



**CITY OF FORT BRAGG**

*Incorporated August 5, 1889*  
416 N. Franklin Street  
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**LIMITED TERM PERMIT ACTION NOTIFICATION**

This document provides notification of the decision as indicated below. If you have any questions, please contact the Community Development Department at City Hall.

**APPLICATION NO.:** Limited Term Permit #

**PROPERTY OWNER:** City of Fort Bragg

**APPLICANT:** The Parents Clubs of Redwood Elementary, Dana Gray Elementary and Fort Bragg Middle School

**AGENT:** Nancy Bennett

**REQUEST:** Limited Term Permit to authorize the 3<sup>rd</sup> Annual Fort Bragg Color Run.

**ASSESSOR'S PARCEL NO:** 018-430-10, etc.

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**DATE OF ACTION:** May 2019

**ACTION BY:** \_\_\_\_\_ Community Development Director

**ACTION TAKEN:** \_\_\_\_\_ Approved (See attached Findings and Conditions)

**EFFECTIVE DATE OF ACTION:** May 2019 unless a timely appeal is filed.

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**LOCAL APPEAL PROCESS AND FEE:** Decisions of the Community Development Director shall be final unless appealed to the Planning Commission in writing within 10 days of the decision date with a filing fee of \$1,000 to be filed with the Community Development Department.

**NOTIFICATION MAILED TO:** Redwood Parents Club  
324 S Lincoln Street

Fort Bragg, CA 95437

Dana Grey Parents Club  
1197 Chestnut Street  
Fort Bragg, CA 95437

Fort Bragg Middle School Parents Club  
500 N Harold Street  
Fort Bragg, CA 95437

Noyo Center for Marine Science  
PO Box 1321  
Fort Bragg, CA 95437

**DATE OF MAILING:** May 2019

**CONDITIONS OF APPROVAL:** See attached findings and conditions

**Community Development Department Statement:** I hereby certify that conditions which must be met prior to issuance of this permit have been met and that this permit is deemed by the City of Fort Bragg Community Development Department to be a valid permit subject to all conditions of approval.

\_\_\_\_\_  
Community Development Director

\_\_\_\_\_  
Date

**Statement of Responsible Party:** I am responsible for assuring the temporary event is carried out in compliance with all applicable regulatory requirements, and I hereby certify that I have reviewed the conditions of approval and the project will be carried out in conformance with the specified conditions as attached.

\_\_\_\_\_  
Responsible Party

\_\_\_\_\_  
Date

Notice: This permit must be signed and returned to the Community Development Department.

**FINDINGS AND CONDITIONS:**

**LTP** has been approved based on the findings and conditions cited below:

**FINDINGS**

1. The proposed short term activity as described in the application and supplemental materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's Coastal Land Use and Development Code (CLUDC), including but not limited to all applicable standards of Section 17.71.030 of the Coastal Land Use and Development Code, and the proposed short term activity will not adversely affect the environment;
2. The proposed project is a temporary use for a limited term and is compatible with existing uses on the property;
3. For the purposes of the environmental determination, this project has been determined to be exempt from further environmental review pursuant to the CEQA Guidelines, Section 15304(e), minor temporary use of land; and
4. 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.

**ENCROACHMENT PERMIT GENERAL PROVISIONS**

1. A permit is issued under the provisions of Chapter 5.5 of Division 2 of the Streets and Highways Code and Chapter 9.72 of the Fort Bragg Municipal Code. Except as otherwise provided for public agencies and franchise holders, the permit is revocable on five (5) days notice.
2. It is understood and agreed by the applicant that the doing of any work under the permit shall constitute an acceptance of the provisions, terms, conditions and/or restrictions
3. The permit shall be kept at the site of the work and must be shown to any representative of the grantor or any law enforcement officer upon demand.
4. PUBLIC CONVENIENCE - Applicant shall so conduct operations as to offer the least possible obstruction and inconvenience to the public. Unless otherwise provided on the permit, all public traffic shall be permitted to pass through the work with as little inconvenience and delay as possible. Spillage resulting from hauling operations along or across any public traveled way shall be removed immediately by the permittee at his/her expense. If the spillage is hazardous, the Mendocino County Office of Environmental Health must be notified at 964-2714, as well as the Fort Bragg Police Department at 964-0200.
5. PUBLIC SAFETY - Should the Applicant's operations create a condition hazardous to the public, he/she shall furnish, erect, and maintain, at his/her expense, such fences, barricades, lights, signs, and other devices as are necessary. Applicant shall furnish at his/her expense, such flagmen and guards as are necessary to prevent accidents or damage or injury to the public. No material or equipment shall be stored where it will interfere with the free and safe passage of public traffic. Should the Applicant's operations create a condition hazardous to traffic, please see Special Conditions attached.
6. An encroachment permit does not relieve permittee from the responsibility of obtaining all applicable permits and/or licenses as may, in connection with the work or activity therein described, be required from other public agencies and/or

commissions. Failure by applicant to secure all necessary and applicable permits and/or licenses shall nullify the permit.

7. **LIABILITY FOR DAMAGES** - Applicant is responsible for all liability for personal injury or property damage which may arise out of work herein permitted, or which may arise out of failure on the permittee's part to perform his/her obligations under the permit in respect to maintenance. In the event any claim of such liability is made against the City of Fort Bragg, or any department, officer, or employee, thereof, applicant shall defend, indemnify and hold them and each of them harmless from such claim.
8. **DUE CARE** shall be exercised to avoid injury to existing Highway improvements or facilities. City road surfacing shall be replaced by equal or better than the surfacing disturbed. The cost of all materials, labor, etc. necessary for installation of the encroachment shall be borne by the permittee. The cost of any labor and materials for repairs to the road by city forces, made necessary by the work done under the permit, shall be charged to the permittee at actual cost.

### **STANDARD CONDITIONS**

1. This action shall become final on the 11<sup>th</sup> calendar day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030;
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;
3. 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 required permit applications shall be consistent with this approval;
4. 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; and
5. The site occupied by the short term activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with this Development Code.

### **SPECIAL CONDITIONS**

1. This permit is valid for a limited term only. The event is to occur on \_\_\_\_\_, 2019.
2. The applicant shall submit proof of liability insurance for the event with the City of Fort Bragg specifically named as "additionally insured" by policy endorsement to the City Clerk prior to issuance of the encroachment permit for the event. The amount of insurance required is a minimum of 2/4 million dollars. For clarification, please contact Administrative Assistant, Brenda Jourdain at (707) 961-2823.
3. Applicant shall restore the area to its prior condition once the event is terminated. Please coordinate clean-up efforts, including water truck, with Ian Sanderson, Public Works, at (707) 961-2836.

4. A \$500 deposit is required for full cost recovery associated with restoring site to previous condition.
5. Applicant shall provide the Fort Bragg Police Department with the name and phone number of an on-site contact during all hours the event is open to the public.
6. If serving food, the applicant shall obtain a "Community Event Permit Application" at least one month prior to the event and all individual food vendors shall be required to submit a "Temporary Food Facility Permit Application" as required by the Mendocino County Department of Environmental Health. Please contact Brian Hoy of Mendocino County Environmental Health at (707) 234-6633 for coordination of permits.
7. Parking is allowed on the Runway. Applicant shall provide traffic plan and personnel/volunteers to direct traffic to assigned parking areas. No parking signs shall be obtained from the Public Works Department and placed on the eastern side of the Runway in 50 foot intervals. Please contact Ian Sanderson, Public Works, at (707) 961-2836.
8. Throughout the duration of the event, applicant shall supply free potable water for consumption.
9. Applicant shall supply portable toilet facilities at a ratio of 1 portable toilet per 100 people in attendance in addition to hand washing stations.
10. Effective recycling and waste management is important. Event organizer shall provide a Public Waste Management Plan to the Mendocino Solid Waste Management Authority in Ukiah (707) 468-9710. Event organizer shall provide trash and recycling containers on site. All trash shall be disposed of at an approved disposal facility.
11. The use of color powder is allowed, however, throwing or releasing confetti, grains, petals or similar effects is prohibited.