

RESOLUTION NO. 2951-2006

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING TENTATIVE MAP FOR HABITAT FOR HUMANITY; DIV #3-04; MINOR SUBDIVISION OF A 6,000 SQUARE-FOOT PARCEL INTO TWO PARCELS OF 2,687 SQUARE FEET AND 2,584 SQUARE FEET

WHEREAS, Habitat for Humanity of the Mendocino Coast (Habitat) submitted an application to amend the General Plan land use map classification and rezone APN 20-510-60 (1536/1538 Oak Street) from Low Density Residential (RL) to Very High Density Residential (RVH) (General Plan Amendment 2-04); and

WHEREAS, in conjunction with the General Plan Amendment and Zoning Amendment applications, Habitat also submitted an application for a minor subdivision (DIV 3-04) of the subject parcel to establish two lots; and

WHEREAS, a Mitigated Negative Declaration was prepared on October 17, 2005, and circulated for public review and the City of Fort Bragg received no written comments during the public comment period; and

WHEREAS, on December 14, 2005, the Fort Bragg Planning Commission held a properly noticed public hearing to obtain public comment on the Mitigated Negative Declaration, General Plan and Zoning Amendment applications and the proposed subdivision and recommended that the City Council adopt the Mitigated Negative Declaration and approve the requested amendments and subdivision; and

WHEREAS, on January 9, 2006, the City Council held a properly noticed public hearing to receive further public comment on the Mitigated Negative Declaration, the General Plan and Zoning Amendment applications, and the proposed subdivision; and

WHEREAS, on January 23, 2006, the City Council adopted Resolution No. 2915-2006 approving a Mitigated Negative Declaration and Resolution No. 2916-2006 approving General Plan Amendment 2-04; and

WHEREAS, on February 13, 2006, the City Council adopted Ordinance No. 855-2006 changing the zoning on the parcel from Low Density Residential (RL) to Very High Density Residential (RVH) and said ordinance took effect on March 15, 2006; and

WHEREAS, based on the review of the proposed applications including all written reports and oral testimony, the City Council has made the following findings:

1. The project, as conditioned, is compatible with surrounding existing development and reasonably foreseeable future development.
2. Given the approval of the General Plan Amendment and Zoning District change, the project is in conformance with the RVH land use classification as identified in the Fort Bragg General Plan and the RVH zoning district as defined in the Land Use & Development Code (Title 18 of the Fort Bragg Municipal Code).

3. The proposed project is consistent with the purpose and intent of the Fort Bragg General Plan's stated goals and policies revolving around the expansion of affordable housing opportunities.
4. The General Plan amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan.
5. The proposed General Plan and Zoning map amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
6. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle 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 proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.
7. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable Specific Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the Minor Subdivision application and tentative map (DIV 3-04) subject to the conditions cited in the attached "Exhibit A."


The above and foregoing Resolution was introduced by Councilmember Melo, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of March, 2006, by the following vote:

AYES: Councilmembers Gjerde, Baltierra, Hammerstrom, Melo, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, CMC
City Clerk

“EXHIBIT A”

SPECIAL CONDITIONS FOR DIV 3-04 (HABITAT FOR HUMANITY)

1. The approved Tentative Map is valid for 24 months after its effective date, 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 become null and void unless:
 - a) A Final Map and related bonds and improvement agreements have been filed with the City Engineer in compliance with Chapter 18.82 of the City of Fort Bragg Land Use & Development Code; or
 - b) An extension of time has been granted in compliance with Section 18.81.140.
2. Prior to approval of the Final Map, the process of vacating the 369 square feet of right-of-way that is owned by the City of Fort Bragg and upon which one of the existing residences encroaches shall be completed and the property shall be dedicated to Habitat for Humanity. Habitat shall be required to cover all of the City's costs incurred in processing this request through the developer deposit account established for these applications.
3. Prior to the approval of the Final Map, all conditions on the Tentative Map shall be satisfied.
4. Prior to the approval of the Final Map, notations shall be made on the Final Map for the project and restrictions shall be placed and recorded on the deed for each parcel specifying that second units cannot be developed on either of the properties.
5. Prior to the approval of the Final Map, the existing shed associated with Lot 2 shall be moved entirely onto Lot 2.
6. Prior to the approval of the Final Map, the 3-foot wide planter strip on the southern boundary of Lot 2 shall be installed as indicated on the Tentative Map.

STANDARD CONDITIONS FOR DIV 3-04 (HABITAT FOR HUMANITY)

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 Title 18 of the Fort Bragg Municipal Code.
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.
3. 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 required permit applications shall be consistent with this approval.

4. The applicant shall secure all required building permits for the proposed project as required by the Building Department.
5. This permit shall be subject to revocation or modification upon a finding of any one (1) 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 (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more conditions.
6. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.