



City of Fort Bragg

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Meeting Minutes - Final Planning Commission

Wednesday, January 28, 2015

6:00 PM

John Diederich Center,
208 Dana Street

MEETING CALLED TO ORDER

Chair Hoyle called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Chair Derek Hoyle, Commissioner Sage Statham, Commissioner Mark Hannon, Commissioner Stan Miklose, and Vice Chair Teresa Rodriguez

APPROVAL OF MINUTES

Approve Minutes of December 10, 2014

A motion was made by Commissioner Miklose, seconded by Vice Chair Rodriguez, that the Minutes be approved. The motion carried by the following vote:

Aye: 5 - Chair Hoyle, Commissioner Statham, Commissioner Hannon, Commissioner Miklose and Vice Chair Rodriguez

A. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Community Development Director Marie Jones announced that the Coastal Trail will be open to the public on Saturday, January 31, 2015.

B. CONDUCT OF BUSINESS

1. Select Chair and Vice-Chair of the Planning Commission (Ord. 740 §1, 1992; Fort Bragg Municipal Code §2.20.050; PC Bylaws § III.B.)

A motion was made by Commissioner Miklose, seconded by Commissioner Statham, that Commissioner Hoyle be appointed as Planning Commission Chair for 2015. The motion carried by the following vote:

Aye: 5 - Chair Hoyle, Commissioner Statham, Commissioner Hannon, Commissioner Miklose and Vice Chair Rodriguez

A motion was made by Commissioner Miklose, seconded by Commissioner Statham, that Commissioner Rodriguez be appointed as Planning Commission Vice Chair for 2015. The motion carried by the following vote:

Aye: 5 - Chair Hoyle, Commissioner Statham, Commissioner Hannon, Commissioner Miklose and Vice Chair Rodriguez

C. PUBLIC HEARINGS

1. Receive Report, Hold a Public Hearing and Consider Adopting: (1) Resolution Adopting a Mitigated Negative Declaration; and (2) Resolution Approving Coastal Development Permit (CDP 8-13), Design Review (DR 7-13), Use Permit (USP 5-13) and Lot Line Adjustment (LLA 3-2014) for a proposed Shopping Center anchored by Grocery Outlet consisting of a 15,000 Square Foot Grocery Store (Building A), a 10,000 SF Retail Space (Building B) and a 4,500 SF Retail Space (Building C) 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 that will connect to Bay View Avenue (CR #439A) to the southwest and to Ocean View Drive to the north; anew 99-space parking lot, loading zones, pedestrian improvements, rainwater storage tanks, utility connections, drainage improvements, utilities, signage and landscaping.

Commissioner Miklose recused himself from hearing this agenda item, citing a financial conflict with the project. He left the room at 6:05 PM.

Community Development Director Jones began by providing background about what happens at a planning commission meeting, outlining the options available to the Planning Commissioners, and explaining the appeal process. Jones then gave a detailed summary of her Staff Report on the Hare Creek Center project. She reviewed the project's consistency with the Coastal General Plan, the Coastal Land Use and Development Code, and the City's Design Guidelines and concluded that the project does comply with those policies, with the possible exception of Policy LU-4.1, which requires interpretation from the Planning Commission as to the meaning of "scale" of the project. Jones provided the Commissioners with her analyses of the Coastal Development Permit, Design Review, Use Permit and Lot Line Adjustment aspects of the application. She itemized the Special Conditions of the development permit and briefly reviewed all mitigation measures of the Mitigated Negative Declaration (MND).

Discussion: Commissioner Statham remarked that the MND states that the project site is not located within a quarter mile of any existing schools, but there are two preschools and a charter school located within a quarter mile of the project. Jones responded that the reference to schools within one-quarter mile of the project refers to projects that have toxic substances or hazardous emissions, and there are no such substances at the site and therefore the location of these schools is immaterial.

Chair Hoyle opened the public hearing at 6:50 PM.

1. Debra Lennox, architect for applicants, read a statement saying that the project complies with all regulations. She introduced the project designers, civil engineer, Grocery Outlet representative, and the applicants, Bill Patton and Greg Patton, who have owned the subject property for over 40 years.
2. Greg Patton recounted his family history in Fort Bragg going back to 1906. He stressed that he and Bill Patton are not a large corporate entity intending to take over the town, but locals who have grown up here and attended local schools. He mentioned all the projects his family has undertaken over the years, some of which were successful and some not. He believes this project fits the zoning and the City's General Plan and will benefit the members of the community by offering consumers competitive prices and generating jobs for local residents.
3. Pat Davis of Grocery Outlet said that the store will be locally owned and operated. The corporation supplies the store with product and helps the operator to succeed.
4. Debra Lennox returned to the podium and related that she is passionate about creating a project that speaks to local character and that incorporates cutting edge techniques in energy and environmental design. Because the property used to be a dairy farm, she wanted the

design to be reminiscent of barns, in the style of a ranch or farm. The project is designed for safety, aesthetics and flow, with sustainable measures, green facades, rainwater collection, bioswales, infiltration systems, permeable pavers, photovoltaic cells, transom and LED lighting, and public art. She concluded by saying the Hare Creek Center would be an energy efficient, affordable, and beautiful place to shop.

5. Rex Gressett thought the structure's design is ghastly and ugly and the project would be a disaster for the community. He said the County of Mendocino and the City of Fort Bragg should buy the property from the applicants so it can be free and open for people and their dogs. He claimed Marie Jones is at fault for this project, that she consistently backs development, and spends millions of dollars on projects like the homeless services facility at the Old Coast Hotel. He concluded by recommending that the City and County purchase the land and that the City get rid of Jones.
6. Claire Amanno asked for an updated Environmental Impact Report (EIR). She believes the project will result in more empty storefronts and that this should not be the first thing people see when they come to the coast. She thought the design was great but not the location, and suggested it could be placed north of town.
7. Paul Clark observed that the Pattons have generously allowed their land to be used for carnivals, logging shows and special events. He supports the project fully and thinks the applicants should be allowed to develop their property. Clark stated that Fort Bragg is the most fortunate community in Northern California and has gotten millions of dollars in grants; the City has new parks and more beach and coastal access than ever before. Regarding empty storefronts in the Central Business District, he noted that the world has changed and that the downtown has been affected by the internet, particularly the book stores. Clark said he doesn't like the General Plan, but the applicants have spent many thousands of dollars to comply with it and he feels they should be allowed to develop their own property.
8. Ann Rennacker opposes the placement of the project and believes this land should be used for a Native American historic center, performing arts center, green industry or whale watching tourist attraction. She also expressed concern regarding the removal and stockpiling of 20,000 cubic yards of soil. She asked how it is possible to gauge the impact of the other retail stores if the names of the stores have not been identified.
9. Douglas Chouteau said he totally opposes the development. He stated that the California Department of Fish and Wildlife (CDFW) also oppose approval of the project, as it will impact fish and wildlife resources. He voiced his concerns about diversion of water flow in the Noyo River. Chouteau claimed that the City's response to CDFW demonstrates that it wants the project to be approved. He said the City's job is to look at the project and ask if it will make the town a nicer place. This project, he maintained, is not good for this town. Chouteau read the portion of the MND that states, "The project may result in greenhouse gas impacts that could conflict with the 2012 City of Fort Bragg Climate Action Plan, ...[h]owever, the project will have a less than significant impact on climate change in the world as a whole." He commented that this is self-serving and audacious, because the project will have a global impact. He requested that an EIR be performed.
10. Lynda Bengtsson spoke in support of the project and thinks it is needed in Fort Bragg, as there are not a lot of places for young (and old) people to get jobs. She stated that the project meets the guidelines, it does not harm that area of Highway 1, looks better than the neighboring U-Haul store, trailer park and mini golf course, and she thinks it is needed. Bengtsson expressed appreciation for the work done by the property owners and architect, stating that this was a lot of work and they bent over backward to make it fit.
11. Sheila Dawn Tracy, a nutritionist, said the project designer is an intelligent and competent person. She appreciated the sustainable design of the project and acknowledged the owners' right to develop it. Her belief is that this is not an appropriate business for the community at this location, mainly for health reasons. She felt it is an insult to provide the community with low

quality food as a solution to the high cost of groceries, stating that Grocery Outlet sells products with high salt, corn syrup and GMO ingredients that cause obesity. She challenged Marie Jones' statement that Grocery Outlet customers are different from those shopping at Harvest Market and other stores and that other businesses would not be affected by this project. She said the community needs quality jobs, not the low paying jobs offered by Grocery Outlet.

12. Fort Bragg resident Georgia Lucas asked the Commissioners to think about Policy LU-4.1 (Formula Businesses and Big Box Retail) and whether the policy in the General Plan is enough. She thinks Grocery Outlet will offer only non-union jobs and questioned how long they would be in our community because large grocery stores like Kmart have to turn their full inventory over every quarter in order to make the business profitable. Lucas said there are not enough people on the whole North Coast to support that kind of business.
13. Marietta O'Kelly, a resident on Pacific Drive, expressed her concerns regarding increased traffic and its effect on the wildlife in the area. If a new road is developed from Ocean View to Bay View, she predicts a circular path of traffic for what she terms "entertainment" purposes. She does not want to see other infringement on the remaining vacant land if this development permit is approved, as the whole character of the area will have been changed.
14. Frank Davis stated he is in favor of the project but appreciates that everyone has an opinion and is allowed to say what they feel. He thinks the City has been strict with the applicants and does not think they are just being given a green light. He asserted that the town needs new jobs. To avoid stagnation, light industry and high tech jobs need to be developed and those people are going to want to shop somewhere.
15. Carol Zanutto acknowledged the hard work of the applicants but urged the Commission not to approve the mitigated negative declaration and requested that they require a current and updated EIR on the project. She pointed out that the groundwater report was done 20 years ago and needs to be updated. She stated it would be irresponsible to approve a project that would put further demands on Fort Bragg's water resources. She also is opposed to the Bay View Avenue connection. Zanutto said it would be a shame to lose the coastal atmosphere that everyone comes here to enjoy.
16. Larry Zanutto mentioned that the Cliff House is now closed and The Q restaurant has few customers. He questioned whether restaurants located north of the Noyo Bridge need any more competition. He stated that Safeway is considering employee layoffs due to automated checkout stands. Regarding gathering rainwater off the rooftop, Zanutto said that there are many chemicals contained in roofing materials and he wondered how long the filters would last. He invited the Commissioners to go to the Boatyard Shopping Center after a rain and look at the standing pools of water with shimmering oils in them, which he stated all goes into the creek. He has talked to people who live on Bay View Avenue and nobody wants traffic diverted down there because it is quiet now and there is no reason to divert traffic to Bay View.
17. David Gurney stated that contrary to the staff report, there are ocean views that will be blocked by the project. He said he sees the project site daily and exhibited photos of the view from the project site. Gurney said that the wildlife corridor would be cut off by a paved road and extensive grading will destroy the landscape. He strongly requested that the Planning Commission require the applicants to remove the story poles from the headlands. He stated it is an inappropriate and illegal use of the property and he wants them taken away.

Chair Hoyle recessed the meeting at 7:45 PM; the meeting reconvened at 7:49 PM.

18. Local general contractor Kevin Scanlon spoke out against the project. He said that Marie Jones is doing a great job, but feels the project is a total detriment to the community and an eyesore. He stated the community does not need any more factory food and he moved here to get away from shopping malls. Scanlon said that almost no one hires local contractors. He recommended that efforts should be made toward developing the college. He does not want to fight traffic at the project site. He compared the project to Windsor and said that tourists do not

- come to Fort Bragg for a mall, but to fish, hike, and see the natural beauty. He was also concerned about the project causing pollution of Hare Creek and the ocean.
19. Sue Boecker stated that the MND is inadequate to address the impacts of the development. Although she liked the building design, she said the problem is water. She is concerned about the de-watering of the Noyo River and water is a real issue for the people of Fort Bragg, especially during drought years. She asked the City to listen to and follow the recommendation of the Department of Fish & Wildlife.
 20. John Gilmore opposed the project and asked why anyone would want to paint sheet metal to look rustic when the area already is rustic. He said the water situation will be a catastrophe. He does not think the development project will provide good jobs, stating that minimum wage jobs are not a good solution, especially for businesses that might not last.
 21. Ruby Bell Sherpa thanked the Commissioners and staff for their work and stated that she is opposed to a new shopping center. She is a store owner and resident of Fort Bragg and sees many empty spaces downtown and in the Boatyard Shopping Center. She has seen many places where a mall was built and then failed, which blighted the area, for example in Eureka. Sherpa said that if the City is trying to support small businesses, this is not the way to do it. If tourism is the main income, Fort Bragg should offer unique shops not found where the visitors live. They do not come to the coast to shop in generic shopping centers. She thinks locals and tourists alike want coastal access and the native beauty here to be left intact. She asked if the Land Trust or Coastal Conservancy have talked about buying or preserving the land. Sherpa stated that the population here cannot support businesses such as these. In addition, she does not feel that erosion has been addressed.
 22. Nancy Preston requested that the Commissioners require a full Environmental Impact Report for the project, as she thinks the Mitigated Negative Declaration is inadequate and out of date.
 23. Guy Burnett said it is currently quiet when the sun goes down on Todd Point, but traffic will go up by 1000 percent in that area if the project goes through. He expressed concern that infiltration ditches will send untreated water runoff into cisterns and that wire mesh will rust out in a few years. He was also concerned about: housing rates in the area; the sale of liquor so close to nearby schools; containment of street lighting; increased litter; the legal address of the property; the story poles on the property; and the water usage of the planned development.
 24. Rick Childs believed there are two flaws in the plan, the traffic study and the impact on downtown business. He pointed out that the traffic study was conducted on only one week day and one weekend day in the month of August, and a bigger sample is needed to get more accurate data upon which to make a decision. He suggested redoing the traffic study to make it representative of the times when heavy volume actually occurs. He predicted that the traffic light at Ocean View will be a real problem by causing traffic backups. Childs observed that both the General Plan and the City say that new business should complement the small town character of Fort Bragg and not detract from the central business district, and this project does not meet this requirement. He stated that the staff report indicates that the project would reduce downtown retail sales by 4.2 percent, but the average profit of a retailer is only 4.5 percent.
 25. Cal Winslow described the lovely view down Highway 20 as being the gateway to the City and that the quality of the entrance to the town affects it in every possible way. He asked the Commission to reconsider how it chairs meetings, as he objects to heavy-handed and partisan chairing of meetings. He stated that speakers have not been treated fairly because they had to sit through long and tedious presentations, and three minutes to speak is not enough. Winslow said that the country is littered with dead strip malls. He said Grocery Outlet is a non-union employer and there are beginnings of a movement against inequality in our country which is calling attention to the fact that so many people are paid poverty wages like the ones that produce enterprises such as the Grocery Outlet.
 26. Annemarie Weibel opposed construction of the mall and said the glimpse of the ocean is in

danger. This area is dependent upon retired people who move here because of the innate beauty of a pristine environment. Weibel asked several questions: Why haven't the Pattons asked the public what they would like to see? The retailers and café are unidentified; why should the public agree to that? What will become of the undeveloped property to the south and the west? She read comments from Norman De Vall regarding the Coastal Commission and stated that the studies are dated and inaccurate. She said the project is in violation of the California Environmental Quality Act (CEQA) and asked for an EIR.

27. Bruce Broderick told the assembly that he has been by the subject property 2000 times on his bicycle and the view is something he would hate to lose, as this is personally a beautiful spot to him. He said the grading and dirt removal means that the hill will be gone and will never come back. He remarked that the hill has been there for thousands of years and the mall will not be there nearly that long. Broderick also spoke about the light pollution from the parking lot lights that will light up the area and the neighborhood behind it.
28. Local business owner Dan Hemann equated walking down Franklin Street to the Great Depression because of all the store vacancies there. He stated that a discount strip mall will affect the downtown and he does not see discount stores as the way to go to attract tourism which is the economy for this city. The project site is the first thing visible on Highway 1 when turning off of Highway 20, and to present this architecture that looks like East Oakland as the gateway to town is "off the chart pretentious."
29. Lorrie Lagasse said she could appreciate the design of the building for its attention to solar panels and green measures, but she does not appreciate it because it is a mall. She talked about enhancing the college by building dorms and that low cost student housing would attract students to Fort Bragg. Her other concern is the viewshed, because with development along the entire highway, the only way anyone would be able to see the ocean is from the beach.
30. Leslie Kashiwada requested that the Planning Commission require a full and current EIR be performed for the project. She said more public input needs to occur regarding the project because a lot of people were unaware that this is happening. She challenged each of the Commissioners to walk, not drive, by that area to see for themselves what is or isn't there. Kashiwada stated that there are several schools in the area: the college, Three Rivers charter school, and two preschools. She opposes any increase in traffic at this location because of the schools. She concluded by saying that this land is very precious and she would like to see the Patton family build something worthy of the Patton name, not another mall.
31. Joanna Jensen, business owner and founder of Cowlick's Ice Cream, member of the Promotion Committee and Economic Development Committee, stated that she appreciates the hard work that has been done on this project. She mentioned documents published by the City that have not been considered in the analysis, including the Economic Development Strategy, City Council Goals, and Retail Performance Analysis. She believes the strategy to strengthen the downtown is not being considered, and that like Ukiah, Fort Bragg is in danger of losing the heart of downtown by building elsewhere. She does not believe that the local businesses have been approached, informed, or engaged in a dialogue about this project. She believes some of the assumptions in the staff report are incorrect. For example, Purity was characterized as a place for a quick pick-up or if a shopper happens to be in the downtown. But she maintains Purity is one of the best markets in town and a resource the City should want to keep. She asked what will happen to other open space.
32. Ric Martin talked about the view from the project site. If the project is approved, he says the circus, Paul Bunyan show and fireworks parking will be in jeopardy. He stated that he believes there should be fairgrounds on the site and not another shopping center because it looks like Sacramento.
33. Preschool teacher Sharon Richardson works near the project site at Sprouts Montessori Children's House and enjoys nature walks and bicycle rides around Todd Point with her students. She read a list the children compiled of all the animals seen in the area and asked

the Commission to think of the animals because this development would affect all the wildlife seen on Todd Point.

34. Dale Moyer stated that the project would add more empty stores in town and observed that there are many empty stores in the Boatyard Center, on Franklin Street and on Main Street. He wanted to know what the new stores would be and where they would be coming from. As a town of about 6,000, he does not believe the area has enough people to support this new mall. He stated the project will have a visual impact and that the story poles are misleading to the public and affect the views of the ocean. He asked, why pave over a pet paradise?
35. Judy Filer asserted that this is the western continental shelf of the Pacific Ocean and the land does not belong to us; we are the stewards of the land and should leave it for future generations. The reason she moved to this area is because it is a wild, rugged individualistic place. The more she sees the town change in terms of buildings like the proposed project, the more she wonders how long they will keep coming and what the tipping point will be. Filer said she would like to keep the town beautiful, attractive and wild. She asked the Commission to think about what they are doing and what else could be done with this land. She said the town needs to grow more food and create a self-sustaining community.
36. Ed Oberwiser asked the Commissioners to deny the project based on the problems the increased traffic will create. He said there is no safe way to ride in the vicinity because Hare Creek Bridge is dangerous and this development will only make it worse.

Chair Hoyle closed the public hearing at 8:44 PM.

Discussion: Commissioner Statham remarked that water consumption seemed to be the largest issue and wanted to know the City's plans for future water expansion. Jones agreed that water is a precious thing and noted that the City's water use has gone down. She said the City works very closely with the CDFW on all projects. She explained how and when the City pumps water. Statham was also concerned about traffic in the area and asked why the study was done in August when school is not in session. Director of Public Works Varga said traditionally traffic is heaviest in August and that is why that month was chosen, even though local conditions may vary for this particular project. Commissioner Statham commented that he understands the condition of downtown shops is not good, that they are fairly expensive, and there is not a lot of parking available, so he can see the benefit of a larger space and more parking. He stated that he appreciated the applicant's use of solar energy, water conservation measures, and sustainable design. He drives to Mendocino every day and has not noticed the ocean views but concedes they are there. Commissioner Rodriguez asked why the outdated water report was used. Jones recognized that was a good question and responded that the applicant submitted this report. She noted that it is an expensive report to do and the applicants made a decision not to redo it. She said that if the project had not been designed in the manner it is, a new report would have been required, but because 100 percent of storm water will be recharged to groundwater, a new report did not need to be done. Rodriguez asked about the possibility of moving the project to another location, if approved. Jones answered that this project cannot be relocated, as the applicant would have to resubmit a new application for a different site with the same zoning. Each application, staff's review, the MND, and the Commission's decision, are specific as to location. Commissioner Rodriguez asked if the City could purchase the land and preserve it as is. Jones responded that the Coastal Conservancy has spent many millions of dollars to acquire land for open space preservation and she thought it would be very hard to get further grant money for a purchase of this parcel.

Chair Hoyle recessed the meeting at 9:03 PM; the meeting reconvened at 9:07 PM.

Assistant City Attorney Mandelman explained that the Commission had two decisions to make: The first is adequacy of the CEQA document; the second is approval or denial of the project. Mandelman read CEQA 15064(f) which states, "If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR. If the lead agency determines there is substantial evidence in the

record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared. The existence of public controversy over the environment effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment."

A motion was made by Chair Hoyle, seconded by Commissioner Hannon, to approve the resolution of the Fort Bragg Planning Commission adopting the Mitigated Negative Declaration for the Hare Creek Center and adopting the California Environmental Quality Act findings. The motion carried by the following vote:

Aye: 3 - Chair Hoyle, Commissioner Statham and Commissioner Hannon

No: 1 - Vice Chair Rodriguez

Abstain: 1 - Commissioner Miklose

Discussion: Jones read the revision of Special Condition 16 into the record, as follows: "**Special Condition 16:** Prior to issuance of the Coastal Development Permit, the applicant shall record a deed, adjusting the lot lines between parcels 018-120-49 and 018-120-48 as represented on Sheet G1 of the submitted Grading Plan for the project. All property taxes due shall be paid prior to recordation, as evidenced by a preliminary title report submitted to the satisfaction of the Community Development Director. Additionally, all property interests affected by the LLA shall be notified of the proposed LLA and concur with the LLA in writing to the City of Fort Bragg." Commissioner Rodriguez asked for an explanation of the change to Special Condition 16. Jones said that the applicant is requesting that more than one lot line be moved, so she had to rewrite the special condition to cover the entire lot. Commissioner Statham said that the buildings along the side of the highway appeared to be too blocky and wanted to know if the design review portion of the application could be denied and the other elements of the application be approved. Jones responded that all aspects of the development permit application -- Coastal Development Permit, Use Permit, Lot Line Adjustment and Design Review -- had to be considered together as a whole and therefore all approved or all denied.

A motion was made by Commissioner Hannon, seconded by Chair Hoyle, that the Planning Commission adopt a resolution approving Coastal Development Permit (CDP 8-13), Design Review (DR 7-13), Use Permit (USP 5-13) and Lot Line Adjustment (LLA 3-2014) for the Hare Creek Center project. The motion failed by the following vote:

Aye: 2 - Chair Hoyle and Commissioner Hannon

No: 2 - Commissioner Statham and Vice Chair Rodriguez

Abstain: 1 - Commissioner Miklose

D. MATTERS FROM CHAIR/COMMISSION/STAFF

Administrative Assistant Lemos asked the Commissioners if they had considered the information she sent to them regarding the 2015 Planning Commissioners Academy March 4-6. The Commission approved having Commissioner Teresa Rodriguez attend the conference.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 9:21 PM.

DEREK HOYLE, Chair

June Lemos, Administrative Assistant

IMAGED (_____)