

## RESOLUTION NO. PC **XXX**

### RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR APPROVAL OF MINOR USE PERMIT 5-17 (MUP 5-17) FOR A SECOND-STORY ADU AT 208 PARK STREET

**WHEREAS**, the California Department of Transportation (“Applicant”) submitted an application for a Coastal Development Permit to improve a section of State Route 1 (SR1) to current Americans with Disabilities Act (ADA) standards. (“Project”);

**WHEREAS**, the Project is located within the public right of way of SR 1 in the section of the roadway that extends north from the intersection of SR 1 and State Route 20 (SR 20) to Elm Street, between Post Mile marker 59.8 and Post Mile marker 62.1.

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

**WHEREAS**, the Project, being in the public right of way of SR 1, is not subject to the adjacent zoning designations.

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 24, 2021, to consider the Project and take public testimony; and

**WHEREAS**, pursuant to California Environmental Quality Act (“CEQA”), 14 California Code of Regulations §15301, the Project is Categorically Exempt because it involves improvements to an existing highway that do not create additional automobile lanes.

**NOW THEREFORE BE IT RESOLVED**, that based on the entirety of the record before it, which includes without limitation, the CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15301, 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’s meeting of March 24, 2021, 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:

#### 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 (CLUDC) and the Fort Bragg Municipal Code in general;
4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
5. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police

protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;

6. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15301 – existing facilities.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Fort Bragg does hereby make the findings contained in this Resolution and approves Coastal Development Permit 3- 20 (CDP 3-20) for the Project subject to the following conditions of approval:

A. 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 ILUDC Chapter 18.92 – Appeals;
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 ILUDC;
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 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;
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.

B. Special Conditions

1. Applicant shall make every effort to ensure a smooth flow of traffic during construction activities and minimize the disruption to the Public;
2. The applicant is responsible for coordinating all construction activities with the City and other potentially impacted agencies, as well as providing all appropriate public noticing.
  - a. In order to provide an acceptable level of communication, the applicant shall deliver a **“Project Communication Plan”** for the City’s approval, a minimum of one (1) month in advance of construction activities.
  - b. Applicant shall provide a minimum of one (1) week notice to all impacted businesses and residents, and impacted service providers to include the following agencies:
    - City of Fort Bragg, Public Works Department, City of Fort Bragg Police Department, Fort Bragg Fire Department, Mendocino Coast Ambulance Service, Waste Management (Garbage/Recycling Pick-up and Container Delivery);
3. To provide an acceptable level of landscape management, the applicant shall deliver for the City’s approval a “Landscape Management Plan” for the landscaping on the slopes above the proposed retaining wall extending north from the intersection of SR 1 and SR 20 for a distance of 741 linear-feet. The Plan shall be provided a minimum of one (1) month in advance of construction activities;
4. The retaining walls to be constructed as part of the project and shown in the project plans, received December 23, 2020, shall be the same type and include the same aesthetic treatment as the existing retaining wall extending west from the intersection of SR 20 and Boatyard Drive to the curb ramp at the intersection of SR 20 and SR 1;
5. BMP controls including installation of appropriate stormwater protection measures shall occur prior to any construction or ground disturbance including protection for all potentially impacted stormwater inlets and outfalls. No construction debris and soil may be placed in the City right-of-way without prior approval and encroachment permit. All construction debris/soil shall be properly disposed;
6. Final recommendations for drainage determined during final project design that ensure stormwater management in compliance with City and State standards shall be implemented during construction of the improvements incorporated in the project;

7. All city-owned utility relocations shall be reviewed and approved by the Public Works Director prior to issuance of a construction contract.

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

**The above and foregoing Resolution was introduced by Planning Commissioner XXX, seconded by Planning Commissioner XXX, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 24th day of March, 2021, by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Jeremy Logan, CHAIR**

**ATTEST:**

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Chantell O'Neal  
Assistant Director, Engineering Division