

RESOLUTION NO. -2015

A RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION A) ADOPTING THE MITIGATED NEGATIVE DECLARATION (MND) FOR THE HARE CREEK CENTER AND ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Group II Real Estate (“Group II”) proposes to develop an approximately 3 acre site (“Project Site”) on the western edge of Highway 1. The Project Site is bordered on the north by the a mini-golf course & hotel, on the east by Highway 1 and the Boatyard Shopping Center, on the south by a vacant parcel, and on the west by a parcel and a Community College. The Project Site consists of the following APNs 018-450-40, 018-450-41; and

WHEREAS, the project (“Project”) is proposed to consist of the following: Construction of a shopping center anchored by Grocery Outlet and consisting of three buildings, including: Building A at 15,000 square feet, Building B at 10,000 square feet and Building C at 4,500 square feet, for a total of 29,500 square feet of retail space. Associated development includes a new access road, located on the western edge of the proposed development, to connect to Bay View Avenue (CR #439A) to the southwest and to Ocean View Drive to the north. Other associated development includes a new 99 space parking lot, loading zones, pedestrian improvements, rain water storage tanks, utility connections, 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, a Notice of Preparation for the MND (“NOP”) was prepared by the City and circulated on December 16, 2014 to provide responsible and trustee agencies and the general public an opportunity to express their concerns regarding the potential environmental effects of the Project. The NOP was received by the State Clearinghouse and circulated for 30 days, as mandated by CEQA; and

WHEREAS, the MND (State Clearinghouse No. 2014102014) was prepared by the City and circulated for more than a 30+ day public review and comment period, beginning on December 18, 2014 and ending on January 28, 2015. During this period, on January 28, 2015, a public hearing was held by the Planning Commission to receive comments on the MND. On January 20, 2015, the City received a comment letter from California Department of Fish and Wildlife (see Attachment 14 of the Staff report); and

WHEREAS, the City has prepared a response letter to the comment letter received from the California Department of Fish and Wildlife; and

WHEREAS, no revisions were necessary to the Subsequent Draft EIR in response to the comments received (see Attachment 15 of the Staff Report) and the Planning Commission has determined that the CDFW letter does not identify any new significant impacts that would require additional mitigation measures; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, on December 19, 2014, the City provided notice regarding the availability of the MND; and

WHEREAS, on January 28, 2015, the Planning Commission held a noticed public hearing, received public testimony and considered all information related to the Hare Creek Center MND, 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.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Fort Bragg, that the Planning Commission finds, determines and certifies 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. The Mitigated Negative Declaration for the Project consists of the Mitigated Negative Declaration dated December 18, 2014 and all technical appendices including the Mitigation Monitoring and Reporting Plan (collectively, the "MND").
3. The MND was prepared in compliance with the requirements of CEQA.
4. The MND was presented to the Planning Commission, the decision-making body for the City, the lead agency for the Project, and the Planning Commission has independently reviewed, considered and analyzed the information contained in the MND, together with all comments on the MND and the responses thereto, as well as all other information contained in the record, and has fully considered the environmental effects of the Project..
5. The MND reflects the Planning Commission's independent judgment and analysis as to the environmental effects of the Project.
6. All potentially significant adverse environmental impacts associated with the Project will be reduced to less-than-significant levels with implementation of the mitigation measures identified in the MND and included in the Mitigation Monitoring and Reporting Program prepared for the Project pursuant to CEQA and attached to the staff report accompanying this Resolution ("MMRP"), and there is no substantial evidence in the record before the Planning Commission that the Project, as mitigated, will result in any significant adverse impacts on the environment.
7. The monitoring and reporting of the mitigation measures identified for the Project will be conducted in accordance with the MMRP and the MMRP will be incorporated into the conditions of approval for the Project.
8. The Planning Commission has, by its review of the evidence and analysis presented in the MND and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Commission to make fully informed, thoroughly considered decisions on these important issues.

9. The location of the documents or other material that constitute the record of proceedings upon which the decision is based is the City of Fort Bragg Community Development Department, 416 North Franklin Street, Fort Bragg CA 95437; the official custodian of said records is the City Clerk of the City of Fort Bragg.

BE IT FURTHER RESOLVED, that the Mitigation Measures set forth in Exhibit B and incorporated herein by reference and the MMRP are hereby adopted to ensure that all mitigation measures are fully implemented. Compliance with Special Condition 11 of the Project approvals incorporates all mitigations from the MND into the Project and shall be a condition of any Project approval.

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28th day of January, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair,

ATTEST:

**June Lemos,
Administrative Assistant**