

RESOLUTION NO. 3801-2015

A RESOLUTION GRANTING THE APPEAL BY EDWARD OBERWEISER, ET AL. OF THE PLANNING COMMISSION'S JANUARY 28, 2015 DECISION TO APPROVE A MITIGATED NEGATIVE DECLARATION FOR THE HARE CREEK CENTER PROJECT, REVERSING THE DECISION OF THE PLANNING COMMISSION, AND DIRECTING THAT AN ENVIRONMENTAL IMPACT REPORT (EIR) BE PREPARED FOR A MODIFIED PROJECT APPLICATION

WHEREAS, Group II Real Estate ("Group II") proposes to construct a commercial retail project on an approximately three-acre site ("Project Site") located west of State Route 1 (Main Street) and north of State Route 20 in the City of Fort Bragg (APNs 018-450-40, 018-450-41); and

WHEREAS, the project, known as Hare Creek Center, ("Project") is proposed to consist of a shopping center anchored by Grocery Outlet and consisting of three buildings: Building A (15,000 square feet), Building B (10,000 square feet), and Building C (4,500 square feet), for a total of 29,500 square feet of retail space. Associated improvements include a new access road, located on the western edge of the proposed development that would connect to Ocean View Drive to the north and, in the future, to Bay View Avenue (CR #439A) to the southwest. Other associated improvements include a 99-space parking lot, loading zones, pedestrian improvements, rain water storage tanks, drainage improvements, utilities, signage, and landscaping; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 *et seq.* ("CEQA"), requires that the City consider the environmental effects of the Project prior to approving any entitlements for the Project; and

WHEREAS, the City prepared a Mitigated Negative Declaration for the Project pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines"); and the City's CEQA Implementation Procedures. The CEQA document consists of a Mitigated Negative Declaration and all technical appendices, dated December 16, 2014 ("MND"); and

WHEREAS, following issuance of a Notice of Preparation for the MND and a 30-day public comment period, on January 28, 2015, the Planning Commission held a public hearing, considered the MND and adopted a resolution to approve the MND for the proposed Project in a 3 (in favor) to 1 (opposed) vote; and

WHEREAS, also on January 28, 2015, the Planning Commission did not adopt a resolution to approve the permits for the project in a 2 (opposed) to 2 (in favor) vote. Due to the tied vote, the resolution did not pass, and therefore the Planning Commission effectively denied the development permits for the Project; and

WHEREAS, an appeal to the approval of the MND was filed by Edward Oberweiser, et. al. which raised a number of issues regarding adequacy of the MND; and

WHEREAS, the project applicant filed an appeal of the denial of the planning permits by the Planning Commission to City Council; and

WHEREAS, on March 23, 2015, the City Council held a duly noticed public hearing, received public testimony and considered information related to the Hare Creek Center MND and the planning permits, including reports and attachments prepared or presented by City staff, all oral and written testimony and the full record of proceedings on the Project, and the MND.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fort Bragg, based on the entire record of the proceedings as set forth above, that the City Council finds and determines as follows:

1. The above recitals are true and correct, are supported by substantial evidence in the record, and are incorporated herein by reference.
2. There is substantial evidence, in light of whole record, that the Project as mitigated may have a significant effect on the environment, based on potential visual impacts to an ocean view, traffic impacts, air pollution and Greenhouse Gas impacts, groundwater recharge impacts, water service and supply impacts and other potential impacts. Therefore, the Council cannot make the required finding for adoption of the MND pursuant to CEQA Guidelines section 15074(b).
3. In addition, the City Council provided direction regarding modifications to the project design to ensure compliance with the General Plan and to enable the City Council to make the required findings, including: a) move Building C to the west side of the parcel; b) reconfigure the parking lot and the site so that no excessive grading occurs of the knoll; c) require additional landscaping to screen the site from the highway; and d) change the building façade to the "historic" design as submitted by the project architect.
4. The City Council further provided direction to complete additional environmental review for the Project, specifically with regard to the following topics: a) potential urban decay impacts; b) potential impacts of the project on groundwater recharge; and c) ability to provide the project with water service.
5. The changes to the project set forth above would result in a substantial change to the project description, and would necessitate preparation of a revised CEQA document. In light of the record, there is a substantial evidence that, as modified, the Project may have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the City Council hereby grants and upholds the appeal by Edward Oberweiser, et al. of the Planning Commission's January 28, 2015 decision to approve a Mitigated Negative Declaration for the Hare Creek Center project, reverses the decision of the Planning Commission, and directs that, in order to move forward, an Environmental Impact Report (EIR) be prepared for the Project, as modified.

The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Peters, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of April, 2015, by the following vote:

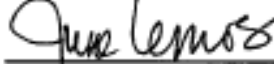
AYES: Councilmember Cimolino, Hammerstrom, Peters, and Mayor Turner.
NOES: None.

ABSENT: None.
ABSTAIN: Councilmember Deitz.



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, MMC
City Clerk

for