

RESOLUTION NO. PC XX-2025

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING COASTAL DEVELOPMENT PERMIT 10-24 (CDP 10-24) FOR A SINGLE-FAMILY DWELLING WITH UNCOVERED DECK, SMALL SHED, DRIVEWAY, FENCING AND TWO UNCOVERED PARKING SPACES LOCATED AT 321 WEST BUSH STREET

WHEREAS, Janice Dunn and Jon Lee (“Applicant”), submitted an application for: Coastal Development Permit 10-24 (CDP 10-24) to construct a single-family dwelling with an uncovered deck, small shed, driveway, fencing and two uncovered parking spaces located at 321 West Bush Street.

WHEREAS, the proposed project includes the following: 1) Construction of a 1,602 SF Single Family Residence at a maximum height of 17 feet; 2) Installation of a 940 SF uncovered deck and a 140 SF shed; 3) Installation of a driveway and two uncovered parking spaces; and 4) Installation of 3 feet high fencing along the west and south sides of the parcel and 6 foot high fencing along the east side of the parcel.

WHEREAS, 321 West Bush Street, Fort Bragg, California (Assessor Parcel Number: 008-041-06) is within the Low Density Residential (RL) zoning district of the City’s, Coastal Zone and no changes to the site’s current zoning designation are proposed under the Project; 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 duly noticed public hearing on May 28, 2025, to consider the Project, accept public testimony, and make required findings for approval; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) Guidelines, Sections 15303(a), one single family residence in a residential zone and 15332, infill development projects, the project is exempt from CEQA; 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 May 28, 2025 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 find as follows, *per the analysis incorporated herein by reference to the project staff report, dated May 28, 2025*:

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution; and
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department; and

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 FURTHER RESOLVED that the Fort Bragg Planning Commission makes the following required findings and determinations for Coastal Development Permit 10-24 to allow for the new single-family dwelling at 321 West Bush Street *per analysis incorporated herein by reference to the project staff report, dated May 28, 2025:*

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. The proposed use is consistent with the purposes of the zone in which the site is located;
4. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
5. 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;
6. 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;
7. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;
8. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;
9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity; and
10. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby approve Coastal Development Permit 10-24 (CDP 10-24) to construct a single-family dwelling with an uncovered deck, small shed, driveway, fencing and two uncovered parking spaces located at 321 West Bush Street subject to the following standard and special conditions:

STANDARD CONDITIONS

1. This action shall become final on the 11th calendar day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 - 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 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 Section 17.76.070 (B).

SPECIAL CONDITIONS

1. A Grading Permit – is required for any earthwork/grading within the coastal zone in compliance with the Coastal Land Use and Development Code (17.60.030). All work shall be done in compliance with all federal, state and local laws, including the approved plans, and shall be conducted in compliance with all conditions required by the City of Fort Bragg Municipal Code (FBMC) Grading Ordinance; Coastal Land Use and Development Code Chapter 17.60 - Grading Permit Requirements and Procedures, Coastal Land Use Code Chapter 17.64 – Stormwater Runoff Pollution

Control, the stormwater runoff control checklist, and the conditions provided at the time of building permit approval.

2. Stormwater runoff shall be minimized by the incorporation of Low Impact Development (LID) strategies that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff so as to recharge groundwater and minimize runoff. Runoff that is expected shall be collected at vegetative swales or bio retention facilities and overflow finally conveyed by a storm drain system approved by the City Engineer.
3. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.
4. 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.
5. Applicant to adhere to the stormwater measures outlined in the 4-page Storm Water Control Plan that was provided by the applicant.
6. Applicant shall complete the 2-page Stormwater Checklist prior to issuance of the building permit.
7. Applicant is to ensure that there is no increase in runoff to adjacent properties or to the Public Right-of-Way.
8. Applicant shall install curb, gutter, and sidewalk along the North side of W. Bush Street along the public right of way. This includes the installation of an ADA Curb Ramp. Additionally, the first 20 feet of the driveway measured from the Public Right of Way shall be paved per Municipal Code Section 17.36.100 B3.
9. All plantings shall consist of drought tolerant plant species native to northern California coastal habitats and shall be obtained from local genetic stocks. The installation of any irrigation systems shall utilize water efficient drip or micro spray irrigation systems.
10. The Applicant/Property Owner will be responsible for ensuring existing water and sewer connections are adequately sized and serviceable. New connections will be subject to the current fee schedule. Backflow devices will be required on any water line associated with the fire sprinklers. Backflow requirements will be enforced via Fort Bragg Municipal Code Section 14.05.060. Prior to issuance of the Building Permit the applicant shall pay appropriate sewer and water capacity and connection charges to the City of Fort Bragg. A sewer cleanout is required.
11. Due to the nature of the site having previous structures that are now demolished, the applicant will be required to hire a California licensed engineer or geotechnical engineer to inspect all foundation excavations to verify they are capable of supporting

the proposed structures and to provide a letter to the Mendocino County Building department prior to the County Building Department's foundation inspection.

12. The property owner will be required to pay all impact fees outlined in the April 8, 2025 Public Works memo.
13. The applicant will be required to obtain an Encroachment Permit for any activity occurring in the public right-of-way. This includes the installation of sidewalk or other frontage improvements, placement of a dumpster, ladders for painting, construction vehicles not parked in conformance with parking codes, etc.
14. Applicant shall contact Underground service Alert (USA) at least 48 hours prior to construction. Dial 811 or 1-800-227-2600.

BE IT FURTHER RESOLVED that pursuant to all the evidence presented, both oral and documentary, and further based on the findings and conditions, Coastal Development Permit 10-24 is approved subject to the provisions of the City of Fort Bragg Local Coastal Program, and that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 28th day of May 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Richard Neils, Acting Chair

ATTEST:

Administrative Assistant