

CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPARTMENT
416 North Franklin Street
Fort Bragg, CA 95437
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hearing/decision date(s)
February 25, 2009

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

DEVELOPMENT PERMIT

PERMIT TYPE & NO.: DIV 2-08 & CDP 10-08
OWNER: Michael J. Casey & Deborah Ramsey Casey, Trustees of the Michael J. Casey & Deborah Ramsey Casey Living Trust
APPLICANT: Deborah Ramsey Casey and Michael J. Casey
AGENT: Amy Wynn
ADDRESS: 400 Ocean View Drive; APN 018-440-59
DESCRIPTION: Coastal Development Permit and Minor Subdivision to create four parcels of the following areas: 1) 9,456 square feet, 2) 8,925 square feet, 3) 10,950 square feet, and 4) 10,950 square feet. The property, located in the Coastal Zone, would include construction of cul de sac and sidewalks and installation of utilities.

PERMIT EFFECTIVE DATE: Ten working days after the California Coastal Commission's receipt of the Notice of Final Action from the City

PERMIT EXPIRATION DATE: Twenty-four months after the permit effective date

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

3-10-09
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

3-15-09
Date

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

Attachment: Findings and Conditions

RECEIVED

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CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT.

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the Medium Density Residential Zoning District, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code, 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. For the purposes of the environmental determination, the project is considered exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) the project has been found to be exempt from further environmental review pursuant to the CEQA Guidelines Section 15315 – Class 15 – Minor Divisions of Land.

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; and
9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

SUBDIVISION FINDINGS

1. The project is consistent with Chapter 17.80 (Subdivisions) of the Coastal Land Use and Development Code; and
2. The project is consistent with the Subdivision Map Act.

SPECIAL CONDITIONS

1. The applicant shall: a) agree to the recording of restrictive covenants that require that Parcel 2 and Parcel 4 each be built out with two dwelling units; b) print these restrictive

- covenants on the recorded subdivision map; and c) deliver the restrictive covenants to the City in recordable form with the applicant's written authorization for the City to record the covenants against the parcels after the subdivision is recorded.
2. Infiltration swales, designed by a licensed civil engineer, shall be constructed at the time of each parcel's development taking into account the specific proposed project and the maximum permissible lot coverage for each development.
 3. Prior to the approval of the improvement plan, the applicant shall either record on the parcel map a 20-foot wide easement to provide alley access to the second residential units on Parcels 2 and 4, or obtain City Council approval for the creation of a public alley to serve the parcels in the existing City owned 25-foot wide right of way.
 4. The applicant shall install a stop sign on Snug Harbor Drive at the intersection of Snug Harbor Drive and Ocean View Drive.
 5. The applicant shall either 1) obtain acceptance of the dedication prior to recordation of the Parcel Map; or 2 include road maintenance provisions in the CC&R's for the subdivision and revise the parcel map so that the appropriate portion of the road right-of-way is owned by each parcel with cross easements.
 6. The applicant shall submit an improvement and utility plan to the Public Works Director for review and approval prior to undertaking any improvements to the subdivision. All grading, roadway, sidewalk and drainage improvements described in the improvement and utility plan must be installed at the site prior to recordation of the Parcel Map for the project. An energy dissipation system shall be required eastward of where the conformed asphalt swale discharges its contents into the County right of way. A grading permit is required by the Department of Public Works prior to any work commencing at the site.
 7. All roadway and frontage improvements are subject to review and approval of the Public Works Director and City Engineer. All work within the City's right-of-way must be performed in accordance with encroachment permits from the City. All improvements either must be completed prior to approval of the Parcel Map or a bond must be submitted to ensure their completion.
 8. There shall be no on-street parking permitted along the frontage of the cul-de-sac. The cul-de-sac shall be signed for no parking to the satisfaction of the Public Works Department.
 9. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: a) cease and desist from all further excavation and disturbances within 25 feet of the discovery; b) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and c) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.
 10. A fire hydrant shall be installed at the southeastern corner of the proposed cul de sac and Ocean View Drive. The exact location of the hydrant shall be reviewed and approved by the Fort Bragg Fire Department and Public Works Department prior to installation. The fire hydrant shall be installed prior to recordation of the Parcel Map for the project.
 11. Applicant shall request modification of the City's Master Traffic Resolution to request enforcement of no parking signs on Snug Harbor Drive prior to submittal of the parcel map.
 12. The Director shall review and approve the CC&Rs prior to submittal of the parcel map.

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 Coastal Land Use and Development Code 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 Coastal Land Use and Development Code.
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. 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.
7. 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 Subsection 17.76.070 (B).
8. The approved Tentative Map is valid for 24 months after its effective date (Section 17.81.090), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 24 months, the approval shall expire and become void unless:
 - (a) A Parcel Map, and related bonds, improvement agreements, and unilateral agreement (17.82.030D) have been filed with the City Engineer in compliance with Chapter 17.82 (Parcel Maps and Final Maps); or
 - (b) An extension of time has been granted in compliance with Section 17.81.140.