



CITY OF FORT BRAGG

Incorporated August 5, 1889

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NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT

On August 15, 2022, final action was taken by the City on the following Coastal Development Permit:

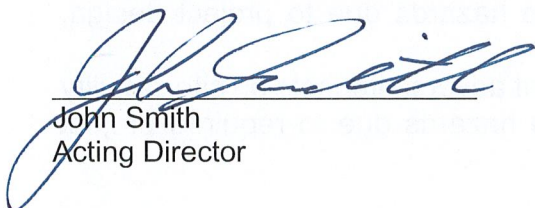
PERMIT TYPE & NO.: Coastal Development Permit 7-22 (CDP 7-22)
APPLICANT/OWNER: Jimmy Jara
LOCATION: 729 West St.
APN: 008-041-00
DESCRIPTION: Construct 1 story 2-bedroom 928 sq ft Accessory Dwelling Unit

DATE OF ACTION: August 15, 2022
ACTION BY: Acting Director, Community Development Department

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

THIS PROJECT IS: Appealable to the City of Fort Bragg Planning Commission. Decisions of the Director shall be final unless appealed to the Planning Commission within ten (10) days after the decision is rendered. An appeal shall be submitted in writing along with the appeal fee of \$375.00 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.

Appealable to the California Coastal Commission; only after local appeals are exhausted (explained Coastal Land Use and Development Code (CLUDC) Section 17.92.040 B), and within ten (10) working days of Coastal Commission receipt of the Notice of Final Action, and by persons described in CLUDC 17.92.040 A.1. Failure by a person to request a public hearing on this action may result in the loss of a person's ability to appeal the action to the California Coastal Commission.


John Smith
Acting Director

August 15, 2022
Date

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the Low Density Residential Zoning District, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code, 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; and
4. For the purposes of the environmental determination, the project has been found to be exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303(a), one single family residence in a residential zone.

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. The proposed use is consistent with the purposes of the zone in which the site is located;
4. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
5. 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;
6. 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;
7. 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;
8. 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;

9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity; and
10. The resource as identified will not be significantly degraded by the proposed development.
11. There will be no individual or cumulative effects or burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 17.56.070(B) of this Development Code.
12. The proposed project is over 1,000 feet from the coast and there is an intervening private parcel in between the property and the coast. Thus there is no necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.
13. The proposed project is east of an existing structure and more than 1,000 feet from the shore with an intervening private property area and a coastal trail. Thus the project will not impact shoreline processes.
14. There is no evidence of historic public use of this site, as noted it lies west of a large industrial parcel that served a timber mill for nearly 100 years.
15. The proposed structure will not create any physical obstructions that will impact public access.
16. The proposed project would not have other adverse impacts on access or recreation.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to Coastal Land Use and Development Code 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 Coastal Land Use and Development Code.
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. 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.
7. 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).
8. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at the time of building permit application.
9. 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.

SPECIAL CONDITIONS

1. Three weeks prior to any ground disturbance, the applicant shall contact the Sherwood Valley Rancheria to contract with a tribal monitor to be on-site during ground disturbing activities.