



CITY OF FORT BRAGG

Incorporated August 5, 1889
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Fort Bragg, California 95437
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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 8-24 (LTP 8-24)

PROPERTY OWNER: City of Fort Bragg

APPLICANT: Mendocino Coast Chamber of Commerce

AGENT: Janice Littrell

REQUEST: Limited Term Permit to authorize the 2024 Fort Bragg Whale Festival Downtown Wine Walk on March 16, 2024. Merchants will be paired with wineries to offer wine and food to ticket purchasers from 12:00 p.m. to 4:00 p.m. Musicians will be performing in one hour intervals and food trucks will be invited. The permit will also authorize street closures as follows:

- Laurel Street from the alley between Main & Franklin, to the alley between Franklin and McPherson.
- Franklin Street from City Hall parking lot entrance to Redwood Ave
See Street Closure Site *Map A* attached.

*NOTE: If there are fewer than 100 pre-sale tickets by morning of March 18, only Laurel Street from 200 block to alley between N. Franklin and McPherson will be closed. See Street Closure Site *Map B* attached.

LOCATION: Central Business District

ASSESSOR'S PARCEL NO: 008-092-07 and various

DATE OF ACTION: March 5, 2024

ACTION BY: Acting Community Development Director

ACTION TAKEN: Approved (See attached Findings and Conditions)

EFFECTIVE DATE OF ACTION: March 16, 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: **X** Not appealable to the Coastal Commission.
 Appealable to the Coastal Commission pursuant to Chapter 17.92.040 of the City of Fort Bragg Coastal Land Use and Development Code

NOTIFICATION

MAILED TO: Mendocino Coast Chamber of Commerce
 P.O. Box 1141
 Fort Bragg, CA 95437

DATE OF MAILING: March 5, 2024

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 8-24 has been approved based on the following findings:

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 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;
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.

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 Chapter 18.92.030;
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.

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 area with as little inconvenience and delay as possible.*
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.*

SPECIAL CONDITIONS

1. This permit is granted for a limited term and is valid Saturday, March 16, 2024 from 12:00 PM to 4:00 PM.
2. The applicant may close Laurel Street from the alley between Main and Franklin Street, to the alley between North Franklin and McPherson Street (Proposed Site Map A) if the determination that more than 100 tickets are sold is made.
3. The applicant may close Franklin Street from the City Hall parking lot entrance to Redwood Avenue (Proposed Site Map A) if the determination that more than 100 tickets were sold is made.
4. The applicant may close Laurel Street from the alley to Franklin Street including the parking lot adjacent to City Hall (Proposed Site Map B) if the determination is made that less than 100 tickets were sold.
5. 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 \$2/\$4 million dollars. For clarification, contact Amber Weaver, Administrative Assistant at **(707) 961-2823**.
6. 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**.
7. A Fire Lane of twelve (12) feet minimum width shall be maintained at all times.
8. 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**.
9. 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.
10. All electric cords and other equipment used must be placed in such a way and secured (preferably with Duct Tape) so as not to be a trip hazard, and to be ADA compliant, where they cross a sidewalk or other public path of travel.
11. Should there be any food, 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.
12. The site occupied by the Wine Walk 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 to the satisfaction of the Public Works Director.
13. Applicant shall provide the Fort Bragg Police Department with the name and phone number of an on-site contact during all hours of the event. Please contact the Police Department at least 7 days prior to the event at **(707) 961-2800**.