



CITY OF FORT BRAGG

Incorporated August 5, 1889

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NOTICE OF FINAL ACTION ON USE PERMIT

On May 25, 2022, final action was taken by the City on the following Minor Use Permit application:

PERMIT TYPE & NO.: Use Permit UP 2-22

APPLICANT/OWNER: Jillian and Peter Smith

LOCATION: 245 E. Laurel St.

APN: 008-092-08

DESCRIPTION: Convert residential structure in Central Business District back to use as a house.

DATE OF ACTION: May 25, 2022

ACTION BY: Fort Bragg Planning Commission

ACTION TAKEN: Approved (See attached Findings and Conditions)
 Denied (See attached Findings)

THIS PROJECT IS: Appealable to the Fort Bragg City Council. Decisions of the Planning Commission shall be final unless appealed to the City Council within ten (10) days after the decision is rendered. An appeal shall be submitted in writing along with the appeal fee of \$1,000.00 to the Community Development Department, and shall specifically state the pertinent facts and the basis for the appeal. Appeals shall be limited to issues raised at the administrative public hearing, or in writing before the public hearing, or information that was not known at the time of the decision.

Heather Gurewitz
Associate Planner

5/27/2022
Date

Permit Findings

1. *The proposed use is consistent with the General Plan and any applicable specific plan.*

The structure located at 245 E. Laurel St. is consistent with the City's General Plan Policy LU-6.1 because it will preserve the character of one of City's existing residential neighborhoods. Additionally, it meets the 2019 Housing Element Goal H-1.78 to create workforce housing because it is a small single-family residence. It also meets Goal H-5 because it will help conserve and improve the existing housing supply in Fort Bragg by re-using an existing single-family home in a commercial zone.

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.*

The structure located at 245 E. Laurel St. is consistent with Title 18, Chapter 2 of the Inland Land Use Development Code, Section 18.22.030 Table 2-6 which allows for a single residential unit with a Use Permit only for existing structures that have the appearance of a single residential dwelling unit, per the Citywide Design Guidelines and the staff analysis concludes that the structure in question meets the Citywide Design Guidelines for a single family residence.

3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.*

The uses immediately to the north, and east are residential and the use to the west is office/vacation rental. The existing structure has an architectural design that matches the other residential structures in the vicinity and has previously been used as a house and as a mixed-use space.

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.*

This project is already a single residential structure and will not have any changes to the design, location, shape, or size. The change in use is consistent with uses on the surrounding properties and 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 § 18.22.030 (Commercial District Land Uses and Permit Requirements).*

The proposed project is listed as an allowable use with a Use Permit in the Inland Land Use Development Code Section 18.22.030, Table 2-6 and the existing structure is consistent with the Citywide Design Guidelines for a residential dwelling unit. Therefore, the project complies with the findings required by Section 18.22.030 of the Inland Land Use Development Code.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - Appeals.
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. 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 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical

Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.

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 Inland 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 ILUDC Subsection 18.76.070 (B).
9. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at time of building permit application.
10. Applicant shall indemnify, hold harmless and defend the City of Fort Bragg against any claim brought against the City stemming from the City's approval of this project.