

From: [Jenny Shattuck](#)
To: [cdd](#)
Subject: Planning commission./Caltrans public comment for Dec 14
Date: Wednesday, December 14, 2022 11:46:01 AM

Dear Planning Commissioners,

The public open house meeting as of 11am on Dec 14 from what I can tell, has not been posted on the city Facebook or Website. This morning I did however find these 2 posted today. Neither of these 2 postings are accessible to anyone in a wheelchair or scooter. I support this project 100 percent, however simply adding an accessible button to the other side of Cypress as is already installed on the East side by Taco Bell should be an added condition. We are not asking for much. We are asking that someone who isn't able to access the button have the opportunity that those fortunate enough to not have a disability do without a thought every day. Simply being able to cross the street. Myself and Tiffani Ferris have tried multiple times to reach Sara McCormick after she left a message for Tiffani Ferris to meet following the last planning commission meeting. That message was left on Thursday, after Wednesday's meeting. We have received no response back. She had asked about how to make Cypress St accessible for everyone.. We would have loved to be able to meet with staff and show them firsthand. Seems like another missed opportunity. Neither of us have received an invite nor any info about the community open house.

Jenny Shattuck
Fort Bragg

20221214_10...

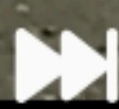
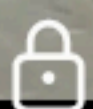
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GIF



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INN SUITES

BICYCLE

FIRE



From: [Ducey, Peggy](#)
To: [Peters, Sarah](#)
Subject: FW: Public Comment -- 12/12/2022 PC Mtg., Item 6B (Continued ADA project)
Date: Wednesday, December 14, 2022 3:20:02 PM
Attachments: [0k250 additional scope.pdf](#)

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Wednesday, December 14, 2022 1:48 PM
To: cdd <cdd@fortbragg.com>
Cc: Ducey, Peggy <PDucey@fortbragg.com>
Subject: Public Comment -- 12/12/2022 PC Mtg., Item 6B (Continued ADA project)

Planning Commission,

Please see the attached plans for the related project that is proposed for the west side of the Highway. It should have been combined with this project approval, IMO, even if it is determined to be a Phase II and still constructed according to the timelines. In fact, if you see fit to approve the (arguably incomplete) project before you now, I suggest adding a special condition to require Caltrans to implement the other project if it is not complete or in process by a specified date. I believe making these additional necessary safety and public access improvements to the west side of Highway One are necessary in order to find that the current project is consistent with applicable policies of the Coastal General Plan. Just "trusting" that this other work will be done without putting it in writing as a specific requirement is not sufficient. Planning doesn't work by trying to rely on unenforceable oral promises to satisfy policy consistency or code requirements.

Moreover, this project and the lack of safe connectivity to the City's Coastal trail and park at the Cypress Street intersection raises issues of consistency with the public access aspects of the Coastal Act, which governs this project even if it is not a local code requirement. In fact, issues with consistency with the public access and recreational provisions in the Coastal Act could likely provide the basis for an appeal to the Coastal Commission and a finding that the appeal presents a "substantial issue" beyond issues with the project's consistency with local requirements in the certified LCP.

In any case, I object to this project not being tied to the related STIP project because I feel, without those additional improvements to the west side of Highway One that will provide the necessary connectivity and public access for disabled members of the community, not only is it not consistent with the Coastal General Plan, CLUDC, and Citywide Design Guidelines (concerning the retaining walls) but it is not consistent with the public access and recreational provisions of the Coastal Act.

Regards,

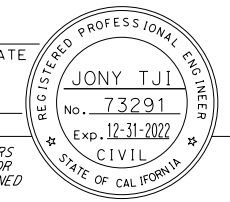
--Jacob

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
01	Men	1	59.8/62.1		

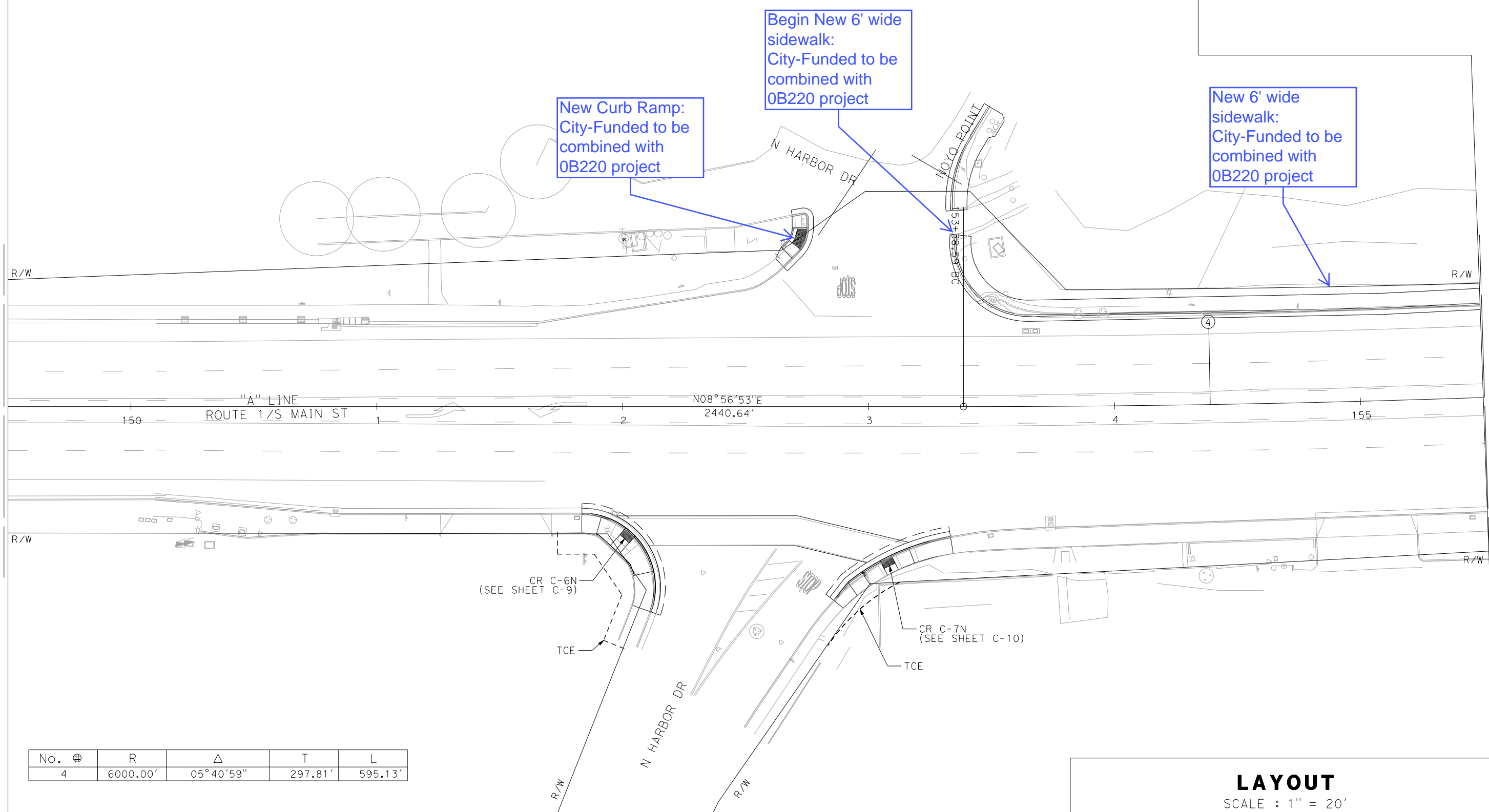
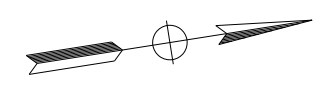
REGISTERED CIVIL ENGINEER DATE _____

PLANS APPROVAL DATE _____

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.



NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



No.	⊕	R	Δ	T	L
4		6000.00'	05° 40' 59"	297.81'	595.13'

LAYOUT
SCALE : 1" = 20'

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans 03-DESIGN

FUNCTIONAL SUPERVISOR
ELIAS KARAM

CALCULATED-DESIGNED BY
CHECKED BY

REVISOR BY
DATE REVISED

AVINASH RALLA
JONY TJI

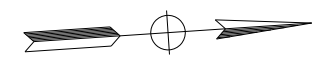
Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
01	Men	1	59.8/62.1		

REGISTERED CIVIL ENGINEER	DATE
JONY TJI	
No. 73291	
Exp. 12-31-2022	
CIVIL	
STATE OF CALIFORNIA	

PLANS APPROVAL DATE _____

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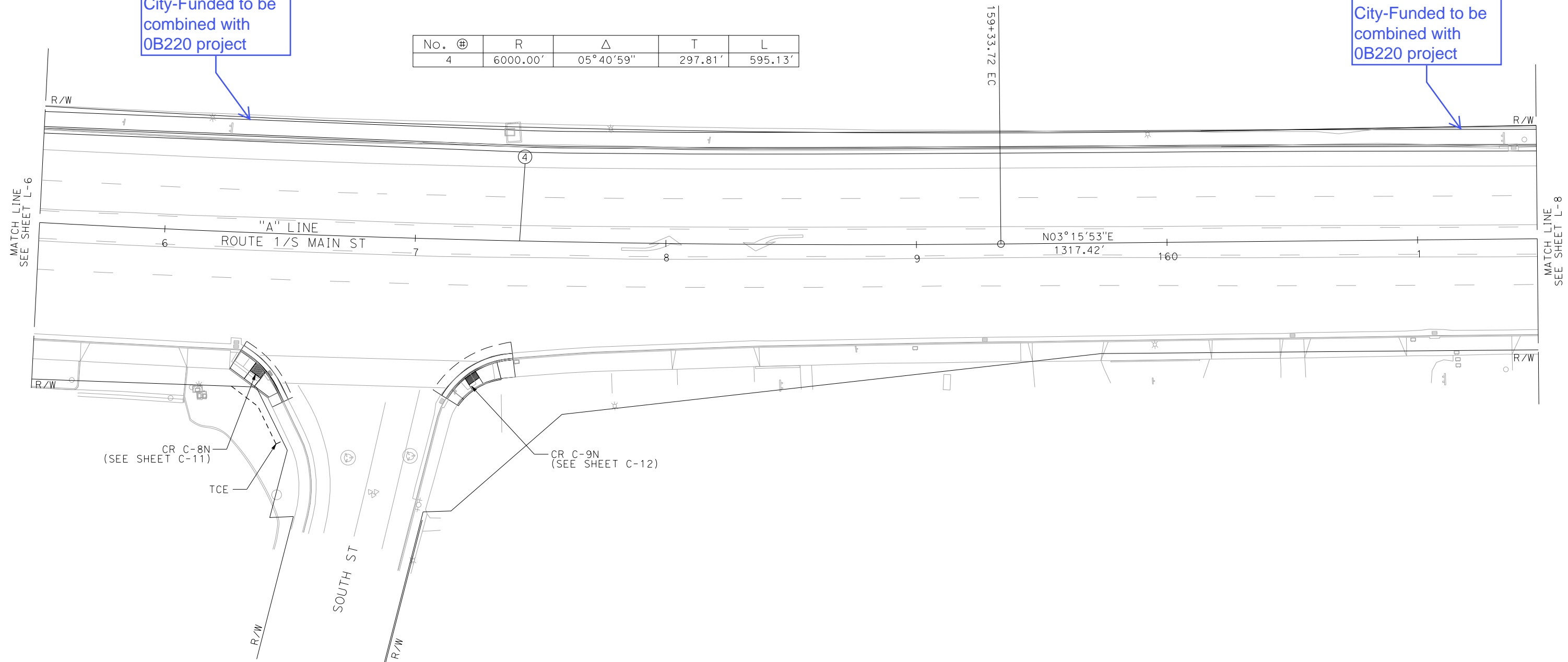
NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



New 6' wide sidewalk:
City-Funded to be combined with 0B220 project

New 6' wide sidewalk:
City-Funded to be combined with 0B220 project

No.	⊕	R	Δ	T	L
4		6000.00'	05°40'59"	297.81'	595.13'



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	CHECKED BY	REVISOR BY
Caltrans	ELIAS KARAM	JONY TJI	DATE
03-DESIGN			REVISED

LAYOUT
SCALE : 1" = 20'

LAST REVISION DATE PLOTTED => 10/18/2021
00-00-00 TIME PLOTTED => 3:03:08 PM

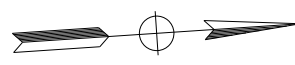
Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
01	Men	1	59.8/62.1		

REGISTERED CIVIL ENGINEER	DATE
JONY TJI	
No. 73291	
Exp. 12-31-2022	
CIVIL	
STATE OF CALIFORNIA	

PLANS APPROVAL DATE _____

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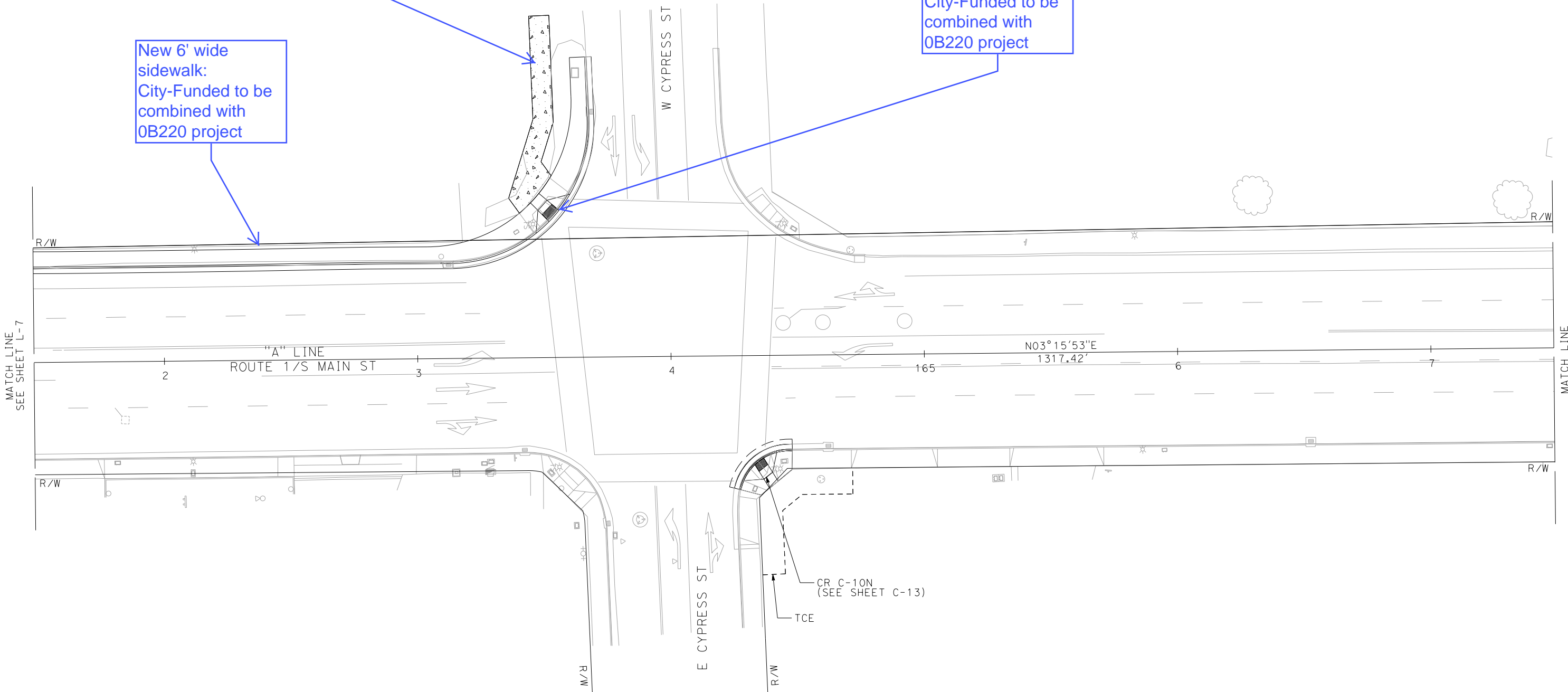
NOTE:
FOR ACCURATE RIGHT OF WAY DATA, CONTACT
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



New Pedestrian Path:
City-Funded to be
combined with 0B220
project

New 6' wide
sidewalk:
City-Funded to be
combined with
0B220 project

New Curb Ramp:
City-Funded to be
combined with
0B220 project



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	03-DESIGN
ELIAS KARAM	FUNCTIONAL SUPERVISOR
ELIAS KARAM	CHECKED BY
ELIAS KARAM	DESIGNED BY
JONY TJI	AVINASH RALLA
JONY TJI	REVISOR

LAYOUT
SCALE : 1" = 20'

LAST REVISION DATE PLOTTED => 10/18/2021
00-00-00 TIME PLOTTED => 3:03:14 PM

From: [Annemarie](#)
To: [cdd](#)
Cc: [Ducey, Peggy](#)
Subject: Public Comment -- 12/12/2022 PC Mtg., Item 6B (Continued ADA project)
Date: Wednesday, December 14, 2022 4:52:47 PM
Attachments: [Caltrans ADA project 2.pdf](#)
[Caltrans ADA project 3.pdf](#)

Planning Commission,

Please see the attachments.

Regards, Annemarie Weibel

CDP 6-22 DR 18-22 Caltrans ADA project

To planning commissioners, city manager, and city staff,

This is a request to postpone this project and discuss at the next planning commission meeting. I know we might soon have new planning commissioners, but to have this controversial project happening right now does not allow the public, nor the commissioner enough time to study it. As this project was filed on 6-17-2022 I see no reason why this had to be crammed in before Thanksgiving with such little notice to the public and the commissioners.

Only commissioners Roberts, Miklose, and Logan were considering the previous Caltrans ADA project on 4-14-2021. This project was appealed to City Council by the Albion Bridge Stewards, Annemarie Weibel, Gabriel Quinn Maroney and Tiffany Ferris. Caltrans withdrew their application on 5-12-2021.

The previous application information about this project just like this one was not posted on the city's web page for ACTIVE PLANNING REPORTS AND STUDIES and the previous information did not allow commissioners to consider it in a timely manner so the proposal ended up being discussed on 4-14-2021 and not on 3-24-2021. For the ones that are new on the planning commission you might like to look at the 167 pages of public comments and photos that were submitted for this meeting. You might also like to review the appeals of the previous project. Here again we receive information in the last minute immediately after a holiday with insufficient time given to commissioners, as well as the public to study the project.

When I found out that this project will be addressed by the planning commission I contacted Sarah McCormick, Assistant City Manager/Community Development Director on 11-17-2022 asking for more information. As a result June Lemos, City Clerk, posted some of the attachments/studies on the City's Public Record's Request link on 11-18-2022. Heather Gurewitz realized that one of the attachments (Attachment 9 Initial Site Assessment) was not included and she sent it to me in an e-mail. I asked for it to be included in my Public Record's Request. As of today that has not happened yet. Heather Gurewitz also informed me that as this is a Special Meeting the city is not required to post the agenda earlier than 24 hours in advance. Written comments should be submitted at least 24 hours in advance of the meeting to maybe have a chance to be included in the agenda. How is someone supposed to write comments before seeing the staff report? I was ready to ask city staff many questions, but chose to wait until the staff report would be available. It used to be that written comments would be included even after the fact as long as the city received them before the beginning of the meeting. The minutes only list who spoke during a meeting, not who sent written information. I left a phone message with the city manager yesterday, hoping to postpone this meeting, but have not heard back yet.

As one of the appellants of the past ADA project I did also get an invitation to the public hearing on 11-18-2022 scheduled for 11-30-2022. I found out that do to the holiday City Hall would only be open on 2 days (11-21-2022 and 11-22-2022) this week.

Dealing with a project within the coastal zone within 12 days during Thanksgiving holidays is not what the PUBLIC RESOURCES CODE was designed to protect. The PUBLIC RESOURCES CODE—DIVISION 20 of the CALIFORNIA COASTAL ACT was designed to protect the “widest opportunity for public participation.” According to Section 65033 of the State Planning, Zoning, and Development Law (Government Code) the Legislature recognizes the importance of public participation at every level of the planning process. It is therefore the policy of the state and the intent of the Legislature that each state, regional, and local agency concerned in the planning process involve the public through public hearings, informative meetings, publicity and other means available to them, and that at such hearings and other public forums, the public be afforded the opportunity to respond to clearly defined

alternative objectives, policies, and actions.

The CEQA Guidelines, at Title 14, California Code of Regulations Section 15201 about PUBLIC PARTICIPATION, or any of the CEQA (Public Resources Code section 21000 and after) contain many specific provisions about required notice of environmental documents, and opportunities for public comments on them relating to the a project proposal. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities.

A CEQA review is necessary for this project as there will be new retaining walls, new sidewalk segments, installation of driveways, new curb lines, new drainage inlets, a new drainage system, and new culverts. In addition, widening the street is also new work. Unlike some of the other proposed work, these proposed facilities are entirely new and do not constitute existing facilities covered by the Class 1 categorical exemption. Sec. 15300.2(d): Scenic Highways: A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to a highway officially designated as a state scenic highway. Under the Scenic Highways Element of the County's General Plan many visual elements are considered scenic resources.

None of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project, as described here. Sec. 15300.2(b): Cumulative Impact: All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The cumulative impact is huge considering that Caltrans and the City have projects in mind that can easily take up to 5 years (also depending on money) in just Fort Bragg alone, and 20 within Gualala and Westport.

The new retaining wall at Hwy 1 and 20 also presents concerns about potentially significant impacts in a variety of areas including, but not limited to aesthetic impacts to the Southern Gateway that need to be mitigated to reduce their significance. This project would damage a scenic resource. It does not matter if the retaining walls get additional artistic touches. The work is based on a 2011 subsurface investigation.

The appellants indicated in their appeals (Albion Bridge Stewards 13 pages, Annemarie Weibel 8pages, and Tiffany Ferris on behalf of her daughter Lilli Varels who uses a wheel chair 2 pages) that the planning commission altogether failed to analyze the project as a whole, or just this one Caltrans piece, for cumulative impacts on the environment, in substantive and procedural violation of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the Coastal General Plan, and CLUDC &17.71.045.D.2. As Caltrans will need state & federal money they have to abide by their regulations. Also the project information was incomplete, inaccurate, lacked clarity, and was inconsistent with specific mandatory standards of the Local Coastal Plan, the Coastal Act (especially the public access and recreation policies), and ADA standards. The commission did not have a full project description, or the required analysis/findings and environmental documents before it to make a decision. Commissioners, city staff, and Caltrans have admitted on the record to piecemealing the project, and that it raised cumulative impact issues. Staff and commissioners recommended speculative future mitigations also in relation to visual quality. Caltrans wants us to believe that the project got somewhat curtailed. I think the contrary is true. There are many issues that need to be looked at thoroughly before this project can be approved.

The scope of work considered now changes to 1,900 linear ft. of sidewalk reconstruction (versus 1,384 linear ft. beforehand), and 2,300 linear ft. of new sidewalk (versus 1,100 linear ft. beforehand). One of the retaining walls (wall # 1) would now be 780 ft. long (compared to 741 in the earlier proposal). Retaining wall (wall # 2) would now be 128 ft. long. The cable railing that would be installed on top of the retaining walls is has a serious visual affect not discussed in the provided documents. Also no vegetation plan is included. The information from the Fish & Wildlife Service has to be updated every 90 days. That was due in August. Instead of no work being performed in the Central Business District the area next to the former GP mill will not be addressed. I will mention more issues in future comments. It seems to me these decisions have more to do with money than ADA, or environmental issues.

On 5-12-2021 the planning commission held a Public Scoping Session for State Transportation Improvement Project (STIP) to Upgrade a Section of State Route (SR) 1. Since then we have not heard anything about this project. I submitted comments about this project. This is a \$3 million project. It is extremely important that this does not become a piecemealed project, but will be looked at holistically as 1 project regardless who finances what (Caltrans, STIP, MCOG, the City, or other entities and would include what Caltrans wants to do now.

By not allowing the public and the commissioners enough time to consider the documents provided in the last minute you might risk to have this project appealed again. Unfortunately the discussion on the 5-10-2021 city council meeting to look at the \$1,000 fee for an appeal which was brought to the attention of the city council ended up with a motion to waive the fees, but failed for lack of a second. It has never been brought up again and needs to be brought up again.

Please postpone this project and discuss at the next planning commission meeting

Thanks, Annemarie Weibel

11-23-2022

Dear Commissioners,

Public comments about CDP 6-22 DR 18-22 Caltrans ADA project

Welcome new commissioners Jary Stavely and Dave Jensen.

I do not envy you that you have to vote on a Caltrans ADA project that you might not have had time to study. You always have the option of course to ask to postpone the decision on this project until the next meeting. No one, not even the lawyer, at the last meeting on 11-30-2022 addressed the issue that the decision about this project might not be explored in great detail by you, the new Commissioners, as you were just approved by all city council members on 12-12-2022.

At the last meeting on 11-30-2022 it was determined that 2-3 Commissioners would get a tour of the project site. In addition maps would be posted in the 3 display cases the city has (post office, corner of Franklin and Laurel Street, and corner of Main Street and Laurel Street). Unfortunately this has not happened. Only today were a few flyers posted on Main Street. They were posted way high where people in wheelchairs would not be able to read them. Checking on the web page of the Mendocino Council of Government (MCOG) I saw a video from their December 5th meeting where the Caltrans project manager mentioned one of the appeals (not both) and referred to the project and the chance to participate at an informational workshop from 5-6pm on 12-14-2022. It is unfortunate that this was not mentioned in the agenda or announced more widely and with advanced notice. I just received an e-mail at 3:35pm announcing that workshop. With such short notice I am not able to attend. I asked on 12-7-2022 the Community Development Department how the informational workshop from 5-6pm on December 14 would be structured? I never got an answer to my question. This project is especially of concern for business owners who, do to the construction, will have less business. The last time the sidewalks were widened in Fort Bragg the business owners lost a lot of business during a 2 month stretch and some had a hard time dealing with that loss. Unfortunately information for the businesses is arriving way to late.

As you might know discussion about this project has already been postponed from 11-30-2022 to today, 12-14-2022 as the public, nor the Commissioners had enough time to study the material around Thanksgiving and last minute notification the last time around.

This project has been appealed by myself (Annemarie Weibel), Gabriel Quinn Maroney, the Albion Bridge Stewards and Tiffany Ferris on behalf of her daughter Lilly. Lilly uses a wheelchair.

As my comments I submitted to the Commissioners for the last meeting were copied in 2 different locations (pg 1 & pages 33 & 34 of the 90 pages) along with our appeals (pages 2-33) on the web page for tonight under public comments I will send you basically the same information I sent for the last meeting. See below.

In addition I want to bring to your attention that certain parts of this project were originally a part of this project, but would now be dealt with by Caltrans and the City of Fort Bragg at some future time. The Planning Commission held a Public Scoping Session for State Transportation Improvement Project (STIP) to Upgrade a Section of State Route (SR) 1 on 5-12-2021. The item # is 7B. I submitted comments about this project which has changed by now as well. In my comments I listed the brochure that the City published in 2011 with the title South Main Street Access and Beautification Plan. As good as this brochure was what Caltrans has planned for the Southern Gateway to Fort Bragg is a cheap, ugly retaining wall. It does not matter that it will be possible that this retaining wall can be

decorated. This is a very prominent spot. The retaining wall will have an ugly utilitarian cable system on top. Fort Bragg is proud of its generous murals, but trying to force artwork into 7 panels consisting of two 40 by 96 in. and five 32 by 80 in. surrounded by the cheapest, ugliest retaining wall is not what the tourists want to see when arriving in Fort Bragg. There is also no guarantee this artwork would ever happen. Just like the art work at the roundabout that never happened. Hwy 1 could still be scenic road.

All these projects need to be looked at as 1 project no matter who pays for what. Both these projects are piecemealed projects not acceptable with the Coastal Act regardless who pays for them (Caltrans, MCOG, the City, STIP \$)

<https://cityfortbragg.legistar.com/View.ashx?M=A&ID=856038&GUID=CC595B3D-6925-4171-AF94-EBA0ED073FD5>

05122021 STIP Scoping Session

Att 1 - Preliminary Design Plans

ATT 2 - Staff Presentation

ATT 3 - Public Comment

In Hopland where Caltrans knew they had to do an EIR for that ADA project they held a zoom meeting. Here is the link to that:

<https://dot.ca.gov/caltrans-near-me/district-1/d1-projects/d1-hopland-ada>

Why not here?

It seems that so far the public and Commissioners have not seen any photos of the colors that will be used with this construction, how crosswalks will look like, how the ADA curb ramps will look like, and if Gang Planks and Temporary Pedestrian Access Routes (TPAR's) will be used. We who live here deserve to have more information.

Also will there be work performed during the weekend?

When the STIP project was introduced to the public we at least got to see how certain areas might look like.

I support what Mr. Patterson wrote for tonight's meeting.

In my comments at the last meeting I commented on documents that are failing. It is essential to have them like landscape plan, visual assessment, a design review, and grading plan.

Sincerely,
Annemarie Weibel
12-14-2022