

## California Attorney General Announces \$11 Million Settlement With AutoZone

*AutoZone facilities in 45 counties were found by the prosecuting offices to have committed environmental violations, according to the Attorney General's Office.*

By [City News Service](#)

Published Jun 18, 2019 at 7:52 PM

California Attorney General Xavier Becerra Tuesday announced an \$11 million settlement with AutoZone Inc. over allegations that the retailer violated state laws governing hazardous waste, hazardous materials and confidential consumer information.

The lawsuit -- filed against the 600-store auto parts chain by the Attorney General's Office, the Los Angeles City Attorney's Office and the district attorneys of 10 California counties, including San Diego and Riverside -- stemmed from 56 inspections of trash bins at 49 AutoZone facilities between August 2013 and September 2015.

Those inspections "found numerous instances of unlawful disposal of hazardous waste including batteries, aerosol cans, electronic devices, and hundreds of discarded bottles and other receptacles containing automotive fluids and other regulated hazardous waste," according to a statement released by Becerra's office, which said the investigation "revealed that AutoZone allowed its customers to deposit hazardous automotive fluids and other waste items into regular trash containers in AutoZone stores' parking lots throughout California."

AutoZone facilities in 45 counties were found by the prosecuting offices to have committed environmental violations, according to the Attorney General's Office, which estimated that AutoZone "illegally disposed of over five million hazardous waste items in California."

The settlement, under which AutoZone did not admit wrongdoing, requires the company to pay \$8.9 million in civil penalties, \$1.35 million for supplemental environmental projects and \$750,000 for reimbursement of investigative and enforcement costs.

AutoZone will receive a \$1 million credit against the penalties if it undertakes at least \$2 million in environmental enhancement work not required by law.

The settlement also requires the company to undergo a compliance audit and a trash receptacle audit to ensure that hazardous waste and confidential consumer information is properly disposed of at all of its facilities, and comply with 23 requirements involving environmental protection and confidential consumer information protection laws, according to the Attorney General's Office.

**From:** [Jamie Peters](#)  
**To:** [CDD User](#)  
**Subject:** [MACRO WARNING] AutoZone  
**Date:** Tuesday, July 02, 2019 3:34:50 PM  
**Attachments:** [Autozone.doc](#)

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Hi Michelle,

I am sending this email to all Planning Commissioners and City Council members individually so as not to have a potential Brown Act violation.

In essence, the attached document is about the recent \$11 million settlement by AutoZone to the State of California for illegal disposal of hazardous materials. They didn't have to claim fault/guilt, but they did agree to the settlement.

This is yet another reason why having AutoZone in our community is a bad idea. While the Planning Department is doing their job, what needs to change at the City Code level is language surrounding companies that want to set up shop in Fort Bragg. I don't know exactly what that is yet, but certainly something needs to be added.

AutoZone is only coming to our community because of their major competitor, O'Reilly's Auto Parts. They are not interested in serving our community because they'd realize there is no economic benefit to the community to bring in another auto parts store. If we were to let AutoZone in, they would not only have a devastating impact on a local business that has been here for 40 years, they'd also cut into existing locally run businesses who carry auto parts and supplies.

There are other reasons to prevent AutoZone from building in Fort Bragg, but I think what's of significance also is spelled out in the attached article. Do we really want a business with known environmental negligence to be on our coastline?

Thank you for your time and consideration of this serious issue.

Sincerely,  
Jamie Peters-Connolly

Sent from [Mail](#) for Windows 10

**From:** [Jacob Patterson](#)  
**To:** [Gonzalez, Joanna](#)  
**Cc:** [McCormick, Sarah](#)  
**Subject:** 7/10/19 Planning Commission Meeting General Public Comment  
**Date:** Monday, July 08, 2019 4:31:29 PM  
**Attachments:** [Coastal Commission -8978.02\\_CCC Referral Letter Auto Zone.pdf](#)

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Joanna,

Please distribute this email and the attached comment letter from the Coastal Commission staff about the proposed Auto Zone application as a general public comment on non-agenda items for the Planning Commission's meeting this week. This comment should also be included as a public comment on the draft Mitigated Negative Declaration ("MND") for this project that is current out for public review so I have copied Sarah.

The Community Development Department prepared a draft MND for the proposed Auto Zone project. The points raised by the Coastal Commission staff in their letter relate to the proposed project's inconsistency with the City's Coastal Local Coastal Program as well as the necessary breadth of the analysis in the environmental review. In my opinion, these issues are not adequately addressed in the draft MND and a new CEQA document should be prepared and circulated for public review and comment, which should be a revision of the draft MND or a full EIR depending on the results of the additional analysis.

Moreover, the draft MND defers necessary analysis in some areas (e.g., requiring future landscaping plans and visual analysis), including analysis concerning topics raised by the Coastal Commission staff in their letter. In my opinion, these issues need to be analysed at this time or the environmental review will be incomplete. This indicates improper deferral of necessary environmental analysis without establishing clear criteria or objective thresholds by which the potentially significant impacts can be evaluated. It also suggests that the CEQA review is being improperly segmented (aka "piecemealing") and the potentially significant impacts of the development on both proposed new lots should be analyzed now, including concerning traffic, visual impacts, impacts to biological resources and the like.

Best regards,

--Jacob

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FAX (707) 826-8960  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)



January 25, 2019

Attn: Sarah McCormick, Assistant Planner  
City of Fort Bragg  
416 N. Franklin Street,  
Fort Bragg, CA 95437

SUBJECT: Review of Coastal Development Permit (CDP) Application 9-18 to divide an undeveloped parcel in two individual lots and construct a 7,380-square-foot AutoZone retail store located at 1151 South Main Street, Fort Bragg, Mendocino County (APN: 018-440-58).

Dear Ms. McCormick:

Thank you for the opportunity to comment on the above-reference CDP. The project submittal provided useful information, but we believe additional analysis is warranted. As such, we are seeking further clarification and recommend that the applicant address the following matters to ensure consistency with the policies of the Fort Bragg certified Local Coastal Program (LCP).

### 1. Consistency with the Visual Resources Policies of the LCP

Applicable LCP Policies [emphasis added]

**Policy CD-1.1** states:

*Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.*

**Policy CD-1.4** states:

*New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.*

**Policy CD-2.5** states:

*Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.*

**LIP Section 17.50.070 (F)** states:

*Commercial development west of Highway 1. Commercial development west of Highway 1 shall be designed and constructed in a manner that maintains scenic views of the coast by providing sufficient separation between buildings, as determined by the review authority based on the characteristics of the site and existing development in the area, and by preventing a continuous facade of buildings that would block scenic views of the coastline.*

Comments

The subject property currently provides existing partial coastal views. The project description states that the “proposed development would be sited and designed to protect views to and along the ocean and scenic coastal areas” (see page 5). In addition, page 2 of the Visual Resource Review study explains that the “retail store would be anticipated to change the existing visual character and/or quality of the site and its surroundings, as the site is currently undeveloped...however, the proposed project would not result in a substantial degradation of the site or surrounding area...[since] existing single-family residences and trees located along the bluff and commercial businesses north and south of the project site partially obstruct coastal views from the project site and Highway 1.”

The open space and scenic character of this area warrant a detailed analysis on how the development has been sited and designed to minimize visual impacts. The applicant should analyze these impacts and develop feasible alternatives, if applicable. Specifically, the applicant should clarify how much existing blue water view is being retained and how much is being lost to demonstrate how the project is consistent with the above-mentioned policies.

**2. Consistency with the Landscaping Policies of the LCP**

Applicable LCP Policies [emphasis added]

**Policy CD-1.6** states:

*Fences, walls, and landscaping shall minimize blockage of scenic areas from roads, parks, beaches and other public viewing areas.*

**Policy CD-1.11** states:

*New development shall minimize the removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.*

**Policy CD-2.7** states:

*Landscaping: Encourage attractive native and drought-tolerant landscaping in residential and commercial developments.*

**Policy OS-5.1** states:

*Native Species: Preserve native plant and animal species and their habitat.*

**Policy OS-5.2** states:

To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Comments

The project description describes plans for the removal of six existing mature trees and minimal removal of natural vegetation (see page 5). This section also explains that native coastal trees would be planted as a visual screening measure and to restore the visual quality of the project area. However, the exact location, type, and number of trees will be determined by a landscape architect in a future landscaping plan.

Commission staff encourages the City to work with the applicant to ensure the landscaping plan is consistent with the above-mentioned landscaping and visual resource policies in order to support native habitat, including existing healthy trees, while ensuring scenic areas are not blocked by landscaping. We note that there is existing invasive vegetation (e.g., Scotch broom) on the property that the City should consider requiring removal of as a condition of CDP approval.

### **3. Circulation Policies of the LCP**

Applicable LCP Policies [emphasis added]

**Policy C-2.3** states:

In scenic areas, roadway improvements, including culverts, bridges or overpasses, shall be designed and constructed to protect public views and avoid or minimize visual impacts and to blend in with the natural setting to the maximum extent feasible.

Comments

The Visual Resources Review study describes a series of road improvements that will be needed to accommodate the proposed project (see pg. 3). The unnamed frontage road would require widening to full width and other associated improvements include the addition of a sidewalk, curb, and gutter along the eastern portion of the project site. Commission staff recommends assessing these improvements for consistency with the above-mentioned policies to avoid visual or other impacts.

### **4. Division of Land Policies of the LCP**

Applicable LCP Policies [emphasis added]

**Policy CD-1.10** states:

All proposed divisions of land and boundary line adjustments shall be analyzed for consistency of potential future development with the visual resource protection

policies of the LCP, and no division of land or boundary line adjustment shall be approved if development of resulting parcel (s) would be inconsistent with these policies.

Comments

The proposed project would take the existing parcel, approximately 2.5 acres in size, and subdivide it into two individual lots, described as Lots 1 and 2. Lot 1 would be approximately 1.1 acres in size and be developed to accommodate the AutoZone store. Lot 2 would result in approximately 1.4 acres in size and lie along the southern portion of the site. Page 2 of the project description states that though future development on Lot 2 is anticipated, no development is proposed on Lot 2 at this time.

Commission staff believes that analysis of the future development potential of Lot 2 is necessary at the time of the proposed subdivision. The applicant must analyze whether the City and the site can accommodate the increased intensity of development. It should be established that a viable development footprint exists that is consistent with the coastal resource protection policies and considers other development limitations that are established within the certified LCP.

**5. Services and Utilities Policies of the LCP**

Applicable LCP Policies [emphasis added]

**Policy LU (Land Use)-10.4** states:

Ensure Adequate Services and Infrastructure for New Development. Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed development shall be grounds for denial of the development.

**Policy LU-5.2** states:

Ensure that there are adequate sites for visitor-serving land uses by:

- a) Maintaining existing areas designated for Highway-Visitor Commercial uses;
- b) Maintaining the Highway Visitor Commercial land use designation as one allowing primarily recreational and visitor-serving uses; and
- c) Reserving adequate infrastructure capacity to accommodate existing, authorized, and probable visitor serving uses.

**Policy PF -1.1** states:

All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.

**Policy PF-1.2** states in part:

*Ensure Adequate Services and Infrastructure for New Development. No permit for development shall be approved unless it can be demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal; as applicable to the proposed development.*

- a. *Demonstration of adequate water and sewer facilities shall include evidence that adequate capacity will be available within the system to serve the development and all other known and foreseeable development the system is committed to serving, and that the municipal system will provide such service for the development;*

**Policy PF-1.3** states:

*Ensure Adequate Service Capacity for Priority Uses.*

- a. *New development that increases demand for new services by more than one equivalent dwelling unit (EDU) shall only be permitted in the Coastal Zone if,*
  - *Adequate services do or will exist to serve the proposed development upon completion of the proposed development, and*
  - *Adequate services capacity would be retained to accommodate existing, authorized, and probable priority uses upon completion. Such priority uses include, but are not limited to, coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational uses in commercial, industrial, parks and recreation, and public facilities districts. Probable priority uses are those that do not require an LCP amendment or zoning variance in the Coastal Zone.*
- b. *Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing, authorized, and probable priority uses identified above.*

Comments

The project description describes the extension of water and sanitary sewer services by the City of Fort Bragg's Municipal Improvement District No. 1. The northern boundary of Lot 1 would contain a new 6-inch sanitary sewer lateral that would connect to the existing pothole and serve the existing sewer lines sited on the unnamed frontage road. The proposed project would extend water service from an existing main on Harbor Avenue to the site by establishing a 10-foot public utility easement across Lot 2 to benefit Lot 1. Sewer connections would require a public utility easement within the right-of-way of the unnamed frontage road.



The City completed a water supply analysis in 2010 and is in the process of updating this analysis to assess future development potential. The above-mentioned policies focus on ensuring the City maintains enough services to accommodate priority uses as well as existing residences and businesses. The proposed Avalon Hotel and portions of the future redevelopment of the Georgia-Pacific Mill Site have been identified as priority visitor-serving uses. There, the applicant should coordinate with the City to demonstrate that there is adequate capacity for the extension of services that will result in the proposed subdivision and development of AutoZone, while ensuring such development will not jeopardize existing and priority uses.

## 6. Community Character Policies of the LCP

### Applicable LCP Mission and Policies [emphasis added]

Chapter 1 of the Fort Bragg Land Use Plan includes a mission statement:

*The mission of the Coastal General Plan is to preserve and enhance the small town character and natural beauty that make the City a place where people want to live and visit, and to improve the economic diversity of the City to ensure that it has a strong and resilient economy which supports its residents.*

**Policy LU (Land Use)-4.1** states:

*Formula Businesses and Big Box Retail: Regulate the establishment of formula businesses and big box retail to ensure that their location, scale, and appearance do not detract from the economic vitality of established commercial businesses and are consistent with the small town, rural character of Fort Bragg.*

**Policy CD-2.2** states:

*Large Commercial Development: Ensure that large commercial development, such as shopping centers, big box retail, and mixed use development, fits harmoniously with the scale and design of existing buildings and streetscape of the City.*

**Policy CD-2.8** states:

*Strip Development: Discourage further strip development along Main Street. Strip development is typically characterized by street frontage parking lots serving individual or strips of stores or restaurants, with no provisions for pedestrian access between individual uses and buildings arranged linearly.*

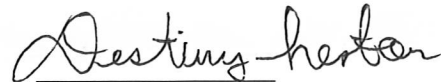
### Comments

In order to ensure consistency with the community character policies of the LCP, the applicant should complete an analysis that demonstrates how the development is consistent with the small town, rural character of Fort Bragg. Although the proposed project is designated for Highway Commercial land uses, formula business must not detract from established commercial businesses and findings must be made to show that the scale and design maintains the City's small town character and natural beauty.

Sarah McCormick  
City of Fort Bragg  
January 25, 2019  
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Thank you in advance for the opportunity to comment on the proposed development. If you have any questions, please don't hesitate to call me at (707) 826-8950 or email me at [Destiny.Preston@coastal.ca.gov](mailto:Destiny.Preston@coastal.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Destiny Preston". The signature is written in black ink and is positioned above the printed name.

DESTINY PRESTON  
Coastal Program Analyst

Cc: Deirdre Clem, LACO Associates  
Daniel Harrington, California Department of Fish and Wildlife

