

CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPARTMENT
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Hearing/decision date(s)
April 13, 2011

- ☐ City appeal period ended
- ☐ Coastal Commission appeal period ended
- ☐ prior-to-issuance conditions met

DEVELOPMENT PERMIT

PERMIT TYPE & NO.: Minor Subdivision 1-10 and Use Permit 2-10
OWNERS: Thomas D. & Patricia Pryor
APPLICANT: Tom Pryor
AGENT: Amy Wynn Coastal Development Permits
ADDRESS: 1411 E. Oak Street; APN 020-490-38/39
DESCRIPTION: Adoption of Mitigated Negative Declaration, Minor Subdivision, and Use Permit to allow: 1) division of 80,227 SF parcel into four parcels of 12,000 SF, 6,000 SF, 6,000 SF, and 56,227 SF to accommodate residential development; 2) fill of a portion of an existing wetland; and 3) wetland mitigation through creation, restoration, enhancement and protection, through deed restriction, of a wetland. A Wetland Management and Mitigation Plan has been filed.

PERMIT EFFECTIVE DATE: Upon City's receipt of this signed development permit but no sooner than April 26, 2011 (conclusion of ten-day appeal period to City Council).

PERMIT EXPIRATION DATE: See attached Standard Condition #8.

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.

Community Development Director

Date

Owner's Statement: I am the owner of the property subject to this permit (or his/her authorized agent) and I hereby certify that I have reviewed the conditions of approval and will establish and continue the use of the subject property in compliance with the specified conditions and applicable sections of the Fort Bragg Municipal Code. I further grant permission for City staff to enter upon the premises for which the permit is issued to verify compliance with the required conditions.

Owner

Date

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

Attachment: Findings and Conditions

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Land Use and Development Code (LUDC) and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. 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; and
4. As conditioned and with the adopted mitigation measures, the proposed project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
4. 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.

SUBDIVISION FINDINGS

1. The project is consistent with Chapter 18.80 (Subdivisions) of the Land Use and Development Code;
2. The following findings are made relative to the granting of an exception to subdivision standards for an decrease in minimum lot depth:
 - a) There are exceptional or extraordinary circumstances or conditions applicable to the proposed subdivision, including size, shape, topography, location, or surroundings;
 - b) The exceptional or extraordinary circumstances or conditions are not due to any action of the subdivider subsequent to the enactment of this Article;
 - c) The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district which would otherwise be denied to the proposed subdivision;
 - d) Granting the exception will not be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
 - e) The exception will not affect the consistency of the proposed subdivision with the General Plan or any applicable specific plan; and
3. The project is consistent with the Parcel Map Act.

SPECIAL CONDITIONS

1. The parcel map shall be reviewed and accepted by the City Engineer and the Community Development Department prior to its recordation by the County Recorder.
2. All frontage and utility improvements as described in report (ADA compliant driveway aprons, corner ramps, sidewalk, curb, gutter, conform paving, etc.) shall be implemented as follows:

Parcel 1:

- Frontage to be improved at time of development of parcel.
- Driveway shall be constructed at least 100 feet north of the northern edge of Oak Street's northern-most travel lane.

Parcel 2:

- ADA compliant corner ramp with cross drain to be constructed at time of development of parcel.
- Frontage on both Dana and Oak Streets to be improved at time of development of parcel.
- Driveway access shall only be from Dana Street.
- Driveway shall be constructed as far north as possible.
- Developer shall cooperate with PG&E and Public Works Department to move power pole to standardized location within the public right of way at time of development of parcel. The pole shall be moved to a location 18" from the face of the curb with a minimum of 36" of clearance behind it.

Parcel 3:

- Frontage to be improved at time of development.

Parcel 4:

- Frontage to be improved prior to recordation of map.
 - Prior to recordation of the map, developer shall have 1st 20 feet of Parcel 4/existing residence driveway – this paving shall be per requirements for use of Low Impact Development techniques.
 - Prior to occupancy of the last primary dwelling unit constructed in this subdivision, the improvements of Parcel 4's frontage on Dana Street shall be completed.
3. Prior to recordation of the parcel map for the project, the developer shall submit to the City Engineer for review and approval improvement drawings for the frontages of Dana Street and Oak Street. The plans shall be drawn by, and bear the seal of, a licensed Civil Engineer. The plans should be adjustable to ensure that improvements comply with current City standards, as the standards are modified from time to time.
 4. A new waste water line connecting the subdivision to the sewer main in Cedar Street shall be constructed by the developer prior to the issuance of the first building permit for construction on Parcels 1, 2 or 3:
 - a) The developer shall construct, to City standards, a new waste water line connecting Parcels 1, 2 or 3 of the subdivision to sewer main on Cedar Street.
 - b) Such waste water line shall be constructed under the authority of an encroachment permit in the City right of way on Dana Street and the bike and pedestrian path that runs between the end of Dana Street and Cedar Street.
 - c) The exact location of the waste water line in this City right of way will be determined by the City Engineer at the time of review of the encroachment permit application.
 - d) The waste water line shall be dedicated to the City.
 - e) Utility hookups to Parcel 3 will be worked out with the Public Works Director.
 5. Power and telecommunications utility lines shall run underground from existing power poles to each parcel. If a main line extension is necessary, then such extension shall be constructed underground.
 6. The site work plan and wetland management and mitigation plan shall comply with DFG and NCRWQCB comments that state:

- a) Low Impact Development (LID) post-construction storm water treatment techniques shall be required on any impervious areas that area added as a result of this subdivision.
 - b) LID features, including permeable driveways/walkways, vegetated swales and/or rain gardens shall be required for new construction on developed parcels.
 - c) Storm water runoff from the subdivision area, that is not infiltrated on-site shall be directed to the wetland, as opposed to the roadway gutters.
7. Storm drainage fees pursuant to Fort Bragg Municipal Code (FBMC) Section 12.14.030 shall be due as follows:
- a) Parcels 1 through 3: these parcels' drainage fees shall be paid prior to the issuance of each parcels' respective building permit for dwelling units.
 - b) Parcel 4: this drainage fee shall be paid prior to the issuance of the grading permit for implementation of the wetland plan and general subdivision site preparation grading.
8. A final utility, grading and storm drainage plan, which reflects all proposed easements and site improvements, drawn by and bearing the seal of a licensed Civil Engineer, shall be submitted to the City Engineer for review and approval prior to recordation of the parcel map so that the engineer and City Engineer can cooperate to ensure that all necessary items are show on such map. The Community Development Department shall review the utility plan, and ensure that all necessary agency permits are obtained and that the plan does not conflict with the Wetland Monitoring Plan prior to issuance of a grading permit.
9. Prior to recordation of the parcel map, the developer shall provide for Community Development Department review; 1) a revised deed restriction with a letter from NCRWQCB indicating their satisfaction with the document. 2) The deed restriction shall be recorded against Parcel 4 at the time of the recordation of the parcel map; 3) a more robust mitigation monitoring plan per DFG request to accompany the Wetland Management and Mitigation Plan with a letter from DFG indication their satisfaction with the document; and, 4) shall implement the Wetland Management and Mitigation Plan prior to recordation of the parcel map. The applicant shall also obtain a letter from the Department of Fish and Game concurring that the wetland mitigation project has succeeded and is performing as designed and permitted and shall provide this letter to the Community Development Department prior to recordation of the parcel map.
10. The parcel map shall indicate the conservation area subject to deed restriction and the no-excavation area within the Parcel 4 building envelope.
11. Prior to recordation of the parcel map, the developer shall provide restrictive covenant language prohibiting hobby and commercial uses on Parcels 1, 2, 3 and 4 that could adversely impact water quality in the adjacent conserved wetland area to the Community Development Director for review and approval.
12. All mitigation measures as outlined in the project Final Mitigated Negative Declaration and as detailed in the project's Wetland Management and Mitigation Plan, Geotechnical Study, Archaeological Study and final archaeologist's letter shall be implemented at the specified points in time as the project is developed.
13. All necessary permits shall be obtained prior to commencement of any work that would be done on reliance of such permits.

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 Land Use & Development Code (LUDC) 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 LUDC.
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 developer 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.
8. Unless a condition of approval or other provision of the 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 LUDC Subsection 18.76.070 (B).