

RESOLUTION NO. PC -2021

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR APPROVAL OF COASTAL DEVELOPMENT PERMIT (CDP 3-20) FOR A COASTAL DEVELOPMENT PERMIT TO UPGRADE A SECTION OF STATE ROUTE (SR) 1 TO CURRENT AMERICANS WITH DISABILITIES ACT (ADA) STANDARDS FROM THE INTERSECTION OF SR 1 AND SR 20 NORTH TO ELM STREET

WHEREAS, the California Department of Transportation (“Applicant”) submitted an application for a Coastal Development Permit to improve a section of State Route 1 (SR1) to current Americans with Disabilities Act (ADA) standards. (“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 State Route 20 (SR 20) to Elm Street, between Post Mile marker 59.8 and Post Mile marker 62.1; and

WHEREAS, the Project is subject to the Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

WHEREAS, the Project, being in the public right of way of SR 1, is not subject to the adjacent zoning designations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 12, 2021, to consider the Project and take public testimony; and

WHEREAS, pursuant to California Environmental Quality Act (“CEQA”), 14 California Code of Regulations §15301, the Project is Categorically Exempt because it involves improvements to an existing highway that do not create additional automobile lanes; and

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 April 12, 2021, 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 finds as follows:

A. General Findings

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general;

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. The subject section of 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 adjacent zoning would not apply within the SR 1 right of way.

The proposed project, as conditioned, would be consistent with the relevant policies of the Coastal General Plan and applicable provisions of the Coastal Land Use Development Code (CLUDC) and Fort Bragg Municipal Code in general

2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The project proposes improvements to enhance accessibility, pursuant to American with Disabilities Act (ADA), on the SR 1 in Fort Bragg from Post Mile (PM) 59.80 to PM 62.10. These improvements would not encroach upon the function of adjacent uses and would, thus, be compatible with them.

3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;

Pursuant to ADA, the project proposes improvements to include construction of two retaining walls, sidewalks, curb ramps, driveways, and pavement markings for cross walks as well as associated drainage inlet and culvert work, utilities relocation and their adjustment to grade. As conditioned, the proposed work would not jeopardize or constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity.

4. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15301 – existing facilities (Class 1)

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)).

The proposed improvements would result in the improvement along SR 1 between Post Mile marker 59.8 and Post Mile marker 62.1 in Fort Bragg, which qualify for a categorical exemption pursuant to Section 15301 (c).

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.*

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 consist of construction of two retaining walls, sidewalks, curb ramps, driveways, pavement markings for cross walks and associated drainage inlet and culvert work, utilities relocation and their adjustment to grade. These 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. 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 December 2020, that would result in a significant effect on the environment. While there is a potential Environmentally Sensitive Habitat Area in the vicinity of SR 1 in this segment, the improvements are located 80-100 feet away. 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 is not officially designated as a state scenic highway. 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. Special Conditions of approval on the project, such as vegetation along the highway are preserved and managed, would ensure that visual resources are addressed.

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 improvements are not located on a site included on lists compiled pursuant to Section 65962.5 of the Government Code; therefore, no exceptions to the categorical exemption apply.

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 project does not propose construction or improvements in the Central Business District (Main Street), which represents the core of Fort Bragg's historic downtown. It is Caltrans policy to halt all work in the area of the inadvertent discovery of cultural resources until a qualified archaeologist can assess the significance of the find and notify affiliated tribal representatives and appropriate personnel across applicable agencies. As such, the project would not cause a substantial adverse change in the significance of a historical resource.

B. Coastal Development Permit Findings

5. 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, as shown in the project plans, submitted in December 2020, proposes improvements, pursuant to the ADA requirements, consisting of the construction of two retaining walls, sidewalks, curb ramps, driveways, pavement markings for cross walks, associated drainage inlet and culvert work, utilities relocation and their adjustment to grade. 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 a gap in work along the Noyo River Bridge.

A review of the project has yielded Special Conditions of Approval that are outlined 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.

6. 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);

The proposed improvements are proposed primarily in the SR 1 public right of way, which is the first public road itself. Construction associated with curb ramps would be located partially out of the SR 1 right of way on the south bound side along Ocean View Drive, West Fir Street, West Bush Street, Spruce Street, and West Elm Street, could be regarded as development between the first public road and the sea but as features of the roadway. This development would not conflict with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 as it would be along established roads and the curb ramps would not interfere with the public's right of access to the sea.

ADA improvements to the driveways between Fort Bragg Outlet stores and Harbor RV Park, and in front of the Century 21 property near Spruce Street would also be located partially beyond the SR 1 public right of way on the south bound side but the former would improve access to Harbor Drive. The latter would improve access to the Century 21 property, which is an existing development between the SR 1 and the coast. Special Condition 4 would ensure that potential temporary disruption to coastal access through Ocean View Drive and Elm Street is minimized during construction of the improvements.

7. 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 plan submitted in December 2020, and as conditioned are categorically exempt from CEQA, under Section 15301 – existing facilities (Class 1) and considered not to have potential significant impacts on the environment as discussed above.

8. 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. However, the SR 1 is a circulation corridor and the site development standards applicable to adjacent zoning would not apply within the SR 1 right of way.

9. 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 applicable are the policies of the Circulation and Conservation, Open Space, Energy and Parks elements of the General Plan.

10. 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 improvements to include construction of two retaining walls, sidewalks, curb ramps, driveways, and pavement markings for cross walks as well as associated drainage inlet and culvert work, utilities relocation and their adjustment to grade on SR 1. This work would primarily be located in the SR 1 public right of way with construction associated with curb ramps located partially out of the SR 1 right of way at certain intersections. Once constructed, the improvements would serve to enhance pedestrian circulation and accessibility, pursuant to ADA, on the 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.

11. 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;

This finding is not applicable to this project as it would not require services such as water supply, sewage and solid waste disposal, and public roadway capacity would not be diminished as a result of the proposed improvements.

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

1. 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 entails upgrades to a section of State Route (SR) 1 to current Americans with Disabilities Act (ADA) standards from Post Miles (PM) 59.80 to 62.10. The

upgrade would include reconstructing and installing sidewalks, constructing 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.

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 project proposes two retaining walls, which were evaluated for stability and structural integrity in the event of seismic activity. According to a geotechnical report in combination with correspondence (Attachment 6) submitted by the applicant, 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 wall. However, they have been designed to not fail in the worst case scenario.

As such, 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.

2. 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

Special condition 6 and 8 would require some introduction of additional elements and/or revision in the project design such as landscaping and drainage. The modifications, however, 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.

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

The alternative to development would be to not improve the subject section of SR 1 to current American with Disabilities Act (ADA) standards. In that case the impacts to site stability and structural stability would remain as they are but will not be avoided or lessened.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby make the findings contained in this Resolution and approves Coastal Development Permit 3- 20 (CDP 3-20) 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 ILUDC Chapter 18.92 – Appeals;

2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC;
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).

B. Special Conditions

1. Applicant shall make every effort to ensure a smooth flow of traffic during construction activities and minimize the disruption to the Public;
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: 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)
3. The two retaining walls to be constructed as part of the project at locations, as shown in the project plans, received in December, 2020, shall be subject to administrative design review. Design review shall ensure that smooth blocks of appropriate size and scale are installed in the six (6) foot tall section of the retaining wall to allow for future art installations.
 4. The 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. Multi-modal access information shall be incorporated into the "Project Communication Plan" required by Special Condition 2 above.
 5. The Coastal Development Permit 3-20 (CDP 3-20) applies to the project improvements in the public right of way of the SR 1 and areas as shown in the project plans submitted to the City in December, 2020. Any substantial modifications during final design, engineering and/or construction shall be subject to additional review.
 6. To provide an acceptable level of landscaping and landscape management, the applicant shall deliver for the City's approval a "Landscaping and Landscape Management Plan" in areas of impact on vegetation due to project construction, prior to soliciting bids for construction, but not less than one (1) month in advance of construction activities for the project. The "Landscaping and Landscape Management Plan" shall ensure that the existing healthy trees in the project area and their root zones are protected during construction activity and preserved in the process.
 7. 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.
 8. 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.
9. All city-owned utility relocations shall be reviewed and approved by the Public Works Director prior to issuance of a construction contract.
 10. The applicant shall provide the City with evidence of authorization from the respective property owner for any project related work on private property.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission approves Coastal Development Permit 3-20 (CDP 3-20).

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 12th day of April 2021, by the following vote:

AYES: Jeremy Logan, Chair, Jay Andreis, Vice Chair,
 Stan Miklose, Commissioner.

NOES: Michelle Roberts, Commissioner.

ABSENT: Nancy Rogers, Commissioner.

ABSTAIN:

RECUSED:

Jeremy Logan, Chair

ATTEST:

Joanna Gonzalez, Administrative Assistant