

RESOLUTION NO. PC -2022

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR APPROVAL OF COASTAL DEVELOPMENT PERMIT 6-22 (CDP 6-22) AND DESIGN REVIEW 18-22 (DR 18-22) TO IMPLEMENT IMPROVEMENTS FOR UPGRADES TO CURRENT AMERICANS WITH DISABILITIES ACT (ADA) STANDARDS IN A SECTION OF STATE ROUTE (SR) 1 FROM THE INTERSECTION OF SR 1 AND SR 20 NORTH TO ELM STREET AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the California Department of Transportation (“Applicant”) submitted an application for a Coastal Development Permit (CDP 6-22) and Design Review (DR 12-22) to implement improvements for upgrades to current Americans with Disabilities Act (ADA) standards in a section of State Route 1 (SR1) from the intersection of State Route 1 (SR 1) and State Route 20 (SR 20) north to Elm Street. (“Project”); and

WHEREAS, the Project is located within the public right of way of SR 1 in the section of the roadway that extends north from the intersection of SR 1 and SR 20 to Elm Street, between Post Mile marker 59.80 and Post Mile marker 62.10 and

WHEREAS, the Project is subject to the City of Fort Bragg’s Local Coastal Program; and

WHEREAS, findings required for the approval of the Project are outlined in the City’s Coastal Land Use and Development Code (CLDC).

WHEREAS, the Planning Commission held a duly noticed public hearing on November 30, 2022, to consider the Project and take public testimony; and

WHEREAS; the Project qualifies for National Environmental Protection Act (NEPA) Categorical Exclusion under 23 USC 327 CFR 771.117(c)(26).

NOW THEREFORE BE IT RESOLVED, that based on the entirety of the record before it, which includes without limitation, the CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15301, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project applications; all site plans, and all reports and public testimony submitted as part of the Planning Commission’s meeting of November 30, 2022, and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg hereby makes the finding that the Project qualifies for a Class 1 and Class 3 exemptions under CEQA Guidelines Section 15301 and Section 15303, as described below.

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use.

The types of “existing facilities” include, but are not limited to, “Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations

that do not create additional automobile lanes” (Section 15301 (c)).

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The project proposes specified improvements to provide ADA upgrades on SR 1 from the intersection of SR 20 and SR 1 north to Elm Street. The scope of work includes installation of approximately 2,300 linear feet of new sidewalk, reconstruction of approximately 1,900 linear feet of sidewalk, construction of 35 curb ramps, reconstruction of 18 driveways that coincide with the proposed sidewalk construction and reconstruction, installation of two new retaining walls, and associated drainage inlet and culvert work to accommodate the new curb ramps, pedestrian push buttons as well as pavement markings at specified locations. Additionally, pavement would be widened to allow for a new sidewalk in the area of the retaining wall north of Spruce Street. Utilities poles and streetlights would be protected in place unless called out in the project plans for relocation, specifically in conjunction with the retaining wall at the intersection of SR 20 and SR 1.

The project qualifies for categorical exemption per Section 15301 and Section 15303 of the CEQA Guidelines because it proposes improvements for ADA upgrades in an existing facility as defined in Section 15301 (c) that would not result in substantial change to the use of the facility.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project, as described below:

- Sec. 15300.2(a): Location: Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is not within federal, state or local designated environmentally sensitive habitat or hazardous area. As indicated above, while there is a potential Environmentally Sensitive Habitat Area (ESHA) in the vicinity of the project, the improvements are separated from the ESHA and located approximately 80 feet away at a minimum. The Section 15300.2(a) does not apply to the existing facilities (Class 1) exemption.

- 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 proposed improvements would enhance pedestrian and accessibility features of the highway but would not add any traffic lanes. As such, the proposed improvements are limited in nature and would not occur in combination with future phases of such improvements that may occur in the City on SR 1. Therefore, the cumulative impact of successive projects of the same type in the same place over time would not be significant.

- Sec. 15300.2(c): Significant Effect: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no unusual circumstances associated with the proposed improvements on SR 1 between Post Mile marker 59.8 and Post Mile marker 62.1 in Fort Bragg, as proposed in plans, submitted to the City in November 2022, that would result in a significant effect on the environment. As indicated above, while there is a potential Environmentally Sensitive Habitat Area (ESHA) in the vicinity of SR 1 in this segment, the improvements are located approximately 80 feet away at a minimum. Standard measures that are required by local, state, and federal law would be implemented as part of the project to minimize and avoid construction-related impacts, such as those related to potential disturbance of unknown archaeological resources or human remains. The proposed project would, therefore, not result in a significant effect on the environment due to unusual circumstances.

- 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, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified environmental impact report.

SR 1 between Post Mile marker 59.8 and Post Mile marker 62.1 in Fort Bragg, where the project proposes improvements is not officially designated as a state scenic highway.

- Sec. 15300.2(e): Hazardous Waste Sites: A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed improvements are not located on a site included on lists compiled pursuant to Section 65962.5 of the Government Code.

- Sec. 15300.2(f): Historical Resources: A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The proposed improvements are limited in nature as described above and are not proposed in the Central Business District, which represents the core of Fort Bragg's historic downtown. No buildings are proposed to be demolished by the project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby make the following findings for the approval of Coastal Development Permit 6-22 (CDP 6-22):

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources.

The project proposes improvements as described in the project staff report, dated November 30, 2022, and shown in the project plans, submitted in November 2022. In summary, as described above, these improvements entail installation of approximately 2,300 linear feet of new sidewalk, reconstruction of approximately 1,900 linear feet of sidewalk, construction of 35 curb ramps, reconstruction of 18 driveways that coincide with the proposed sidewalk construction and reconstruction, installation of two new retaining walls, and associated drainage inlet and culvert work to accommodate the new curb ramps, pedestrian push buttons as well as pavement markings at specified locations. Some utilities poles and streetlights would need to be relocated in conjunction with the construction of one retaining wall, and pavement widened to allow for a new sidewalk in the area of the second retaining wall. These improvements will primarily occur in the SR 1 public right of way between Post Mile marker 59.8 and Post Mile marker 62.1 with minor encroachments into City streets and private properties for implementing improvements, specifically curb ramps and the proposed ADA improvements to existing driveways, at specified locations.

The project staff report, dated November 30, 2022, details consistency of the project with the applicable policies of the City's Coastal General Plan and the Coastal Land Use Development Code, which together constitute the City's Local Coastal Program. A review of the project has yielded Special Conditions of Approval that are listed below. With these and standard conditions of approval applicable to the project, it would be in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources.

2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);

In the project area, SR 1 constitutes the first public road from the Noyo Bridge to Oak Street. Map OS-3 of the Coastal General Plan identifies coastal access at North Harbor Drive in the subject segment of SR 1. Access to the coast also exists at East Cypress Street.

The improvements proposed in this stretch of the road include curb ramps on the eastern side of SR 1 at the intersection of SR 1 with North Harbor Drive, South Street, East Cypress Street, Walnut Street, East Chestnut Street, Hazel Street, Maple Street and Madrone Street, and associated drainage improvements as described in Attachment 1 of the project staff report dated November 30, 2022.

These improvements will be in conformity with the Public Access and Recreation policies of Chapter 3 of the Coastal Act of 1976, because being on the east side of SR 1 they would not encroach seaward or interfere with coastal access on the west side or impede coastal recreational opportunities. Additionally, as these improvements are aimed at incorporating ADA upgrades within an existing road, they would not change the intensity of its use. As such, the subject improvements would not classify as new development and would, therefore, not be subject public access policies of the Coastal Act applicable to new development.

Special Condition 2 would ensure that potential temporary disruption to coastal access is minimized during construction of the subject improvements.

3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;

The proposed improvements, as shown on the plans submitted in November 2022, and as conditioned are categorically exempt from CEQA, under Section 15301 – Existing Facilities (Class 1) and Section 15303 – New Construction or Conversion of Small Structures (Class 3) and considered not to have potential significant impacts on the environment as discussed above.

4. The proposed use is consistent with the purposes of the zone in which the site is located;

The City's Zoning Map identifies SR 1 within General Commercial (CG), Highway Visitor Commercial (CH) and Central Business District (CBD) zoning designations in the Coastal Zone. The proposed improvements will primarily occur in the SR 1 public right of way between Post Mile marker 59.8 and Post Mile marker 62.1 at specified locations with minor encroachments into adjacent private properties for implementing ADA improvements to existing driveways. Site development standards applicable to adjacent parcels zoned for commercial use pertain to building development, fences, parking and landscaping and signs that do not apply to driveway improvements. As such, implementation of ADA improvements to driveways as proposed by the project would not be inconsistent with the commercial zoning of the subject parcels.

5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;

The proposed improvements are in conformance with the applicable policies of the City of Fort Bragg's Coastal General Plan, specifically policies of the Circulation, Conservation, Open Space, Energy and Parks, Community Design and Safety elements of the Coastal General Plan as described in the project staff report, dated November 30, 2022

6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and

The project proposes ADA improvements primarily within the SR 1 public right of way with minor encroachments into City streets and private properties for implementing improvements, specifically curb ramps and the proposed ADA improvements to existing driveways, at specified locations between Post Mile marker 59.8 and Post Mile marker 62.1. Once constructed, the improvements would serve to enhance pedestrian circulation and accessibility on SR 1. As such, as conditioned, the proposed work would not be detrimental to public health, safety, convenience, or welfare, or be materially injurious to properties or improvements in the vicinity.

7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;

Water would be required during construction and for initial irrigation of plantings for approximately six months. However, services such as water supply, sewage and solid

waste disposal during project operations and public roadway capacity would not be diminished as a result of the proposed improvements.

The project's water needs for initial irrigation and during construction are anticipated to be fulfilled by City water supply. However, in the event the City enters a Stage 3 Water Emergency during construction, the applicant will be required to make alternate arrangements pursuant to Special Condition 16.

Supplemental findings for projects involving geologic, flood, and fire hazards:

2. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons; and

The project is located in a seismically active regions, however there are no USGS recognized fault lines in the City limits, and the project would not result in or be subject to extraordinary earthquake hazard. According to Map SF-2, Flood Hazards, in the City's Coastal General Plan, the project work area is not part of special flood hazard areas inundated by 100-year flood and is not subject to flood hazard. The project would not result in or be subject to fire hazards.

The proposed improvements include two new retaining walls. There is a possibility that the proposed site of the retaining walls may be subject to strong ground motions from nearby earthquake sources during the design life of the walls. Therefore, these walls were evaluated for stability and structural integrity in the event of seismic activity. The geotechnical analysis performed for the walls indicates that the design of these retaining walls would be stable except in the case of an extraordinary seismic event in which case they would be subject to an estimated permanent seismic displacement of six inches. This would be an unavoidable risk in a seismically active region.

On balance, the project, as proposed, would neither be subject to nor increase the instability of the site or structural integrity from geologic, flood or fire hazard due to location on the site or project design or other reasons that can be conceived.

3. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping or other conditions; and

As indicated above, the project site is susceptible to seismic activity in a seismically active region and not subject to flood or fire hazards. Any modification that may accrue to the project as a result of the conditions of approval would be in accordance with the applicable state and local laws and standards and would not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards.

4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

Overall, the proposed improvements are not anticipated to adversely impact site stability as they would not require deep excavations and would be located on level topography. Site preparation

proposed for the construction of the proposed curb ramps, drainage improvements in conjunction, and driveways would ensure proper construction. The project's geotechnical analysis indicates that the proposed design of the retaining walls would be stable with the exception of extraordinary seismic events. The applicant or City have not identified any retaining walls design alternatives that could avoid or substantially lessens impacts on structural integrity in a seismically active region. An alternative to development would be to not improve the subject section of SR 1 to current American with Disabilities Act (ADA) standards that would not yield any impacts to site stability and structural stability beyond those existing.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby make the following findings that Design Review Application 18-22 (DR 18-22):

1. Complies with the purpose and requirements of CLUDC Section 17.71.050

The proposed retaining walls and landscaping are subject to Design Review pursuant to CLUDC Section 17.71.050. These improvements are described in the project staff report, dated November 30, 2022, and shown in the project plans, submitted November 2022 and attached to the staff report as Attachment 2. The proposed retaining walls would blend in with the surrounding development in that their material, finish and color would match that of similar existing improvements. That factor, in combinations with the proposed landscaping that would soften the appearance of the larger retaining wall at the intersection of SR 20 and SR 1, would ensure compatibility of the subject improvements with Fort Bragg's community character.

2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.

The project does not propose any buildings. The design and the scale of the proposed 760 feet long continuous retaining wall at the intersection of SR 20 and SR 1 exhibits variation in height (approximately 5 feet to 2'-4" above grade as seen from SR 1) and would be embellished with panels differentiated in their finish from the rest of the wall. Landscaping to the rear of this wall would serve to soften its appearance. The retaining wall north of Spruce Street would be constructed in three segments punctuated by driveways to the commercial property (Century 21/Fort Bragg Realty) to the rear of the wall. This wall would be no more than 4 feet tall as viewed from the commercial property and a maximum of two feet in height as viewed from SR 1. Both retaining walls would feature 3'-8" cable railings on top. While these railings would add to the height their impact would be minimized as they will be "see through". Therefore, these improvements would be compatible with the site surroundings and the community overall.

3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.

This finding is not applicable to the proposed improvements because of the nature of the project, which does not include building and associated site improvements.

4. Provides efficient and safe public access, circulation, and parking

The proposed retaining walls and landscaping would not impede public access, circulation

and parking by virtue of their location. The retaining walls are proposed in conjunction with and to facilitate sidewalk construction, and in that regard support pedestrian connectivity and would enhance circulation.

5. Provides appropriate open space and landscaping, including the use of water efficient landscaping

The project proposes new trees on the sidewalk in front of the Rite Aid Property on the east side of SR 1 that would complement existing trees in this location. This and the landscaping proposed in conjunction with retaining wall at the intersection of SR 20 and SR 1 would be water efficient. This landscaping is appropriately placed behind the retaining wall that would serve to soften the appearance of the retaining wall and stabilize the slope behind the retaining walls. Space for new landscaping in the area of the retaining wall north of Spruce Street is constraint where landscaping consisting of mowed grass and shrubs would need to be removed to allow for the construction of this retaining wall and new sidewalk to fill in the gap in the sidewalk north of Spruce to Elm Street. On balance, the project is consistent with this finding.

6. Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program

The project is consistent with all applicable policies of the Coastal General Plan and applicable standards in the Coastal Land Use Development Code, and is, therefore, consistent with the Certified Local Coastal Program, as described in the project staff report dated November 30, 2022.

7. Complies and is consistent with the City's Design Guidelines

The improvements subject to design review i.e. the retaining walls and landscaping comply with and are consistent with the design guidelines because the former would facilitate sidewalk construction enhancing pedestrian circulation on SR 1 and provide landscaping, as appropriate and feasible, with water efficient plantings.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby approve Coastal Development Permit 6-22 (CDP 6-22) and Design Review 18-22 (DR 18-22) to allow for the Project, subject to the following conditions of approval:

A. Standard Conditions

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 – Appeals;
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit;

3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City;
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes;
5. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions;
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions;
7. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B);
8. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at the time of building permit application; and
9. Applicant shall indemnify, hold harmless, and defend the City of Fort Bragg against any claim brought against the City stemming from the City's approval of this project.

B. Special Conditions

1. The Best Management Practices as identified in the Biological Resources Evaluation Memo, dated January 2020, and below shall be included in the construction drawings for the project for implementation by the contractor.
 - a. Equipment shall be inspected daily for leaks and completely cleaned of any external petroleum products, hydraulic fluid, coolants, and other deleterious materials prior to operating equipment.

- b. Measures shall be in place and implemented to prevent construction equipment effluents from contaminating soil or waters in the construction site, such as absorbent pads.
 - c. Maintenance and fueling of construction equipment and vehicles shall occur at least 50 feet away from the ordinary high-water mark (OHWM) of surface water or the edge of sensitive habitats (e.g., wetlands).
 - d. The contractor shall be required to develop and implement site-specific BMPs and emergency spill controls.
 - e. Water in contact with setting concrete shall be pumped into a tank truck and disposed at an approved disposal site or settling basin.
 - f. All unused material from the project shall be disposed off-site. The Caltrans Resident Engineer shall be responsible for ensuring all requirements for disposal of material are met by the contractor.
 - g. If bird nests are found incidentally, buffer areas shall be established around active nests with input from the California Department of Fish and Wildlife (CDFW). Construction activities that may potentially disturb birds shall not occur within the buffer area. The buffer areas shall be marked as environmentally sensitive, and nests shall be monitored for disturbance behaviors by a qualified biologist.
 2. 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, Applicant shall 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 shall 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 Two (1) weeks 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 707-961-2823
 - ii. City of Fort Bragg Police Department 707-961-0200
 - iii. Fort Bragg Fire Department 707-961-2831
 - iv. Mendocino Coast Ambulance Service 707-937-1940
 - v. Redwood Waste Solutions (Garbage/Recycling Pick-up and Container Delivery) 707-234-6400
 - e. Applicant shall incorporate multi-modal (including bicycle and pedestrian) access into the traffic control plans to ensure that if any existing route which provides coastal access is temporarily closed, a plan for detouring all transportation modes around construction to arrive at their destination is in place, which may include scheduling, signage, and personnel.
 3. A minimum of three weeks prior to the start of the project construction, Applicant shall contact the Sherwood Valley Tribal Historic Preservation Officer to request the presence of a cultural monitor on-site during construction.

4. Applicant shall abide by the MS4 permit regulations. As this project proposes more than one acre of disturbance, Caltrans shall submit a Construction General Permit Storm Water Pollution Prevention Plan for City Staff review and approval prior to submittal to the State Water Board. SWPPP shall be submitted with the grading permit application.
 - a. All construction, BMP's, sampling, and post construction stabilization associated with this project shall be in compliance with submitted SWPPP.
 - b. Plan Sheet ECL-1 indicates erosion control quantities and locations; this information needs to be shown on a plan set in the SWPPP or WPCP for easy installation by the contractor at time of construction as well as for inspection by Qualified Stormwater Professional during project.
 - c. It is not permitted for construction debris and soil to be placed in the City right-of-way. All construction debris/soil shall be properly disposed.
5. Final recommendations for drainage shall ensure that stormwater management is in compliance with City and State standards and measures incorporated in the project design and implemented during construction of the improvements shall minimize increases in stormwater runoff to ensure that increase in runoff flow can be accepted by the existing storm drain system.
6. This project proposes excavation, earthwork, paving, surfacing or other construction is not anticipated to alter existing drainage patterns, and grading in the Coastal Zone. Nevertheless, this work requires submittal of a Grading Permit (FBMC 17.60.030). Grading permit application submittals include a grading plan, drainage plan, a geotechnical study and a Runoff Mitigation Plan (fulfilled by a Storm Water Pollution Prevention Plan (SWPPP)). Grading Permit shall be submitted at least two weeks prior to construction and approved prior to the start of construction.
7. The project is located within and adjacent to "Water of the State". Therefore, application of Waste Discharge Requirements (WDR's) or waiver to the North Coast Regional Water Board may be required. A WDID or waiver for this requirement shall be submitted to the City at least two (2) weeks prior to the start of construction. If the water quality permit is required, the project will need to implement post-construction stormwater treatment.
8. The applicant shall provide written notice two-weeks prior to closure of any driveway access to and from Highway One. Where a business(es) has more than one driveway access, work will be scheduled to ensure one driveway access is open at all times. Where a business(es) has one two-way driveway, only one side will be closed at a time to allow ongoing egress to the business. Where a business(es) has only one driveway access, all work on that driveway will be completed within one week. Caltrans shall provide signage indicating that alternative access is available through the alley (if such access is available).
9. To minimize landscaping maintenance and water use the applicant shall install only drought tolerant locally native plants and shrubs in all landscaped areas, the applicant shall submit the landscaping plan to the Community Development Department prior to the start of construction. All landscaped areas shall be maintained in accordance with CLUDC 17.34.070.
10. The completion of the required landscaping plan, in accordance with the requirements of the CLUDC with respect to planting groupings, safety, sizing and soil condition at the time of planting shall be certified by the author of the landscape and irrigation plan, through a signed statement submitted to the Community Development Director.
11. The following methods of dust management shall be implemented during construction, subject to approval by the City Engineer.

- a. Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.
 - b. Operations during high winds. Clearing, earth-moving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
 - c. Limiting the area of disturbance. The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times.
 - d. Dust emissions shall be controlled by watering a minimum of two times each day.
 - e. Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained.
 - f. Appropriate facilities shall be constructed to contain dust within the site as required by the City Engineer.
12. Nighttime construction activity that produces noise of more than 75 dBA within 500 feet of residences, hotels or other noise sensitive uses shall not take place after 9:00 pm and before 7:00 a.m. Construction noise reduction measures as outlined in "Construction Noise Analysis for the Fort Bragg ADA Project", dated June 7, 2022, prepared by Amanda Lee, California Department of Transportation, pg. 3 shall be implemented throughout the project. Applicant shall specify these locations in the "Project Communication Plan" identified in Special Condition 1, for the City's approval, a minimum of one (1) month in advance of construction activities.
13. Contact Underground Service Alert (USA), Dial 811 or 1-800-227-2600, at least 48hrs prior to construction.
14. Since the project proposes numerous City-owned utility relocations, final construction documents indicating all such relocations shall be reviewed and approved by the Public Works Director (or Designee) prior to issuance of a construction contract. The City reserves the right to propose alternate solutions.
- a. Any relocated Drainage inlets (DI) or sidewalk above DI's shall be re-marked with the appropriate "drains to waterway" medallion.
 - b. Contractor shall coordinate with City Maintenance in locations where there are water meters in the sidewalk construction/reconstruction area. Several locations have old oval shaped meter boxes in the concrete and the City may decide to replace with the current standard box.
15. Final Project As-Builts shall be submitted to the City for verification of relocated drainage utilities or other changes tracked for the City's mapping purposes.
16. If the project proposes work or staging in the City Right of Way, then an Encroachment Permit and insurance naming the City of Fort Bragg as additionally insured would be required. Fort Bragg Municipal Code (FBMC) 9.72.010. Encroachment Permit shall be submitted at least two weeks prior to construction and approved prior to the start of construction.
17. Construction Water: should the City enter a Stage 3 Water Emergency during construction, no hydrant meters for construction water will be made available and applicant should make arrangements to obtain construction water from alternate source.

BE IT FURTHER RESOLVED that pursuant to all the evidence presented, both oral and documentary, and further based on the findings and conditions, Coastal Development Permit 6-22 and Design Review 18-22 are approved subject to the provisions of the City of Fort Bragg

Local Coastal Program.

The above and foregoing Resolution was introduced by _____ seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 14th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Assistant Planner