



# City of Fort Bragg

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## Meeting Minutes City Council

*THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY  
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT  
NO. 1 AND THE FORT BRAGG REDEVELOPMENT  
SUCCESSOR AGENCY*

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Monday, March 23, 2015

6:00 PM

Town Hall, 363 N. Main Street

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### MEETING CALLED TO ORDER

Mayor Turner called the meeting to order at 6:03 p.m.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Vice Mayor Lindy Peters, Councilmember Michael Cimolino, Councilmember Scott Deitz, Councilmember Doug Hammerstrom and Mayor Dave Turner

### AGENDA REVIEW

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

#### 2. STAFF COMMENTS

#### 3. MATTERS FROM COUNCILMEMBERS

Mayor Turner introduced Karen Murphy who is acting as City Attorney in place of Sam Zutler tonight. He reported that there will be a Fire Board meeting tomorrow night and they will be discussing the upcoming ISO (Insurance Services Office) audit. Homeowners will save on their insurance if the ISO score is high. He noted that the Fire Department had a training burn on March 14 and he heard that they did well.

Vice Mayor Peters reported that he attended the Redwood Empire Division of the League of California Cities meeting on Friday where they received a presentation about trying to capture sales tax. He noted that the mid-year budget analysis determined that sales tax collected in Fort Bragg was down. That is the funding used to pave streets and pay Police Officers. The League of California Cities is working on a way to help collect more sales tax from internet sales such as having sales tax collected for the community that the merchandise is being shipped. This legislation will not be acted on soon but it is in the works.

Councilmember Cimolino reported that he attended the Economic Development Finance Corporation (EDFC) meeting on the 12th. EDFC is a corporation that tries to find jobs and ideas for entrepreneurs. They discussed a biofuel plant project and hope that someone will take that idea and implement it. Cimolino thanked the volunteer fire department and everyone that attended the fundraiser on Friday for Megan Moon and asked for prayers for Camilla Blanco Perez who has leukemia.

Councilmember Hammerstrom reported that the Department of Toxic Substance Control (DTSC)

was in Fort Bragg last week to discuss the mill site cleanup. The next Remedial Action Plan will be coming out in next couple of months and there will be a cleanup plan notification mailed out with a meeting at the end of April or beginning of May. Hammerstrom noted that there will be a special Finance and Administration Committee meeting on Thursday at 1:30 pm at Town Hall to discuss proposed changes to the lodging business improvement district (BID), which is where lodging establishments tax themselves and put that money toward promotion.

#### **4. PUBLIC HEARING**

- 4A. [15-061](#)** Receive Report, Conduct Public Hearing and Provide Direction to Staff Regarding: 1) 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; and 2) 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.

***Councilmember Deitz reported that he owns a parcel on Todd's Point and will recuse himself from participating in the public hearing; he left the meeting at 6:10 p.m.***

Mayor Turner read the following public hearing rules:

1. Community Development Director Marie Jones will present her staff report - about 20 minutes.
2. The Project Applicant/Appellant will be given 20 minutes but can save five minutes to rebut if they would like.
3. The Appellant on the Mitigated Negative Declaration (MND) will have 20 minutes.
4. Public comment will follow with each person being allowed 3 minutes; Appellants may not participate as they have already been given 20 minutes to speak.
5. Please fill out a speaker card and give it to Public Works Director Tom Varga; the Mayor will call people to the podium when it is their turn to speak. The Mayor will call three names at a time so that people can line up at the podium.
6. Avoid over repetition of views already expressed.
7. The Council hopes to have full discussion tonight and come to a decision but if it gets too late the discussion may need to be continued until another day.
8. In order to treat everyone with respect there will be no applause, booing and chanting from the audience. People may express their opinion when called to the podium.
9. There will be time for normal public comment on non-agenda, consent, and closed session items later.

The Agenda Item Summary Report prepared for this item was reviewed with the City Council by Community Development Director Jones. She noted that after the Summary Report was prepared and posted on the City's website staff received a letter from the Coastal Commission expressing concern about the way staff chose to balance two conflicting policies; she recommended additional conversations with the Coastal Commission and coordination with the Applicant.

**Mayor Turner recessed at 6:42 p.m.; the meeting was reconvened at 6:48 p.m.**

The City Councilmembers reported on ex parte communications they have had on this item as follows:

- Mayor Turner noted that he received several calls and visits from the group appealing the MND decision and spoke to Bill and Greg Patton about the project.
- Vice Mayor Peters reported that he attended a portion of the Planning Commission meeting on this matter and watched the rest of the meeting on-line; this was as an observer, not a

participant. He also had a phone conversation with the Pattons.

- Councilmember Cimolino reported that he spoke to a lot of people about this project and also talked to the Pattons at the start of the project.
- Councilmember Hammerstrom reported he spoke with the Pattons by phone and has received a lot of communication in the form of e-mails and letters.

**Mayor Turner opened the public hearing at 6:50 p.m.**

1. A presentation was made by the Applicant/Appellants as follows (a hard copy of the presentation was provided for the record):
  - a. Debra Lennox made a presentation on behalf of the Pattons. She noted that this is undeveloped commercial property, not open space. The Pattons have anticipated a shopping center at this location since 1981. The project has incorporated City design guidelines, the South Main Street Access & Beautification Plan, and Caltrans' Complete Street Plan. The Pattons do not take the recommended project conditions lightly. She noted that the supply of large buildings in Fort Bragg is small and this project, with ample parking and square footage, can be of benefit to the City.
  - b. Greg Patton provided his family history and stated that they are proud to be a part of this town. They want to bring positive energy in terms of new opportunities, businesses, and jobs, etc. He noted that it is not easy to find companies and businesses interested in coming to Fort Bragg. He then introduced Brock McDowell, owner/operator of the Willits Grocery Outlet.
  - c. Brock McDowell, owner/operator of the Grocery Outlet in Willits stated that it is a family-owned business with about 40 employees. Most of his employees have been with him since the store opened; he only has a 5-10% employee turnover rate. He noted that everything Grocery Outlet sells is 100% guaranteed; it is fresh produce, meat, deli, bread, eggs, etc., as well as items that are brought in opportunistically (items bought at the best price to provide the best savings for the customers).
  - d. Lennox submitted a letter dated March 19, 2015, regarding the Planning Commission meeting last month (previously provided in the packet with items labeled "Hare Creek Center Applicant - Supplemental Submittals"). She noted that there has been a well-documented effort of misinformation by David Gurney and submitted photos showing that there is no ocean view from this location. She reviewed their design process and noted that together Building A & B are smaller than Harvest Market and Safeway.
  - e. Lee Welty, Project Engineer, spoke about drainage and grading, noting that the project is designed to infiltrate 100% of stormwater rather than the 20% required. They hope to be able to store the soil on site for use for future projects such as the reservoir or playing fields.
  - f. Lennox explored the idea of what Fort Bragg architecture is and showed several different buildings in Fort Bragg. She noted that the top of the knoll will not be cut.

**Mayor Turner recessed the meeting at 7:08 p.m.; the meeting was reconvened at 7:15 p.m.**

2. A presentation was made by the Appellants of the MND decision as follows:
  - a. Daney Dawson spoke in opposition to the project as one of the appellants, reading information she provided in writing for the record. She stated that the City is legally required by the California Environmental Quality Act (CEQA) to order a full Environmental Impact Report (EIR) for this project. She listed a number of areas of concern including the water study, traffic study, greenhouse gas emissions, grading plan, piecemeal or daisy-chain development, impact on biological resources, run-off, visual blight, insufficient parking, etc. Because of these potential significant environmental impacts an EIR is legally required, which is what they are requesting from the City Council.
  - b. Leslie Kashiwada, PHD in oceanography, provided an eight page document addressing her concerns with the project, which included concerns about hydrology and storm water runoff, seismicity, impacts on wildlife, and impacts on threatened species. For these reasons, a

- full, complete, objective, and up-to-date EIR is necessary for the Hare Creek Center Project, prior to approving any design reviews, lot line adjustments, or any permits associated with this project.
- c. David Gurney then showed a video and stated that this project will create a gauntlet of ugly buildings as people drive into Fort Bragg. To alter a geographical land form such as the hill a full EIR is required. He stated that according to United States Geological Survey (USGS) this is an identifiable land form and it includes a Caltrans marker identifying it as a landmark. He stated that the story poles are not placed in the proper location. He then showed a 2007 development plan which was denied, the South Main Street Development Plan along with a Department of Toxic Substance Control (DTSC) map, photos of the Willits and Ukiah Grocery Outlet stores, and photos of the empty stores on Franklin Street. He asked "do we want this as open land or another shopping center?"
  - d. Edward Oberweiser presented comments in writing regarding traffic impacts since he was not allowed three minutes as a member of the public.
3. Jim Jackson provided a rebuttal to the Appellants by stating that he believes this is a good project that will be an attractive space for Fort Bragg. This is commercial zoning, not open space. The project contains LEED (Leadership in Energy & Environmental Design) certified elements designed by Debra Lennox. People who don't want to see the project built because they want open space are being unrealistic. The Applicant is willing to do additional studies if required but the Appellants have not proven that there is any requirement for a full EIR. Jackson noted that he submitted a letter to the City Council with detailed responses to the Appellants. The Appellants have hired an attorney who sent a letter and he rebutted issues addressed in that letter. This project is probably the best project the City will see in terms of greenhouse gases. To the extent this project has gone through design review it has met CEQA guidelines.
  4. Paul Clark stated that the current General Plan is a monster and the Applicant has done a great job meeting the requirements. He stated that even without big box stores, downtown has lost businesses. This is due to the fact that people are shopping on-line. If the downtown is going to survive it has to find a way to make itself viable, especially before the mill site property is developed. Clark felt that the Coastal Commission should not be making the comments they made in their letter; they approved the Coastal Land Use and Development Code (CLUDC). Fort Bragg has more access to the coast than most areas ever dream of having. The message the Council needs to ask is whether they want development or they don't. Most developers are working on subsidized projects like housing. Most people wouldn't come to this town and try to do a project like this. He stated that he is 100% for the project.
  5. Guy Burnett asked the City Council to uphold the appeal on the MND and dismiss the appeal on the permits. He provided his comments in writing for the record. He noted that the Applicant stated earlier that water would not go to Hare Creek but then said it would.
  6. Larry Harringor stated that he is a licensed California asphalt contractor and resident of Hare Creek on Bay View Avenue right behind the project. He cautioned that asphalt and base material release heavy metals that are very toxic. The heavy metals will go into the ground and contaminate wells in this area.
  7. Carol Zanutto, Todd Point resident on Bay View, stated that they are not in the City limits but everything that happens on the Applicants property affects their neighborhood. Bay View Avenue is now part of the coastal trail from the Mendocino Land Trust down to Hare Creek and she is very concerned about the shopping center street connecting to Bay View and going down to Pacific. She also expressed concern about the animals such as the deer, hares, and wild turkeys. She asked how the property got zoned commercial back in 1981 and whether that zoning was still appropriate. Todd Point residents are concerned about water as many have had wells go dry during the drought. She noted that homes on Bay View Avenue are considered environmentally sensitive areas on City maps and questioned why those maps exist

if it isn't important. She recommended that Council uphold the appeal and overturn the Planning Commission decision.

8. Larry Zanutto, Todd Point resident, expressed concern about water from runoff from Highway 1 and challenged the statement by the Applicant that they will have a state-of-the-art filtration system that puts clean water back in the ground. He noted that when Lawrence Livermore contaminated adjoining parcels the federal government held them responsible for the damage and required them to purchase the property. Does Fort Bragg need another polluted area besides the mill site? Gathering water from roofs is not good as there are toxic chemicals in the roofing materials. Will they use pesticide on the landscaping? Wells are the residents' only source of water. Zunotto noted that there is no mention of the ospreys that fish in Hare Creek Bay.
9. David Sindel stated that Fort Bragg is a dying town and noted a number of businesses that no longer exist (Aborigine, Golden Rule Market, Paul Bunyan News). There are no jobs here to keep young people or bring people here. There is a group of people who want to make this into a park and want to tell people who own the land what they can do with it. He questioned why the Council would turn down a project that would bring 40 jobs and \$4 million in construction money to this town. Payroll in any given town turns five times before it goes out of the community so these 40 jobs would equal \$800,000 spent five times in the community. That is a good economic impact. He questioned how many people here tonight objecting to this project even live in Fort Bragg. The Council represents the people who voted for them, those who live in the City; he asked that they please vote for this project.
10. Rick Childs stated that he doesn't live in the City limits but considers himself a Fort Bragger as many of the people here tonight do. His concern with the project is the impact on the downtown and what has been happening in the downtown over the last several years. The Hare Creek Center will further draw businesses away from downtown. He noted that when this was presented to the Planning Commission the report said 50% of tenants that locate in Hare Creek Center will come from downtown; but he is now hearing it will be 75%. Where did these numbers come from and is that something that should be looked at during the CEQA process?
11. Carrie Durkee, coastal resident, stated that she wants to make it clear that a full, complete, objective EIR is necessary for the Hare Creek project prior to approving any permits associated with this project. She read the section in the MND relating to recreation (page 37) and noted that the City's Coastal General Plan Map prepared in 2008 shows open space and recommends a park at the northwest corner adjacent to this parcel. She suggested the City work with the Applicant on creating a park.
12. Eileen Broderick provided written information for the City Council regarding "Hare Creek Hill," including a picture of the geological marker on the top of the hill placed there in 1953 by the California Division of Highways. She also handed in for the record a petition signed by 418 Fort Bragg residents, coastal residents, and visitors requesting a full EIR.
13. Heather Baxman stated that she has lived here for 67 years and is having a hard time seeing what is happening to Fort Bragg. It is dying. No town can survive without a good strong tax base. Every time a developer comes into this community and tries to develop anything this happens; heaven knows why they even try. She stated that it took eleven years and \$300,000 spent on reports to get the permits for the Emerald Dolphin Inn. Without any reasonable development this town will die. She told the audience that if they want the land to remain open space they should get together and buy it.
14. Holly Hawkins asked when there would be time for public comment on the closed session meeting at 3:00 p.m. Mayor Turner stated that public comment was taken at that meeting before the Council went into closed session.
15. Douglas Chouteau stated that he is opposed to this development. The developer stated they developed the DMV strip mall which is not something he would ever announce in public if he were them. He stated that if a person drives over Highway 20 to Willits and turns south they

will go about a mile through the ugliest planned development of anywhere in the Country. That was just one Hare Creek development after another. This development is not anything beneficial to this community and it should be stopped now.

16. Jeri Morisky-Ross stated that she worked in planning in the 70's and is here tonight because of a deep concern about this portion of irreplaceable coastal land and watershed. It is the first impression visitors will see when they enter Fort Bragg. She suggested a consortium of land trust equal to Mendocino Headlands and Jughandle Instead of a box store shopping center. Include a visitor information center, electric car charging station, and connection to the College and Noyo Center. The proposed shopping center can have an irreversible impact to the community's economic vitality. There is not strong enough shared vision and there is a need for more time and accurate input. She then requested that the City Council honor and work for the highest good of everyone concerned and come to every meeting without a personal agenda.
17. John Gallo stated that he grew up on the north coast and left the area after high school but came back here to put down roots with his family. He stated that his expertise is in planning. He recommended a full EIR for this project and a Community Vision for 2020-2035. He submitted his comments in writing for the record.
18. Sue Boecker stated that she is concerned with the cumulative impacts of this project with other projects proposed in the area. She stated that she has a map that shows the existing parcel where this development will take place and right across the street there are 30 lots and a number of large parcels proposed for high-density housing and commercial. The access road that will go in for this development is or could be growth inducing. Someone is thinking about developing the rest of that property. As the lead agency, CEQA has tasked the City to look at direct and indirect impacts that are foreseeable and she wasn't sure the MND did that. She stated that there needs to be a full, objective EIR.
19. Ann Rennacker stated that the City Council's Vision Statement says that they want to preserve natural beauty while providing exceptional public facilities and infrastructure, safe streets, and a well-planned framework for sustainable development and prosperity. Policy CD 3.3 says the City wants to continue to support the economic diversity and vitality of downtown businesses. Those two things are totally counter to this shopping center. The shopping center will destroy the view, scrape the hill, create runoff to Hare Creek (which should be federally protected because salmon are an endangered species), and impact the feeding site for migrating shore birds. A shopping center in the middle of the coastal trail will infringe on that also. The main issue is water and everyone's wells. She concluded by stating that an EIR is necessary.
20. Georgia Lucas stated that she hopes the City Council will back the Planning Commission's conclusion to deny the permit at this time. She stated that she read somewhere that strip mall shopping centers are old fashion; there are so many other ways to develop a community. To get stuck with something that could turn out to be a detriment rather than a plus to the community would be a shame. She stated that she wished that someone who wants to develop something in Fort Bragg would consider the fact that there is land out there and think of some type of industrial complex that would pay living wages, not minimum wages. This would keep young people from leaving the area.
21. Tomas Dertner suggested looking at other communities such as Eureka and Crescent City where people who drive there can't wait to get through the town. People don't move there because of aesthetics. And are they surviving? Probably not. They didn't plan for the future. Fort Bragg needs to make a plan. He stated that he is not against development but it needs to consider the whole town rather than what is just best for their development. There needs to be bigger vision and insight.
22. Dan Gjerde, Fort Bragg resident and County Supervisor, stated that he has met with the neighbors and they are understandably concerned. He suggested that any environmental document not reference connecting the City street into Bay View Avenue, which is a rural road

that could be called an alley if it were in the City. It was recently chip sealed but the County hasn't spent money to resurface roads over the last several years. It is not suitable to handle commercial vehicles and increased passenger traffic. The County will be meeting with neighbors to discuss relinquishing Bay View Avenue as a private street. The residents would then be required to maintain the street but could put up a gate.

23. Gene Mertle, resident of Fort Bragg who was born and raised here and has lived here for 69 years, stated that the City needs some development. The Applicants bought the property years ago, it was zoned commercial and they should be allowed to build there. People in Mendocino shouldn't have a voice on this issue. People on Todd's Point that purchased after 1981 should go away. Kids have to go out of town because there are no jobs here. The City needs this project.

**Mayor Turner recessed the meeting at 8:30 p.m.; the meeting was reconvened at 8:46 p.m.**

24. Tara Larson, sixth generation Fort Bragger whose grandmother is Helen Todd, stated that she watched her grandparents' frustration working with the Pattons to get the Boatyard Shopping Center built. She stated her grandmother would like to see the Pattons build what they want on this property. It is commercially zoned property. Use of the land has been donated for years for rotary carnivals, the logging show, parking for fireworks, etc. This project will create much needed jobs for the community.
25. Beth Bosk stated that in 1981 the City was in the heyday of using toxic herbicides and at that time this property was inappropriately zoned. She then read from a letter prepared by Annemarie Weibel, one of the Appellants, regarding cultural resources. She provided the letter and requested that a complete archeological survey be completed as well as a full EIR.
26. Kevin Scanlon, resident and businessman, stated that he is concerned about misdirection of the City about what a majority of the citizens want. Putting a mall at the gateway to a quaint town isn't why people come here. They come here for fishing, the ocean, and the great shops downtown. This project is not a good idea. He noted that no one has talked about the light impact; people won't be able to see the stars. Lumber is over, fishing is over so it is all tourism and that is where to focus. People who moved here from the Bay Area moved to get away from this type of development.
27. Rex Gressett stated that he can't believe Fort Bragg would even consider this development. The property is a gem and the value of green space is not even mentioned. The jobs being mentioned are \$5 per hour jobs. He stated that ghettoizing Fort Bragg is not the answer. The community needs people on the City Council and Planning Commission that are willing to take seriously the value of the property. Downtown shops are going down and this will be another nail in their coffin. Bringing in bad development won't solve the downtown issues.
28. Debby Brady Hock showed a map of vacancies in the downtown (but did not provide it for the record) and noted that the map doesn't include Carine's motel or the old Social Services building. Some of these people speaking tonight are the ones who buried really ugly stuff out on the bluffs. She then went on to say that they are trying to paint their building and the City is making it so expensive with the cost of the encroachment permit. If too much work is done on their building then they have to add sprinklers. People can't afford to do improvements. She stated that the food sold at Grocery Outlet is not high quality food and contains GMOs and outdated products. She noted that the merchants downtown don't live downtown or in the City so they can't vote for the City Council.
29. Dan Hemann stated that he has personal experience with five-star resort towns and what makes that economy work. Fort Bragg is a tourist economy. It can be a grand, highly prosperous tourist town because of its location. To have an economically prosperous tourist town is to cater to the most prosperous. All successful tourist towns have this in common - no mini-golf, McDonald's or discount strip mall at their gateway.
30. Grail Dawson's written comments were read into the record by Mayor Turner as follows: "It seems to me that there is no need for this project. We have sufficient grocery stores, and

another, with its problems of traffic, water and resident opposition, does not make sense!"

31. Mark Mertle, local business owner and third generation resident, noted that his family built the Welcome Inn, Lee's Chinese, and KDAC Radio Tower. This issue is about growth vs. no-growth. Requiring an EIR is just another way to frustrate the developers so they quit. This is private property that is zoned for this use but people who moved into the area now don't want anyone else to come in and develop their property. This project will reduce the environmental impact since people won't be driving to Costco to shop. He noted that sewage leach lines are allowed 150' away from wells so he didn't think a parking lot with a filtration system underground will hurt area wells and will probably even help them. They will also be improving runoff to Hare Creek. People talk about business when they have no idea how to run a business.
32. Judy Filer stated that over the years she's heard people say that people who don't live here should not have input but everyone in the surrounding area comes to town to see doctor's, have lunch or dinner, shop, get their car repaired, etc. The people who live on the coast in general are the community and need to work together and everyone's opinion should be considered. She then addressed the drought situation and suggested the City think about how much water there is and the best way for it to be used such as for growing food and for drinking. She suggested not considering the project and investing money until the City knows where they are in terms of the drought.
33. Sharon Richardson, Fort Bragg resident and operator of Sprouts Children's House at the corner of Ocean View Drive and Del Mar Drive, stated that she is concerned about the dust and pollutants from building and operating the shopping center. She stated that they use the field for walks, exercise, studying the ecosystem, etc. While she knows this is private property the children don't see it that way. That land is needed for the children and citizens.
34. Lisa Mathews, renter in Fort Bragg, stated that she shops locally or over the internet. Before she moved here she lived in San Francisco and did what the Planning Commission does but on a smaller scale. She noted that one project she reviewed for the South of Market area included a discussion of paver stones and they were told they weren't being used because the little holes fill up with debris and need to be cleaned out periodically. If this project isn't compensating for that the area will flood. She felt that not doing an EIR is irresponsible.

**Mayor Turner closed the public hearing at 9:18 p.m.**

Discussion: The following was noted during continued discussion of this item:

- The visual impact and whether there is a significant loss of ocean view was not included in the MND; Attorney Murphy recommended that be addressed in a subsequent MND.
- In response to the comment by Mathews regarding paving stones, Lee Welty stated that the only impermeable surface they have is the sidewalk over the bioswale that runs the length of the property. He noted that if impermeable pavement is used then it is the property owners responsibility to maintain it.
- Water availability and the drought were discussed. Staff noted that the net summary is that the City can increase water use by 4% over current water use. Peters noted that this project will use about 1% of that 4% and there is still the mill site development. Jones noted that if the City gets to a point of doing an EIR on a Specific Plan for the mill site it will look at the Pudding Creek reservoir for use during a drought year.
- Peters asked whether a subsequent MND or an EIR should address the water issue; Murphy stated that based on what she has seen, it appears staff has analyzed the water situation but she hasn't seen alternatives. Staff can certainly look at that.
- The hill doesn't fall into the category of being a unique geological feature. If the Council directs staff to do an EIR an alternative in that document could be a project that would not require as much grading of the hill.
- Councilmember Cimolino noted that the only downtown business owner he has heard an

objection from is Dan Hemann and no comments have been received from business owners at the Boatyard Shopping Center. The lack of comments makes him believe that this project must not be that bad.

- Cimolino stated that he recalls that a lot of the dirt that makes up the hill was moved when the new Highway 20/Highway 1 intersection was constructed. Before that, the knoll was not there. He clarified that the marker referenced by two members of the public is a Caltrans survey mark, not a benchmark or a landmark marker. The picture provided shows the topographical designation of the knoll, not that it is a unique geographical feature.
- Councilmember Hammerstrom stated that he is not clear what effect, if any, this project would have on downtown businesses. Competition created by having new rental space available might stimulate rehabilitation of structures downtown and enhance the vibrancy of downtown.
- Hammerstrom noted that there are a lot of commendable things about this project including that the design is very sensitive to not creating blank walls to the highway, local design, use of native plants, and storm water runoff handling. But he does have concerns as to the question of the MND and at this time he doesn't feel it is adequate. He suggested that the MND be re-circulated or an EIR be prepared. It might ultimately be better for the project to require an EIR.
- Hammerstrom stated that he doesn't consider the change to land form to be minimal as they are proposing removal of 30% of the hill. Policy CD-1.5 of the Coastal General Plan requires that all new development be sited and designed to minimize alteration of natural landforms. One requirement is that they ensure graded slopes blend with existing terrain of the site and surrounding areas. He didn't believe this project meets that Policy.
- Hammerstrom suggested the following changes to the project:
  - More screening of the project from Highway 1 and noted that the Boatyard Shopping Center is not as visible from Highway 1 because it is on a higher hill.
  - Room for a landscaped multi-use trail that has been discussed as part of South Main Street Plan.
  - Arrange the buildings along the street to the west to allow for more buffering from Highway 1.
  - Reconfigure it so that the alterations to the landscape are not as extensive.
  - Split the parking lot into two or three levels with a handicap ramp between them.

**Moved by Hammerstrom, second by Peters to continue the meeting past 10:00 p.m.**

**VOTE: Ayes: Vice Mayor Peters, Councilmember Cimolino, Councilmember Hammerstrom, and Mayor Turner.**

**Abstain: Councilmember Deitz.**

- Mayor Turner stated that it might make more sense to do an EIR because, as he understands it, if the MND is challenged in court then an EIR will need to be completed anyway.
- Turner suggested the following changes to the project:
  - He agreed with Hammerstrom about the split level parking.
  - The Coastal Commission suggested moving Building C to the west, which he supported.
  - Include a multi-use trail.
- Turner suggested the Council might want to consider a vacancy tax in the future as a way to get landlords motivated to rent their spaces.
- Peters stated that if further studies are going to be required on the MND or EIR he suggested that evaluation of the stormwater collection system be done to make sure it will work.
- Peters expressed concern about contamination of neighboring wells due to the increased amount of asphalt and questioned how to address that issue. Mayor Turner noted that asphalt is used in roads throughout the County and he is not sure it needs to be evaluated as part of the MND.
- Peters noted that he went to a Grocery Outlet store in Santa Rosa and it was not outdated food

or food full of GMOs. It is a real store with produce, dairy, a deli, etc.

- If the City Council directs staff to do an EIR a scoping session will be done to determine what will be analyzed in the EIR. Issues noted in the Agenda Item Summary and discussed tonight will also be looked at as part of the EIR process. Any project modifications will require analysis. If a revised MND moves forward and there is an issue of a significant impact then an EIR will be required. Jones noted that determining a significant impact is something that happens in coordination with a technical expert (such as the Air Quality Board). City Manager Ruffing noted that a lot of potential impacts have thresholds established by regulatory agencies and other laws and some, like visual impacts, are somewhat objective. The study will need to look at compliance with existing City policies.

- City Councilmembers consensus was that they supported the traditional/historic architecture.

**Mayor Turner recessed the meeting at 10:22 p.m.; the meeting was reconvened at 10:33 p.m.**

- Turner noted that people mentioned some test wells dug on Todd's Point and it is unclear where they are and whether they were sealed. He suggested someone contact former Water Project Manager Dick LaVen to get more information about that.
- If the City Council directs a full EIR be prepared that work would not be done in-house but the City would oversee its preparation. Jones estimated the cost at approximately \$50,000.
- The objective is to redesign the project and do a full environmental review so when it goes to the Coastal Commission on appeal they will find no issues and won't take it to a hearing.

**Staff will bring the resolutions back for adoption at a future meeting.**

**A motion was made by Councilmember Hammerstrom, seconded by Vice Mayor Peters, to direct staff to prepare a resolution upholding the appeal of the MND, reversing the decision of the Planning Commission and directing that staff prepare an Environmental Impact Report (EIR) for a revised project. The motion carried by the following vote:**

**Aye:** 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Hammerstrom and Mayor Turner

**Abstain:** 1 - Councilmember Deitz

**A motion was made by Vice Mayor Peters, seconded by Councilmember Hammerstrom, to direct staff to prepare a resolution denying the appeal of the Planning Commission action on the planning permits, upholding the denial without prejudice, and directing that staff proceed with environmental review for a revised project including:**

- Minimizing grading;**
- Relocate Building C to the west;**
- Using "historic" design;**
- Multi-use trail along highway;**
- Potentially splitting the levels of the parking lot;**
- No storage of excess material on site;**
- Including more trees between project and highway and including the 11 noted in the Agenda Item Summary; and**
- Work with Coastal Commission staff in order to develop a project that will have no significant issue, should an appeal to the Coastal Commission be made.**

**The motion carried by the following vote:**

**Aye:** 4 - Vice Mayor Peters, Councilmember Cimolino, Councilmember Hammerstrom and Mayor Turner

**Abstain:** 1 - Councilmember Deitz

Mayor Turner recessed the meeting at 10:48 p.m.; the meeting was reconvened at 10:50 p.m.

**5. CONDUCT OF BUSINESS**

**6. PUBLIC COMMENTS ON NON-AGENDA, CONSENT CALENDAR & CLOSED SESSION ITEMS**

1. Bruce Broderick recommended that the speed limit on the south end of town be reduced from 40 mph to 35 mph so that there is the possibility of introducing neighborhood electric vehicles that have maximum speed limit of 25 mph. He and George Reinhardt would like to bring this forward to the City Council at a future meeting.

**7. CONSENT CALENDAR**

7A. [15-069](#) Approve Minutes of March 9, 2015

The Minutes were approved on the Consent Calendar.

**8. CLOSED SESSION**

**ADJOURNMENT**

Mayor Turner adjourned the meeting at 10:52 p.m.

\_\_\_\_\_  
DAVE TURNER, MAYOR

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

IMAGED (\_\_\_\_\_)