

## **RESOLUTION NO. 4062-2018**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING TWO AFFORDABLE HOUSING INCENTIVES AND APPROVING COASTAL DEVELOPMENT PERMIT 3-17 AND DESIGN REVIEW DR 5-17 FOR THE DANCO PROJECT**

**WHEREAS**, Danco Communities ("Danco") has applied for a Coastal Development Permit, Design Review to allow construction of: 1) thirty single-story affordable senior residential cottages ranging from 616 to 830 square feet (8 two-bedroom units and 22 one-bedroom units), a 1,200 square foot commons building, a 440 square foot common utility building, walkways and a 30-space parking area and associated driveway; and 2) seven market rate two-story, residential duplex units with the 14 units ranging from 1,000 to 1,200 square feet (2 and 3 Bedrooms), landscaping and a 28-space parking area and associated driveway ("Danco Project"); and

**WHEREAS**, sixty-two percent (62%) of the dwelling units are proposed as affordable rentals that are age limited to senior citizen 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 103 spaces to 58 spaces in conformance with Assembly Bill No. 744; and

**WHEREAS**, on December 11, 2017, at a duly noticed public meeting, the Fort Bragg City Council considered the requested affordable housing incentives for the Danco Project and provided preliminary conceptual approval of the two incentives; and

**WHEREAS**, on January 8, 2018, 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 3-17 and Design Review 5-17, for the Danco 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 and Design Review 5-17, 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.

#### **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 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 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 103 spaces to 58 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, Design Review 5-17 for the Danco Project, subject to the following Special Conditions and Standard Conditions:

### **SPECIAL CONDITIONS**

1. Prior to issuance of any grading or building permit, the applicant shall present to the City Attorney an Affordable Housing Regulatory Agreement that complies with Section 17.32.080 B prior to approval of a grading or building permit for the project. Additionally, the Affordable Housing Regulatory Agreement shall be executed by the City and Danco Communities and recorded prior to granting the certificate of occupancy for the project.
2. 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.
3. Prior to issuance of building permit, the applicant shall submit a revised site plan illustrating: 1) revised parking lots dimensions that include a minimum width of 23 feet drive isles through the parking lot and 2) 20 foot drive isle from the street that is not intersected by parking spaces to allow for vehicular queuing and stacking.
4. The applicant shall remove all cyclone fencing prior to approval of the Certificate of Occupancy for the project.
5. The applicant shall submit a 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 and plan shall comply with 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 plan shall be approved by the Community Development Director prior to issuance of the building permit.
6. The applicant shall provide 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.
7. 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.
8. 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.
9. The applicant shall complete the following studies (and submit them to the Community Development Director for review and possible project modifications based on findings from the studies) prior to issuance of the building permit:
  - a. 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.
  - b. 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.
  - c. 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 behrensi*) between April 21 and June 14.

- 10a. Prior to issuance of a building permit, the applicant shall define and implement a solution to the satisfaction of the Public Works Director for maintaining adequate water pressure during heavy usage such that the proposed development and existing development in the same sector maintain adequate minimum water pressure on-site at all times.
- 10b. Prior to issuance of a Certificate of Occupancy, the applicant shall:
- I. Extend the 8" water main on South Street shall the length of South Street in front of the project site and the Public Works Department may further require that an 8" water main connection be installed between the main on Kemppe Way and the Main on South Street along the New Street alignment.
  - II. Dedicate the water main improvements to the City of Fort Bragg.
  - III. Install a backflow device (per City standards) for both domestic and fire suppression lines.
11. Prior to issuance of a grading permit or building permit, the applicant 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. 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.
  - b. 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.
  - c. A new waste water lateral shall connect the development to the constructed sewer main.
  - d. 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.
  - e. Utility hookup configuration will be worked out with the Public Works Director or designated staff. Alternate main location options may be considered.
12. Prior to issuance of a grading permit or building permit, the applicant shall pay all Water and Sewer Capacity Fees and Storm Drain Fees. The anticipated estimated cost for such fees is approximately \$248,000.
13. Prior to issuance of a Certificate of Occupancy for the project, the following public improvements will be completed by the applicant per the direction of the Director of Public Works and according to City standards:
- a. Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the south side of Kemppe Way;
  - b. Installation of sidewalk curb and gutter and a parking lane along the east side of the project site, and two travel lanes along New Street, which bisects the property and connects Kemppe Way with South Street; and
  - c. Installation of sidewalk curb and gutter and a parking lane on the south side of the project site and two travel lanes along the project frontage on South Street.
14. The street right of way for South Street and New Street shall be improved per Special Condition 11 and the City's Street Standards and transferred to the City of Fort Bragg prior to issuance of a Certificate of Occupancy.
15. The property shall have an on-site residential property manager in order to minimize false alarms to the fire department.

16. 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.
17. 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 and Coastal General Plan.
18. The play area shall include seating or benches for parents to use while watching their children play.
19. Prior to issuance of the Building Permit, the applicant shall submit a paint color plan for the site for review and approval by the Community Development Director.
20. 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

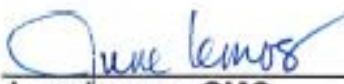
time extension has been granted, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070 (B).

The above and foregoing Resolution was introduced by Councilmember Turner, seconded by Councilmember Norvell, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 8th day of January, 2018, by the following vote:

**AYES:** Councilmembers Cimolino, Lee, Norvell, Turner and Mayor Peters  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.

  
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**LINDY PETERS**  
Mayor

**ATTEST:**

  
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June Lemos, CMC  
City Clerk