



CITY OF FORT BRAGG

Incorporated August 5, 1889

416 N. Franklin Street Fort Bragg, California 95437

www.fortbragg.com

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 27-2023 (LTP 27-2023)

PROPERTY OWNERS: City of Fort Bragg

APPLICANT: Visit Fort Bragg Special Events Committee

REQUEST: Limited Term Permit to authorize a temporary event, Magic Market, to be held on October 28, 2023 from 11:00 a.m. and 4:00 p.m.

LOCATION: Location will be at the 300 and 400 block of Franklin Street and the 100 block of Laurel St. east of the alley.

ASSESSOR'S PARCEL NO's: 008-092-06-00

DATE OF ACTION: October 6, 2023

ACTION BY: Community Development Director

ACTION TAKEN: Approved (See attached Findings and Conditions)

EFFECTIVE DATE OF ACTION: October 19, 2023 unless a timely appeal is filed.

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.

This project is not appealable to the Coastal Commission.

NOTIFICATION MAILED TO: Visit Fort Bragg Committee
416 N Franklin Street
Fort Bragg, CA 95437

DATE OF MAILING: October 6, 2023

CONDITIONS OF APPROVAL: See attached findings and conditions

Community Development Department Statement: I hereby certify that all 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.

October 6, 2023

Juliana von Hacht Cherry, Community Development Director

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.

Applicant/Agent

Date

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

ATTACHMENT:

- A. Findings and Conditions

ATTACHMENT A

FINDINGS AND CONDITIONS: LTP 27-2023 has been approved based on the findings and conditions cited below:

FINDINGS

1. The proposed short-term activity, known as Magic Market and as described in the application and supplemental materials and as modified by conditions of approval, conforms to the City of Fort Bragg's Inland Land Use and Development Code (ILUDC), including but not limited to all applicable standards of Section 18.71.030 of the Inland Land Use and Development Code, and the proposed short-term activity will not adversely affect the environment; and
2. The Magic Market is a temporary use for a limited term of one calendar day and is compatible with existing uses on the property; and
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 the Magic Market 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. Any soil or debris tracking from a construction site is strictly prohibited. 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:

9. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 18.92.030.
10. 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.
11. 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.
12. 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
13. 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:

14. This permit is granted for a limited term and is valid Saturday, October 28, 2023 from 11:00 a.m. to 4:00 p.m.
15. The applicant may close Laurel Street from the alley to Franklin Street and may close Franklin St in the mid-300 and mid-400 block of N Franklin Street, including the parking lot adjacent to City Hall.
16. The applicant shall submit proof of liability insurance for the event with the City of Fort Bragg specifically named as "additional insured" by policy endorsement to the City Clerk prior to issuance of the encroachment permit for the event. A copy of the "Policy Endorsement" naming the City of Fort Bragg as an additional insured must also be submitted with the Certificate of Insurance. The amount of insurance required is a \$2/\$4 million dollars. For clarification, contact Diana Sanchez, Administrative Assistant at **(707) 961-2823** or email **dsanchez@fortbragg.com**.
17. The applicant shall complete and file a Community Event Permit Application (including site plan and food vendor list) as required by the Mendocino County Department of Environmental Health. Please contact the Mendocino County Environmental Health Consumer Protection

- Program at **(707) 234-6625** for coordination of permits.
18. "Event Ahead" signs shall be placed on Main Street at the NE corner of Main Street and Oak Street and the SW corner of Main Street and Fir Street.
 19. Two weeks in advance of the event, applicant shall coordinate locations for the placement of barricades with the Police Department and the Public Works Department. Please contact Ian Sanderson in Public Works at **(707) 961-2836**.
 20. A Fire Lane of twelve (12) feet minimum width shall be maintained at all times.
 21. The applicant shall contact property/business owners affected by the street closures.
 22. No Parking Signs shall be placed along both sides of Franklin Street and Laurel Street subject to street closure, and the City's parking on the 200 block of Laurel Street 24 hours in advance of the beginning of the event. Please contact Ian Sanderson in Public Works to obtain signs at **(707) 961-2836**.
 23. All electrical that will be needed for outdoor use must be GFCI protected, even if the power is supplied from an interior outlet. This is a safety measure which will trip the receptacle breaker before it shocks somebody, if the cord or equipment accidentally gets wet.
 24. All electric cords and other equipment used to support the food trucks, bounce house, etc. must be placed in such a way and secured (preferably with Duct Tape) so as not be a trip hazard, and to be ADA compliant, where they cross a sidewalk or other public path of travel.
 25. The site occupied by the Magic Market activities shall be cleaned of debris, litter, including any food waste or materials left in the landscaping or City tree wells, or any other evidence of the temporary activity upon completion of the activity each week to the satisfaction of the Public Works Director.
 26. Vendors shall provide receptacles for vendor's trash/litter. Visit Fort Bragg Committee shall provide two public trash receptacles for public use only.
 27. Portable toilets shall be provided within 100 feet of the event.