

**RESOLUTION NO. PC \_\_\_\_-2019**

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION AUTHORIZING TWO AFFORDABLE HOUSING INCENTIVES AND APPROVING COASTAL DEVELOPMENT PERMIT 3-17/19 AND DESIGN REVIEW DR 5-17/19 FOR A PROPOSED MIXED-INCOME SENIOR, MULTI-FAMILY AND PERMANENTLY SUPPORTIVE HOUSING PROJECT LOCATED AT 441 SOUTH STREET (APN 018-340-04)**

**WHEREAS**, Danco Communities (“Danco”) has applied for a Coastal Development Permit, Design Review to allow construction of: 1) Twenty permanent supportive residential cottages ranging from 616 to 830 square feet, a 3,000 square foot commons building, walkways and a full size basketball court and a manager’s unit; and 2) Twenty-five single-story affordable senior residential cottages ranging from 616 to 848 square feet, a 1,200 square foot commons building, two 440 square foot Common utility buildings, a manager’s unit, walkways and 29 parking spaces and Associated driveway; and 3) Twenty-three two-story, workforce/family residential duplex units, ranging from 1,000 to 1,200 square feet (2 and 3 bedrooms), landscaping, playground and 36 covered Parking spaces and with associated driveways per the CLUDC and the Coastal General Plan.

**WHEREAS**, ninety-eight percent (98%) of the dwelling units are proposed as affordable rentals that limited to low income households; and

**WHEREAS**, State housing law (Government Code Section 65915) requires jurisdictions to approve from one to three “affordable housing incentives” (i.e., reductions in requirements of the zoning code) for affordable housing projects; and

**WHEREAS**, under the applicable statute for affordable housing incentives, the Danco Project is eligible for three planning incentives; and

**WHEREAS**, Danco has requested only two affordable housing incentives: 1) a front yard setback reduction from the required 25 feet to 10 feet; and 2) a parking reduction from the required 170 spaces to 70 spaces in conformance with Assembly Bill No. 744; and

**WHEREAS**, on February 12, 2019, at a duly noticed public meeting, the Fort Bragg Planning Commission considered the requested affordable housing incentives for the Danco Project and provided approval of the two incentives; and

**WHEREAS**, on February 12, 2019, at a duly noticed public hearing, the Fort Bragg Planning Commission considered public testimony as well as the staff report analysis for Coastal Development Permit 3-17/19 and Design Review 5-17/19, for the Plateau Project, which is incorporated herein by reference, and determined that there is sufficient evidence to support all of necessary findings for project approval.

**NOW THEREFORE BE IT RESOLVED** that, based on all of the evidence presented in the staff report for Coastal Development Permit 3-17/19 and Design Review 5-17/19, the City Council finds as follows:

## **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 Coastal General Plan, Coastal Land Use and Development Code (CLUDC) 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;

## **CEQA FINDINGS**

1. For the purposes of environmental determination, the project is considered to be statutorily exempt from CEQA pursuant to section 15192 (Affordable Housing) of CEQA Guidelines pursuant to the California Environmental Quality Act (CEQA).
2. The project must be consistent with:
  - (1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and
  - (2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.
3. Community-level environmental review has been adopted or certified.
4. The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.
5. The site of the project:
  - (1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations.
  - (2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.
  - (3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.
  - (4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.

6. The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.
7. The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:
  - (1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.
  - (2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.
8. The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.
9. The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.
10. The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.
11. The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.
12. Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.
13. Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.
14. The project site is not located on developed open space.
15. The project site is not located within the boundaries of a state conservancy.
16. The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.
17. The project meets the threshold criteria set forth in section 15192.
18. The project meets the following size criteria: the project site is not more than five acres in area.
19. The project meets both of the following requirements regarding location:
  - a. The project meets one of the following location requirements relating to population density:
    - i. The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.
    - ii. If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.
    - iii. The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and

there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

- b. The project meets one of the following site-specific location requirements:
    - i. The project site has been previously developed for qualified urban uses; or
    - ii. The parcels immediately adjacent to the project site are developed with qualified urban uses.
    - iii. The project site has not been developed for urban uses and all of the following conditions are met:
      - 1. No parcel within the site has been created within 10 years prior to the proposed development of the site.
      - 2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses.
      - 3. The existing remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses.
20. The project meets both of the following requirements regarding provision of affordable housing.
- a. The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.
  - b. The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be "affordable rent" for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code.
21. The project will not have a Cumulative Impact or Significant Effect. The project is not located on a scenic highway.
22. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
23. The project site does not include any Historical Resources.

#### **AFFORDABLE HOUSING INCENTIVE FINDINGS**

- 1. The residential development project will be consistent with the General Plan and the certified LCP.
- 2. The approved number of dwelling units can be accommodated by existing and planned infrastructure capacities.
- 3. Adequate evidence exists to indicate that the proposed residential project will provide affordable housing in a manner consistent with all standards set forth in Government Code Section 65915;
- 4. There are sufficient provisions to guarantee that the affordable dwelling units will remain affordable for the required time period.
- 5. The approved incentives do not have an adverse effect on coastal resources.

#### **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. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. 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;
7. 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;
8. 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;
9. 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;
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
11. The resource as identified will not be significantly degraded by the proposed development;
12. There is no feasible less environmentally damaging alternative; and
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

#### **DESIGN REVIEW FINDINGS**

1. The project complies with the purpose and requirements of CLUDC Section 17.71.050 Design Review;
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program; and
7. The project complies and is consistent with the City's Design Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission has determined that the Project is categorically exempt from environmental review pursuant to the California

Environmental Quality Act (“CEQA”) and Title 14, the California Code of Regulations (“CEQA Guidelines”), Section 15192 and Section 15194 – Affordable Housing Exemption.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby grants the following two affordable housing incentives for the Danco Project: 1) a front yard setback reduction from the required 25 feet to 10 feet; and 2) a parking reduction from the required 170 spaces to 70 spaces in conformance with the CLUDC parking requirements and state law.

**BE IT FURTHER RESOLVED** that the City Council hereby approves the Coastal Development Permit 3-17/19, Design Review 5-17/19 for the Danco Project, subject to the following Special Conditions and Standard Conditions:

### **SPECIAL CONDITIONS**

1. The Danco Plateau Project, at 441 South Street, shall accept HUD Section 8 rental assistance and Housing Voucher holders for all below-market-rate units provided in the development.
2. Prior to issuance of the Certificate of Occupancy, the developer shall either: 1) present the City with a copy of a fully executed Affordable Housing Regulatory Agreement with the California Tax Credit Allocation Committee; or 2) develop, execute and record an Affordable Housing Regulatory Agreement that is approved by the City Attorney and that complies with Section 17.32.080 B of the CLUDC.
3. Prior to issuance of building permit, the applicant shall resubmit the site plan illustrating one EV Charging Stations in the Senor Housing parking lot an one EV charging station in the Workforce Housing parking lot, for approval by the Community Development Director.
4. Prior to issuance of building permit, the applicant shall resubmit the site plan illustrating bicycle parking for the Senor and Workforce Housing parking for Community Development Director approval.
5. Prior to issuance of building permit, the applicant shall submit a revised site plan illustrating one motorcycle parking space for approval by the Community Development Director.
6. Prior to issuance of building permit, the applicant shall submit a revised site plan illustrating: a 20 foot drive isle from the street that is not intersected by parking spaces to allow for vehicular queuing and stacking for the PSH parking lot. Additionally this strip shall be landscaped with attractive plants that screen the parking lot from public view.
7. Prior to issuance of building permit, the applicant shall submit a landscaping plan for the parking lots for review by the Community Development Director. The parking landscaping plan shall comply with Section 17.34 of the CLUDC.
8. The applicant shall remove all cyclone fencing, located on the subject property, prior to approval of the Certificate of Occupancy for the project.
9. Prior to issuance of building permit, the applicant shall submit a detailed fencing plan for review by the Community Development Director. All fencing shall comply with Section 18.30.050 of the CLUDC.
10. Prior to issuance of the Building Permit, the applicant shall submit a detailed landscaping and lighting plan for review by the Community Development Director that includes local native plants only, preferably grown from local genetic sources. The landscaping plan shall comply with the sections 17.34.059C5b2 and 17.34.060 of the CLUDC. The Lighting Plan shall comply with 17.30.070. The submitted landscaping and lighting plans shall be approved by the Community Development Director prior to issuance of the building permit.

11. Prior to issuance of the Building Permit, the applicant shall submit a sign plan for review and approval by the Community Development Director.
12. The applicant shall provide: 1) a site plan that illustrates a dumpster/recycling area for each parking lot of each facility and 2) elevations and floor plan for the solid waste recycling storage building, to the Community Development Director for approval prior to issuance of the Building Permit. The storage structure shall have the same quality and level of finish as the other buildings on the site.
13. Prior to issuance of the Building Permit the applicant shall submit a detailed site plan for approval by the Director of Community Development, which illustrates that windows on each unit are oriented to ensure privacy within each unit from adjacent unit windows.
14. Prior to issuance of the Building Permit the applicant shall submit detailed floor plans and elevations for all accessory structures including the Commons Buildings, the Common Storage Building and Trash and Recycling Buildings for approval by the Director of Community Development. The accessory buildings shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.
- 15.A. Prior to issuance of the building permit, the applicant shall complete the following studies, and submit them to the Community Development Director for review. If the studies identify rare plants or wetlands which would be impacted by the project, the applicant shall be required to apply for a CDP amendment to revise the site plan as necessary:
  - A Seasonally-appropriate (April to June) botanical surveys shall be conducted on parcel 018-340-004 for the special status plant species included in Table A-1 of the survey.
  - Vegetation community mapping red fescue shall occur on parcel 018-340-004. The areas of parcel 018-340-004 to determine if it meets the vegetation community criteria for red fescue grassland.
  - Spring and summer surveys should be conducted on parcel 018-340-004 for the special status animal species included in Table A-2. Viola adunca surveys should be conducted during the botanical surveys, to ascertain habitat viability for the Behren's silverspot butterfly (*Speyeria zerene behrensii*) between April 21 and June 14.
- 15.B Prior to issuance of the Building Permit the applicant shall resubmit the site plan, including relocation of the playing yard, half basket ball court and the eastern most units of the multifamily housing to avoid the EHSA and the 30 foot ESHA buffer as roughly illustrated in the diagram below. Additionally during construction, construction fencing shall be placed on the 30 foot ESHA buffer (to be shown on all plans) to protect the ESHA from any construction damage during construction.
- 15.C Prior to issuance of the Certificate of Occupancy, a permanent redwood fence shall be installed along the 30 foot buffer (illustrated in orange) to protect the ESHA (illustrated in light green with a red border) from encroachment. No live tree removal is permitted within the ESHA area (as illustrated in the plan below).
16. Special Condition 16: Prior to final of the building permit, the developer shall:
  - a. Create a solution to the satisfaction of the Public Works Director that water pressures can be achieved (via pressure pump, tank, etc.) for enhancing the water system to meet City standards. Documentation to this effect shall be submitted to the Public Works Department, prior to issuance of the building permit.

- b. The applicant shall ensure adequate pressure and flow to the subject site to provide necessary domestic and fire suppression flows.
  - c. The applicant shall extend the 8" water main on South Street along the length of South Street in front of the project site. New water laterals shall connect the development to the constructed water main.
  - d. The Public Works Department may further require that an 8" water main connection be installed between the main on Kempe Way and the Main on South Street along the drive isles that transects the property, to ensure adequate system pressures can be maintained.
  - e. All water main improvements shall be dedicated to the City of Fort Bragg. If a main is constructed across the parcel to create a loop, a Public Utility (or similar) Easement of at least ten feet in width shall be recorded.
  - f. A backflow device (per City standards) shall be installed for both domestic and fire suppression lines.
  - g. The utility hookup configurations will be approved by the Director of Public Works or designated staff. Alternate main location options may be considered.
17. Prior to issuance of a grading permit or building permit, the developer shall:
- a. Submit plans for the installation of a sewer main in South Street (to City Standards) from the manhole in intersection of South Street and River Drive to the proposed development to the satisfaction of the Public Works Director.
  - b. The new sewer main shall be adequately sized to achieve standards established by the FBMC and reasonably designed to convey waste water for future development of the parcel. FBMC section 14.28.040 states The minimum size of a sewer lateral shall be 4-inch diameter. The minimum slope of a sewer lateral shall be 2 feet per 100 feet (2% slope). Exceptions will be reviewed and approved at the discretion of the District Manager.
  - c. New waste water laterals shall connect the development to the constructed sewer main, per the satisfaction of the Director of Public Works.
  - d. The exact location of the waste water line in the City right of way will be determined by the City Engineer at the time of review of the encroachment permit application.
  - e. A new waste water lateral shall connect the development to the constructed sewer main.
  - f. All new constructed gravity fed waste water mains shall be dedicated to the City. However waste water force mains will remain in the ownership of property owner and all maintenance of associated lift stations and force main will remain the owner's responsibility.
  - g. Utility hookup configuration will be worked out with the Public Works Director or designated staff. Alternate main location options may be considered.
18. Prior to issuance of a grading permit or building permit, the developer shall pay all Water and Sewer Capacity Fees and Storm Drain Fees.
19. The developer shall submit to the City Engineer, for review and approval, improvement drawings for required public improvements. The plans shall be drawn by, and bear the seal of, a licensed Civil Engineer. Street Section Standards for Minor and Collector streets is City Standard No. 204.



20. Prior to issuance of a Certificate of Occupancy for the project the following public improvement will be completed by the applicant per the direction of the Director of Public Works and according to City standards:

- a. South Street shall be improved as follows, prior to the final of the building permit: south street shall be improved along the length of the parcel frontage including a 50' fully paved ROW and a paved parking lane. Upon improvement to this section, and prior to final of the building permit, the paved portion of the street shall be dedicated to the City.
- b. Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the south side of Kempe Way.
- c. Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the North side of South Street. A gravel shoulder will be accepted on the south side.

All frontage and utility improvements (ADA compliant driveway aprons, corner ramps, sidewalk, curb, gutter, conform paving, etc.) shall be implemented according to current City Standards.

21. Fire Marshall Requirements

- a. Prior to issuance of the building permit the applicant shall complete a water modeling analysis that illustrates a minimum flow rate of 1,500 gallons per minute for all hydrants on the project site.
- b. Prior to issuance of the building permit that applicant shall submit plans and specifications for two panic hardware/gates that shall be added to the fence surrounding the PSH project
- c. Prior to final of the building permit a flow alarm shall be installed on the project sprinkler system.
- d. Prior to issuance of a building permit, the applicant shall submit a revised site plan that clearly illustrates: 1) the installation of a water main connecting Kempee Way with South Street; 2) the installation of two fire hydrants as illustrated in red stars below; and 3) emergency vehicle access from Kempee way through to South street. Other fire suppression requirements (including infrastructure) may be required by the Fire District. All fire hydrants, valves, service lines, etc. comprising this new infrastructure shall be included on site plans for review and approval by the Fire Marshall and the Public Works Department.

22. The property shall have an on-site residential property manager in order to minimize false alarms to the fire department. In the event that false fire alarms exceed three in any year, the Fort Bragg Fire Department will charge the property owner for all costs related to excess false fire alarms.

23. Prior to issuance of the Building Permit the applicant shall provide a stormwater analysis and plan Per code section 17.64.045 that proves that:

- a. Storm water runoff has been minimized by 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 bioretention facilities and overflow finally conveyed by a storm drain system approved by the City Engineer.

- b. Treatment Control BMPs have been sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (.83" in 24-hours) based on the size of the development.
  - c. An Operations and Maintenance Plan has been developed for all regulated project components by the State NPDES Phase II MS4
  - d. All drainage channels, conduits, culverts, and appurtenant facilities shall have sufficient capacity to convey a 100-year flood. The existing drainage infrastructure is a 24" diameter which conveys storm water from River Gardens at the south west corner of the subject lot in a northerly direction (red lines on the attached CAD map). Applicant shall provide analysis documenting sufficiency of existing infrastructure or provide engineer reviewed design of proposed upgrades to drainage conveyance system. If upgrades to infrastructure are required, this shall be completed by the developer.
24. All public improvements to drainage conveyance systems shall be dedicated to the City.
25. Prior to issuance of the Building Permit the applicant shall provide an analysis that documents the sufficiency of existing stormwater infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City.
26. Prior to issuance of the Building Permit the applicant shall submit a Water Quality Management Plan and/or a Storm Water Pollution Prevention Plan (SWPPP) that for review and approval by the City Engineer. And such plan shall be in compliance with all stormwater management requirements of the CLUDC Section 17.64 and Municipal Code Section 12.14. . A Runoff Mitigation plan (RMP) is required by the City to demonstrate the project meets the requirements is established by local, state and federal regulations. The RMP requirement can be fulfilled by a SWPPP as long as it complies with the above mentioned regulations. If using a SWPPP to fulfill the RMP, a draft version should be submitted to the City to ensure the project is in compliance prior to filing for a Notice of Intent (NOI).
27. Prior to issuance of the building permit the applicant shall submit a site plan for approval by the Community Development Director which orients both PSH houses along Kemppe avenue to the street. While direct access to the street is not feasible due to the security fencing, the units shall be reoriented so that the front porch faces the street.
28. The play area shall include seating or benches for parents to use while watching their children play.
29. Prior to issuance of the Building Permit that applicant shall submit a paint color plan for the site for review and approval by the Community Development Director.
30. Prior to issuance of a Building Permit, the applicant shall submit for the review and approval of the Community Development Director plans for the locations and visual screening of all mechanical equipment proposed to be constructed as part of the project, including but not limited to: standpipes, backflow preventers, generators and propane fuel tanks.

## **STANDARD CONDITIONS**

1. 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.
2. 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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
3. Notice to Applicant of Fees & Exaction Appeal Period:
  - a. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.
  - b. The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.
4. 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.
5. 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.
6. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
7. All utilities, including but not limited to water, sewer, telephone, gas, electricity, and conduit for cable television shall be provided to the project in compliance with all-applicable standards and requirements of the applicable provider.
8. All rights-of-way associated with the project improvements shall be offered by separate instrument, as an irrevocable offer of dedication in a form approved by the City Attorney, prior to issuance of the first building permit.
9. Improvements in the Public Right-of-Way: The applicant shall obtain an encroachment permit for all improvements within the public right-of-way. Applicant shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the public right-of-way, and those improvements to be dedicated to the City, as public improvements as improvement security to ensure the faithful performance of all duties and obligations required of applicant in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall

be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City.

10. 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. [8.g.13]
11. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - (1) That such permit was obtained or extended by fraud.
  - (2) That one or more of the conditions upon which such permit was granted have been violated.
  - (3) 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.
  - (4) 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.
12. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, this approval shall expire in two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070 (B).

**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 12th day of February, 2019, by the following vote:**

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

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**Nancy Roberts  
Planning Commission Chair**

**ATTEST:**

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**Joanna Gonzalez**  
**Admin Assistant**