

RESOLUTION NO. PC 05-2017

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

WHEREAS, Dana and Dorothy Jess (“Applicant”) submitted an application for a Minor Use Permit to construct a second-story Accessory Dwelling Unit (“ADU”) above an existing garage (“Project”);

WHEREAS, the Project is located in the Low Density Residential (“RL”) land use designation, and is subject to the Fort Bragg Inland Land Use and Development Code (“ILUDC”);

WHEREAS, on October 18, 2017, the Community Development Department received a letter requesting a public hearing to approve or deny the Project, as allowed by ILUDC Section 18.71.060(E)(2)(a);

WHEREAS, the Planning Commission held a duly noticed public hearing on December 13, 2017, to consider the Project and take public testimony; and

WHEREAS, pursuant to California Environmental Quality Act (“CEQA”), 14 California Code of Regulations §15303, the Project is Categorically Exempt because it is new construction or the conversion of small structures.

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 §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland 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 December 13, 2017, 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.

B. Minor Use Permit

1. The Project would establish a second-story ADU, where no other second-story ADUs are present in the vicinity;
2. The Project would increase the height of an existing structure to approximately 24.5 feet, where the majority of existing structures in the vicinity are less than 20 feet;

3. The Project would establish a residential use on the second-story such that the privacy enjoyed and expected by other property in the vicinity and within the same zoning district; and
4. The design, location, and size of the proposed second-story ADU is incompatible with the existing and future land uses in the vicinity.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby make the findings contained in this Resolution and denies Minor Use Permit 5-17 (MUP 5-17) for the Project.

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 _____, seconded by Planning Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 13th day of December, 2017, by the following vote:

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

CHAIR

ATTEST:
