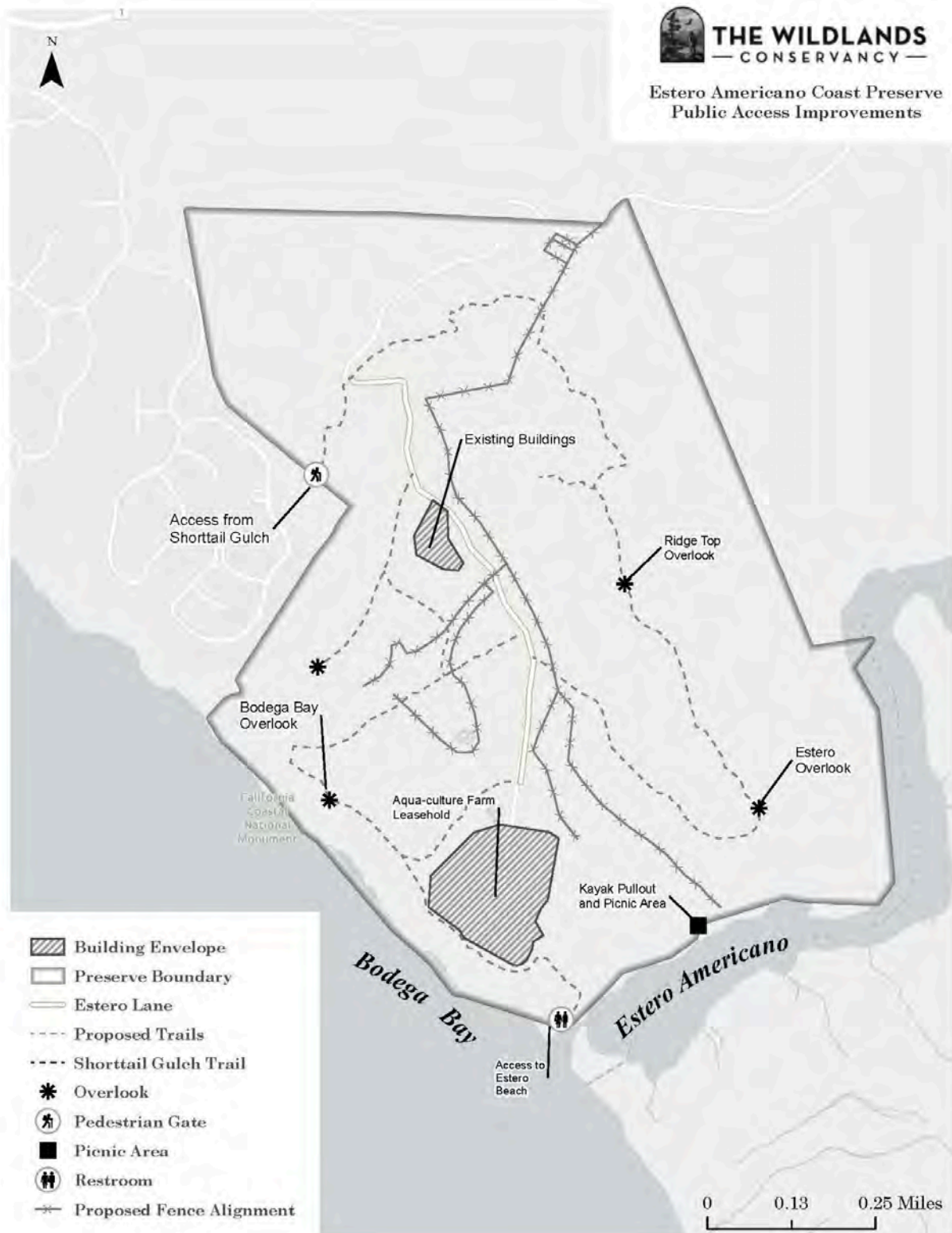


**Figure 1. Study Area Regional Location Map**

Estero Americano Public Access  
Sonoma County, California



Figure 2.



## **2.2 Project Objectives**

The goal of the proposed Estero Americano Coastal Access project is to establish and enhance approximately 5 miles of hiking trails that connect with existing portions of the California Coastal Trail, including greatly improved access to the Estero Americano Beach. These trails will utilize existing ranch roads to the greatest extent possible, and in locations where new trails need to be developed, simple mowed footpaths will be utilized. Our project also includes the establishment of informational signage, basic restrooms, and picnic areas on the Preserve

The primary objective of this document is to meet the mitigation requirements determined by the California Coastal Commission for potential environmental impacts resulting from trail development and public access.

## **2.3 Project Need**

The Sonoma County Coast is a state treasure, meant to be enjoyed by both locals and visitors alike. Our trails, beaches, and spectacular views attract millions of people annually, greatly supporting local economies and providing much needed connection to the natural world. While many portions of our coast are already accessible for the public's enjoyment, there are still large swathes of coastline that remain inaccessible due to private ownership of access points and geographic barriers.

The Estero Americano is notable for being one of the most ecologically significant waterways in the state, and also one of the most difficult to access for public enjoyment. Almost all of the lands surrounding the Estero Americano are held under private ownership, with public visitation prohibited. Our proposed trail project will be the first to allow for free public access and hiking opportunities along the Estero Americano and its confluence with the Pacific Ocean.

Our project ties in with two existing trail segments of the California Coastal Trail, and for the first time, allows public access to the Estero Americano beach regardless of tidal influence.

## **3.0 MITIGATION**

### **3.1 Mitigation Summary**

TWC recognizes that by mowing portions of our proposed trail system we will have some limited impact on the sensitive ecology of the region. The trail is designed to be a simple single track, averaging 12"-18" in width, with a mowed area up to 24" from trail center to reduce the risk of ticks and non-native seed dispersal. The project has been designed to limit negative impacts to the greatest extent possible, while still allowing future visitors to experience the full majesty of the Preserve. The following proposed measures aim to mitigate any adverse impacts from public access on the landscape. We will accomplish these goals through a combination of initial

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construction/ implementation activities and long-term management measures. Mitigation activities will focus on restoring habitat function by repairing past damage that is anthropogenic in origin. The main implementation aspects of the project are defined below.

### **3.1.1 Re-establishment of Coastal Prairie**

The Estero Americano Coast Preserve has been actively managed for agriculture for more than a century. While we continue to utilize cattle for rangeland management to achieve our ecological goals, a great deal of unnecessary remnant ranching infrastructure remains on the property. This infrastructure is primarily located within a 3.6 acre building envelope, and includes garages, barns, sheds, fences, and corrals.

As partial mitigation for the approximately 20,000 linear feet of mowing that will take place during trail establishment, TWC is prepared to demolish three primary structures and two small outbuildings in order to fully re-establish more than 5,000 square feet of coastal prairie that has been previously occupied by ranching structures. Additionally, we will enhance and restore the entire 3.6 acre building envelope with the exception of one staff residence, one public information area, and one barn, to be used for responsible management of the Preserve. Ecological enhancement of this area will include removal of chemical soaked lumber used for fencing and corrals, removal of fencing that is unfriendly to wildlife, and removal of remnant troughs and debris. Please see Figure 3 and Appendix A for details

### **3.1.2 Enhancement of Coastal Grasslands**

In addition to the re-establishment mitigation provided above, TWC will commit to invasive species removal in the form of Spanish Broom on more than two acres (87,120 square feet) of our Preserve in order to enhance and improve the coastal grassland habitat of the region (See Figure 3 and Appendix B for details) TWC staff will work independently and with volunteer groups to eradicate populations of invasive broom that have come to dominate some portions of the property. Invasive Broom populations will be removed manually, with no use of herbicides, and the responsibility of long term monitoring and management for eradication of these populations will be upheld by TWC staff.

### **3.1.3 Native Species Re-vegetation**

For both the re-establishment and enhancement mitigation measures proposed above, native species revegetation will be utilized to the greatest extent possible. Local seed collection will be conducted in order to utilize native genetic diversity, and seed

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dispersal will be conducted in a manner that will maximize successful germination and long term survivability.

For revegetation in re-establishment areas we will conduct demolition activities and removal of remnant ranching infrastructure from the Preserve. The footprints of these structures will be replanted with local seeds and plugs, and tended/irrigated by TWC staff and volunteers for the entirety of the monitoring period.

For revegetation in enhancement areas we will implement native seed dispersal in the areas where invasive species were removed. Follow up treatment of invasive broom will be conducted for three years after the initial removal, to ensure that the population does not return and native species will continue to be planted in areas where seed germination fails during the first planting effort.

### **3.2 Mitigation Details**

**Re-establishment** means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions. Re-establishment will result in rebuilding a former coastal grassland resource and provide a gain in grassland resource area and functions.

**Rehabilitation** means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded resource. Rehabilitation results in a gain in resource function but does not result in a gain in resource area.

### **3.3 Functional Outcomes**

The on-site mitigation requirements for the Coastal Access Trails project will be met by Re-establishment and Rehabilitation of coastal prairie and grassland habitats within the Preserve.

### **4.0 Reporting**

Annual reports will be prepared by TWC staff for three years following initial implementation of these mitigation measures (2025-2028). Reports will consist of photo documentation of the mitigation areas, summaries of the activities undertaken by TWC staff to achieve the project goals, and a summary of the resulting vegetation cover of the treated areas.

**Figure 3.**



**Red Boundary (AppendixA): Re-establishment and Enhancement within building envelope**

**Blue Boundary (AppendixB): Invasive species removal and Enhancement**

## Appendix A. Re-Establishment, Enhancement, and Rewilding





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## Appendix B. Enhancement through Invasive Broom Removal



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# Correspondence from the Bodega Harbour HOA

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June 7, 2024

## BY EMAIL ONLY

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Sonoma County Board of Supervisors  
[bos@sonoma-county.org](mailto:bos@sonoma-county.org)

Re: **Estero Ranch Access – Sonoma County**

Dear California Coastal Commissioners and County Board of Supervisors:

I am writing on behalf of my client Bodega Harbour Homeowners Association (“BHHA”) with regard to (1) Sonoma County’s proposed Local Coastal Plan (“LCP”) and (2) the Coastal Development Permit application (CHP23-0011). Specifically, BHHA objects to the assumption underlying the Draft LCP and the Coastal Development Permit application that the relevant easements (e.g., the Short Tail Gulch easement) can be used to access Estero Ranch. They cannot.

As discussed further below, the existing pedestrian beach access and open space easements do not provide a basis for public access to Estero. Because the parties did not contemplate the easements benefiting or being appurtenant<sup>1</sup> to Estero (presumably because Estero was private land not intended for public use at the time the easements were created), allowing access to Estero via such easements would be an undue increase of the easements’ burden on BHHA property. Public access to Estero over Easement G and Short Tail Trail would be an impermissible increase on the burden to BHHA and a disregard of the grant of Easement G, as appurtenant to Tracts A and B and the public roads. Accordingly, such access to Estero would violate

<sup>1</sup> The characterization of an easement as “appurtenant” or “in gross” is key to determining the rights granted by an easement. When an easement is appurtenant, the right to use the easement is tied to an interest in land. On the other hand, an easement in gross is the right of an individual to use the easement, untethered to any interest in land. The fact that the easements being discussed here are characterized in the 1977 Deed as appurtenant to Tracts A and B and the public roads works strongly in BHHA’s favor because it means that the rights conveyed in those easements are restricted to the uses associated with Tracts A and B and the public roads. The 1977 Deed defines the purpose of those uses as access to beaches located with the development.

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the rights reserved to the BHHA in the documents creating such easements and, therefore, is impermissible.

**BACKGROUND:**

A dispute between the developer of the Bodega Harbour subdivision, Transcentury Properties (“**Transcentury**”), and the California Coastal Zone Conservation Commission (“**Commission**”) culminated in a stipulated judgment giving full force and effect to the Settlement Agreement (“**Settlement**”) between **Transcentury** and the Commission. A stated purpose of the Settlement is to “insure that significant open space within the Bodega Harbour Development and on the Bruhn Ranch is preserved in perpetuity in agricultural and other open space uses.”

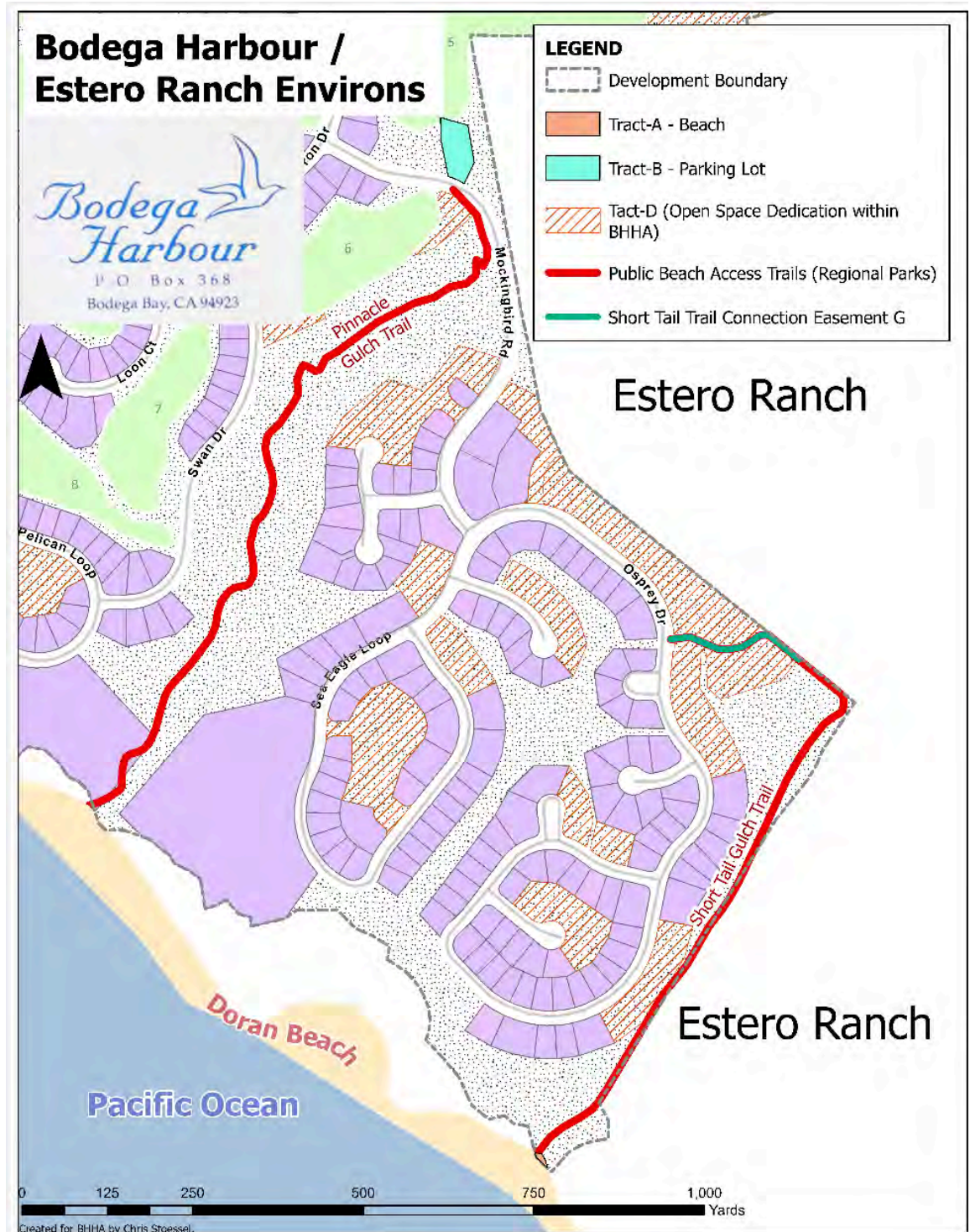
Accordingly, as a condition on construction of the development, Article XI, section 2 of the Settlement restricted certain lands within the development to “agricultural uses, low density recreational uses such as equestrian or hiking trails, open space uses, or combinations thereof.” The parties set forth the exact form of the restrictions in the Grant Deed of Real Property and Open Space Easement recorded in the Sonoma County Recorder’s Office at Book 3242, pages 233 to 238 on June 2, 1977.

The following mandate in Article XI, section 4 of the Settlement makes clear that the intent did not include access to Estero by way of an easement connecting a public road to the Short Tail Trail (“**Easement G**”), “[a] reasonable public pedestrian easement between the existing public easement in Shirt-tail Gulch and Osprey Drive shall be dedicated to Sonoma County . . . This easement shall be subject to the same terms and conditions as provided in the existing Shirt-tail Gulch easement held by Sonoma County.” This mandate is for beach access only from the existing easement, and not for inland access to the Estero, as discussed in more detail below.

**Plat Showing Relevant Locations**

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The Scenic Easement Agreement recorded on October 30, 1973, states that Transcentury was willing to grant the County scenic use of the BHHA property, pursuant to Resolution No. 30298 dated February 16, 1971, which sets forth the County's intent "to receive and accept transfers of certain rights and titles in real property as provided in the terms of [Transcentury's] letter of February 11, 1971, addressed to County Counsel." Resolution No. 42488 dated October 29, 1973, confirmed Transcentury's grant of the Short Tail Trail easement, as said resolution states, "the Public Pedestrian Shoreline and Scenic easements, both of which have been offered for dedication by the Subdivider by separate instruments, . . . are hereby accepted for Public Use . . ."

With regard to the 1977 Deed, the recitals therein identify the following: (1) the County as the owner of Doran County Park, (2) the desire of Transcentury to insure reasonable public access to and full use of all beach areas in the Bodega Harbour Development, (3) the certain portions of Transcentury's real property (both within the Development and the adjacent Bruhn Ranch) suitable for low intensity agriculture and some limited recreational uses, such as equestrian or hiking trails, and other open space uses which would not significantly detract from the properties' aesthetic, scientific, and ecological value, (4) the desire of Transcentury for said real property to remain devoted to the uses set forth in item (3) of this sentence, and (5) the intent of the County to forever honor and defend the intent of the Transcentury with regard to the subject grant.

The grants in the Deed relevant to this discussion are the following: (1) Tract A,<sup>2</sup> (2) Tract B,<sup>3</sup> (3) an open space and conservation easement over Tract D<sup>4</sup> appurtenant to and for the benefit of Tracts A and B and appurtenant to the scenic highway corridor,<sup>5</sup> and (4) Easement G<sup>6</sup>.

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<sup>2</sup> Tract A is the portion of the beach within the BHHA.

<sup>3</sup> Tract B is the parking lot adjacent to Mockingbird Road.

<sup>4</sup> Tract D is Bruhn Ranch and open space parcels within the BHHA development.

<sup>5</sup> The Deed limits use of the open space and conservation easement to low intensity agriculture, low density recreational uses such as equestrian or hiking trails, and other open space uses as the County and the Coastal Commission shall agree do not conflict with the aesthetic and environmental values which the parties to Deed seek to preserve through the grant.

<sup>6</sup> Easement G is a pedestrian access easement to connect a presently dedicated easement through Shirt Tail Gulch to the beach with public roads as planned under the new development plan agreed to by the parties to the Deed appurtenant to and for the benefit of Tracts A and B and the dedicated road right of ways appurtenant to such easement.

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**ANALYSIS:**

**1. The purposes of both the Settlement and the Deed are public access and open space.**

**a. Settlement**

The purpose of the Settlement pertinent to this discussion is to “insure that significant open space within the Bodega Harbour Development and on the Bruhn Ranch is preserved in perpetuity in agricultural and other open space uses.”<sup>7</sup> At its essence, the Settlement sought to protect open space uses.

To effectuate this purpose, the Settlement sets forth the condition that for construction of the Development to occur, the BHHA must reserve certain lands within the Development for “agricultural uses, low density recreational uses such as equestrian or hiking trails, open space uses, or combinations thereof”<sup>8</sup> (“**Open Space Restriction**”) and for “[a] reasonable public pedestrian easement between the existing public easement in Shirt-tail Gulch and Osprey Drive [] dedicated to Sonoma County . . . [which] easement shall be subject to the same terms and conditions as provided in the existing Shirt-tail Gulch easement held by Sonoma County”<sup>9</sup> (“**Short Tail Restriction**”).

**b. Deed**

The Grant Deed puts both the Open Space Restriction and the Short Tail Restriction into action by granting to the County rights to use BHHA land in certain ways. The recitals also provide the following purposes: (1) “insure reasonable public access to and full public use of all beach area in the Bodega Harbour Development,”<sup>10</sup> (2) acknowledge that “certain . . . portions of the . . . Development . . . are currently in their natural state . . . which lands are suitable for . . . limited recreational uses such as equestrian or hiking trails, and other open space uses which would not significantly detract from the aforementioned aesthetic, scientific and ecological value of said property,”<sup>11</sup> (3) and that “[Transcentury] desires that said real property shall forever remain

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<sup>7</sup> Settlement Agreement, page 2.

<sup>8</sup> Settlement Agreement, page 12.

<sup>9</sup> Settlement Agreement, page 13.

<sup>10</sup> Deed, page 1.

<sup>11</sup> Deed, page 1.

as open space either in its natural state or as agricultural land, devoted only to those uses set forth above.”<sup>12</sup>

The takeaway from these stated purposes of both the Settlement and Deed is that, while Transcentury intended public access to the beach within the Development, there is also a clear intent to provide for certain other limited recreational open space uses of those portions of the Grantor’s land still in a natural state.

**2. Easement G is for beach access.**

The Deed granted a connection (Easement G) from a public road to the Short Tail Trail (labeled as a Pedestrian and Drainage Easement on the 1977 Map). The grant of Easement G is as follows: “a pedestrian access easement to connect a presently dedicated easement through Shirt Tail Gulch *to the beach* with public roads as planned under the new development plan agreed to by the parties hereto.” (emphasis added).<sup>13</sup>

The grant of Easement G goes on to state that Easement G “shall be appurtenant to Tracts A and B and the dedicated road right of ways appurtenant to such easement and shall be for the benefit of Tracts A and B and such road right of ways . . . .”<sup>14</sup>

Because the purpose of the Deed with regard to “public access” is to “insure reasonable public access to and full public use *of all beach area* in the Bodega Harbour Development,” (emphasis added) it follows that the Deed confines the purpose of Easement G—which is a pedestrian access easement—to beach access (as opposed to inland access) by connecting Osprey Drive (a public road right of way connecting the Tract B parking lot and other public roads) with the Short Tail Trail, which then connects to Tract A (a portion of the beach within the Development).

**a. Easement G is not appurtenant to Tract D or Estero.**

Easement G is “appurtenant” to Tracts A and B and the public rights of way and not appurtenant to Estero Ranch or Tract D. As stated in footnote 1 above, an appurtenant easement is one in which the right to use the easement is dependent upon a right held in a particular parcel of land. Here, the Deed

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<sup>12</sup> Deed, page 1.

<sup>13</sup> Deed, page 5, paragraph 7.

<sup>14</sup> Deed, page 5, paragraph 7.

does not indicate that Easement G is appurtenant to Estero or Tract D. Therefore, the holder of an interest in Estero or Tract D has no rights over Easement G.

**b. Accessing Estero via Easement G unduly increases the burden.**

Pursuant to *Wall v. Rudolph*, “[a] principle which underlies the use of all easements is that the owner of an easement cannot materially increase the burden of it upon the servient estate or impose thereon a new and additional burden.”<sup>15</sup> Here, allowing for access to Estero via Easement G would materially increase the burden upon and impose a new burden on the servient estate (BHHA property), as more people would use Easement G than are currently—since the public is not using Easement G to access Estero at this time and more members of the public would use the streets and parking areas within BHHA. Such increases in traffic and parking congestion would certainly increase the burden on Easement G, and on BHHA by materially changing the quiet close-knit character of the neighborhood.

Because (1) Easement G is for beach access, (2) Easement G is neither appurtenant to Tract D nor Estero, and (3) granting public access to Estero via Easement G would unduly increase the burden on Easement G, the County’s proposed access to Estero over Easement G violates BHHA’s property rights in Easement G and is not permissible.

**3. Providing access to Estero Ranch through the Short Tail Trail Connection or Short Tail Trail would unduly broaden the scope of Easement G and/or the Pedestrian and Drainage Easement.**

As the Short Tail Trail is a pedestrian easement for beach access only, then providing access to Estero Ranch through Easement G or the Short Tail Trail would be an undue burden on the BHHA’s rights to the property underlying those easements, including the Pedestrian and Drainage Easement.

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<sup>15</sup> *Wall v. Rudolph* (1961) 198 Cal. App. 2d 684, 686.

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**a. Easement G**

“The extent of a servitude is determined by the terms of the grant, or the nature of the enjoyment by which it was acquired.”<sup>16</sup> Here, the terms of the grant of Easement G is express in the Deed. Thus, to determine the extent of the County’s interests in Easement G, we must rely on the express language in the Deed. As stated above, Easement G is expressly for connecting the public right of ways with Tracts A and B. Thus, we know from the clear language in the Deed that the servitude (i.e., Easement G) does not include access to Estero.

“As every easement is a restriction upon the right of the property of the owner of the servient tenement [in this case, BHHA property], no alteration can be made in the mode of enjoyment by the owner of the dominant tenement, the effect of which will be to increase such restriction. The right must be limited by the amount of enjoyment proved to have been had.”<sup>17</sup> Here, the County seeks to alter the mode of the County’s enjoyment of Easement G to include an appurtenant relationship with Estero for the purpose of public access. Such a relationship would be an increase of the restriction on the BHHA, since it would prevent the BHHA from excluding such use and it would increase vehicular and pedestrian traffic within BHHA. Because the County had no such past enjoyment of Easement G, in that Easement G has not historically been used to access Estero, the County cannot add such use now.

**b. Pedestrian and Drainage Easement**

The express language of the Pedestrian and Drainage Easement undergirding the Short Tail Trail is unclear. Assuming the express grant remains unavailable, a court will likely look to the following to determine the easement’s scope:

So far as the language of the conveyance creating an easement precisely defines the privileges of the owner of it, the privileges of use of the owner of the servient tenement are also precisely defined. As the precision of definition decreases, the application of the principle that the owner of the easement and the possessor of the servient tenement must be reasonable in the exercise of their respective privileges becomes more pronounced. Under this principle, the

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<sup>16</sup> Cal. Civ. Code § 806.

<sup>17</sup> *Oliver v. Agasse* (1901) 132 Cal. 297, 300.

privilege of use of the possessor of the servient tenement may vary as the respective needs of himself and the owner of the easement vary.<sup>18</sup>

Here, the language in the conveyance does not precisely define the privileges of the County with regard to the Short Tail Trail. As such, a court will look to the reasonableness of the exercise of the privileges that the County claims in the easement.

Because the parties to the Settlement, the Deed, and the 1973 and 1977 Maps did not contemplate that Estero would become public open space, interpreting the language in those documents concerning the use of open space requires maintaining those 1970s perspectives.<sup>19</sup> Accordingly, allowing access to Estero via BHHA lands belies the principle stated above in *Wall*, that an owner of an easement cannot impose a new burden thereon. For the County to prove the desired access easement requires Estero to be appurtenant to the Pedestrian and Drainage Easement, which was not contemplated at the time and was not made part of the grant. As such, the County's position is untenable as it would create a new burden which is prohibited under *Wall*.<sup>20</sup>

**4. Providing access to Estero Ranch Tract D would unduly broaden the scope of the open space and conservation easement granted in the Deed.**

The Deed grants an open space and conservation easement over Tract D. Tract D is a series of parcels within the Development that the parties to the Settlement determined would not be developed pursuant to the original development plan. In other words, the Tract D parcels are considered open space. Some of the parcels within Tract D abut Estero and abut Easement G and the public rights of way.

With respect to Tract D, the Deed states, "said open space and conservation easement shall be appurtenant to and for the benefit of Tract A and B . . . and appurtenant to the scenic highway corridor . . . ." <sup>21</sup> However,

<sup>18</sup> *City of Los Angeles v. Ingersoll-Rand Co.* (1976) 57 Cal. App. 3d 889, 894.

<sup>19</sup> See *Gonzales v. Gonzales* (1968) 267 Cal. App. 2d 428, 437.

<sup>20</sup> See also *M.F. Farming Co. v. Couch Distributing Co., Inc.* (2012) 207 Cal. App. 4th 180, 202; *Red Mountain, LLC v. Fallbrook Public Utility Dist.* (2006) 143 Cal. App. 4th 333, 350; *Warren v. Atchison, T. & S. F. Ry. Co.* (1971) 19 Cal. App. 3d 24, 41; *People ex rel. Department of Public Works v. Younger* (1970) 5 Cal. App. 3d 575, 582.

<sup>21</sup> Deed, page 3, section 4.

nowhere in the Deed did the parties contemplate the open space easement being appurtenant to Estero.

The Deed goes on to state, “the open space and conservation easement granted herein shall confine the use of Tract D solely to low intensity agricultural uses such as livestock grazing, low density recreational uses such as equestrian or hiking trails, and such other open space uses as the County and the Commission . . . shall agree do not conflict with the aesthetic and environmental values which Grantor and Grantees seek to preserve through the grant of this easement.”<sup>22</sup>

Although the scope permits hiking trails, because the open space easement is not appurtenant to Estero and because the parties to the Deed did not contemplate the easement as for the benefit of Estero, for the same reasons discussed in the previous section concerning Easement G and the Pedestrian and Drainage Easement, using Tract D for Estero access would be an undue increase in the burden on BHHA’s land and violative of the principle set forth in *Wall*.

In sum, although the purpose of the Settlement and the Deed includes open space recreational uses and public access uses that appear to be in accord with accessing open space recreation uses in Estero, the Deed is clear that the easements granted therein are appurtenant to and are for the benefit of land within the Development but not Estero. For this reason, accessing Estero through the Development would be an undue increase on the burden of the servient tenement (i.e., BHHA property). Put simply, there is no basis for the County to use the existing pedestrian beach access and open space easements within BHHA for public access to Estero.

My clients request the above proposals be rejected, and that the Coastal Commission and Sonoma County abide by the provisions in the Transcentury Stipulated Judgment and Settlement Agreement, as legally required.

Very truly yours,



Martin L. Hirsch

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<sup>22</sup> Deed, page 4, section 4.

# Correspondence from The Wildlands Conservancy

JOHN K. MIRAU\*

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September 30, 2024

T2127-002

Peter Allen  
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California Coastal Commission  
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Sonoma County

Re: The Wildlands Conservancy, Coastal Development Permit  
County of Sonoma File No. CPH23-0011  
Public Access Plan for Estero Ranch

Dear Mr. Allen:

This firm represents The Wildlands Conservancy (TWC). TWC has filed an application for a Coastal Development Permit to enhance an extension of the California Coastal Trail which begins at Doran Beach Regional Park and travels along the Shorrtail Gulch trail to hiking trails that will be constructed on the Estero American Coastal Preserve operated by TWC and ultimately provide access to the beach at the mouth of the Estero Americano (the "Project").

Under that certain Settlement Agreement between the California Coastal Commission and Transcentury Properties, Inc. dated November 4, 1976 a pedestrian access easement was granted to the County of Sonoma to connect public roads through the Shorrtail Gulch trail to the beach.

Public access to the Shorrtail Gulch hiking trail may occur from the public road system and dedicated public parking within the Bodega Harbor Homeowners Association (the "Bodega HOA"). TWC's application provides for the installation of a gate allowing public access to and from the Shorrtail Gulch Trail for hiking trails and ultimately to provide access to the beach at the mouth of the Estero Americano.

The Bodega HOA has opposed allowing public pedestrian access through Shorrtail Gulch to the hiking trails to be developed by TWC on the Estero Americano Coast Preserve. The basis for such opposition includes the claim such use would overburden the public pedestrian easement and cause

Exhibit 6  
2-24-0867  
Page 1 of 3

increased traffic on the public roads within the Bodega HOA, and that the easement does not benefit the Estero Americano Coast Preserve.

In the case of *Bello v. ABA Energy Corporation*, 121 Cal.App.4<sup>th</sup> 301 at 345, the court recognized the difference between a public right of way and a private easement right:

A public right-of-way is a form of easement, in that it grants use rights in a particular parcel of land to nonowners of the land. (Civ.Code, § 801, subd. (4); *City of Manhattan Beach v. Superior Court* (1996) 13 Cal.4th 232, 240, 52 Cal.Rptr.2d 82, 914 P.2d 160.) A private easement ordinarily vests those use rights in the owner of a particular parcel of neighboring property, the “dominant tenement.” (*Movlan v. Dykes* (1986) 181 Cal.App.3d 561, 568, 226 Cal.Rptr. 673.) Unlike a private easement, the use rights of a public right-of-way are vested equally in each and every member of the public. (*In re Anderson* (1933) 130 Cal.App. 395, 398–399, 19 P.2d 1027.) The city or county government ordinarily administers use of the right-of-way.

Such is the case in this instance with the easement granted to the County of Sonoma for pedestrian access from public roads through Shirttail Gulch hiking trail. Bodega HOA’s overburdening argument is essentially saying too many members of the public will use the public roads and walk on a public hiking trail. As recognized by the Bello Court, public easements are for all members of the public, as such the public is entitled to use the Shirttail Gulch hiking trail without restriction on the number of members of the public entitled to use the public road and public hiking trail.

The Bodega HOA also opposes the Project claiming that the Shirttail Gulch hiking trail can only be used for access to beach areas within the Bodega Harbor Development. Presumably, Bodega HOA’s argument is that once members of the public have used the public Shirttail Gulch hiking trail to access the beach (which is also public property) they must not then continue onto any other public property or public hiking trails

The California State Coastal Conservancy has long sought to provide public access to the California coast and protect coastal areas for public recreational use. In furtherance of such goals, in October of 2015 the California State Coastal Conservancy made a grant to TWC to acquire the Estero Ranch property, which then became the Estero Americano Coast Preserve. In making findings for the grant, the California State Coastal Conservancy observed that: “If acquired (the Estero Ranch), will provide a hiking experience of wild, coastal California with sweeping views of the Estero American, Point Reyes, Bodega Head, and Doran Beach with prime whale watching, wildflower, and wildlife observation opportunities” and additionally that “Pedestrian access for hiking a future segment of the California Coastal Trail is from the Short Tail Gulch Trail, an accessway improved with Conservancy funding in 2003 and managed and maintained by Sonoma County Parks . . . “ The public’s interest in the property as a result of grant funding from the California State Coastal Conservancy was enshrined in the form of an Irrevocable Offer to Dedicate Title in Fee and Declaration of Restrictive Covenants (the “Offer to Dedicate”) which was recorded on 12/16/2015 as Instrument Number 2015109500 in Sonoma County.

In connection with the acquisition of the Estero Ranch property, TWC granted a Recreation Conservation Covenant to the Sonoma County Agricultural Preservation and Open Space District recorded on 12/13/2015 as Instrument Number 2015109501 (the “Recreation Covenant”) to enshrine the public’s interest in the property as a result of the use of public funds. Under the Recreation Covenant TWC agreed to maintain the property as an open space preserve and to make it available to

the public for low-intensity outdoor public recreation, including specifically public hiking. The Recreational Covenant acknowledged that, initially, public access to the property is from the coast via the Shorttail Gulch public trail.

In the case of *Norris V. State of California ex rel. Dept. Pub. Wks*, 261 Cal.App.2<sup>nd</sup> 41, the court considered the argument by the Plaintiff that the construction of a roadside rest area on a public road expanded the use of the public road easement. In analyzing the permitted scope of a public easement, the Norris Court stated:

A grant is to be interpreted liberally in favor of the \*47 grantee. (Civ.Code, s 1069.) This applies to a grant of an easement. (*Laux v. Freed*, supra, 53 Cal.2d 512, 522, 2 Cal.Rptr. 265, 348 P.2d 873.). at 47; and

When land is taken or dedicated for use as a highway, the taking or dedication should be presumed to be not merely for such purposes and uses as were known and customary, at that time, but also for all public purposes, present or prospective, whether then known or not, consistent with the character of such highways and not actually detrimental to the abutting property.' at 47.

While the matter in question is a public access easement, the legal substance is the same as a highway easement in that a public right is granted for right of access (driving or hiking) over property. In this circumstance, the public easement of the Shirttail Gulch trail is to allow members of the public to access for hiking and recreational purposes to a property in which the public has a real interest in the form of the Recreation Covenant and the Offer to Dedicate, as well as a public beach as part of a system of public trails for recreation purposes.

The TWC project extends the public access right of way for hiking and recreational use as part of an overall planned public access to coastal areas, including ultimately to the public beach at the mouth of the Estero Americano.

The Norris court states that a public dedication should be presumed to include uses for all public purposes, present or prospective, consistent with the public purposes of the dedication. That members of the public would want to use a public hiking trail to a public beach and continue onto additional public hiking trails developed as part of an overall public coastal access is well within the purpose of the public easement over the Shirttail Gulch trail.

Sincerely,

Mirau, Edwards, Cannon, Lewin & Tooke, LLP

By:



Michael J. Lewin

# Transportation Impact Study



August 12, 2024

Mr. Ryan Berger  
Jenner Headlands Preserve  
P.O. Box 94  
Jenner, CA 95450

## Transportation Impact Study for the Estero Americano Coast Preserve Trails Project

Dear Mr. Berger;

W-Trans has completed an evaluation of the potential transportation impacts associated with the proposed Estero Americano Coast Preserve Trails Project to be located at Bodega Head in the County of Sonoma. The purpose of this letter is to set forth the project's anticipated trip generation, address potential impacts within the context of the California Environmental Quality Act (CEQA), and detail the analysis of the project's effect on traffic operation.

### Project Description

The project as proposed includes the dedication of about five miles of new trails in the Estero Americano area, with access to be taken from the existing regional trail system at Shorttail Gulch. The proposed trail system would not have any dedicated parking and would be accessed from parking allocated to the regional trail system in the Bodega Harbor Community development. It is understood that the roads in Bodega Head are public roads and that there are parking areas within the development area that were created specifically for users of the existing Pinnacle Gulch Trail.

- File Number: CPH23-0011
- Address: 2000 Estero L, Bodega Bay CA 94923
- APN: 100-160-002-000
- Project Name: Estero Americano Coast Preserve Trails
- Applicant Name: Luke Farmer
- Property Owner Name: The Wildlands Conservancy

### Study Area and Periods

The study area consists of the roads in the immediate vicinity of the Pinnacle Gulch and Shorttail Gulch trailheads and the intersection of SR 1/Harbour Way. The intersection of SR-1/Estero Lane was not included in the study area based on County staff direction due to the settlement agreement between Estero Lane residents and the Wildlands Conservancy on the use of Estero Lane. According to a settlement agreement, the use of Estero Lane by the Wildlands Conservancy would be limited to four guided tours with a combined total of eight vehicles a year. Additional staff and contractor trips on Estero Lane would be kept to a minimum.

Conditions during the weekday and weekend p.m. peak period were evaluated.

### Setting

The intersection of SR 1/Harbour Way is a three-legged intersection with the minor approach of Harbour Way being stop-controlled. SR 1 has a left-turn pocket for northbound drivers to use while turning into Harbour Way. The posted speed limit on SR 1 is 45 miles per hour (mph) and Harbour Way has a 25-mph posted speed limit. Based on traffic counts obtained on October 28, 2022, and August 5, 2023, the intersection of SR 1/Harbour Way has a p.m. peak hour volume of about 700 vehicles entering and 1,350 vehicles entering on Friday and Saturday respectively.

Exhibit 7

2-24-0867

Mockingbird Drive near the Pinnacle Gulch Trail parking lot has a posted speed limit of 25 mph, one travel lane in each direction, and a continuous sidewalk on its south side.

Osprey Drive has one travel lane in each direction near the Shorttail Gulch trailhead, continuous sidewalks on its south side, and a *prima facie* speed limit of 25 mph.

## Collision Analysis

The collision history for the study intersection was reviewed to determine any trends or patterns that may indicate a safety issue. Based on records for the most current five-year period available, which is January 1, 2018, through December 31, 2022, there were no crashes reported at the study intersection. No patterns were therefore identified.

## Trip Generation

The anticipated vehicle trip generation for a project is generally estimated using standard rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual*, 11<sup>th</sup> Edition, 2021. This publication includes information for a Public Park (ITE LU #411) which would be the closest land use category to the proposed project. However, the ITE park land use generally represents locations with active uses such as sports, developed picnic facilities, boating, multi-use trails, etc., most of which are more active than anticipated for the proposed project, which is limited to pedestrian use only. Due to the limitations of this data, surveys were conducted in the summer of 2017 to establish vehicle trip rates for trailhead parking lots in Sonoma County. The surveys were conducted at three separate parks that have the most similar usage type as the proposed project and include Shell Beach, Laguna Wetlands Preserve, and Taylor Mountain Regional Park.

Shell Beach, part of Sonoma Coast State Park, is off SR 1, south of SR 116, with a parking lot that serves as access to trailheads on both sides of SR 1 covering an estimated 500 acres, with nine miles of trails. It should be noted that trip rates from data collected at Shell Beach in 2013 had been used for other open space/ trailhead traffic studies in the area, such as the Calabazas Creek Open Space Preserve off SR 12 and Jenner Headlands Preserve between Jenner and Russian Gulch. These rates were updated based on the 2017 surveys. Based on the 2017 surveys, the Shell Beach parking lot generates traffic at a rate of 2.4 trips per mile of trail during the weekday p.m. peak hour and 9.6 trips per mile of trail during the Saturday midday peak hour.

Laguna De Santa Rosa Trail in the Laguna Wetlands Preserve has entrances on SR 12, east of SR 116, and on Occidental Road, east of SR 116 in the City of Sebastopol. This 400-acre area park with 3.3 miles of trails is owned, in part, by the City of Sebastopol and the City of Santa Rosa and includes a County Regional Parks Trail Easement. The trail area wraps around ponds, marshes, and the largest freshwater complex on the Northern California Coast, the Laguna channel. The Laguna De Santa Rosa Trail parking lot generates traffic at a rate of 3.3 trips per mile of trails during the weekday p.m. peak hour and 7.3 trips per mile of trails during the Saturday midday peak hour.

Taylor Mountain Regional Park is located on Kawana Terrace outside of the City of Santa Rosa and is owned by Regional Parks. This 1,100-acre park and open space preserve contains 6.5 miles of trails for hiking, biking, and horseback riding with panoramic views of the City of Santa Rosa at the summit. Taylor Mountain Regional Park generates traffic at a rate of 7.4 trips per mile of trail during the weekday p.m. peak hour and 4.3 trips per acre of trails during the Saturday midday peak hour.

The proposed project is most similar to these three park projects as opposed to the land uses studied in the ITE *Trip Generation Manual* because all of these park properties have a portion of the space dedicated to trail easement on a larger acreage of open space or privately-owned property. In other words, the majority of the land restricts public access, with only a portion dedicated to trails for public use. For the purposes of this study, the averages of the rates for these three surveyed parks were used to identify the number of vehicle trips that would access the

project site. Based on these surveyed rates, the proposed project would be expected to generate an average of 26 trips during weekday p.m. peak hour and 37 trips during the weekend peak hour. These results are summarized in Table 1.

**Table 1 – Trip Generation Summary**

Location	Trail Miles	Weekday PM Peak Hour				Weekend Peak Hour			
		Rate	Trips	In	Out	Rate	Trips	In	Out
Similar Facilities									
Taylor Mountain Regional Park	6.5	7.4	48	26	22	4.3	28	14	14
Laguna Wetlands Preserve	3.3	8.2	27	16	11	7.3	24	12	12
Shell Beach (2017)	9	2.4	22	14	8	9.6	86	40	46
Weighted Average	6.3	5.16		58%	42%	7.34		48%	52%
Proposed									
Estero Americano Coast Preserve	5.0	5.16	26	15	11	7.34	37	18	19

Because the project would generate more than 25 trips during both the weekday and weekend peak hours, an operational analysis was conducted.

## Trip Distribution

The pattern used to allocate new project trips to the street network was determined by reviewing existing turning movements at the study intersection as well as considering the direction of travel to nearby population centers. Trips from/to the south on SR 1 would include residents from Santa Rosa, Sebastopol, and points south, while residents of Bodega, Windsor, and other northerly communities come from/return to the north. Based on the distribution of these areas from which trips would potentially be drawn, 70 percent of trips were allocated from/to the south and 30 percent from/to the north.

## CEQA Analysis

This report provides an analysis of those items that are identified as areas of environmental concern under the California Environmental Quality Act (CEQA) and that, if significant, require an EIR. Impacts associated with compliance with policies relative to facilities for pedestrians, bicyclists, and to transit; the vehicle miles traveled (VMT) generated by the project; potential safety concerns such as increased queuing in dedicated turn lanes and adequacy of sight distance, and emergency access are addressed in the context of the CEQA criteria.

## Alternative Modes

### *Pedestrian Facilities*

Given the rural nature of the project site and surrounding area, facilities for pedestrians are generally lacking. Sidewalks are present on one side of Osprey Drive and Mockingbird Drive near the project site. Pedestrians currently walk on the street. This is consistent with the project's rural context and adequate given the low traffic volumes and speeds on the residential streets.

### *Bicycle Facilities*

There are currently no dedicated bicycle facilities in the project area. The *SCTA Countywide Bicycle and Pedestrian Master Plan*, 2014, indicates plans to add Class II bicycle lanes to Highway 1 from Meyers Grade Road to the

southern County limits. Cyclists can ride in the road with drivers where there are no dedicated bicycle facilities. The shared use of roads provides adequate connectivity for cyclists to and from the project site given the project's rural context and would be further improved upon completion of the planned bicycle facilities.

### *Transit Facilities*

There are no transit facilities in the vicinity of the project site. The project as proposed is likely to create no demand for transit.

**Significance Finding** – The project would not conflict with any planned facilities for pedestrians, cyclists, or transit users so would have a less-than-significant impact relative to these facilities.

### **Vehicle Miles Traveled (VMT)**

A recommended approach for determining the significance of VMT impacts for several project types is outlined by the California Office of Planning and Research (OPR) in its publication *Technical Advisory on Evaluating Transportation Impacts in CEQA*, December 2018, referred to herein as the Technical Advisory. OPR's suggested VMT significance thresholds focus primarily on residential, employment-based, retail, and transportation projects, indicating that jurisdictions may develop their own specific thresholds for other land use types. For the purposes of the proposed project, the potential for a VMT impact to occur was assessed using guidance from OPR including application of potential screening criteria, as Sonoma County has not yet adopted VMT thresholds.

A park or recreational facility may result in shifts to automobile travel patterns that are similar to those seen with retail uses. Research including that cited by OPR in the Technical Advisory has shown that adding local-serving retail land uses typically redistributes shopping trips rather than creating new trips, improving destination proximity and thereby reducing trip lengths and total VMT. Translating this concept to a passive recreational use, adding a new trail does not necessarily change the total number of people using recreational facilities in the region, but instead redistributes where people choose to visit. Often a large component of these redistributed trips consists of people who choose to visit the new facility because it is closer to their home, which results in fewer vehicle miles traveled than alternative hiking/passive recreating facilities that are farther away and less convenient. Applying this logic, adding a new passive recreational facility such as a trail can be expected to shift automobile travel patterns but would be unlikely to increase the region's total VMT, and in fact may result in a reduction in total VMT by improving destination proximity. Thus, it is reasonable to conclude that the proposed project would result in a less-than-significant VMT impact.

**Significance Finding** – The project would be expected to have a less-than-significant impact in terms of VMT.

### **Sight Distance**

The proposed trail addition may be accessed from the existing trailhead for the Shorttail Gulch Trail on Osprey Drive. Visitors could park along Osprey Drive, in the parking lot on Osprey Drive near the Shorttail Gulch trailhead, or at the parking lot for the Pinnacle Gulch Trail. Sight distances at the entrances to the Pinnacle Gulch Trail and Shorttail Gulch Trail parking lots were evaluated based on sight distance criteria contained in *Standard 812* by the Sonoma County Department of Transportation and Public Works, 2021, which is based on the sight distance standards in *A Policy on Geometric Design on Highways and Streets* published by the American Association of State Highway and Transportation Officials (AASHTO). The recommended sight distance at intersections of rural roads and driveways is based on stopping sight distances with the approach travel speeds used as the basis for determining the recommended sight distance.

Mockingbird Drive has a posted speed limit of 25 mph. Osprey Drive has no posted speed limit, so the *California Vehicle Code (CVC)* was used to determine its *prima facie* speed limit. Osprey Drive is a local street according to the *California Road System*, Caltrans, 2023, and has more than 13 residential buildings along one side of the road within

a quarter mile of the Shorttail Gulch trailhead which classifies the area as a Residence District according to the CVC. Since Osprey Drive is a local road in a Residence District it has a *prima facie* speed limit of 25 mph.

Given the speed limit of 25 mph on Mockingbird Drive and Osprey Drive the recommended stopping sight distance is 155 feet. Sight distances were field measured at over 200 feet in all directions at the entrances to both the Pinnacle Gulch and Osprey Drive parking lots, which is adequate for five mph over the speed limit.

**Significance Finding** – The project would not introduce any new hazards due to its design, so would have a less-than-significant impact as regards this safety issue.

### Emergency Response

Emergency vehicles would be able to access the project site via Estero Lane. Site access and circulation would need to meet the applicable fire codes to function acceptably for emergency response vehicles. Since all roadway users must yield the right-of-way to emergency vehicles when using their sirens and lights, the added project-generated traffic would not be expected to affect emergency response times. Assuming the project will be designed or improved to meet the applicable fire codes, it would therefore have a less-than-significant impact on emergency response.

**Significance Finding** – The project access via Estero Lane would need to meet the applicable fire codes to have a less-than-significant impact on emergency response.

**Recommendation** – The project site access from Estero Lane should be designed and improved to meet the applicable fire codes and be accessible to emergency vehicles.

### Vehicle Operation/Policy Issues

#### Intersection Operation

Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, Level of Service A represents free flow conditions and Level of Service F represents forced flow or breakdown conditions. A unit of measure that indicates a level of delay generally accompanies the LOS designation. The study intersection was analyzed using the “Two-Way Stop-Controlled” methodology published in the *Highway Capacity Manual* (HCM), Transportation Research Board, 2022. This methodology determines the level of service for each minor turning movement by estimating the level of average delay in seconds per vehicle. Results are presented for individual movements together with the weighted overall average delay for the intersection.

#### Existing Conditions

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes during the weekday and weekend p.m. peak periods. This condition does not include project-generated traffic volumes. Weekday volume data was collected on October 28, 2022, while local schools were in session. Weekend volumes were collected on August 5, 2023, when schools were out of session, but project trips would be expected to peak during summertime conditions. The study intersection currently operates acceptably at LOS A overall and LOS B or LOS D on the stop-controlled side street approach. With the addition of project-generated trips, the study intersection would be expected to continue operating at the same service levels, with nominal increases to delay on the side street approach. A summary of the intersection Level of Service calculations is shown in Table 2, and copies of the calculations are enclosed.

**Table 2 – PM Peak Hour Intersection Levels of Service**

Study Intersection Approach	Existing Conditions				Existing Plus Project Conditions			
	Weekday Peak		Weekend Peak		Weekday Peak		Weekend Peak	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. SR 1/Harbour Way	2.2	A	2.5	A	2.5	A	3.1	A
<i>EB (Harbour Way) Approach</i>	<i>13.2</i>	<i>B</i>	<i>30.7</i>	<i>D</i>	<i>13.4</i>	<i>B</i>	<i>33.3</i>	<i>D</i>

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*

## Queuing

The project was evaluated to determine if project trips would result in any queuing impacts at the study intersection. Based on the County of Sonoma's Traffic Operation Standards, an increase in queue length due to project traffic is considered a significant impact if the increase would cause the queue to extend out of a dedicated turn lane into a through traffic lane or obstruct the sight distance between the end of the queue and following traffic.

Under each scenario, the projected 95<sup>th</sup> percentile queues in turn pockets at the study intersection were determined using the Synchro software. Summarized in Table 3, the existing turn lanes are expected to have adequate storage capacity to accommodate queueing under all scenarios. Although project trips would be expected to result in a minor increase in the queue lengths, it would not extend to a point where adequate stopping sight distance is no longer available or extend past the existing turn-lane capacity so the project's impact would be considered less-than-significant under County policy. Copies of the queuing projections are enclosed.

**Table 3 – 95<sup>th</sup> Percentile Left-Turn Queue Lengths**

Study Intersection Approach	Available Storage	Maximum Queues			
		Weekday PM Peak Hour		Weekend PM Peak Hour	
		E	E+P	E	E+P
SR 1/Harbour Way					
<i>Northbound Left Turn</i>	150	4	4	4	4
<i>Westbound Left Turn</i>	340	8	10	34	42

Notes: Maximum Queue based on the Synchro output; all distances are measured in feet; E = existing conditions; E+P = existing plus project conditions

**Significance Finding** – The project would not introduce any hazards as a result of increased queuing, so would have a less-than-significant impact as regards this issue.

## Parking

Counts were taken of parking available both in off-street lots and on-street parking near the Pinnacle Gulch Trail and Shorttail Gulch Trail trailheads on Saturday, August 5, 2023. It was determined that the parking lots near the Shorttail Gulch Trail and Pinnacle Gulch Trail trailheads had a parking supply of seven spaces and 17 spaces respectively. No on-street parking is allowed near the Pinnacle Gulch Trail trailhead. Near the Shorttail Gulch Trail trailhead, on Osprey Drive, there are more than 30 on-street parking spaces.

The anticipated parking generation for a project is generally estimated using standard rates published by ITE in the *Parking Generation Manual*, 6<sup>th</sup> Edition, 2023 (ITE 2023). This publication includes information for a Public Park (ITE LU #411) which would be the closest land use category to the proposed project. However, the ITE park land use generally represents locations with active uses such as sports, developed picnic facilities, boating, multi-use trails, etc., most of which are not consistent with the proposed project, which is limited to pedestrian, bicyclist, and equestrian use only. Due to limitations of this data, the Jenner Headlands Preserve and North Sonoma Mountain Regional Park were analyzed to establish a parking rate due to their similar usage.

The Jenner Headlands Preserve is off SR 1 near the City of Santa Rosa with a 35-space parking lot that serves as access to the park's 5,630 acres and 14.3 miles of trail. The preserve is owned by the Wildlands Conservancy. During peak holiday weekends the parking lot has been observed to be nearly full. Based on this observation this park has a peak parking demand of approximately 2.4 parking spaces per mile of trail.

The North Sonoma Mountain Regional Park is south of Bennett Valley Road and east of the City of Rohnert Park. The park is owned by Sonoma County Regional Parks. The park is 820 acres with 6.1 miles of trail and was observed to have a maximum parking occupancy of 20 parking spaces. This resulted in a peak parking demand of 3.3 spaces per mile of trail.

Using a weighted average based on these parks' parking demand results in an expected parking demand of 2.7 spaces per mile of trail. Using this rate, the proposed project's expected parking demand is 14 spaces. Based on observations during the site visit as well as anecdotal information about parking usage, the existing on-street and off-street parking supply is expected to be adequate to accommodate the project's parking demand.

## Conclusions and Recommendations

- The trip generation for the project is estimated to be 26 and 37 trips during the weekday and weekend p.m. peak hours respectively.
- The project as proposed would not conflict with any County policies on pedestrian, bicycle, or transit facilities resulting in a less-than-significant impact on these facilities.
- The project would result in a less-than-significant transportation impact on VMT.
- Adequate sight distances are available at the existing parking lot driveways.
- Access to the project site would need to be designed or improved to meet applicable fire codes to have a less-than-significant impact on emergency response and function acceptably for emergency response vehicles.
- The intersection of SR-1/Harbour Way is currently operating acceptably during both the weekday and weekend p.m. peak hours and would be expected to continue operating acceptably with the addition of project-generated trips.
- Queues would not extend out of dedicated turn lanes or into visually restricted areas with the addition of project-generated trips during the weekday or weekend p.m. peak hours. The project therefore has a less-than-significant impact on queuing.
- The proposed project is expected to need 14 parking spaces during peak use. There is adequate available supply to meet this demand.

Mr. Ryan Berger

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August 12, 2024

We hope this study provides sufficient information for the County to prepare their environmental clearance documentation. Thank you for giving us the opportunity to provide these services.

Sincerely,

*William Andrews*

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Assistant Engineer

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Senior Principal



DJW/wia/SOX779.L1

Enclosures: LOS and Queuing Calculations

Intersection

Int Delay, s/veh 2.2

Movement	EBL	EBR	NBL	NBT	SBT	SBR
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Lane Configurations	↖	↗	↖	↑	↑	↗
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Traffic Vol, veh/h	43	41	54	269	266	30
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Future Vol, veh/h	43	41	54	269	266	30
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Conflicting Peds, #/hr	0	0	0	0	0	0
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Sign Control	Stop	Stop	Free	Free	Free	Free
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RT Channelized	-	None	-	None	-	None
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Storage Length	-	-	150	-	-	225
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Veh in Median Storage, #	0	-	-	0	0	-
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Grade, %	0	-	-	0	0	-
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Peak Hour Factor	89	89	89	89	89	89
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Heavy Vehicles, %	2	2	2	2	2	2
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Mvmt Flow	48	46	61	302	299	34
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Major/Minor	Minor2	Major1	Major2
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Conflicting Flow All	722	299	333
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Stage 1	299	-	-
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Stage 2	424	-	-
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Critical Hdwy	6.42	6.22	4.12
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Critical Hdwy Stg 1	5.42	-	-
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Critical Hdwy Stg 2	5.42	-	-
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Follow-up Hdwy	3.518	3.318	2.218
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Pot Cap-1 Maneuver	393	741	1227
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Stage 1	752	-	-
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Stage 2	660	-	-
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Platoon blocked, %	-	-	-
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Mov Cap-1 Maneuver	374	741	1227
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Mov Cap-2 Maneuver	374	-	-
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Stage 1	715	-	-
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Stage 2	660	-	-
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Approach	EB	NB	SB
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HCM Control Delay, s/v13.19	1.35	0	
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HCM LOS	B		
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Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
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Capacity (veh/h)	1227	-	374	741	-	-
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HCM Lane V/C Ratio	0.049	-	0.129	0.062	-	-
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HCM Control Delay (s/veh)	8.1	-	16.1	10.2	-	-
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HCM Lane LOS	A	-	C	B	-	-
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HCM 95th %tile Q(veh)	0.2	-	0.4	0.2	-	-
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
HCM 7th TWSC  
1: SR 1 & Harbour Way

04/03/2024

Intersection

Int Delay, s/veh 2.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
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Lane Configurations						
Traffic Vol, veh/h	52	42	49	597	562	49
Future Vol, veh/h	52	42	49	597	562	49
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	-	225
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	58	47	54	663	624	54

Major/Minor	Minor2	Major1	Major2
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Conflicting Flow All	1397	624	679	0	-	0
Stage 1	624	-	-	-	-	-
Stage 2	772	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	155	485	913	-	-	-
Stage 1	534	-	-	-	-	-
Stage 2	456	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	146	485	913	-	-	-
Mov Cap-2 Maneuver	146	-	-	-	-	-
Stage 1	502	-	-	-	-	-
Stage 2	456	-	-	-	-	-

Approach	EB	NB	SB
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HCM Control Delay, s/v30.73		0.7	0
HCM LOS	D		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
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Capacity (veh/h)	913	-	146	485	-	-
HCM Lane V/C Ratio	0.06	-	0.395	0.096	-	-
HCM Control Delay (s/veh)	9.2	-	44.9	13.2	-	-
HCM Lane LOS	A	-	E	B	-	-
HCM 95th %tile Q(veh)	0.2	-	1.7	0.3	-	-

Intersection						
Int Delay, s/veh	2.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↰	↱	↰	↱	↱	↰
Traffic Vol, veh/h	46	49	65	269	266	34
Future Vol, veh/h	46	49	65	269	266	34
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	-	225
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	52	55	73	302	299	38







Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	747	299	337	0	-	0
Stage 1	299	-	-	-	-	-
Stage 2	448	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	380	741	1222	-	-	-
Stage 1	752	-	-	-	-	-
Stage 2	643	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	358	741	1222	-	-	-
Mov Cap-2 Maneuver	358	-	-	-	-	-
Stage 1	707	-	-	-	-	-
Stage 2	643	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s/v	13.4	1.58	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1222	-	358	741	-	-
HCM Lane V/C Ratio	0.06	-	0.144	0.074	-	-
HCM Control Delay (s/veh)	8.1	-	16.8	10.3	-	-
HCM Lane LOS	A	-	C	B	-	-
HCM 95th %tile Q(veh)	0.2	-	0.5	0.2	-	-

Intersection

Int Delay, s/veh 3.1

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	58	55	62	597	562	54
Future Vol, veh/h	58	55	62	597	562	54
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	-	225
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	64	61	69	663	624	60

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	1426	624	684
Stage 1	624	-	-
Stage 2	801	-	-
Critical Hdwy	6.42	6.22	4.12
Critical Hdwy Stg 1	5.42	-	-
Critical Hdwy Stg 2	5.42	-	-
Follow-up Hdwy	3.518	3.318	2.218
Pot Cap-1 Maneuver	149	485	909
Stage 1	534	-	-
Stage 2	442	-	-
Platoon blocked, %			
Mov Cap-1 Maneuver	138	485	909
Mov Cap-2 Maneuver	138	-	-
Stage 1	493	-	-
Stage 2	442	-	-

Approach	EB	NB	SB
HCM Control Delay, s/v33.33		0.87	0
HCM LOS	D		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	909	-	138	485	-	-
HCM Lane V/C Ratio	0.076	-	0.467	0.126	-	-
HCM Control Delay (s/veh)	9.3	-	52.1	13.5	-	-
HCM Lane LOS	A	-	F	B	-	-
HCM 95th %tile Q(veh)	0.2	-	2.1	0.4	-	-