

RESOLUTION NO. 3589-2013

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING COASTAL DEVELOPMENT PERMIT AMENDMENT 6-11/12, DESIGN REVIEW AMENDMENT 7-11/12, AND USE PERMIT AMENDMENT 4-11/12 FOR THE DANCO PROJECT

WHEREAS, Danco Communities ("Danco") applied for a Coastal Development Permit, Design Review and a Use Permit to allow construction of 25 single-story residential cottages of approximately 544 – 816 square feet, a 1,152 square foot commons building, a 470 square foot common utility building, walkways and a 33-space parking area and associated driveway ("Danco Project"); and

WHEREAS, City Council approved two affordable housing incentives for the Danco Project on February 28, 2012 consisting of 1) a front yard setback reduction from the required 15 feet to 10 feet; and 2) a parking reduction from the required 59 spaces to 33 spaces in conformance with the CLUDC parking requirements; and

WHEREAS, City Council approved a Coastal Development Permit, Design Review and a Use Permit for the Danco Project on February 28, 2012; and

WHEREAS, Danco has applied for an amendment to Coastal Development Permit 6-11, Design Review 6-11 and a Use Permit 6-11 to authorize the following modifications to the site plan: relocation of the parking lot, relocation of common storage building, redesign of open space areas, changes to location and configuration of units, realignment of sidewalks, widening nature path to meet ADA requirements, eliminate privacy fence, add patio and arcade to common building, add recycling/trash enclosure at common building; and

WHEREAS, the proposed amendment will not affect the previously approved affordable housing incentives; and

WHEREAS, on January 28, 2013, at a duly noticed public hearing, the Fort Bragg City Council considered public testimony as well as the staff report analysis for Coastal Development Permit Amendment 6-11/12, Design Review Amendment 7-11/12, and Use Permit Amendment 4-11/12 for the Danco Project, which is incorporated herein by reference, and determined that there is sufficient evidence to support all of the 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 Amendment 6-11/12, Design Review Amendment 7-11/12 and Use Permit Amendment 4-11/12, 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 15332 (in-fill development) of CEQA Guidelines pursuant to the California Environmental Quality Act (CEQA).
2. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
3. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
4. The project site has no value as habitat for endangered, rare or threatened species.
5. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
6. The site can be adequately served by all required utilities and public services.

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.

USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;
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;
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.
5. The proposed use complies with any findings required by CLUDC Section 17.22.030 (Commercial District Land Uses and Permit Requirements).

BE IT FURTHER RESOLVED that the City Council has determined that the Danco 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 15332 - Infill Development.

BE IT FURTHER RESOLVED that the City Council hereby approves the Coastal Development Permit amendment 6-11/12, Design Review amendment 7-11/12 and Use Permit amendment 4-11/12 for the Danco Project and the project will be subject to the following Special Conditions and Standard Conditions:

SPECIAL CONDITIONS

1. Following City approval of the Affordable Housing Regulatory Agreement, it shall be executed and recorded prior to granting the certificate of occupancy for the project.
2. Completion of the wetland mitigation plan shall be required prior to issuance of a certificate of occupancy.
3. The project applicant shall incorporate the recommendations of the geotechnical report into the grading and building plans. Prior to issuance of the Building permit the City Engineer shall review the grading and building plans and the geotechnical report and ensure that all recommendations in the geotechnical report are incorporated into the grading and building plans.
4. Prior to issuance of the building permit, the City Engineer shall review and approve a Water Quality Management Plan for the project.
5. The property shall have an on-site residential property manager in order to minimize false alarms to the fire department.
6. 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.

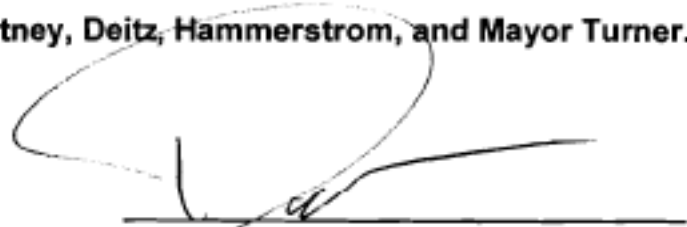
STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Coastal Commission 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 Subsection 17.76.070 (B).

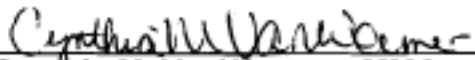
The above and foregoing Resolution was introduced by Councilmember Courtney, seconded by Councilmember Deitz, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28th day of January, 2013, by the following vote:

AYES: Councilmembers Courtney, Deitz, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, MMC
City Clerk