



<b>HEARING BODY:</b> Planning Commission
<b>MEETING DATE:</b> July 10, 2024
<b>PREPARED BY:</b> MJC
<b>PRESENTED BY:</b> Marie Jones

## AGENDA ITEM SUMMARY REPORT

**APPLICATION #:** Coastal Development Permit 7-24 (CDP 7-24)

**OWNER:** California Department of Transportation

**APPLICANT:** California Department of Transportation

**AGENT:** California Department of Transportation

**PROJECT:** Coastal Development Permit to install 1,300 linear feet of ADA-compliant sidewalk on the west side of State Route 1 (SR 1) between Noyo Point Road and Cypress Street.

**LOCATION:** Section of State Route 1 (SR 1) between Post Mile (PM) 60 and PM 60.7

**APN:** N/A

**LOT SIZE:** N/A

**ZONING:** The project is located in the Caltrans right of way in the Timber Resources Industrial Zone (IT) in the Coastal Zone.

**ENVIRONMENTAL DETERMINATION:** CEQA Categorical Exemption, Class 1, Minor Alteration of Existing Facilities (15301c); and Class 3, New Construction or Conversion of Small Structures (15303e); NEPA Categorical Exclusion under 23 USC 327 CFR 771.117(c)(26)

**SURROUNDING LAND USES:** East: Highway Visitor Commercial (CH)  
West: Residential development, hotel, vacant land, Fort Bragg Coastal Trail.

**APPEALABLE:** This project can be appealed to:

- City Council
- California Coastal Commission

## PROJECT DESCRIPTION

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The applicant (Caltrans) is seeking a Coastal Development Permit to install ADA-compliant curb ramps, curb and gutter, and sidewalk on State Route 1 (SR 1) from Noyo Point Road to Cypress Street. The purpose of the project is to comply with the American with Disabilities Act (ADA) and

create an ADA compliant path on the west side of SR1 to create better continuity for pedestrian and bicycle access.

The project proposes the installation of approximately 1,300 linear feet of new sidewalk beginning approximately 300 feet north of Noyo Bridge at the intersection of SR 1 and Noyo Point Road in the southern part of the City of Fort Bragg. The sidewalk would end at the intersection of SR 1 and Cypress Street, between PM 60 and 60.7. The project also includes the construction or reconstruction of four curb ramps: performance of associated drainage inlet and pipework to accommodate the new curb ramps and sidewalk; relocation of signage and streetlights; replacement of fencing along the west side of the proposed sidewalk; and placement of pavement markings at specified locations.

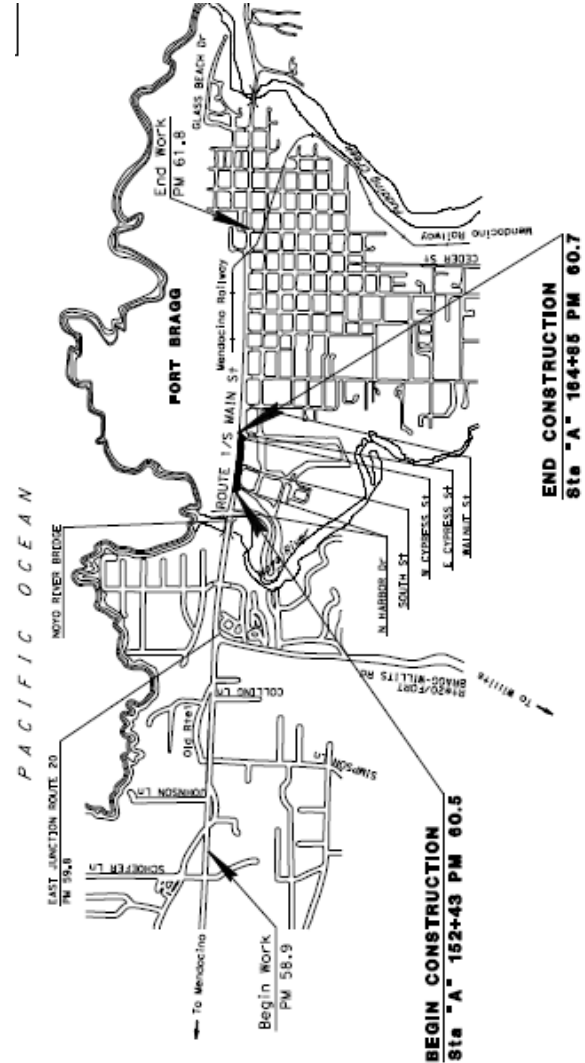
To implement the proposed enhancements, adjustments to lane widths are necessary. This includes reducing the width of the existing center turn lane from 12 feet to 11 feet, narrowing the inside southbound lane from 11 feet to 10.5 feet, and restriping the outside southbound lane to achieve a width of 11.5 feet. Lane striping will align with existing widths at both the northern and southern ends of the project. Additionally, the project proposes to create a pedestrian path connecting the new sidewalk to the Coastal Trail access area on the southwest corner of Cypress Street. (See Attachment 2 - Project Description.)

ADA standards will be met by improving curb ramp slopes, providing new striping and detectable warning surfaces at the new curbs, installing new pedestrian crossing request buttons, and improving drainage inlets.

There are two potential configurations currently being proposed for this project. Choosing configuration A or B will depend on whether the project can attain the necessary Temporary Construction Easements (TCEs).

- **Configuration A:** Configuration A would be implemented if TCEs are obtained on APNs 018-120-50 and 018-040-61. In this configuration, the sidewalk would have a continuous 8-foot width from North Harbor Drive to Cypress Street. Minor grading would occur on the west side of the sidewalk to create a 2:1 slope. There is an existing fence that would be

Figure 1 Project Location



removed during construction and then replaced in the same location. (See Attachment 3, Configuration A for details).

- **Configuration B:** Configuration B would be implemented if TCEs are not obtained for the above-mentioned APNs. This configuration would require that the sidewalk be narrowed from an 8-foot width to a 6-foot width for approximately 550 feet, allowing for the 2:1 slope on the west side of the sidewalk to remain within Caltrans' right-of-way. The 6- 6-foot-wide stretch of sidewalk would be a straight section of sidewalk with no intersections or ramps. (See Attachment 3, Configuration B for details.)

### **Construction Methods**

- All construction would require temporary traffic control consisting of reduced speed zones with Portable Radar Speed Feedback Sign Systems, Portable Changeable Message Signs, and Traffic Control Systems for a single lane closure during all phases of the project. Lane closures would be focused on the areas under active construction and are required to provide adequate safe working space for the construction crews. Additionally, temporary sidewalk closure would be required in certain locations with a detour route made available. (See Traffic Management Plan in Attachment 4 for more details).
- Installing the new sidewalk would involve minor clearing and grubbing of soil and vegetation.
- No trees would be removed for this project.
- Staging is anticipated to utilize existing paved shoulders and developed gravel turnouts.
- An existing fence would be removed before construction and replaced post-construction.
- Some signs and streetlights fall within the footprint of the proposed construction or the grading limits. These signs and streetlights will be protected in place except where relocation is specifically called out in the Layouts and Construction Detail Sheets.

### **Construction Timeframe**

Construction is anticipated to start in summer 2026 and is estimated to take approximately 60 eight-hour working days to complete. All work is anticipated to be completed within one construction season.

## PROJECT ANALYSIS

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### CONSISTENCY WITH THE COASTAL GENERAL PLAN AND COASTAL LAND USE AND DEVELOPMENT CODE

Due to the location, scope and nature of the project, not all policies of the Coastal General Plan (CGP) and the Coastal Land Use and Development Code (CLUDC) apply. Where necessary, special conditions are recommended to bring the project into conformance with the City's Local Coastal Program.

### LAND USE

Per the City's Zoning Map, the project site fronts the Highway Visitor Commercial (CH) and Timber Resources Industry (IT) zoning designations in the Coastal Zone. The proposed improvements (sidewalk and ADA) are in conformance with the zoning district as they are considered public facilities permitted by right in all zoning districts.

### CIRCULATION

The project would enhance pedestrian safety and circulation and facilitate accessibility. Overall, the project would be consistent with the following policies incorporated in the Circulation element of the CGP.

*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 proposes curb ramps that will all include detectable warning surfaces and ADA-compliant ramp slopes. Additionally, the improvements would include new pedestrian crossing request push buttons at intersections. These improvements would allow for enhanced public safety at the two improved intersections.

*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.*

There are intermittent views of the Pacific Ocean from the roadway. 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.

*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 proposed improvements are not near or within an identified Environmentally Sensitive Habitat Area (ESHA) on Map OS-1 of the CGP. Field surveys completed in April of 2024 did not identify riparian and/or wetland ESHAs.

*Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.*

The proposed project does not constitute new development. Nevertheless, the project would include the construction of sidewalks on the west side of SR 1.

*Policy C-9.3: Where feasible, incorporate pedestrian facilities into the design and construction of all road improvements.*

The improvements proposed by the project as described above are aimed at improving pedestrian facilities, as feasible.

*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 reconstructed and new sidewalks, curb ramps, and pedestrian crossing request push buttons that would facilitate accessibility for the disabled.

The remainder of relevant General Plan policies will be analyzed below in the appropriate section of this report.

## **DEVELOPMENT STANDARDS**

### **Landscaping**

The project does not include a landscaping plan, nor is one required. However, MJC recommends Special Condition 1, requiring reseeding of the area with a native plant mix.

**Special Condition 1.** The applicant shall reseed with drought tolerant locally native plant, grass, and shrub seeds all areas of disturbance at a rate of 25 pounds per acre.

### **Performance Standards**

Performance standards are designed to minimize various potential operational impacts of land uses and development within the City, and promote compatibility with adjoining areas and land uses. CLUDC 17.30.080 itemizes standards for combustibles and explosives, dust, ground vibration, hazardous materials, light and glare, liquid waste, noise and odor, and radioactivity, electrical disturbances or electromagnetic interference (EMFs).

The proposed project would not include use expected to create combustibles and explosives, substantial dust, ground vibration, hazardous materials, noise, light and glare, odors, radioactivity, or EMFs as a result of its operations. During construction, temporary dust, noise, or ground vibration would be created. The applicant performed an initial site (Attachment 4)

assessment for hazardous materials, which indicates that low levels of lead from historical combustion of leaded fuel is commonly associated with the highway system and that Caltrans standards for soils containing lead would apply.

## **Dust**

CLUDC 17.30.080(D) outlines methods of dust management to limit dust emissions beyond the site boundary to the maximum extent feasible. Special Condition 2 below incorporates these measures for implementation during project construction.

**Special Condition 2.** The following methods of dust management shall be implemented during construction, subject to approval by the City Engineer.

- a. Grading shall be designed and 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. Water or a dust palliative will be applied to the site and equipment as often as necessary to control fugitive dust emissions.
- e. Graded areas shall be revegetated (per Special Condition 1) 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.
- g. Equipment and materials storage sites will be located as far away from residential and park uses as practicable. Construction areas will be kept clean and orderly.
- h. Track-out reduction measures, such as gravel pads at project access points to minimize dust and mud deposits on roads affected by construction traffic, will be used.
- i. All transported loads of soils and wet materials will be covered before transport, or adequate freeboard (space from the top of the material to the top of the truck) will be provided to minimize the emission of dust during transport.
- j. Dust and mud deposited on paved public roads due to construction activity and traffic will be promptly and regularly removed to reduce PM emissions.
- k. To the extent feasible, construction traffic will be scheduled and routed to reduce congestion and related air quality impacts caused by idling vehicles along local roads during peak travel times.

## **Noise and Ground Vibration**

The project proposes construction of the project during daytime and nighttime hours in order to reduce traffic impacts on the community as well as expedite the construction process. CLUDC

Section 17.30.080(l) requires that the noise emanating from the site shall comply with Municipal Code 9.44.020. This section places restrictions on noise in the vicinity of residential areas, hospitals, schools and churches. Existing land uses in the project area include a mix of commercial, residential, recreational and vacant land. There are residences located at a distance of approximately 170 feet from the location of proposed improvements in portions of the project site. Municipal Code 9.44.20 prohibits sources of noise within 500 feet of residences “which cause annoyance or discomfort to a reasonable person of normal sensitiveness in the neighborhood” between 10 p.m. and 7 a.m.

As indicated in “Air Quality and Noise Analysis for the Fort Bragg Sidewalks Project”, prepared by Aaron Bali, California Department of Transportation (Attachment 4), noise controls implemented by Caltrans included limiting noise to no more than 86 dBA at 50 feet from the job site between 9 p.m. and 6 a.m. The nighttime noise levels from the project between 9 p.m. and 6 a.m. would not be anticipated to be greater than approximately 76 dBA, according to the project’s noise report. These noise levels do not comply with the maximum permissible noise levels adjacent to residential and hotel uses. Special Condition 3 below is recommended to require further noise level reduction from project construction.

**Special Condition 3.** No construction activity is allowed that produces noise of more than 60 dBA between 9 p.m. and 7 a.m. Construction noise reduction measures shall also include:

- Control and monitor noise resulting from work activities.
- Do not exceed 60 dBA L<sub>max</sub> 50 feet from the job site between 9 p.m. and 7 a.m.
- Limit operation of jackhammer, concrete saw, pneumatic tools, and demolition equipment between 8 a.m. and 6 p.m.
- Require staff to turn off their engines to prevent unnecessary idling.
- Shield stationary equipment, such as compressors and generators, and locate equipment as far away from residential land uses as practical.
- Locate equipment and materials storage sites as far away from residential and hotel land uses as practical.

CLUDC 17.30.080(E) provides an exception for ground vibrations from temporary construction or demolition activities.

### **COASTAL DEVELOPMENT PERMIT ANALYSIS**

This project is in the Coastal Zone, and requires a Coastal Development Permit (CDP) because it “is located between the sea and the first public road paralleling the sea” (see CLUDC Section 17.71.040(B)(4)). The project will not impact the following coastal resources:

- The project would improve coastal access by providing ADA and sidewalk improvements to connect Main Street to Noyo Point Road, and Cypress Street to the Fort Bragg Coastal Trail.

- The project will not impact environmentally sensitive habitat areas as there is no ESHA or wetlands within 100 feet of the proposed project work.
- The project will not impact visual resources as the improvements will not block views to or along the ocean and ocean bluff.

This project has the potential to impact two types of coastal resources, namely cultural resources and stormwater resources, which are analyzed below:

### **Cultural Resources**

The project is consistent with Policy OS-4.1, Policy OS-4.3, Policy OS-4.4, and Policy OS-4.5 of the Coastal General Plan and chapter as analyzed below.

Construction of the proposed improvements would entail ground disturbance. Cultural studies prepared for the project indicate that the proposed improvements are within the area previously impacted by road construction. This project intrudes slightly into the Fort Bragg Native American Archaeological District (District) along SR 1, where temporary construction easements are required to install new ADA-compliant sidewalks. Due to the site's numerous cultural resources, this District (P-23-4991) is eligible for the National Register of Historic Places. The boundary of the District was originally set to encompass the entirety of the former mill site, as all of these contributing elements are contained within the boundaries of the old mill property. None of these sites are located at or near the proposed temporary construction easements. Several cultural resource studies have been conducted in the area at and around these easements and these areas were surveyed again as part of this project to ensure no cultural sites are located at or near the proposed work areas.

To protect portions of the District outside the temporary construction easement, Environmentally Sensitive Area (ESA) fencing must be installed at the beginning of construction just outside the proposed work easement. Additionally, a tribal monitor representing the Sherwood Band of Pomo Indians (Tribe) will be present during all ground-disturbing construction activities here and elsewhere for this project. The tribal monitor was agreed to after consultation with the Tribe. An archaeological monitor will also be present to monitor all ground disturbances. Caltrans is currently in consultation with the California State Historic Preservation Officer on the No Adverse Effect Finding. Special Condition 4 would require cultural resource monitoring.

**Special Condition 4.** A minimum of three weeks before the start of the project construction, the Applicant shall contact the Sherwood Valley Tribal Historic Preservation Officer to request the presence of a cultural monitor on-site during construction. The Tribal Monitor will identify the correct locations to install effective ESA fencing.

Additionally, 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 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. Also, the City's Standard Condition 6 will protect cultural resources:

**Standard Condition 6.** 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.

## **STORM WATER**

As conditioned below, the project would comply with Policy OS-9.1, Policy OS-9.2, Policy OS-10.1, Policy OS-10.2 of the General Plan and Article 17.65 of the CLUDC. The City's Department of Public Works has reviewed the project with respect to the CLUDC grading and stormwater requirements and standards and imposed special conditions on the project to ensure conformance with the CLUDC requirements. These special conditions are included in the discussion above, as appropriate.

**Water Quality.** Temporary impacts to water quality could occur during the construction phase of the project. Soil disturbing work within and near drainage systems could potentially transport sediments and other pollutants to adjacent wetland and riparian areas. The proposed project is subject to the current laws and policies for the protection of water quality that would serve to minimize the introduction of pollutants into coastal waters. The project will require a Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) that identifies temporary site Best Management Practices (BMPs) to prevent both stormwater and non-stormwater discharges during construction. Once approved, the SWPPP/WPCP will also include specific monitoring and reporting measures. Any permanent impacts to water quality would be addressed by incorporation of Design Pollution Prevention (DPP) strategies in Appendix A of the Caltrans Stormwater Quality Handbook Project Planning and Design Guide. This project is located within its own Municipal Separate Storm Sewer Systems (MS4), with water leaving the site re-entering the City of Fort Bragg's (MS4) permit area. Special Condition 5 below is recommended to ensure surface water quality protection.

**Special Condition 5.** Applicant shall abide by the MS4 permit regulations. If this project proposes more than one acre of disturbance, Caltrans shall prepare a Construction General Permit Storm Water Pollution Prevention Plan (SWPPP), if less than one acre of ground disturbance, Caltrans shall prepare a Water Pollution Control Program (WPCP), the prepared document shall be submitted for City Staff review and approval prior to

submittal to the State Water Board. The document shall be submitted with the grading permit application.

- a. All construction, BMPs, sampling, and post-construction stabilization associated with this project shall be in compliance with the submitted SWPPP/WPCP.
- b. 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 of.

Stormwater discharges from Caltrans right-of-way are required to meet water quality criteria established in the North Coast RWQCB Basin Plan, in accordance with the Caltrans NPDES Permit. However, as indicated in the "Update to Water Quality Assessment Memorandum for Fort Bragg ADA Project", post-construction stormwater treatment BMPs under Caltrans NPDES Permit No. CAS000003 will not be required since the New Impervious Surface (NIS) is less than one acre. The increase in the rate and volume of stormwater flow associated with this increase in NIS is not anticipated to result in any adverse modification. Additionally, the following Special Condition is recommended to ensure consistency with this policy further.

**Special Condition 6.** The project is located within and adjacent to "Water of the State." Therefore, application of Waste Discharge Requirements (WDRs) 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 weeks before the start of construction. If the water quality permit is required, the project will need to implement post-construction stormwater treatment.

**Stormwater Runoff.** The project proposes to increase the amount of impervious area that would potentially affect downstream flows. According to the Storm Water Data Report, runoff drainage from the project site is primarily comprised of sheet flow and concentrated flow in the gutter that will drain into the existing storm drainage system. This report identified the Design Pollution Prevention BMP strategy to ensure that the increase in runoff flow can be accepted by the existing storm drainage system with little or no impact on the overall drainage system. Implementation of the strategy proposed as part of the project would minimize increases in stormwater runoff to the extent feasible to avoid adverse impacts on coastal waters. The strategy indicates that a final drainage report currently being developed by Caltrans will further analyze the increase of runoff flow, which will be mitigated through the use of energy dissipation devices.

**Grading Permit.** This project proposes excavation, earthwork and paving and is not anticipated to alter existing drainage patterns. The project requires a Grading Permit.

**Special Condition 7.** The applicant shall submit a Grading Permit (FBMC 17.60.030), which shall be submitted simultaneously with the Storm Water Pollution Prevention Plan (SWPPP)/ Water Pollution Control Program (WPCP).

**Optional Special Condition.** The applicant shall incorporate decorative elements into their paving plan in consultation with public works staff. The decorative elements shall represent natural aspects of our coastal environment.

**Utilities.** The Department of Public Works has imposed the following special conditions to address relocation of utilities proposed by the project, work proposed in the City’s right-of-way, and water for construction.

**Special Condition 8.** Contact **Underground Service Alert (USA)** by dialing 811 or 1-800-227-2600 at least 48 hours prior to construction.

**Special Condition 9.** 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. Any relocated Drainage Inlets (DI) or sidewalk above DIs shall be re-marked with the appropriate “Drains to Waterway” medallion.

**Special Condition 10.** 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.

**Special Condition 11.** If the project proposes work or staging in the City’s right-of-way, then an Encroachment Permit, and insurance naming the City of Fort Bragg as additionally insured, is 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.

**Special Condition 12.** Construction Water: Should the City enter a Stage 3 Water Emergency during construction, no hydrant meters for construction water will be made available and the applicant should make arrangements to obtain construction water from an alternate source.

**Special Condition 13.** The applicant will be responsible for coordinating construction activities with the City and other potentially impacted agencies, as well as providing all appropriate public notice.

## **ENVIRONMENTAL ANALYSIS**

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Pursuant to CEQA Class 1, Section 15301, Existing Facilities, and Class 3, Section 15303, New Construction, the proposed project is categorically exempt because it involves negligible or no expansion of use of an existing facility per Section 15301(c) through ADA upgrades within a section of SR 1 that passes through Fort Bragg.

Further, none of the exceptions to the application of categorical exemption contained in Section 15300.2 of the CEQA guidelines apply due to the following:

- The project site is not within federal, state or local designated environmentally sensitive habitat or hazardous area.

- The project would not create cumulative impacts as the improvements are limited in nature, and there are no other improvement projects planned in the foreseeable future that would be constructed at the same time.
- The project site is a highway in a network of highways and there are no unusual circumstances applicable to the project site.
- SR 1, where the project is located, is not a state-designated scenic road.
- The project site or any location within or adjacent is not on any list compiled pursuant to Section 65962.5 of the Government Code.
- The project does not include any demolition or improvements to the City's historic downtown that would cause an adverse change in the significance of a historic resource.

Therefore, the project is categorically exempt from further review pursuant to CEQA sections cited above.

## **RECOMMENDED PLANNING COMMISSION ACTION**

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Based on the above analysis, Staff recommends the adoption of a resolution approving Coastal Development Permit 7-24 (CDP 7-24) with 13 special conditions of approval.

### **Alternative Planning Commission Actions**

1. Revise the special conditions and adopt the resolution approving the project.
2. Request additional information and continue hearing to a further date.
3. Deny the proposed project.

## **ATTACHMENTS**

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1. Resolution
2. Project Description
3. Project Plans
4. Resources Memos