

RESOLUTION NO. PCXX-2023

A RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL

- A) CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE BEST DEVELOPMENT GROCERY OUTLET (SCH: 2022050308);**
B) ADOPT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS;
AND C) ADOPT MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, Best Development (“Applicant”), submitted an applicant for: Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-22 (MGR 1-22) to construct a Grocery Outlet Market (retail store). The proposed project includes the demolition of an existing 16,436 SF vacant former office building and associated 47-space parking lot and wooden fencing along the property line, and as conditioned, the construction and operation of a 16,157 SF, one-story, retail store with a 53-space parking lot and associated improvements and infrastructure; 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 Council directed staff to prepare an EIR to evaluate the impact of the proposed project on the environment pursuant to CEQA; Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines") and the City's CEQA Implementation Procedures; and

WHEREAS, the City engaged the services of De Novo Planning Group (De Novo) which prepared an EIR 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 an Initial Study dated May 19, 2022, a Draft EIR and all technical appendices, September 2022 ("Draft EIR") and a Final EIR ("Final EIR") dated April 2023 (collectively, "EIR"); and

WHEREAS, a Notice of Preparation for the EIR ("NOP") was prepared by the City and circulated on September 15, 2022 to provide interested 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 45 days, as mandated by CEQA; and

WHEREAS, the Draft EIR (State Clearinghouse No. 2022050308) was prepared by De Novo under contract to the City and circulated for more than a 45 day public review and comment period, beginning on September 15, 2022 and ending on October 31, 2022. During this period, on October 11, 2022, a public hearing was held by the City Council to receive comments on the Draft EIR. By the end of the public review and comment period, the City received 27 letters and/or e-mail comments from agencies and individuals; and

WHEREAS, written and oral comments on the Draft EIR have been received,

and responses to those comments have been prepared in the form of a Final EIR for the Project, which incorporates the Draft EIR by reference; and

WHEREAS, revisions were necessary to the Draft EIR in response to the comments received; and

WHEREAS, on April 11, 2023 the Final EIR was posted on the City's website; and

WHEREAS, on April 26, 2023, additional revisions were made to the Final EIR which related to including a consistency analysis with the City's Design Guidelines; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, on April 26, 2023, the City provided public notice regarding the availability of the Final EIR and circulated the proposed responses to comments to public agencies which had submitted comments on the Draft EIR; and

WHEREAS, on May 10, 2023, at a regularly scheduled meeting, the Planning Commission held a public hearing on the proposed Project and considered all information related to the EIR, including the Draft EIR, all reports and attachments prepared or presented by City staff, pertinent documents provided during previous public meetings, all oral and written testimony and the full record of proceedings on the Project, and the Final EIR;

NOW, THEREFORE, BE IT RESOLVED, that the Fort Bragg Planning Commission does recommend to the City Council, that the City Council can find, determine, and certify as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. The EIR for the Project consists of the Draft EIR dated September, 2022 and all technical appendices; and the Final EIR dated April XX, 2023 (collectively, the "EIR").
3. The EIR was prepared in compliance with the requirements of CEQA.
4. The changes set forth in the FEIR, including the additional revisions made on April 26, 2023 do not require recirculation of the EIR. The changes do not disclose any new or increased significant impacts. The changes merely clarify information contained in the EIR.
5. The Planning Commission recommends that the City Council should adopt the Findings of Fact in the attached Exhibit A, incorporated herein by reference, which contains all of the required CEQA findings.
6. After mitigation, all project impacts are less than significant.

BE IT FURTHER RESOLVED, that the Mitigation Monitoring and Reporting Program ("MMRP") set forth in Exhibit B and incorporated herein by reference should be adopted by the City Council to ensure that all mitigation measures relied on in the findings are fully implemented. Compliance with the MMRP shall be a condition of any Project approval.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by Commissioner _____ seconded by Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Jeremy Logan, Chair

ATTEST:

Humberto Arellano, Administrative Assistant