

**RESOLUTION NO. 3802-2015**

**RESOLUTION DENYING WITHOUT PREJUDICE THE APPEAL BY GROUP II REAL ESTATE OF THE PLANNING COMMISSION'S JANUARY 28, 2015 DECISION TO DENY DEVELOPMENT PERMITS FOR THE PROPOSED HARE CREEK CENTER PROJECT; PROJECT LOCATION: 1250 DEL MAR DRIVE; PERMITS: CDP 8-13, DR 7-13, USP 5-13 AND LLA 3-14, THUS DENYING THE DEVELOPMENT PERMITS, AND DIRECTING THAT STAFF PROCEED WITH ENVIRONMENTAL REVIEW FOR A REVISED PROJECT**

**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**, On January 28, 2015, the Planning Commission held a public hearing, and adopted a resolution to adopt (approve) the Mitigated Negative Declaration for the proposed Project on a 3 (in favor) to 1 (opposed) vote; and

**WHEREAS**, the Planning Commission also considered the planning permit applications for the project and did not adopt a resolution to approve the permits on 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 Oberweiser et. al.; and

**WHEREAS**, an appeal of the denial of the planning permits was filed by the project applicant- Group II Real Estate; and

**WHEREAS**, on March 23, 2015, the City Council held a noticed public hearing, received public testimony and considered all information related to the Hare Creek Center MND and the planning permits for the Project, including all 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; and

**WHEREAS**, during the hearing, 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) minimize grading; (b) move Building C to the west side of the parcel; c) reconfigure the parking lot and the site so that no excessive grading occurs of the knoll; d) require additional landscaping to screen the site from the highway; e) change the building façade to the "historic" design as submitted by the project architect; (f) consider a potential split parking lot; (g) include a multi-use trail; and (h) no storage of excess materials; and

**WHEREAS**, the City Council further directed staff to work with the California Coastal Commission on concerns they had noted via letter to the City on March 18, 2015; and

**WHEREAS**, on April 27, 2015, the City Council adopted a resolution granting the appeal of the Mitigated Negative Declaration, reversing the decision of the Planning Commission and directing that an Environmental Impact Report be prepared for a modified Project; 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.

**NOW, THEREFORE, BE IT RESOLVED**, that, based on the entire record, the City Council hereby makes the following findings:

#### **GENERAL DENIAL FINDINGS**

1. There is no approved environmental determination with respect to the Project and therefore, review of the Project has not yet complied with the California Environmental Quality Act.
2. The proposed project is not consistent with Policy CD-1.5 of the Coastal General Plan.

#### **COASTAL DEVELOPMENT PERMIT DENIAL FINDINGS**

1. The proposed development is not in conformance with the City of Fort Bragg's Coastal General Plan Policy CD-1.5.

#### **DESIGN REVIEW DENIAL FINDINGS**

1. The project does not provide architectural design that is compatible with the site surroundings and the community;
2. The project does not provide appropriate landscaping to screen the project from the public right of way; and
3. The project is inconsistent with Coastal General Plan Policy CD-1.5.


#### **USE PERMIT DENIAL FINDINGS**

1. The proposed use is inconsistent with the Policy CD-1.5 of the Coastal General Plan; and
2. The project does not provide architectural design that is compatible with the site surroundings and the community.

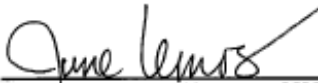
**NOW, THEREFORE BE IT FURTHER RESOLVED**, by the City Council of the City of Fort Bragg, based on the entire record and the findings set forth above, that the City Council denies without prejudice the appeal by Group II Real Estate of the Planning Commission's January 28, 2015 decision to deny development permits for the proposed Hare Creek Center project, thus denying the development permits; Project Location: 1250 Del Mar Drive; Permits: CDP 8-13, DR 7-13, USP 5-13 and LLA 3-14.

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 27<sup>th</sup> day of April, 2015, by the following vote:

**AYES:** Councilmember Cimolino, Hammerstrom, Peters, and Mayor Turner.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** Councilmember Deitz.

  
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**DAVE TURNER,**  
Mayor

**ATTEST:**

*for*   
\_\_\_\_\_  
Cynthia M. VanWormer, MMC  
City Clerk