

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Coastal Development Permit 3-20 (CDP 3-20)

**OWNER:** California Department of Transportation

**APPLICANT:** California Department of Transportation

**AGENT:** California Department of Transportation

**PROJECT:** Coastal Development Permit to upgrade a section of State Route 1 (SR 1) to current Americans with Disabilities Act (ADA) standards from the intersection of SR 1 and SR 20 north to Elm Street (with a gap in work along the Noyo River Bridge), in Fort Bragg, Mendocino County. The scope of work would entail reconstructing 1,384 linear feet of sidewalk, installing 1,100 linear feet of new sidewalk, constructing 37 curb ramps, installing retaining walls at two separate locations, performing associated drainage inlet and culvert work, relocating underground utilities, adjusting utilities to grade, and placing pavement markings at specified locations.

**LOCATION:** Section of State Route (SR) 1 Post Mile (PM) 59.80 to PM 62.10

**APN:** N/A

**LOT SIZE:** N/A

**ACTION:** The Planning Commission will consider approval of Coastal Development Permit (CDP 3-20).

**ZONING:** The project is in the coastal zone.

### ENVIRONMENTAL

**DETERMINATION:** CEQA Categorical Exemption, Class 1(c), Existing Facilities;  
NEPA Categorical Exclusion under 23 USC 327.

### SURROUNDING

**LAND USES:** EAST: Highway Visitor Commercial / General Commercial / Central Business District.  
WEST: Highway Commercial / Vacant Land/Central Business District

**APPEALABLE PROJECT:**  **Can be appealed to City Council**

**Can be appealed to Coastal Commission**

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission: 1) open the public hearing; 2) receive staff report; 3) take testimony from the applicant and the public; 4) close the public hearing and deliberate; and 5) consider adopting a Resolution to approve Coastal Development Permit 3-20 (CDP 3-20) subject to standard and special conditions.

## **ALTERNATIVE ACTIONS**

1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
2. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain, the Commission may then deliberate and make a decision.
3. Deny the Coastal Development Permit.

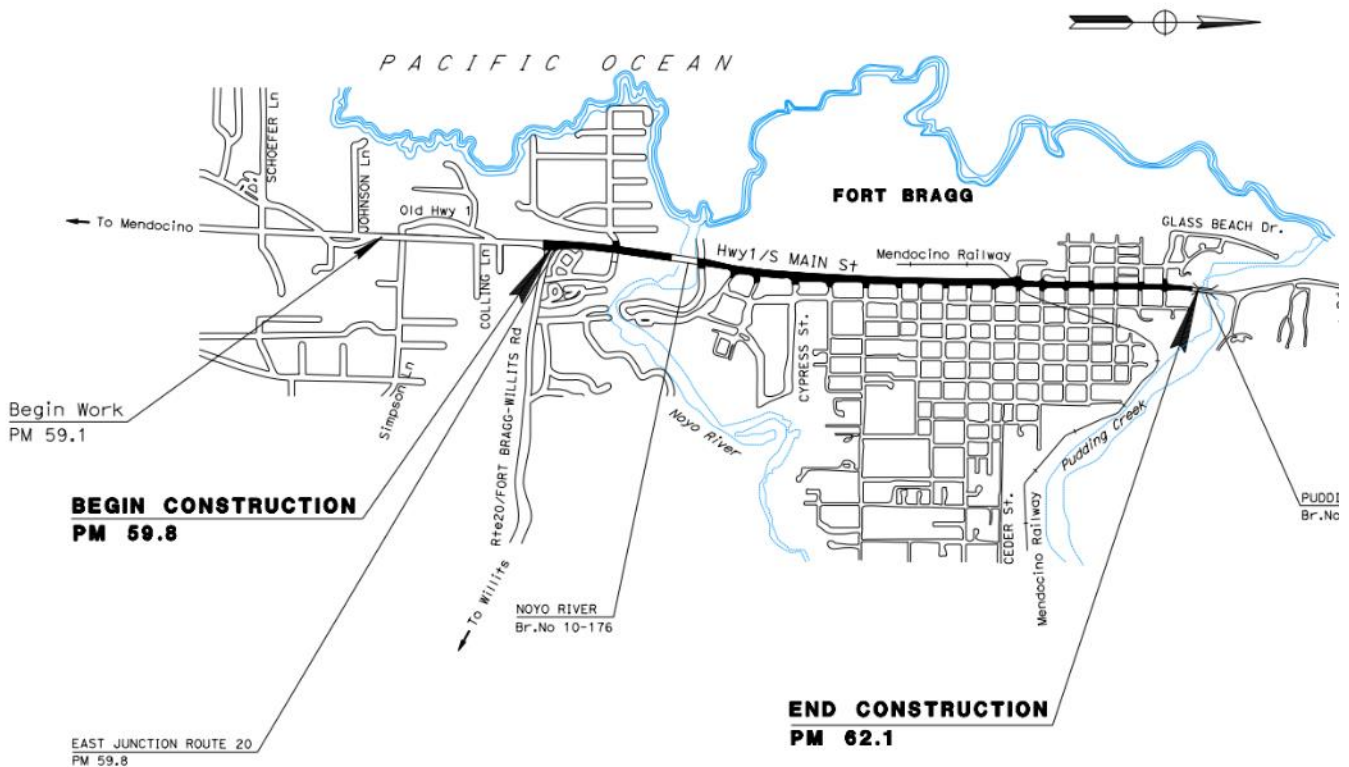
## **PROJECT DESCRIPTION**

The applicant is seeking a Coastal Development Permit to improve a section of State Route 1 (SR 1) to current Americans with Disabilities Act (ADA) standards. The section of SR 1 to be improved extends north from the intersection of SR 1 at State Route 20 (SR 20) to Elm Street, between Post Mile marker 59.8 and Post Mile marker 62.1 (see, Map 1) The scope of work would be as follows:

1. Reconstruction of 1,384 linear feet and installation of 1,100 linear feet of new sidewalk. The proposed sidewalk improvements (construction/reconstruction) would be in the following locations:
  - East side of SR 1 (north bound) extending north from the intersection of SR 1 and SR 20 to the intersection of SR 1 and Boatyard Drive.
  - West side of SR 1 (south bound) extending north from the intersection of SR 1 and Ocean View Drive to the existing sidewalk toward the south of the Noyo River Bridge.
  - East side of SR 1 (north bound) extending north from East Chestnut Street to Maple Street.
  - East side of SR 1 (north bound) extending north from E Fir Street to approximately 47 feet past East Bush Street.
2. Installation of two retaining walls at two separate locations as follows:
  - Adjacent to the sidewalk between the intersection of SR 1 and SR 20 and the intersection of SR 1 and Boatyard Drive. The retaining wall would be located on the east side of the proposed sidewalk and extend north from the intersection of SR 1 and SR 20 for a distance of 741 linear-feet. This wall would vary in height measuring approximately six (6) feet tall at its highest point near SR 20 and would reduce in height moving north to approximately four (4) feet.
  - Adjacent to the west of the proposed new sidewalk, between Spruce Street and Elm Street. This retaining wall would be 59 linear-feet long and measure approximately four (4) feet tall (from lower grade on the west side of the wall)

3. Widening of the roadway of varying width (7-14 feet) from station 229+19.30 to station 231.76.40 (north of post mile marker 61.9, in the area of Spruce Street and the second retaining wall), shown on Sheet L-19 of the Project Plans (Attachment 1). The widening would be marked and would not add a lane to SR 1.
4. Construction of 37 curb ramps at the intersections of SR 1 with collector streets, and driveway upgrades.
5. Associated drainage inlet and culvert work. This scope of work would result in repair and upgrade to the existing drainage facilities, and features culvert extension, drainage inlet replacement and addition of new drainage system.
6. Relocation of underground utilities and adjustment of utilities to grade; and
7. pavement markings at specified locations.

These improvements are shown on the Project Plans (Attachment 1). The various project work locations would total approximately 2.3 miles of construction. There will be a gap in work, associated with the project, along the Noyo River Bridge.



**Map 1: Project Location**

### **CONSISTENCY WITH COASTAL GENERAL PLAN AND COASTAL LAND USE & DEVELOPMENT CODE**

The following analysis summarizes the proposed project's compliance with development standards and relevant Coastal General Plan policies that have a bearing on the project. Special conditions are recommended where necessary, to bring the project into conformance with the City's Local Coastal Program.

## LAND USE

The subject section of the SR 1 traverses through General Commercial (CG), Highway Visitor Commercial (CH) and Central Business District (CBD) zoning designations in the Coastal Zone. While the City's Zoning Map identifies SR 1 with these zoning designations, the SR 1 is a circulation corridor and the site development standards applicable to the aforementioned zoning designations would not apply within the SR 1 right of way.

## CIRCULATION

SR 1 traverses through the City of Fort Bragg in the north-south direction and is also called Main Street within the City. SR 1 is the only north-south road serving the north coast of Mendocino County, providing a local transportation corridor for many communities and the primary access route for visitors. Proposed sidewalk improvements would enhance pedestrian circulation along this route.

Vehicular traffic volumes on SR 1 have increased steadily over the years. Although the proposed improvements will not add additional vehicular traffic on the roadway, SR 1 is a primary thoroughfare through the City of Fort Bragg; traffic could potentially be impacted during construction in turn impacting businesses along this thoroughfare. Special Condition 1 is recommended such that traffic flow is maintained during construction.

**Special Condition 1:** Applicant shall make every effort to ensure a smooth flow of traffic during construction activities and minimize the disruption to the Public.

Additionally, Special Condition 2 is recommended for the applicant to coordinate all construction activities with the City and other potentially impacted agencies, as well as to provide all appropriate public noticing for businesses and residents. As the City and State are reducing restrictions due to decreasing incidence of COVID cases this means the economy is opening back up. Staff heard concerns from the Community regarding the projects impacts on surrounding businesses. The impacts to businesses is minimized because the primary locations where long stretches of sidewalk placement are scheduled occurs only in the General and Highway Commercial zones. Most businesses potentially impacted are not typical "pedestrian oriented" facilities. The types of businesses which may be intermittently inconvenienced by the project include four (4) lodging facilities, three (3) retail establishments, and four (4) general service businesses like insurance or law. Most of these businesses can take access off of side streets or the alley behind them. There is no work proposed in the Central Business District (CBD). In an effort to reduce impacts to neighboring business, staff recommends Special Condition 2.

**Special Condition 2:** The applicant is responsible for coordinating all construction activities with the City and other potentially impacted agencies, as well as providing all appropriate public noticing.

- a. In order to provide an acceptable level of communication, the City requires that the applicant deliver a "**Project Communication Plan**" for the City's approval, a minimum of one (1) month in advance of construction activities. The plan shall provide the City with the planned sequencing of construction, and include submitting a two (2) week construction activity look-ahead to the City, every two weeks, to ensure that the City is informed of daily activities.

- b. Applicant to include their Traffic Control Plans as part of the 2 week look ahead.
  - c. Applicant shall notify the City of any changes to the schedule a minimum of 24 hours in advance of altered construction activities.
  - d. Applicant shall provide a minimum of one (1) week notice to all impacted businesses and residents, and post regular updates to the CalTrans website.
- Noticing shall include the following agencies:

- i. City of Fort Bragg, Public Works Department, City of Fort Bragg Police Department, Fort Bragg Fire Department, Mendocino Coast Ambulance Service, Waste Management (Garbage/Recycling Pick-up and Container Delivery)

The project is consistent with the following applicable policies of the Circulation Element of the Coastal General Plan.

*Policy C-2.2: Improvements to major road intersections for public safety or increased vehicle capacity shall be permitted, as necessary, in existing developed areas and where such improvements are sited and designed to be consistent with all policies of the LCP.*

The project improvements including cross walk markings at the intersections of SR 1 with Boatyard Drive/Ocean View Drive, N. Harbor Drive, South Street, E. Cypress Street, Walnut Street, E. Chestnut Street, Hazel Street, Maple Street, E. Fir Street, E. Bush Street, Spruce Street, and S. Elm Street. These are locations where cross walk marking are not currently existing and their addition would enhance public safety.

*Policy C-2.3: Design Roadways to Protect Scenic Views. In scenic areas, roadway improvements, including culverts, bridges or overpasses, shall be designed and constructed to protect public views and avoid or minimize visual impacts and to blend in with the natural setting to the maximum extent feasible.*

Mendocino County recommends that the entire length of SR 1 located within the county be designated as a Scenic Highway. Under the Scenic Highways Element of the County's General Plan many visual elements within the project corridor are considered scenic resources, including valleys and ridges, river views, seascape, urban fringe, and natural wildlife and wildlife habitats. These scenic resources are predominantly in the background of the visual corridor where the work is proposed.

SR 1, within the project limits is entirely within the city of Fort Bragg, and is an urban and rural-urban highway, varying from four-lanes to two-lanes. It is functionally classified as an Arterial street in the City's Coastal General Plan. There are intermittent views of the Pacific Ocean from the corridor, with enduring views when crossing Noyo River Bridge, as well as views of Noyo River and the harbor from the bridge. These views will not be affected by the proposed improvements because the project does not include improvements that will screen the views of the ocean nor are there any improvements proposed along Noyo River Bridge.

A Visual Impact Assessment, dated January 17, 2020, was prepared by Phlora Barbash, Landscape Associate, Caltrans - District 1 North Region Division of Project Development, to evaluate the impacts of the proposed improvements, which is included as Attachment 2. As

surmised from this study, minor visual changes would occur to the visual character of SR 1 due to the two retaining walls, extending north from the intersection of SR 1 (north bound) and SR 20 (retaining wall-1) and the retaining wall in the vicinity of Spruce Street on the south bound side (retaining wall 2) as well as construction of sidewalks in certain locations.

Retaining wall-1 would be a visual extension of an existing retaining wall that extends west from the intersection of SR 20 and Boatyard Drive and follows SR 20 to the curb ramp at the intersection of SR 20 and SR 1. This existing wall is currently visible to SR 1 viewers. Although, the installation of retaining wall 1 would result in some vegetation removal as the slope in this area is currently vegetated with grasses and shrubs, vegetation would still feature on the slope above the wall.

CLUDC Chapter 17.34, which establishes requirements for landscaping does not include standards for landscaping in public right of ways, however, maintenance of all landscaped areas is a requirement of CLUDC 17.34.070. Special Condition 3 is recommended to ensure that the landscaping on the slopes above the subject retaining wall is maintained.

**Special Condition 3:** To provide an acceptable level of landscape management, the applicant shall deliver for the City's approval a "Landscape Management Plan" for the landscaping on the slopes above the proposed retaining wall extending north from the intersection of SR 1 and SR 20 for a distance of 741 linear-feet. The Plan shall be provided a minimum of one (1) month in advance of construction activities.

Installation of sidewalks would result in removal of some planters and landscaping in certain locations. A large hedge and a portion of an ornamental planting area would be removed just south of the SR 1/Boatyard Drive intersection, on the northbound side. However, these changes are not anticipated to significantly impact the visual character of SR 1 because an existing large hedge of similar size and character will remain located just behind the hedge scoped to be removed south of the SR 1/Boatyard Drive intersection; removal of some plants in the ornamental planting area would result in low visual impacts as a narrow planting area would remain.

Planter removal on both sides of the highway would occur Between Spruce and Elm Streets for the construction of sidewalks in this area and retaining wall-2 on the southbound side. The existing planting in this area is minimalistic and retaining wall-2 would be located in front of the parking lot in front of the Century 21 building. Special Condition 4 below, is recommended for Planning Commission consideration to minimize the visual impact of the retaining walls on SR 1.

**Special Condition 4.** The retaining walls to be constructed as part of the project and shown in the project plans, received December 23, 2020, shall be the same type and include the same aesthetic treatment as the existing retaining wall extending west from the intersection of SR 20 and Boatyard Drive to the curb ramp at the intersection of SR 20 and SR 1.

*Policy C-2.12: Roadway Safety: Improve the safety of the roadway system. All safety improvements shall be consistent with the applicable policies of the LCP including, but not limited to, the wetlands, environmentally sensitive habitat area, public access, and visual protection policies.*

The project proposes improvements, as identified in the project description would be located in the SR 1 right of way. The Environmentally Sensitive Habitat Area Assessment for the Fort Bragg Americans with Disabilities Act Improvement Project, dated October 2020, Prepared by Caltrans (Attachment 3) identifies one area containing potential riparian and/or wetland ESHA outside of the ESL, but within the 100-foot buffer enveloping the ESL. The potential forested, seasonally flooded wetland and/or riparian area occurs along the southbound (western) side of SR 1 beyond an existing wooden fence. No jurisdictional wetlands, waters of the U.S., or waters of the State were identified within the project ESL (existing roadway and shoulders).

The nearest proposed construction to the ESHA would involve curb ramp reconstruction, sidewalk removal and replacement, drainage inlet construction, and culvert extensions (to connect existing culverts to proposed drainage inlets) on the northbound (eastern) side of the highway. (Attachment 1 – Project Plans Sheets L-9, L-10, L-11, and L-12). All proposed construction would occur approximately 80–100 feet away from this potential ESHA. Furthermore, proposed construction activities would not encroach on the existing buffer between the ESHA and existing development. Also, neither of the proposed retaining walls (Attachment 1 – Project Plans, Sheets L-1, L-2 and L-19) impact any potential ESHA.

The project proposes improvements within the existing SR 1 right of way and would, thus, not interfere with the public's right to access to the coast. As described above in the staff report the proposed improvements would not impact existing views of the Pacific Ocean, Noyo River, and the harbor from Noyo Bridge. As such, the proposed improvements to enhance accessibility on SR 1 would be consistent with the applicable policies of the LCP.

*Policy C-9.1: Provide Continuous Sidewalks: Provide a continuous system of sidewalks throughout the City.*

The project proposes construction of new sidewalks, to fill in the gaps between the existing sidewalks, and upgrading of existing ones and would contribute toward building a continuous system of sidewalks throughout the City.

*Policy C-9.6: Ensure that pedestrian paths are sited to avoid wetlands and other environmentally sensitive areas.*

As described under discussion for consistency with Policy C-2.12 above, the proposed sidewalk improvements and construction would occur approximately 80–100 feet away from the identified potential ESHA.

*Policy C-11.2: Handicapped Access. In conformance with State and Federal regulations, continue to review all projects for handicapped access and require the installation of curb cuts, ramps, and other improvements facilitating handicapped access.*

The project proposes improvements to upgrade the subject location of SR 1 to current American with Disabilities Act (ADA) standards.

## **CONSERVATION, OPEN SPACE, ENERGY, AND PARKS**

The project proposes removal of some vegetation/planters/landscaping for the construction of the two retaining walls, required in association with the construction of new sidewalks, and sidewalk improvements as described above in discussion under Circulation, Policy C-2.3. These improvements would be located outside the identified potential ESHA in their vicinity as discussed under Policy C-2.12. Based on this discussion, the project is consistent with the following Coastal General Plan policies:

*Policy OS-5.1 Native Species: Preserve native plant and animal species and their habitat.*

*Policy OS-5.2: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.*

Additionally, the project is consistent with the following policies incorporated in the Conservation, Open Space, Energy and Parks element of the Coastal General Plan.

*Policy OS-4.1. Preserve Archaeological Resources. New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.*

*Policy OS-4.3: Halt all work if archaeological resources are uncovered during construction. Require an evaluation by a qualified archaeologist before recommencing construction.*

*Policy OS-4.4: Locate and/or design new development to avoid archaeological resources where feasible.*

*Policy OS-4.5: Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.*

Grounds disturbance will occur as a result of the construction of the project. According to the cultural studies prepared for the project, the sidewalk improvements and associated drainages will not be disturbing soil outside of the area previously impacted by road construction. If buried cultural resources are unearthed during construction, it is Caltrans' policy to halt all work in the area of the inadvertent discovery until a qualified archaeologist can assess the significance of the find and notify affiliated tribal representatives and appropriate personnel across involved agencies. The location of the inadvertent discovery would remain confidential.

If human remains are inadvertently unearthed during construction, no further disturbance shall occur until the County Coroner has determined the origin and disposition of the remains, as stated by law within California State Health and Safety Code § 7050.5.

*Policy OS-9.1: Minimize Introduction of Pollutants. Development shall be designed and managed to minimize the introduction of pollutants into coastal waters (including the ocean, estuaries, wetlands, rivers, streams, and lakes) to the extent feasible.*



The proposed project is subject to policies and regulations that are currently in place to protect the surface water quality. These stormwater and non-stormwater discharge requirements require Caltrans to implement construction and operational controls for proper runoff management and adequate water quality treatment, as outlined in Water Quality Assessment, dated August 2019, prepared by Lorna McFarlane, Water Quality, NR Office of Environmental Engineering – Eureka (Attachment 5). These construction and operational control and Best Management Practices (BMP) will be implemented during constructions and post construction phases of the project.

This project is located within its own Municipal Separate Storm Sewer Systems (MS4), water leaving the site re-enters the City of Fort Bragg's (MS4) permit area. Special Condition 5 below is recommended to ensure surface water quality protection.

**Special Condition 5:** Best Management Practices (BMP) controls including installation of appropriate stormwater protection measures shall occur prior to any construction or ground disturbance including protection for all potentially impacted stormwater inlets and outfalls. No construction debris and soil may be placed in the City right-of-way without prior approval and encroachment permit. All construction debris/soil shall be properly disposed.

*Policy OS-9.2: Minimize Increases in Stormwater Runoff. Development shall be designed and managed to minimize post-project increases in stormwater runoff volume and peak runoff rate, to the extent feasible, to avoid adverse impacts to coastal waters.*

The project design was evaluated in a preliminary drainage report, dated February 14, 2019, prepared by Artin Merati, North Region Capital Hydraulics, District 1- Eureka and an addendum, dated February 2020, prepared by Edward Wordon, North Region Capital Hydraulics, District 1- Eureka, which include design recommendations for stormwater management. Both these documents are included as Attachment 4. The recommendations incorporated in these reports are preliminary with further evaluation being necessary in the detailed design phase (Special Condition 6).

**Special Condition 6:** Final recommendations for drainage determined during final project design that ensure stormwater management in compliance with City and State standards shall be implemented during construction of the improvements incorporated in the project.

#### **DEVELOPMENT STANDARDS**

CLUDC Section 17.30.050 establishes standards for fences, walls and screening. The project proposes retaining walls in two locations. Retaining wall-1 would be up to 6 feet in height and would retain an embankment greater than 4 feet (48 inches) in height. Per CLUDC Section 17.30.050(D)(3) "any embankment to be retained that is over 48 inches in height shall be benched so that no individual retaining wall exceeds a height of 36 inches, and each bench is a minimum width of 36 inches."

This project proposes numerous City-owned utility relocations. Caltrans has established a regular working relationship with City staff regarding proposed future relocations necessary to accommodate this projects construction. In coordinated effort the City requests Special Condition 7.

**Special Condition 7:** All city-owned utility relocations shall be reviewed and approved by the Public Works Director prior to issuance of a construction contract.

**ENVIRONMENTAL DETERMINATION CEQA:** The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Section 15301, Class 1 (c), Existing Facilities and none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project; NEPA: The project is categorically excluded under 23 USC 327. (Attachment 6)

### **PLANNING COMMISSION ACTION**

Staff recommends that the Planning Commission: 1) open the public hearing; 2) receive staff report; 3) take testimony from the applicant and the public; 4) close the public hearing and deliberate; and 5) consider adoption of Resolution to approve Coastal Development Permit 3-20 (CDP 3-20) subject to standard and special conditions.

### **ALTERNATIVE ACTIONS**

1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
2. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain, the Commission may then deliberate and make a decision.
3. Deny the Coastal Development Permit.

### **RECOMMENDATION**

Staff recommends adoption of the resolution (Attachment 7) approving Coastal Develop Permit 3-20 (CDP 3-20) pursuant to all the evidence presented, both oral and documentary, and further based on the findings and conditions stated therein.

### **ATTACHMENTS**

1. Project Plans
2. Visual Impact Assessment
3. Environmentally Sensitive Habitat Area Assessment
4. Preliminary Drainage Report and Addendum
5. Water Quality Assessment
6. CEQA/NEPA Determination
7. Resolution for Approval

### **NOTIFICATION**

- Applicant, California Department of Transportation
- Planning Commission
- Notify Me