



CITY OF FORT BRAGG
Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, California 95437
tel. 707.961.2823 and www.fortbragg.com

**NOTICE OF FINAL ACTION
ON MINOR USE PERMIT**

On November 14, 2023, final action was taken by the Community Development Director on the following Minor Use Permit application:

FILE NUMBER: Minor Use Permit 3-23 (MUP23-3)
DATE FILED: October 10, 2023
APPLICANT: Jennie Cragie
LOCATION: 109 Park Street, Fort Bragg and APN 008-232-19
APPLICATION: A request to construct a 17.3-foot tall detached Art Studio, where a Minor Use Permit application may allow the structure to exceed 12-feet in height.
ENVIRONMENTAL DETERMINATION: CEQA Exemption §15303
ATTACHMENT A: Adopted findings in support of the decision, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

PROCEDURE FOR APPEAL: An appeal of the Community Development Director's decision shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal. The appeal shall be filed with the Department within 10 days of the date the decision was rendered. The appeal shall be accompanied by the filing fee identified in the City's Fee Schedule. An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

EFFECTIVE DATE OF DECISION: The decision of the Director, Commission, or Council, as applicable, is final and effective on the 11th day following the date the decision is rendered, unless an appeal is filed in compliance with Chapter 18.92.

To obtain additional information, an interested person may call or visit the Community Development Department, Fort Bragg City Hall, 416 North Franklin Street, Fort Bragg. Questions may be directed to Juliana Cherry, Community Development Director, at (707) 961-2823.


Juliana von Hacht Cherry, Director
Community Development Department

PUBLISHING/MAILING DATE: November 21, 2023

STATE OF CALIFORNIA)
) ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg in the Community Development Department; and that I posted this Notice in the City Hall Notice case on or before November 21, 2023.

Maria Flynn

Maria Flynn, Administrative Assistant
Community Development Department



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ADOPTED FINDINGS AND CONDITIONS

Following an administrative review by the Community Development Director, MUP 3-23 was approved on November 14, 2023; the Director administratively approved a request to construct a 17.3-foot tall detached Art Studio.

Minor Use Permit 3-23 is subject to the following findings and conditions:

GENERAL FINDINGS

1. The proposed Residential Accessory Structure is consistent with the purpose and intent of the Low Density Residential zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general; and
2. The design, location, size, and operating characteristics of the Residential Accessory Structure is compatible with surrounding and adjacent structures and 17.3-foot building height is subordinate to the primary residential structure's height; and
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the property faces Park Street with an alley adjoining the rear of the parcel; and
4. The project complies with Specific Use Regulations established for the project, including ILUDC 18.42.160 Residential Accessory Uses and Structures; and
5. The Secretary for Resources certified specific classes of projects to be exempt from the requirements to prepare initial studies, including a Class 3 exemption for new construction of appurtenant accessory structures, see CEQA Guidelines Section 15303(e).

USE PERMIT FINDINGS

1. The proposed Artist Studio, a type of residential accessory structure, is consistent with the General Plan goals for residential development; and
2. The proposed residential accessory structure is allowed within the Low Density Residential zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code; and
3. The design, location, size, and operating characteristics of the Artist Studio are compatible with the existing and future residential land uses in the vicinity; and
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)

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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

5. The proposed use does not conflict with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

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.
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 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.
4. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
5. 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.
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 Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24

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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).

SPECIAL CONDITIONS

8. Off-street parking shall not conflict with Section 18.36 (Parking and Loading) standards, including driveway and site access standards.
9. Contact **Underground Service Alert (USA)**, Dial 811 or 1-800-227-2600, at least 48hrs prior to construction/demolition.
10. **Impact Fees:**
 - a. Water/Sewer Capacity fees are not required for this permit.
 - b. Drainage Fees not required for this permit.
11. **Water/Sewer Connection Fees** – ADU's are not required to establish separate utility connections.
 - a. If the applicant chooses to opt for separate connection(s) or service meter for the ADU, fees will be subject to the current fee schedule. Please notify Public Works as soon as possible if additional meter or larger connection is desired.
 - b. Sewer Cleanout is required if not already present.
12. **Backflow Device:**
 - a. Applicant shall install a backflow device on the existing water meter. The City inspection fee of \$60.00 has been added to the fee sheet.
 - b. Contact Heath Daniels at 707-813-8031 for information on approved backflow devices and installation procedures.
 - c. If fire sprinklers will be installed, applicant shall install a backflow device on any water line associated with a fire service.
 - d. Final inspection of backflow device is required prior to final of building permit.
13. **Circulation, Access, & Frontage:**
 - a. Applicant shall be mindful of roadway and vehicular constraints when planning types of vehicles/equipment to use in the demo and construction activities.
14. **Encroachment Permit** will be required for any activity occurring in the Public right of way, including the alley. This includes the placement of a dumpster(s), ladders, demo equipment, construction vehicles not parked in conformance with parking codes, etc. Please submit the relevant encroachment permit application 2 weeks prior to anticipated construction date(s) to allow adequate time for processing. Encroachment permit fees have not been included in this review.
15. **Stormwater:**
 - a. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.
 - b. It is not permitted for construction debris and soil to be placed in the City right-of-way. All construction debris/soil shall be properly disposed.
 - c. Applicant to adhere to the storm water measures outlined in the 6-page Storm Water Control Plan submitted with the building permit.

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- d. Applicant to ensure that there is no increase in offsite runoff, to either the neighbors or the alley due to construction.
16. **Construction Demolition Waste Recycling:** All waste removal is subject to the terms of the Construction and Demolition Waste Recycling Plan. Once demo is completed all debris and waste material shall be hauled away. No fencing, sandbags, or other construction materials may remain in the City right of way.
- a. All construction debris/soil shall be properly disposed in accordance with the City Construction Waste Recycling Ordinance.
 - b. If the structure will not be replaced immediately, the site shall be stabilized by re-vegetation by October 31. If no growth occurs after 2 months, applicant shall determine best way to achieve plant growth.