

## RESOLUTION NO. PC -2024

### RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING COASTAL DEVELOPMENT PERMIT TO INSTALL 1,300 LINEAR FEET OF ADA-COMPLIANT SIDEWALK ON THE WEST SIDE OF STATE ROUTE 1 BETWEEN NOYO POINT ROAD AND CYPRESS STREET

**WHEREAS**, Caltrans (“Applicant”) submitted an applicant for a Coastal Development Permit (CDP 7-24) to install 1,300 Linear Feet of ADA compliant Sidewalk on the west side of State Route 1 between Noyo Point Road and Cypress Street.

**WHEREAS**, the proposed project area is in the Coastal Zone; and

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

**WHEREAS**, the Planning Commission held a public meeting on July 10, 2024 to consider the Project, accept public testimony, and consider making a recommendation to the City Council; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) the project is exempt from CEQA per 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); and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, 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 meeting of July 10, 2024 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, *per the analysis incorporated herein by reference to the project staff report, dated July 10, 2024*:

#### A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution;
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;
3. 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 (ILUDC), and the Fort Bragg Municipal Code in general.

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg Planning

Commission makes the following required findings and determinations for Coastal Development Permit 7-24 (CDP 7-24) to allow for the installation of 1,300 Linear Feet of ADA-compliant Sidewalk on the west side of State Route 1 between Noyo Point Road and Cypress Street *per analysis incorporated herein by reference to the project staff report, dated July 10, 2024.*

1. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.
2. The proposed use is consistent with the purposes of the zone in which the site is located.
3. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan.
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.
5. 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.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby approve Coastal Development Permit 7-24 (CDP 7-24) to allow the installation of 1,300 Linear Feet of ADA-compliant Sidewalk on the west side of State Route 1 between Noyo Point Road and Cypress Street subject to the following standard and special conditions:

#### **SPECIAL CONDITIONS**

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.
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 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. 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 emission of dust during transportation.
  - j. Dust and mud that are 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.
3. No construction activity is allowed that produces noise of more than 60 dBA after 9:00 p.m. and before 7:00 a.m. Construction noise reduction measures shall also include:
  - Control and monitor noise resulting from work activities.
  - Do not exceed 60 dBA Lmax at 50 feet from the job site from 9 p.m. to 7 a.m.
  - Limit operation of jackhammer, concrete saw, pneumatic tools, and demolition equipment to between 8:00am to 6:00pm.
  - Require staff to turn off their engines to prevent unnecessary idling.
  - Stationary equipment, such as compressors and generators, should be shielded and located 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 practicable.
4. A minimum of three weeks before 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. The Tribal Monitor will identify the correct locations to install effective ESA fencing.
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.

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 (2) weeks before the start of construction. If the water quality permit is required, the project will need to implement post-construction stormwater treatment.
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).
8. Contact Underground Service Alert (USA), Dial 811 or 1-800-227-2600, at least 48hrs prior to construction.
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 DI's shall be re-marked with the appropriate "drains to waterway" medallion.
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.
11. 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.
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.
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.

## **STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the City Council decision.
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. The applicant shall secure all required building permits for the proposed project

- as required by the Mendocino County Building Department.
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 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.
  7. 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.
  8. 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).

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its passage and adoption.

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 10<sup>th</sup> day of July 2024 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSE:**

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**Scott Deitz, Chair**

**ATTEST:**

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**Maria Flynn, Administrative Assistant  
 Community Development Department**