

**MEETING DATE:** January 28, 2015

**PREPARED BY:** M Jones

**PRESENTED BY:** M Jones

## AGENDA ITEM SUMMARY REPORT

**PROJECT TYPE:** Coastal Development Permit (CDP 8-13), Design Review (DR 7-13), Use Permit (USP 5-13) and Lot Line Adjustment (LLA 3-2014)

**FILE DATE:** October 21, 2013

**APPLICANT:** Group II Real Estate

**OWNER:** Bill Patton

**PROJECT:** New shopping center anchored by Grocery Outlet consisting of three buildings, including: Building A at 15,000 square feet, Building B at 10,000 square feet and Building C at 4,500 square feet, for a total of 29,500 square feet of retail space. Associated development includes a new access road, located on the western edge of the proposed development, to connect to Bay View Avenue (CR #439A) to the southwest and to Ocean View Drive to the north. Other associated development includes a new 99 space parking lot, loading zones, pedestrian improvements, rain water storage tanks, utility connections, drainage improvements, utilities, signage, and landscaping.

**LOCATION:** 1250 Del Mar Drive, Fort Bragg

**APN:** 018-450-40, 018-450-41

**LOT SIZE:** Approx. 2.42 acres (3.16 acres after LLA)

**ACTION:** The Planning Commission will consider adoption of the project Mitigated Negative Declaration; and approval of Coastal Development Permit (CDP 8-13), Design Review (DR 7-13), Use Permit (USP 5-13) and Lot Line Adjustment (LLA 3-2014).

**ZONING:** Highway Visitor Commercial (CH)

**ENVIRONMENTAL DETERMINATION:** A Mitigated Negative Declaration has been prepared for the project. See Attachment 8.

**SURROUNDING LAND USES:**

NORTH: Mini-golf Course & Hotel– Highway Visitor Commercial (CH)

EAST: Shopping Mall– General Commercial (CG)

SOUTH: Undeveloped land– Very High Density Residential (RVH)

WEST: Vacant land, Community College– Highway Visitor Commercial (CH)

**APPEALABLE PROJECT:** ☒ **Can be appealed to City Council**

☒ **Can be appealed to Coastal Commission**

# PROJECT HISTORY

## PROJECT BACKGROUND

Over the years, the applicant has submitted a variety of proposals for the development of portions of the Hare Creek Parcel including the following:

**In 2011**, the applicant submitted a Local Coastal Program amendment permit (LCP 1-11) and a Zoning Amendment (1-10) to amend the Coastal General Plan, Coastal Land Use & Development Code, and Local Coastal Program to rezone the Patton/Carlson property located immediately west of Highway 1 at Highway 20. The 18.5-acre property is currently designated Highway Visitor Commercial (CH) and High Density Residential (RH). The amendments would have reduced permitted residential density on the southern portion of the property adjacent to the Hare Creek from High Density Residential to Low Density residential. The application was withdrawn on June 5, 2012 in order to proceed with development on the site consistent with existing zoning.

**In 2007**, the applicant submitted an application to develop 70 units of multi-family housing, 33 single-family residential units, two office buildings (totaling 10,000 SF), a 140-seat restaurant, and a gas station with a minimart on this parcel and the adjoining parcels of the entire vacant 18 acre site. This application was withdrawn because the circulation plan for the development relied on direct Highway 1 access across the intersection from Highway 20. However this access is not allowed by Caltrans because Caltrans policy provides for only two access points on the west side of Highway 1 between the Hare Creek and Noyo River bridges and these two accesses already exist.

**In 2004**, the applicant submitted an application for a major subdivision, general plan amendment and rezone to develop: a Highway 20 extension road onto the site; a gas station/mini-mart, a 4,022 SF restaurant, an 11,192 SF office building, and 91 one- and two-story multi-family units. A letter was sent to the applicant on March 28, 2004 listing a variety of studies that would need to be completed in order to process the application. The project application was not processed. It is not clear from the file whether the application was withdrawn or deemed withdrawn due to and the incomplete application.

**In 2000**, the applicant applied for and received approval for a Scenic Corridor Review (SCR 10-00) permit to remove all scotch broom and six Monterey Pine trees from the property at 1250 Del Mar Drive.

## PROJECT DESCRIPTION

The applicant seeks a Coastal Development Permit, Design Review, Use Permit and Lot Line Adjustment to construct a new shopping center consisting of three buildings: Building A at 15,000 square feet, Building B at 10,000 square feet and Building C at 4,500 square feet, for a total of 29,500 square feet of retail space. The project would be served by a new access road located on the west edge of the development that would eventually connect to Bay View Avenue to the southwest to Ocean View Drive at the intersection of Ocean View and Harbor Avenue. The project also includes a new 99 space parking lot, truck loading spaces, pedestrian improvements, rainwater storage tanks, utilities, drainage improvements, signage and associated landscaping. The project includes a boundary line adjustment between parcels 018-450-40 and 018-450-41 that will add 32,586 square feet (0.75 acres) to parcel 018-450-40 (currently 2.42 acres); the combined parcel would be 3.16 acres. The boundary line adjustment is required so that the proposed development would be on one parcel. Please see the Project Plans (Attachment 1).

## CONSISTENCY WITH COASTAL GENERAL PLAN

Staff has reviewed all of the policies of the Coastal General Plan, and the project complies with most of the relevant policies. The following analysis summarizes compliance with a number of specific policies that have particular bearing on the project. Each policy is shown in bold with the analysis of conformance directly following. Special conditions are included where necessary to bring the project into conformance with the policy.

**Policy LU-4.1 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.**

The policy is focused specifically on the “location, scale and appearance” of big box retail, and the following analysis addresses whether: 1) the Hare Creek Center qualifies as Formula Retail and/or Big Box Retail, and 2) the location, scale and appearance of the Hare Creek Center detract from the economic vitality of established commercial businesses, and 3) the Center is consistent with the small town rural character of Fort Bragg.

### **1. Hare Creek Center Qualification as Formula Business and/or Big Box Retail**

A Formula Business is defined in the Coastal LUDC as:

“A business which is required by contractual or other arrangement to maintain standardized services, décor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to retail sales and service, and visitor accommodations.”

Grocery Outlet is a formula business.

Big Box Retail is defined as follows by the Coastal LUDC:

**Big Box Retail.** A large formula retail establishment that is generally located on an arterial or collector roadway, requires a site of one acre or larger, and generally contains one or several businesses or structures totaling 30,000 or more square feet. They may operate as stand-alone facilities, but also in a type of shopping center called a “power center” or “value mall” having common characteristics including large warehouse-sized buildings and a reliance on auto-borne traffic. Warehouse retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Patrons may be required to pay membership fees.

The proposed project conforms with some aspects of this definition, as follows:

1. Located on an arterial roadway (Highway 1);
2. Requires a site of three acres;
3. Contains several businesses that may operate as stand-alone facilities;
4. The project includes a large warehouse-sized building and relies on auto-borne traffic; and
5. Grocery Outlet will emphasize sale of products in large quantities and at discounted prices.

However, the project does not conform with some aspects of this definition, as follows:

1. It is not “a” large format retail establishment but would consist of 5 retail establishments, the largest of which at 15,000 square feet would not qualify as a Big Box retailer.
2. The project does not qualify as a power center. Wikipedia defines a power center as a shopping mall of more than 250,000 SF. At 29,500 square feet, the proposed project does not qualify as a power center.

Staff has concluded that the project is not Big Box Retail and this is consistent with the past determination that the Boatyard Shopping Center is not Big Box Retail.

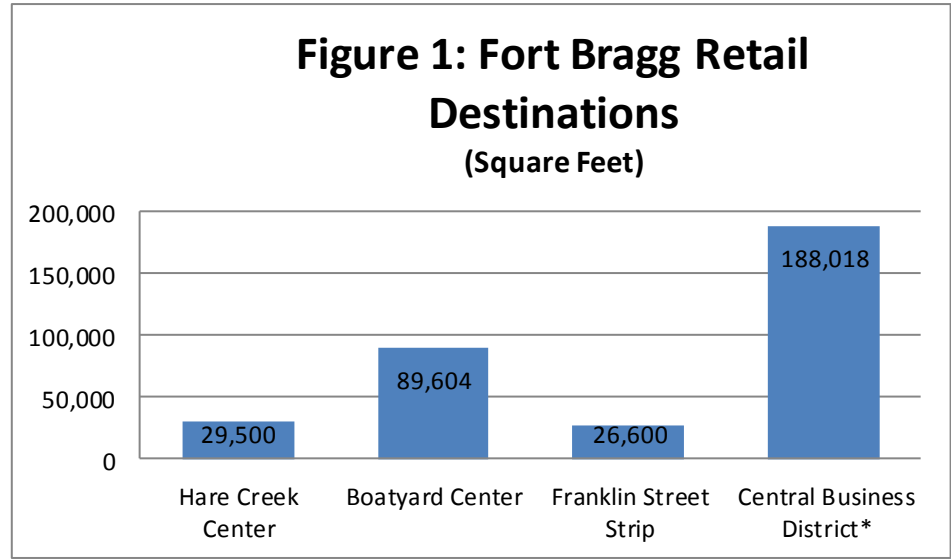
Thus, Policy LU-4.1 applies to the project as it is Formula Business, but Policy LU-4.2, which requires preparation of a fiscal and economic analysis as part of the conditional use permit process for Big Box Retail project, does not apply as it is specific to Big Box retail only.

### **2. Does the location, scale, and appearance of the Proposed Hare Creek Center detract from the economic vitality of established commercial businesses?**

**Location.** The proposed Hare Creek Center would be located directly west of the only other large shopping center in Fort Bragg, the Boatyard Shopping Center. The proposed location of the Hare Creek Center would likely result in competition for retail tenants of the Boatyard Shopping Center, as well as other larger format and formula business tenants along Main Street in Fort Bragg. Please see the discussion below regarding economic vitality.

**Scale.** Scale is an ambiguous term and could be applied solely to the physical features of the project, especially as it is in a list that includes appearance and location (also physical descriptors), or it could apply to the scale of the business in terms of total sales. The determination of conformance with this policy, may hinge on how the Planning Commission interprets the term “scale” and whether it applies to the physical scale of the project, the economic scale in terms of total sales, or both. Staff has prepared an analysis of both.

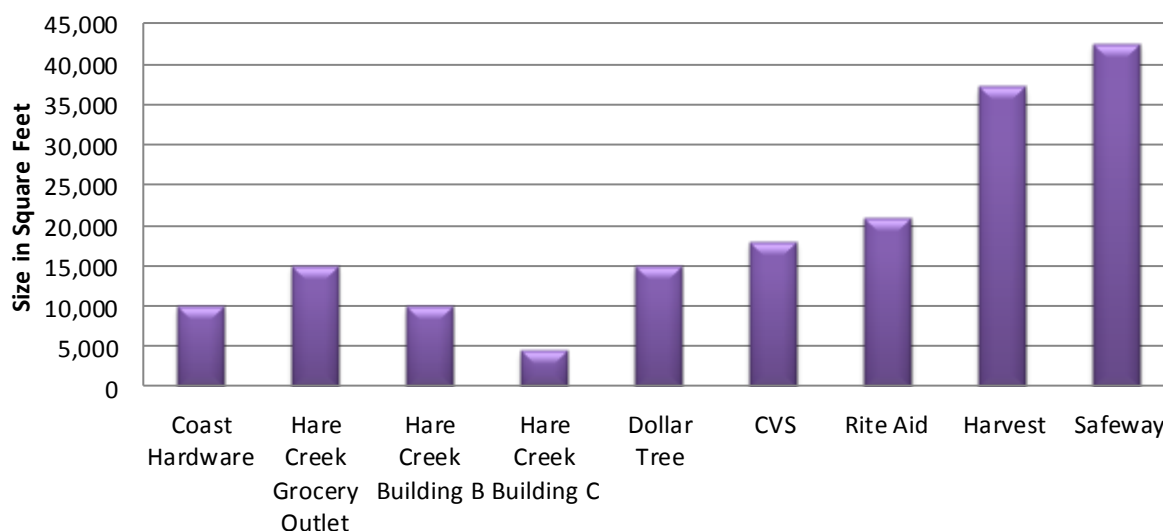
Physical Scale. The proposed Hare Creek Center is smaller than other primary shopping centers in Fort Bragg, as shown in Figure 1 below. At 29,500 SF it would be much smaller than the Boatyard Shopping Center, about the same size as the South Franklin Street Strip Mall, and significantly smaller than the total retail in Downtown Fort Bragg’s retail core.<sup>1</sup>



The size and scale of individual buildings of the proposed Hare Creek Center (buildings A, B and C) are consistent with other larger format retail buildings in Fort Bragg as shown in Figure 2.

<sup>1</sup> The Downtown Core was calculated as the retail establishments in the 300 and 400 block of North Main, the 300 block of North Franklin, the 100 block of East and West Laurel, the 100 block of East and West Redwood and the 200 block of East Redwood.  
DR 3-14, USP 4-14, CDP 4-14, LLA 3-14  
Hare Creek Center

**Figure 2: Fort Bragg Large Format Retail Stores  
(Square Feet)**



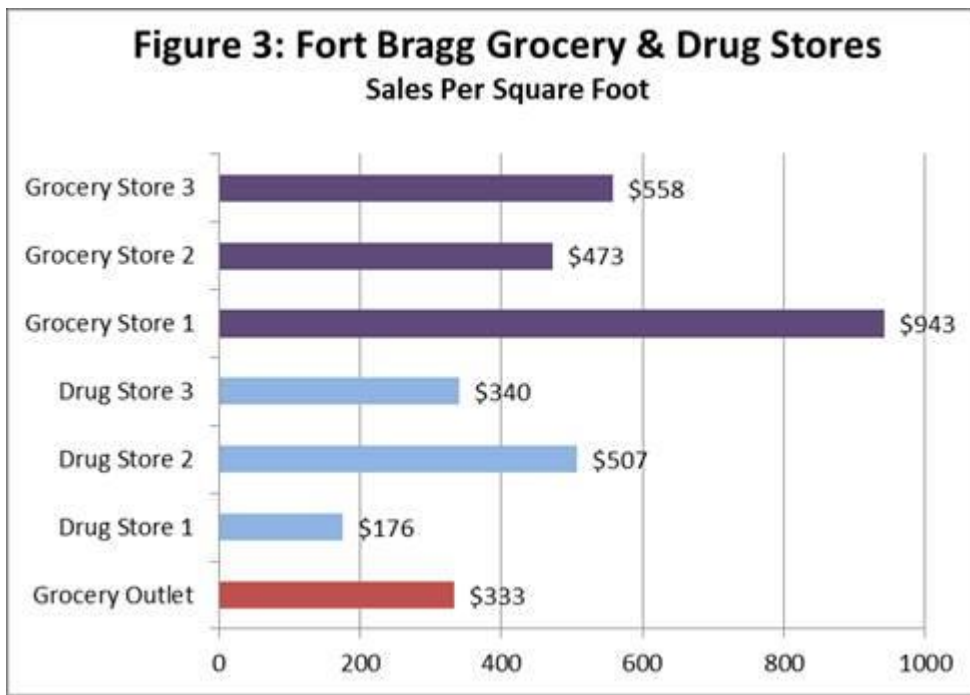
#### *Business Scale or Scale of Sales?*

The typical Grocery Outlet (nationwide) has \$5 million in sales/year, which represents approximately 7% of total Fort Bragg grocery sales of \$60 to \$70 million per year. By comparison, Dollar Tree, a relatively new retailer to Fort Bragg will gross about \$2 million. Together these two new retailers would attract about 8%<sup>2</sup> of total retail grocery sales in Fort Bragg. Some of these sales may be substitution sales (from shoppers who shop locally instead of online or by traveling to “stock up” on basic supplies out of town) and some will replace sales currently to other local grocery and sundry retailers.

Given the price point and quality of goods at Grocery Outlet<sup>3</sup> the store is most likely to compete with Safeway and less likely to compete with either Purity or Harvest Market. At \$5 million in sales, the majority of these sales (\$3+ million) would come from Safeway shoppers as Grocery Outlet serves a similar market and provides similar products to Safeway. Purity is less vulnerable to competition from Grocery Outlet because it primarily serves local residents with limited mobility or people who are just picking up a few items and don’t want to go to the larger grocery stores south of town. Harvest Market and Down Home Foods serve a different demographic of shoppers who would be less likely to shop at Grocery Outlet.

<sup>2</sup> A significant portion of Dollar Tree sales are not in the grocery category and thus are not included in the 8% estimate.

<sup>3</sup> Grocery Outlet Inc. is a private, family-owned discount grocery chain. Grocery Outlet operates 210+ stores in California, Oregon, Washington, Idaho, Nevada and Pennsylvania. Grocery Outlet’s inventory comes primarily from overstocks and closeouts of name brand groceries, as well as private label groceries. Grocery Outlets buy mostly closeout or seasonal merchandise, so particular brand names change often. The stores also carry food staples such as fresh meat, dairy and bread. All products sold by Grocery Outlet are purchased directly from 3,000+ manufacturers and suppliers, not other retail stores. Grocery Outlet sells many products past their expiration date, per their agreements with specific manufacturers. For example many cheese products are held thirty days past their expiration date. The chain (based in Emeryville) was recently acquired by Hellman & Friedman LLC, an investment firm in San Francisco and New York. In 2014, Grocery Outlet opened 16 new stores, including locations in Willits, Ferndale, Chula Vista, Fresno and Turlock. Each new store adds about \$5 million in revenue and 40 non-union jobs.



**Appearance.** The project as designed includes a number of design features to soften and provide detail to the large format retail appearance, including many windows, trellises, parapets, green façades, covered walkways, historic lighting, and entrance features. The project includes entrance doors on the façade of Building C that faces the Highway. Taken together the design features are comparable to or better than other large format retail buildings in Fort Bragg. For additional analysis of the appearance please see the design review analysis in this report.

#### ***Impact on Economic Vitality.***

Retail stores generally fall into one of two categories:

1. Destination retail stores (such as grocery stores, auto parts stores, drug stores, furniture, garden supplies, etc.) serve the shopping needs of customers who are seeking specific products rather than a general retail “experience.” Shoppers generally drive to these stores to buy the specific items that they need and the experience is not intended to entertain or be a social experience.
2. Recreational retail is undertaken for the shopping experience. The downtown serves this market niche with gifts, art, jewelry, clothing, specialty retail and dining.

This distinction is important as it has a bearing on how the Hare Creek Center could impact retail sales, and thereby economic vitality, in Fort Bragg and the Downtown.

- The proposed grocery store at the Hare Creek Center is destination retail and will not compete with existing downtown recreational retail. It will however compete with other grocery stores and drug stores in Fort Bragg and an analysis of this potential impact is included above.
- It is uncertain what retailers might go into the remaining 14,500 SF of proposed retail space at the Hare Creek Center. The applicant has indicated that at least one 1,000 SF space would be developed for a restaurant use. The remainder of the space would potentially house a variety of retailers, at least one of which would likely be a formula business given the size of Building B. Given that it is very difficult to know what the potential future tenant of this large space is likely to be, in the analysis below staff has conservatively assumed that half of the new tenants in the proposed retail space would compete directly with downtown retailers. This is conservative because the Hare Creek Center would provide destination retail space not recreational retail as is available in the downtown.

Approximately 14,500 SF of the proposed Hare Creek Center retail does not have proposed tenants. As mentioned above, staff has conservatively assumed therefore that 50% of these tenants would compete with existing retailers in Downtown Fort Bragg. Downtown Fort Bragg has significant retail diversity which includes: galleries, restaurants, gift stores, toy stores, stationery supplies, hardware, antiques, furniture, personal services, and more. Retail sales from Downtown retailers total an estimated \$25,500,000/year (at \$150/SF/year). If the remaining proposed unleased 14,500 SF averages \$150/sales per year and half of these sales come from customers who would have otherwise shopped in the downtown, then the project would reduce downtown retail sales by \$1,087,000 or 4.2% of all retail sales. This could result in reduced sales for some businesses, but it is not clear which businesses would be impacted and whether such impact would be to a sufficient degree to sap their vitality.

### **Is the project consistent with the small town rural character of Fort Bragg?**

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.” The following General Plan definition of Fort Bragg provides additional detail about the small town character.

*“Fort Bragg is:*

- *A friendly city with a small town character and a strong sense of community.*
- *A city which strives to create an environment where business and commerce can grow and flourish.*
- *A city that embraces its role as the primary commercial and service center on the Mendocino coast.*
- *A city which promotes itself as a tourist destination and which provides the necessary infrastructure and services to support a growing population of transient visitors.*
- *A city that supports efforts to preserve and strengthen the vitality of commerce in its central business district.*
- *A city that fosters a business climate which sustains and nourishes the growth and expansion of local businesses and cottage industries.”*

According to the Policy, new business should complement the City’s small town character and should not detract from commerce in the Central Business District, as the CBD provides much of the City’s character, sense of place, and tourist retail experience. The following analysis explores the project’s potential impacts on the downtown core.

As shown in Figure 4 below, there are 13 vacant storefronts in Downtown Fort Bragg which together total about 30,000 SF of vacant space. Two of these spaces (totaling 3,000 SF) are leased and will be occupied within the next two months. The old BofA building is the largest vacant space at 9,000 SF and is an office space and so would not be impacted in terms of leasability by the opening of the Hare Creek Center. Thus there is 18,000 SF of vacant retail space in downtown Fort Bragg, which is about 10% of all retail space. This 18,000 SF of retail space could be slower to lease due to the Hare Creek Center. The Hare Creek Center would add 4,500 SF of small tenant retail space that might compete with the 19,000 SF of vacant space in the downtown for tenants. However as noted above the type of tenant that would locate in the Hare Creek Center would be a destination retailer, which is a different type of tenant as would locate in downtown Fort Bragg. To understand this distinction, compare the typical downtown retailer with the typical Boatyard Shopping Center retailer. Thus the Hare Creek Center could have a minimal impact on the rate that vacant space is leased in downtown. The Hare Creek Center could impact the lease up rate of the Boatyard Center as the two shopping centers would compete for and lease to the same types of tenants.

**Figure 4: Vacant Retail and Office Space in Downtown Fort Bragg.**



Policy LU-4.1 indicates that the City should “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. From the analysis above it is clear that the location, the appearance and the physical scale of the proposed Hare Creek Center project will not detract from the economic vitality of established businesses. However the “scale” of sales from the proposed development could detract from the economic vitality of some established businesses, most notably Safeway which is another formula retailer. In staff’s opinion scale refers to the size of the buildings not the amount of sales, especially as scale is listed concurrently (within the policy) with other physical attributes of a project (location and appearance). Additionally, the policy should explicitly include “sales” in the list of concerns to be addressed rather than allude to it obliquely with regard to “economic vitality.” However, the Planning Commission may interpret the intent of this policy differently. If the Planning Commission interprets scale to mean the sales of the business, than it is clear from the analysis above that the Grocery Outlet would have some economic impact on existing business in Fort Bragg, however this is true of any new business that comes to town. The question before the Planning Commission is: would the “scale” of the project “detract from the economic vitality of established commercial businesses” to



such a degree that it would violate Policy LU-4.1 and consequently require imposition of additional conditions or warrant denial of the application?

**Policy OS-6.2 Development Review Process: Make energy conservation an important criteria in the development review process.**

**Policy OS-6.3 Alternative Energy: Encourage the development and use of alternative sources of energy such as wind, solar, and waves to meet Fort Bragg's energy needs.**

The proposed application includes installation of extensive photovoltaic solar arrays which will aid the project in energy conservation. The proposed project also includes an extensive stormwater harvesting system which will help the project reduce water use for landscaping to a negligible level. Additionally, if approved, the project will be required to install all Energy Star refrigeration systems as required by the MND.

**Policy C-9.2 Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.**

**Policy C-10.2 Require Bikeways. Require new development to provide on-site connections to existing and proposed bikeways as appropriate.**

The proposed project includes a sidewalk on the west side of Bay-View Avenue as required by Policy C-9.2. The proposed project will be required to install a multi-use bike and pedestrian trail along Main Street that will implement a portion of the City's South Fort Bragg Access Plan and connect to existing bike lanes on Highway 1 as required in the MND (See Attachment 3).

**Policy CD-1.1: 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.**

"Protect Views to and along the ocean." The proposed project will not interfere with views to or along the ocean from the public rights of way. The ocean is not visible across the proposed site from within City Limits. Very distant views of the ocean can be viewed across the Hare Creek site about 0.34 miles up Highway 20. However the project will not block Highway 20 views to the ocean as the development is located to the north of the Highway 1/Highway 20 intersection view shed and will not therefore block views down the Highway 20 corridor. The project has been designed as two buildings that are at right angles to Highway 1 with a parking lot in between. This design is intended to minimize the view of the development from Highway 1 and to allow for views through the development to the knoll and fields to the west. (See Attachment 4)

"Minimize alteration of natural landforms." The proposed project will alter the small knoll atop the Hare Creek site by eliminating about 30% of the easternmost slope of the knoll. In total, about 20,000 cubic yards of material would be graded as part of the proposed project. The applicant has proposed to stockpile the graded material on site, however the stockpiling of the material would result in extra grading which is not consistent with Policy CD-1.5 (see page 10) and so the material stockpile is not allowed. The applicant has proposed a cut slope that is rectilinear and will look "man made." Please see Attachment 7 for a cross section of the grading area through the knoll and a cross section of the grading as viewed from Highway 1 north to south.

**Special Condition 1:** Prior to issuance of the building permit the applicant shall submit, for review and approval by the Community Development Director, a revised grading plan that includes revised elevation contours along the knoll to result in a more curvilinear and natural appearance.

The applicant sited the project as close to Highway 1 as possible in order to minimize alterations to this knoll and to confine the project to the area that is zoned commercial retail. Due to the size

of the project and the configuration of the area zoned for Highway Visitor Commercial that has meant that the project is sited fairly close to Highway 1 as noted in the MND. Although some of the visual impact of the development would be minimized by the grading as the parking lot would be located behind a berm (left after the grading) and screened by landscaping.

"To be visually compatible with the surrounding area." The proposed project is a shopping center directly across Highway 1 from another shopping center. There are a variety of commercial buildings along Highway 1 south of Noyo Bridge that demonstrate a variety of architectural styles and levels of finish and design. The proposed project is visually compatible with these existing commercial projects from a design and orientation perspective.

"Where feasible, to restore and enhance scenic views in visually degraded areas." This project site is not visually degraded so this portion of the policy does not apply.

**Policy CD-1.4: 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 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.**

See response to Policy CD-1.1 above and the visual analysis section of this report.

**Policy CD-1.3: Visual Analysis Required. A Visual Analysis shall be required for all development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1.**

A visual analysis has been prepared for this project, and was included in the MND and is summarized in the Coastal Development Permit analysis of portion this report.

**Policy CD-1.5: All new development shall be sited and designed to minimize alteration of natural landforms by:**

- 1. Conforming to the natural topography.**
- 2. Preventing substantial grading or reconfiguration of the project site.**
- 3. Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.**
- 4. Requiring that man-made contours mimic the natural contours.**
- 5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.**
- 6. Minimizing grading permitted outside of the building footprint.**
- 7. Clustering structures to minimize site disturbance and to minimize development area.**
- 8. Minimizing height and length of cut and fill slopes.**
- 9. Minimizing the height and length of retaining walls.**

About 50% of the project site retains the natural topography (see Attachment 7, Sheet G2), the remainder of the site will be extensively graded. As noted above, a knoll would be partially removed to accommodate the development. Strict adherence to portions of Policy CD-1.5 (sub-bullet 1 & 2) would conflict with Policy CD-1.4 and Policy CD-2.5 on this site, as the development of this project on top of the knoll without grading the site would increase the visual impact of the development from Highway 1 as the buildings would have to be built on top of the existing grade. The proposed project minimizes impacts to visual resources by grading a portion of the site so that the buildings and the parking lot will tuck slightly behind a berm that will remain between the eastern edge of the parcel and Highway 1 (see attachment 7 cross sections). The project includes installation of a retaining wall along the east side of the parking lot and Building C as the parking lot will be located about 4 feet below the current top of grade. The natural

berm and the landscaping strip will help to screen the parking lot from the view on Highway 1. The Coastal General Plan includes the following policy:

Policy 1-2: Where policies within the Coastal General Plan overlap or conflict, the policy which is the most protective of coastal resources shall take precedence.

Consistent with Policy 1-2, staff recommends that Policy CD-1.1 and CD-2.5 should take precedence over Policy CD-1.5 sub-bullet 1 & 2, and therefore the project has been sited and designed to “minimize” alteration of natural landforms to the degree possible. The Planning Commission should decide if CD-1.1 and CD-2.5 take precedence over Policy CD 1.5 sub-bullet 1 & 2.

Special Condition 1, above, will ensure that the graded slopes blend with the existing terrain of the site. In total, the project will result in the grading and eventual relocation of about 20,000 cubic yards of soil, a significant amount of material. The applicant proposes to stockpile 18,000 cubic yards of soil on site for later reuse or to sell as fill to other contractors (see Attachment 7). The applicant proposes to retain the graded soil in a three foot tall berm of 400 feet in length and width. This would conflict with CD-1.5 (6) which requires minimization of grading outside the building footprint. Therefore in order to comply with CD-1.5 staff recommends Special Condition 2. The project includes one small retaining wall that will not be visible from the public right of way.

**Special Condition 2:** That applicant shall not engage in additional grading activities in order to stockpile graded soils on the adjacent parcel. An alternative solution for the removal/storage of these soils will have to be utilized.

**Policy CD-1.10: 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.**

The lot line adjustment associated with the proposed project would increase a parcel size from 2.4 acres to 3.16 acres. However, the other associated parcel (018-450-41) is very large at 17 acres and therefore can accommodate future development that would be consistent with the visual resource protection policies of the LCP. (See Attachment 7)

Policy CD-2.2 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.

Please see the discussion for Policy LU-4.1 and the discussion regarding visual impacts in the Mitigated Negative Declaration and below in the Design Review analysis of this staff report.

The project must be found consistent with Program OS-2.2.2 which is specific to development that might have an impact on aquifers in Todd Point, as the project is located on Todd Point.

Program OS-2.2.2: Prior to consideration of any new development on the Todd Point aquifer, a project-specific hydrologic design analysis shall be prepared by the project applicant to recommend specific mitigation measures to minimize runoff from the site in order to retain existing levels of groundwater recharge. (Examples of such measures include establishment of retention basins, establishment of percolation chambers, use of permeable paving materials, etc.)

If the design analysis concludes that the project will result in a net decrease in groundwater recharge from the project site, then a supplemental hydrologic analysis shall be prepared by the applicant which evaluates cumulative hydrologic impacts. The study shall establish a baseline of aquifer supply to existing residential wells on Todd Point and evaluate cumulative impacts to aquifer recharge from all projected development on Todd Point.

If the supplemental hydrologic analysis shows that the cumulative development would adversely impact existing Todd Point wells, then the study shall establish the nexus for new development, both in the City and in the County, to pay its pro rata share of the costs of extending City water service to the affected existing residences.

Prior to new development, the City will establish a program that identifies how fees will be collected to extend City water, what existing residences will be served, and when the water service would be extended.

The cost of preparing the cumulative hydrologic study will be borne by the first application received which triggers this requirement, and all future applicants for new development on Todd Point will be required to reimburse the original applicant their fair share of the hydrologic study.

A hydrologic study entitled Groundwater Recharge and Water Balance Evaluation was produced by Nolan Associates for this property (Attachment 4 of the MND). The evaluation used 24 borings and records from 12 well logs to determine that the site is covered in weathered Franciscan bedrock and Heeser sandy loam soils (located on top of the bedrock). These soils have the capacity to produce 8.7 and 13.7 gallons per minute (gpm) for wells located in each layer. Generally wells in the area range in depth from 85 feet to 144 feet in depth and thereby residents are able to harvest water from both sources. The Heeser sandy loam soil appears to act as a water reservoir and discharges water into the Franciscan bedrock formation. The amount of water that is absorbed into the Heeser loam soils and later discharged into the Franciscan bedrock can be calculated based on the amount of rainfall and subtracting out water that is lost to evapotranspiration and runoff. The Nolan report made the following conservative assumptions in their water balance analysis:

1. The Franciscan bedrock would only be recharged through water flowing through the Heeser sandy loam soil and not from underground water sources such as underwater streams.
2. A runoff coefficient of 20% (though various studies point to a coefficient of 10 to 20%); and
3. An annual transpiration rate of 26 inches (this is rainwater lost to plants).

Nolan calculates that about 12.20" of rainwater is recharged to ground water each year throughout the area of Todd Point that is unpaved and undeveloped. This translates into approximately 141 acre feet of groundwater recharged per year from rainfall alone into the Todd Point area. The analysis also looked at existing water use by Todd Point residents and conservatively assumed that:

- Each residence would use 300 gallons of water per day (though average use in Fort Bragg is 158 gallons per day);
- Fifty percent of Todd Point residential water use would be for indoor use, which would recharge the groundwater via the septic system.

This results in an estimated total water use of 0.17 acre feet per resident per year or 6.1 acre feet/year for all 36 existing well using residences on Todd Point. The report notes that there are 32 vacant lots which, if added to the total demand upon eventual development, results in 11.6 acre feet of water use per year. The analysis calculated a maximum storage capacity in the Heeser soils of 348 acre feet of water.

If the proposed project were developed without the proposed rainwater catchment system, bioswales, and permeable paving, it would result in approximately 90% reduction in recharge for the 3 acre site, which would mean a net loss to recharge of about 2.74 acre feet per year. This would reduce net annual recharge from 141 acre feet per year to 138 acre feet per year, well in excess of the 6.1 acre feet per year that could be withdrawn from the aquifer at maximum build out of all residential parcels that could utilize wells.

However, the architect and civil engineer of the project designed the project to provide maximum recharge through the following techniques: 1) use of rainwater capture for landscape irrigation; 2) use of pervious pavement, bioswales, retention basins and infiltration drains for stormwater capture and

infiltration. With these additional water recharge friendly design components, the project will result in 100% stormwater recharge of the aquifer from the site (Attachment 7, Sheet G5).

Additionally, as this project is defined as a project of “special water quality concern” due to its size (greater than 10,000 SF of impervious surface) and the size of the parking lot (greater than 5,000 SF of parking), the project will have to conform to extensive additional water quality regulations including: submittal of a Water Quality Management Plan and implementation of treatment control BMPs that comply with the 85<sup>th</sup> percentile storm standard. Staff recommends Special Condition 3 below.

**Special Condition 3:** Prior to approval of the Building Permit the applicant shall submit a Water Quality Management Plan for review and approval of the Director of Public Works that complies with Section 17.64 of the Coastal LUDC.

In conclusion, as conditioned, staff has determined that the project complies with the policies of the Coastal General Plan, with the possible exception of policy LU-4.1, which requires interpretation from the Planning Commission as to the intent and appropriate application, including whether it requires consideration of retail sales in the interpretation of the “scale” of the project in determining whether the size, scale and appearance of the project will detract from the vitality of established commercial businesses.

## CONSISTENCY WITH COASTAL LAND USE AND DEVELOPMENT CODE

**Land Use.** The proposed Shopping Center project requires a Conditional Use Permit as it is proposed in the General Commercial Zoning District.

**Zoning Standards.** The relevant site development zoning standards for the General Commercial zoning district are highlighted in Table 1 below and the proposed project conforms with the listed standards except for the front setback.

**Table 1: Conformance with Basic Zoning Standards**

| Development Standards | CLUDC Requirements | Proposed Project | Compliance                                                                                |
|-----------------------|--------------------|------------------|-------------------------------------------------------------------------------------------|
| Front Setback         | 10 Ft              | 19'8"            | Yes, except five stormwater catchment/storage tanks are located within the front setback. |
| Side Setbacks         | 10 Ft              | 13'              | Yes                                                                                       |
| Rear Setbacks         | None               | 13'              | Yes                                                                                       |
| FAR                   | 0.40               | 0.21             | Yes                                                                                       |
| Height Limit          | 35 Feet            | 26'8"            | Yes                                                                                       |
| Lot Coverage          | No limitation      | 85%              | Yes                                                                                       |

As noted above the water storage tanks are located within the front setbacks. Generally, utility and mechanical equipment must comply with the setback requirements. Section 17.30.100F provides for the Community Development Director to approve an exception to the requirement in cases where there is no feasible alternative location that complies with the setback requirements. The Community Development Director has determined that there is no feasible alternative location for the water tanks proposed for the western side of Building A or Building B because the water storage tanks must be at the lowest points of the property in order to effectively drain the roofs and tie into the stormwater management system for tank overflow. Therefore the Director can approve an exception to the setback requirement for these stormwater catchment and storage tanks and recommends Special Condition 4 below:

**Special Condition 4:** Prior to issuance of the Building Permit, that Director shall approve an exception to setback requirements for the smaller stormwater catchment tanks.

**Parking.** The CLUDC requires 1 space per 300 SF of floor area for shopping centers. The proposed project includes 29,500 square feet of dining space, so the project requires 98 parking spaces. The project plans illustrate 99 parking spaces, including 5 ADA parking spaces (which meets the requirements of State law). The CLUDC also requires one RV space per 40 parking spaces, thus the proposed project should provide 2 RV spaces. The project plans illustrate 2 RV spaces as required. Bicycle parking is required at the rate of 5% of total vehicle spaces, thus the project requires 5 bicycle spaces and the project includes 24 bicycle spaces and thus complies. Finally, one motorcycle space is required for each 50 parking spaces, resulting in 2 required spaces and the project plans illustrate 6 motorcycle spaces. (See Attachment 1, Sheet A1). The proposed number of parking spaces complies with the requirements of the CLUDC.

Table 2, below, illustrates that the proposed parking lot complies with the development standards for parking lots.

**Table 2: Development Standards for Proposed Parking Lot**

| Development Standards                                 | Requirements                                                                                                                                                                                                          | Proposal                                                                                                                   | Compliance |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------|
| Parking Space Dimensions                              | 90 degree angle parking should have a minimum space width of 9 feet and a minimum space depth of 18 feet.                                                                                                             | The proposed parking lot offers 9'6" wide spaces and a space depth of 18 feet                                              | Yes        |
| Drive way width and depth                             | The minimum driveway width of 20 without interference from parking isles, spaces or access way                                                                                                                        | 30 feet                                                                                                                    | Yes        |
| Front street landscaping setback 15 feet minimum      | Required landscaping strip of at least 15 feet of depth between the sidewalk and the parking area.                                                                                                                    | Proposed landscaping strip of 15 feet on Bayview Drive frontage, 15 to 25' feet of landscaping on highway frontage.        | Yes        |
| Side and rear yard landscaping strip - 8 feet minimum | Section 17.34.050C4b requires a planted landscaping strip of at least 8 feet of depth between adjoining property lines and the parking lot. Section 17.36.090 A2b requires a minimum 5 foot setback for parking lots. | The parking lot is well back from the side yards as the project buildings and access roads are adjacent to the side yards. | Yes        |
| Landscaping Plan                                      | Section 17.34.050C4av of the CLUDC requires trees be placed in the landscaping strips ever 25 feet.                                                                                                                   | The proposed landscaping plan has proposed a tree at every 20 feet along the landscaping strips                            | Yes        |

**Parking lot surfacing.** The proposed project would be surfaced with asphalt in compliance with the CLUDC.

**Parking Lot Driveways and Access.** The proposed parking lot entrance would be over 350 feet from the centerline of the nearest intersection, which complies with section 17.36.100B requiring a minimum 100 foot separation. The proposed driveways are separated from each other by 195 feet which complies with Section 17.36.100C requires a minimum separation of 50 feet.

**Truck Access.** The CLUDC requires 2 truck loading spaces for this project as the code requires 1 loading space for each 5,000 to 10,000 SF of retail building. The proposed project includes 2 buildings of more than 5,000 SF and these each require a truck loading spaces, one for each of the large buildings

(A and B). A truck loading space is proposed for Building C, however the space does not comply with the CLUDC and is not required for this building as it is less than 5,000 SF. Therefore staff recommends that the space be labeled as a delivery space and parking time within the delivery space limited to 2 hours. This requirement is included in Special Condition 6 below. As shown in Table 3, below, truck loading sites must also comply with the following requirements:

**Table 3** Development Standards for Truck Loading Areas

| Development Standards              | Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance        |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Dimensions                         | Loading spaces shall be a minimum of 12 feet in width, 40 feet in length, with 14 feet of vertical clearance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The proposed loading spaces comply with these requirements                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes               |
| Lighting                           | Loading areas shall have lighting capable of providing adequate illumination for security and safety; lighting shall also comply with the requirements of Section 18.30.070 (Outdoor Lighting).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Adequate Lighting is provided as shown on attachment 9 Lighting Plan.                                                                                                                                                                                                                                                                                                                                                                                                              | Yes               |
| Location. Loading spaces shall be: | a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | a. The loading zones are located immediately adjacent to each building, however they are not on the rear two thirds of the parcel. It is not feasible for these loading spaces to be located on the rear 2/3rd of the parcel, as it would make them more visible from Highway 1. The proposed location is the best from a visual resources perspective.                                                                                                                            | Yes, as feasible. |
| Location. Loading spaces shall be: | b. Situated to ensure that the loading facility is screened from adjacent streets;<br>c. Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front setback, adjacent public right-of-way, or other on-site traffic circulation areas;<br>d. Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only; and<br>e. Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 100 feet from a residential zoning district unless adequately screened, and authorized through Design Review approval in compliance with Section 18.71.050. | a. the loading zones for Building A & B are screened from adjacent streets.<br>c. loading will take place on site, will not face a public street, is not within a setback, and is not adjacent to a public right of way.<br><br>d. the loading zone allows vehicles to enter and exist from a public street in a forward direction and all maneuvers will occur on site.<br>e. the loading zone would be located more than 100 feet from residentially zoned property to the west. | Yes               |
| Screening.                         | Loading areas shall be screened from abutting parcels and streets with a combination of dense landscaping and solid masonry walls with a minimum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | As conditioned, loading will be screened from properties with masonry walls, a 6' foot redwood fence and                                                                                                                                                                                                                                                                                                                                                                           | Yes               |

|           |                                                                                                                                                                                                                            |                                                                                                       |                             |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------|
|           | height of six feet.                                                                                                                                                                                                        | landscaping.                                                                                          |                             |
| Striping. | a. Loading spaces shall be striped, and identified for loading only.<br>b. The striping and "loading only" notations shall be continuously maintained in a clear and visible manner in compliance with the approved plans. | The loading zones do not appear to be striped and labeled in the plans, nor do they say loading only. | No. See Special Condition 5 |

Thus staff recommends Special Condition 5:

**Special Condition 5:** Prior to issuance of the building permit, the applicant shall resubmit a site plan illustrating the truck loading space for Building C as a delivery space and parking shall be limited to two hours in this space. The delivery space will be labeled on the asphalt with the term "delivery parking only" and will include a warning sign that limits parking in the zone to two hours or less. Additionally the loading zones for Building A and B shall be labeled with the words "Loading Only" and the access roads to the loading zones will include signage that indicates "Truck Loading Only" at the back of sidewalk and "Wrong Way" sign will be installed at the exit of the truck lane for Buildings A and B.

As conditioned, the proposed loading spaces comply with lighting, dimensional, locational and screening requirements of the CLUDC.

**Lighting.** The applicant's proposed lighting program includes a lighting analysis that shows all light would stay with the boundaries of the property (see Attachment 9). The proposed fixtures would be downward facing as required. However the lighting plan does not include the height of lighting standards, which is limited to 18 feet by the zoning code. The project includes outdoor lighting as follows:

1. Seven double light poles in the parking lot.
2. Seven single standard light poles around the project perimeter.
3. Building A includes 12 downward-facing wall-mounted LED lights and 20 LED canopy ceiling lights.
4. Building B includes 16 downward-facing wall-mounted LED lights and 21 LED canopy ceiling lights.
5. Building C includes 12 downward-facing wall-mounted LED lights and 5 LED canopy ceiling lights.

The proposed lighting is all downward facing, energy conserving LED lighting. The applicant submitted a lighting plan that clearly illustrates that the lighting will not leave the property.

The lighting program does not specify the size of the lighting standards. Therefore staff recommends Special Condition 6 below:

**Special Condition 6:** Prior to issuance of the building permit, the applicant shall provide specifications for approval by the Community Development Director for all lighting standards that indicate a maximum height of 18 feet.

**Fencing.** The project does not include any fencing. Fencing might be preferable for the northern and southern property boundary in order to screen the back of Building A from the adjoining mini-golf course and the back of Building B and C from future residential development on the adjoining parcel. Staff recommends:

**Special Condition 7:** Prior to issuance of the building permit, the applicant shall provide specifications for approval by the Community Development Director for a solid redwood fence with a maximum height of 6 feet along the northern and southern property line to screen the buildings from adjacent uses.



**Solid Waste/Recyclable Materials Storage.** Project plans (Attachment 3 pages A 1.1, 1.2, 1.3), illustrate two trash/recyclable storage areas adjacent to each building (A, B and C) for six total. Section 17.30.110 requires that such storage areas be fully enclosed and that landscaping be provided to soften and screen the enclosures. The trash enclosures on the south side of Building B and the North Side of Building C are already screened with fencing (landscaping is not feasible). The trash enclosure on the east side of Building C does not include any screening from the public right of way. Therefore, staff recommends Special Condition 8.

**Special Condition 8:** Prior to issuance of the building permit, the applicant shall resubmit the site plan for approval by the Community Development Director illustrating a five foot landscaping strip to the east of the trash enclosure on Building C.

**Landscaping.** Conformance with landscaping requirements is analyzed in Table 4 below.

**Table 4: Development Standards for Proposed Parking Lot**

| Development Standards                            | Requirements                                                                                                                                           | Proposal                                                                                                                                                                                           | Compliance                        |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Front street landscaping setback 15 feet minimum | Required landscaping strip of at least 15 feet of depth between the sidewalk and the parking area.                                                     | Proposed landscaping strip of 15 feet on Bayview Drive frontage, 15 to 25' feet of landscaping on highway frontage.                                                                                | Yes                               |
| Parking lot screening                            | Landscaping must screen cars from view from the street to a minimum height of 36 inches.                                                               | The proposed landscaping plan does not include sufficient information to conclude that shrubs will be planted in the west and east landscaping islands sufficient to screen the view to 36 inches. | No, see special condition         |
| Landscaping adjacent to structures               | Section 17.34.050Cd requires eight feet of landscaping between parking areas and buildings, exclusive of sidewalks                                     | The proposed project includes eight foot wide sidewalks around all building structures therefor landscaping on building frontages is not required                                                  | Yes                               |
| Trees                                            | Section 17.34.050C4av of the CLUDC requires trees be placed in the landscaping strips every 25 feet.                                                   | The proposed landscaping plan has proposed a tree at every 20 feet along the landscaping strips and throughout the parking lot                                                                     | Yes                               |
| Amount of Landscaping in Parking lot             | A minimum of 10% of the parking lot must be landscaped. One shade tree shall be provided for every five parking spaces                                 | It is unclear from the plan if the minimum 10% landscaping threshold has been met. The plan illustrates 29 shade trees which is more than the code requires                                        | Maybe, see Special Condition. Yes |
| Landscaping & Stormwater Management              | Section 17.34.050C3 requires that landscaping be designed for infiltration and retention of stormwater.                                                | The project plans include the required design for infiltration and retention of stormwater from the parking lot surface.                                                                           | Yes                               |
| Entrance landscaping                             | Provide a concentration of landscaping features at the primary entrances, including as a minimum specimen trees, flowering plants and enhanced paving. | The applicant has not submitted plans that are detailed enough to discern if these requirements have been met.                                                                                     | No, see special condition         |

As noted in the table above, Special Condition 9 is required to ensure that the project complies with landscaping requirements of the CLUDC.

**Special Condition 9:** Prior to approval of the building permit, the applicant shall resubmit the Landscaping Plan to the Community Development Director for review and approval. The revised Landscaping Plan shall include detailed information about the proposed placement of the landscaping plants (identified in the landscaping palette) to facilitate the Director's determination as to whether the proposed plan complies with the landscaping requirements outlined in Section 17.34 of the CLUDC.

**Signage.** The proposed project includes a monument sign on Bay View Avenue and building façade signage proposals for the Grocery Outlet store (see Attachment 5). Sign code requirements and compliance are illustrated in Table 5 below:

**Table 5: Development Standards for Proposed Signage (Chapter 17.38)**

| Development Standards                 | Requirements                                                                                      | Proposal                                                                      | Compliance                |
|---------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------|
| Number of Sign Types per Use          | Two/use                                                                                           | Two/use                                                                       | Yes                       |
| Total permissible signage by building | Building A – 83 SF<br>Building B – 80 SF<br>Building C – 25 SF                                    | Building A – 318 SF<br>Building B – not proposed<br>Building C – not proposed | No, see Special Condition |
| Freestanding Monument Sign            | Maximum of 6 feet in height<br>Must include an illuminated street address of six inches in height | Sign is six feet in height<br>Sign does not include street address            | No, see Special Condition |

As the proposed signage includes too much signage and does not conform with the sign ordinance, staff recommends Special Condition 10 below.

**Special Condition 10:** Prior to approval of the building permit, the applicant shall resubmit the signage program for the Grocery Outlet and the Monument sign to the Community Development Director for review and approval. The signage program for Grocery Outlet shall not exceed 83 square feet and the monument sign shall include an illuminated street address.

## USE PERMIT ANALYSIS

The proposed shopping center requires a Conditional Use Permit. In order to approve a Use Permit for this project, the Planning Commission must make the findings outlined below.

**Table 6: Use Permit Findings**

| Use Permit Findings (Section 17.71.060)                                                                                                                                                                                                  | Proposed Project Compliance                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;                                                                                                                    | This finding can be made if the Planning Commission determines that the project, as conditioned, complies with Policy LU-4.1 of the Coastal General Plan. The project is consistent with the remainder of the Coastal General Plan as conditioned.                                                                                                    |
| 2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;                                                                  | This finding can be made. As analyzed throughout this staff report, the project as conditioned complies with the CLUDC.                                                                                                                                                                                                                               |
| 3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;                                                                             | The finding can be made. The proposed shopping center would be located across the street from a large existing shopping center. Additionally the adjacent vacant property is zoned Very High Density Residential and Highway Visitor Commercial and the proposed shopping center, as conditioned, is compatible with these adjacent zoning districts. |
| 4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire | This finding can be made. The site is physically suitable in terms of location, shape and size for the proposed use. As conditioned the project design would be appropriate for the site. Staff consulted with the Police Department and Fire Department and                                                                                          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.                                      | neither indicated any cause for concern with regard to health or safety.                                                                                                                                                                                                                    |
| <p>5. The proposed use complies with any findings required by Section 17.22.030 (Commercial District Land Uses and Permit Requirements). Section 17.22.030C4 includes the following additional findings:</p> <p>4. CG (General Commercial) district.</p> <ul style="list-style-type: none"> <li>a. The use is generally oriented to clients arriving by auto rather than pedestrians;</li> <li>b. The uses generally require larger display and/or storage areas; and</li> <li>c. The use is not dependent on heavy customer traffic per square foot.</li> </ul> | <p>This finding can be made</p> <ul style="list-style-type: none"> <li>a. The use is oriented towards clients arriving by car,</li> <li>b. The use does require larger display areas; and</li> <li>c. The proposed use (a shopping mall) is not dependent on heavy foot traffic.</li> </ul> |

## COASTAL DEVELOPMENT PERMIT ANALYSIS

**Cultural Resources.** This site has been surveyed for cultural resources and none resources were found, nevertheless the Sherwood Valley Band of Pomo has requested that Native American monitors be on site during all ground disturbing activities in the event that cultural resources are discovered. The MND analyzed this issue and identified mitigation measure 6 & 7 to address cultural resource concerns. Staff recommends Special Condition 11, to insure that the applicant is aware that they are required by law to implement all MND mitigation measures for this project.

**Special Condition 11:** The applicant shall implement all Mitigation Measures identified in the MND for this project as required pursuant to the California Environmental Quality Act (CEQA).

Mitigation Measure 6: A Native American monitor shall be present during all ground disturbing activities. Additionally the project applicant shall provide five day notice to the Sherwood Valley Band of Pomo Indians in advance of ground disturbing activities on the site so the SVBP can schedule a Native American monitor for the site. If any cultural resources are discovered during construction activities the applicant shall follow state and local laws requiring that the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department immediately of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with the Sherwood Valley Band of Pomo.

Mitigation Measure 7: If human remains are identified during project construction that applicant shall follow the following procedures. All development shall cease immediately and shall not commence until so directed by the Community Development Director. The Director and county corner shall be notified immediately. The applicant shall follow the procedure defined in 17.50.030E of the Coastal Land Use and Development Code.

**Public Access.** The project applicant dedicated a 25 foot wide public access easement to Hare Creek as part of a previous subdivision process for this site. The proposed project would likely result in additional use of the public access trail to Hare Creek which has been accepted and developed by the Mendocino Land Trust. The project would not interfere with public coastal access.

**Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity.**

The following Coastal General Plan policy requires the City to determine if the project will be served adequately with existing utilities.

Policy PF-1.3: 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.

The proposed project includes a 29,500 square foot stormwater catchment area (building roofs) that would fill on-site water tanks totaling 60,000 gallons. The project includes 0.36 acres of landscaped area. The project architect has estimated that the project would require 134,400 gallons of water each year for irrigation. While the majority of this irrigation load would be during summer months (May to September) and would amount to 89,000 gallons, the water catchment tanks have sufficient capacity to meet all of the watering needs due to the ability to catch small amounts of precipitation even in the summer months, which recharge the catchment tanks. Landscape watering in the wetter winter months will also come from the catchment tanks and the tanks would refill prior to the summer months when they will be drawn down. Due to the water catchment system and the use of low water use native plants, there would be no net water demand on the City's water system from landscaping watering.

The proposed retail facilities would, however, have an impact on the City's water supply. The project architect prepared a water budget for the project utilizing water use statistics for supermarkets in the Western United States from the US Department of Energy Data Book. According to this analysis the project would use **1,935,916** gallons of water per year for internal operations (restrooms, sinks, drinking fountains, etc.). This water use would consist of:

1. 960,000 gallons for a grocery store in building A,
2. 375,306 gallons per year for a generic 10,000 SF retail use in Building B, and
3. 294,840 for three 1,800 SF generic retail spaces and 305,760 gallons for a small restaurant with 400 SF service area in Building C.

Staff analyzed current water use by two large format grocery stores in Fort Bragg and found that annual water use for these facilities was in line with that estimated by the architect. Specifically total water use was 1,797,444 gallons for a 35,360 SF grocery store (50 gallons/SF) and 2,471,392 for a 41,000 square foot grocery store (60 gallons/SF), netting an average of 55 gallons per square foot for a grocery store. If this figure is applied to the proposed 15,000 SF grocery store, it would use a total of 825,000 gallons of water per year. The other water use rates are reasonable given water use by comparable businesses within Fort Bragg.

However, given that the proposed project would not utilize water for landscaping, the actual net water use would likely be **1,935,916** gallons minus the 89,000 gallons of summer water use for landscaping, resulting in a total water use estimate of 1,846,916 gallons per year. The proposed shopping center project can be served by existing water sources and storage as shown in the analysis below.

Water availability under severe drought conditions is the primary constraint for City utility service for a project of this size. In 2010, City staff completed a water supply analysis that found that the City could increase water use by 8% over existing water use in a severe drought (such as the 1977 drought) and continue to serve all customers without falling below the 5 million gallon reserve required to maintain

adequate pressure in the system for fire flows. Since that time the City has approved projects that would utilize 3.6% of the 8% of available water capacity (2.8% for North Coast Brewery Expansion, 0.6% for the Cottages at Cypress Street, 0.1% Taco Bell, and 0.1% for Brewery Restaurant expansion). At 1.8 million gallons per year, the proposed Hare Creek project would increase water use by 1% over current use, bringing the total water use, since the water analysis was completed, to 4.6%. This additional use is within the 8% limit, but leaves only 3.4% of water capacity available for other new projects. There is one "priority use" project, the Avalon Hotel, in the permitting pipeline at this time and water service capacity would need to be reserved for this use as required by Coastal General Plan Policy PF-1.3 which requires that "adequate services capacity would be retained to accommodate existing, authorized, and probably priority uses upon completion." The Avalon Hotel is a proposed 64 room hotel and conference facility with a restaurant and bar proposed for the old Hi-Seas site north of Pudding Creek. The hotel's water budget is anticipated at 70 gallons per room per day or 1.5 million gallons of water per year. The restaurant would use an additional 300,000 gallons, bringing total water use to 1.8 million gallons for the Avalon hotel. The Avalon would also use about 1% of the remaining water serving capacity, however, this hotel could be served in addition to the Hare Creek project without running out of water service capacity. It should be noted that this analysis does not consider that additional water service capacity that would be made available should the City construct the Newman Gulch Reservoir.

KASL Engineering was hired to complete a water pressure analysis to determine if the project would result in water pressure issues in the vicinity of the project. The study found that even with peak water flows at the center of 16.1 gpm the proposed project would result in an insignificant difference on pressure of 0.1 psi for the existing water system. Likewise, the study found no significant difference in pressure at fire hydrants with and without the project. For hydrants with available fire flow of less than 1,600 gpm, the impact of the project on fire flow was 3 gpm. For projects with available fire flows of more than 1,500 gpm, the impact of the project on fire flow was 16 gpm. This is not a significant difference and does not require mitigation.

### **Geologic, Flood, and Fire Hazard.**

Subsidence due to the uneven bedrock under the site, water and organic matter content of soils, and varying soil conditions across the site. Therefore, all recommendations from the report must be implemented in order to reduce the risk of subsidence and potential damage to foundations and structures. Mitigation Measure 8 of the MND will reduce this potential impact to less than significant and address the concerns from a CLUDC perspective.

**Special Condition 11:** The applicant shall implement all Mitigation Measures identified in the MND for this project as required

**Mitigation Measure 8:** The recommendations of the Krazen & Associates geotechnical report shall be followed for site grading, compaction and preparation of engineered fill.

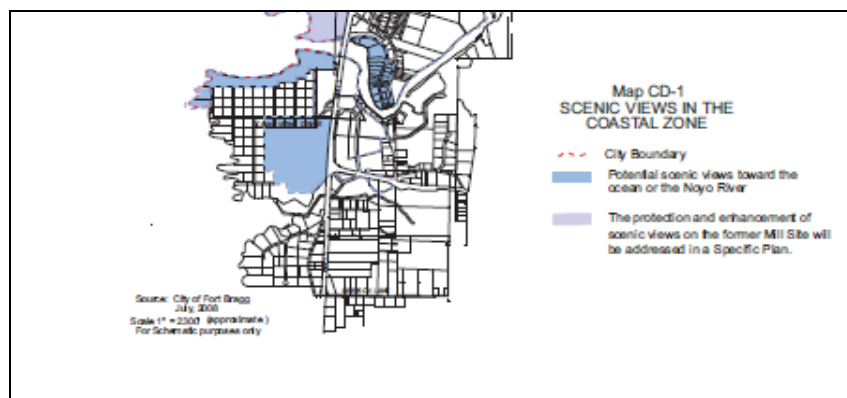
The proposed development is not located in an area subject to tsunami inundation according to maps provided by the California Department of Conservation. According to Federal Emergency Management Agency (FEMA) flood insurance maps, the project site is located outside the 500-year flood plains associated with the Noyo River and Pudding Creek. No flooding concerns are raised relative to the project. Any hazards associated with earthquakes will be addressed by the building permit process under the authority of the California Building Code.

Staff requested comments from the Fire and Police department regarding the proposed project. The project was referred to the Fort Bragg Fire Department and the Fire Marshal did not identify special concerns related to the project. The project will include automatic sprinklers as required by the California Building Code. The project could result in additional calls for service, however the site can be adequately served by existing fire stations and no new facilities are required. The project was also referred to the Fort Bragg Police Department and no specific concerns were identified by the police. The project design includes sufficient lighting to enable effective law enforcement in the evening. The

proposed project may result in an increase in calls for service related to expansion of commercial uses at the site, however it would not result in any increased need for additional police stations.

**Environmentally Sensitive Habitat Areas.** Botanical, biological and wetland surveys were conducted by WRA Environmental Consultants in 2014, as documented in the report Coastal Act Compliance Report. The report analyzed a Study Area that is larger than the project site, and includes approximately 18.5 acres. It notes that portions of the Study Area are currently minimally developed in dirt parking lots and roads; however, no structures exist in the Study Area. Land uses include short-term parking, dog-walking, community events, and recreation. The report indicates that the project has no potential to impact special status plants, fish, wetlands or wildlife, because no special status plants, wetlands, fish or wildlife were found or known to exist in the site, with one exception, the White-Tailed Kite. The kite was not seen on the site, but has a moderate potential to occur within the study area for foraging; however, nesting is unlikely on the site given the habitual disturbances from frequent and intensive use of the site by dogs and people. The project will not, therefore, have significant impacts on any special status plants, wetlands, fish, or wildlife and no mitigation measures are required for sensitive species.

**Visual Analysis.** The proposed development is within a potential scenic view area, as shown on Map CD-1, “Potential Scenic Views Toward the Ocean or the Noyo River” (**Figure 2**). As the proposed project is located within a Scenic Review area, Policy CD-1.3 of the City’s General Plan requires a Visual Analysis of the project as part of the Coastal Development Permit review for this project.



**Figure 2: Potential scenic views toward the ocean or Noyo River**

The applicant’s architect prepared a visual analysis (Attachment 4) for the site which illustrates how the project would impact views to and along Highway 1. In order to approve a Coastal Development Permit (CDP) for a project that is located “along Highway 20 and Highway 1 on sites with views to the ocean” or in an “area designated Potentially Scenic Views Toward the Ocean on Map CD-1” LUDC Code Section 17.50.070 requires the review authority to find that the proposed project:

- 1. Minimize the alteration of natural landforms;**
- 2. Is visually compatible with the character of the surrounding area;**
- 3. Is sited and designed to protect views to and along the ocean and scenic coastal areas;**  
**and**
- 4. Restores and enhances visual quality in visually degraded area, where feasible.**

For a discussion of how the project impacts natural land forms, compatibility with visual character, siting to avoid impacts to ocean views, please see the discussion of this topic under the General Plan policy consistency analysis for Policy CD- 1.1. From that discussion, and as conditioned, these findings can be made.

The discussion below, excerpted from the MND, provides an overview of the visual impact of the project from the public right of way.

**Visual Impacts from Highway 1.** The project will include the removal of eight trees, extensive site grading, and construction of a shopping mall with associated improvements. Views to the ocean are possible only from the top of the hill on Highway 20 (as shown in Photo 4) adjacent to the Hare Creek Nursery. This location is outside of the City Limits.

The project architect prepared photographic renderings of the development to illustrate the visual character of the development, and the visual impacts of the project if it is constructed.



**Figure 1: Photographic Rendering of Project from northbound Highway 1 looking west**



**Figure 2: Photographic Rendering of North Building of Project from southbound Highway 1 looking west**





**Figure 3: Photographic Rendering of South Building of Project from Highway 1 Southbound**

As illustrated by the renderings, the parking lot would be screened from the highway viewshed by trees proposed in the landscaping plan. As trees are slow to grow on the coast, and as many non-native varieties do not do well given the strong coastal winds, staff recommends Special Condition 11 which will ensure that Mitigation Measure 1 below (from the MND) is implemented as part of the project. This will ensure that the applicant selects native coastal trees that will provide effective visual screening of the parking lot.

The eastern face of Building A, which faces Highway 1, has been treated with architectural details such as: a trellis pediment, three trellises, and eleven windows. This architectural detailing would provide a visual reference for people driving along Highway 1. The visual impact of the eastern face of Buildings B & C have been treated with a number of trellises, windows, back doors with store signs, and the stormwater catchment tanks.

**Mitigation Measure 1:** Prior to issuance of the Building Permit, the applicant shall resubmit the landscaping plan, for approval by the Community Development Director, illustrating: 1) nine Shore Pines (or coastal native tree equivalents) along the eastern edge of the proposed parking lot; 2) local coastal trees for the remainder of the landscaping plan; 3) the plant variety proposed for the trellis shown on the eastern edge of the parcel; and 4) types and locations of climbing plants that are appropriate to the coastal environment for all trellises of the project.

Both buildings are located relatively close to the highway, in comparison to other buildings along this corridor, which are set back further from the highway. As shown in Table 7 below, the proposed Hare Creek Center is closer to the highway than many nearby commercial developments.

**Table 7 : Building Distance From Edge of Highway 1**

|                               | Distance (ft) |
|-------------------------------|---------------|
| <b>West Side of Road</b>      |               |
| Cliff House Restaurant        | 10            |
| Fort Bragg Outlet             | 78            |
| Dolphin Inn                   | 70            |
| Mini Golf Building            | 60            |
| <b>East Side of Road</b>      |               |
| Q Restaurant                  | 26            |
| Riverview Professional Office | 228           |
| McDonalds                     | 70            |



|                             |             |
|-----------------------------|-------------|
| Surf Motel                  | 65          |
| Boatyard Shopping Center    | 40          |
| Todd Point U Haul Rental    | 32          |
| <b>Average</b>              | <b>67.9</b> |
| Proposed Hare Creek Project | 36          |

The visual quality of the proposed project is similar in character to the other large format retail shopping center in the immediate vicinity.

Initially, the project applicant proposed to orient the buildings along the highway on a north-south axis. However, staff requested that the buildings be re-oriented on an east-west axis and split into two separate buildings to reduce the visual bulk of the buildings from the public right of way. As proposed at its nearest point to the highway, the project is 15 feet and 9 inches from the public ROW, and the CLUDC requires a minimum setback of 15 feet from arterial streets. As 10 feet of the ROW is not currently developed, Building C is set back from Highway 1 a total of 36 feet at its closest point. A service road is located between Building C and the future sidewalk along Highway 1, leaving no space for landscaping to provide visual treatment of this edge. By comparison, the visual impacts of the adjacent Boatyard Shopping Center are screened both by topography and a variety of trees and shrubs. The MND requires **Mitigation Measure 2** to reduce visual impacts to a less than significant level. Mitigation Measure 2 will be required as part of Special Condition 11.

**Mitigation Measure 2:** Prior to issuance of the Building Permit, the applicant shall revise the Project Site Plan to set back the east face of Building C by an additional 5 feet and shall submit a landscaping plan to include installation of a five foot wide vegetative area along the east face (highway facing) elevation of Building C.

Additionally, the project as originally submitted included rainwater catchment tanks along the highway side of the development. Staff asked that the rainwater catchment tanks be relocated in a less prominent location, and the applicant resubmitted the proposal with new locations for the tanks. As proposed, the rainwater catchment tanks are made of galvanized metal, which can be reflective and visually jarring, and which are likely to succumb fairly quickly to the corrosive powers of the salt mist from the ocean. Therefore, staff recommends that the applicant use a non-metal tank for these cisterns. Furthermore, staff recommended in the MND that the applicant paint a mural on the southernmost tank on the east side of the property and the northernmost tank on the west side of the property in order to reduce the visual impact of these features, as summarized in **Mitigation Measure 3** below.

**Mitigation Measure 3:** The rainwater catchment tank shall be of a non-reflective material in a natural and neutral tone. Prior to approval of the Building Permit, the applicant shall submit the colors for the cisterns and a mural design for the southernmost rainwater catchment tank on the east side of the property and the northernmost rainwater catchment tank on the west side of the property, for review and approval by the Director of Community Development. The mural shall depict a historic, cultural or natural theme related to the Mendocino Coast.

The implementation of **Mitigation Measures 1, 2 and 3** required as part of Special Condition 11 will ensure that the project complies with the general findings for approval of the visual analysis for the Coastal Development Permit.

**Stormwater.** The project will result in a significant increase of impervious surfaces in this undeveloped site, including 29,511 SF of buildings and 65,790 SF of hardscape (parking lot, sidewalks, etc.). The project has been designed so that most of the stormwater that falls to the roof surfaces (29,500 SF) would be captured onsite in water storage tanks for reuse to irrigate site landscaping. The net runoff from the rooftops that will not flow into the water storage tanks is estimated at 296,000 gallons/year out of a total of 637,090 gallons/year. So in total, the stormwater capture cisterns will result in 53% of the stormwater that hits the building footprints being retained

and reused on site for irrigation. Thus Fifty-three percent of the stormwater that falls on the rooftops will be captured and reused for landscaping, which will eventually infiltrate the site or be lost to evapotranspiration (plant sweating). The remaining stormwater will be infiltrated through an off-site infiltration trench of 1,000 ft in length (See sheet G-2 of Attachment 7). The trench will be three feet deep and three feet wide and include an 18 inch perforated drain surrounded by infiltration rock. The trench will be covered with earth. Thus 100% of the stormwater from the site will be infiltrated back into the earth or lost to the air through evapo-transportation from plant photosynthesis. As noted in the MND an easement will need to be recorded on the adjacent parcel for the future home of the infiltration trench per Special Condition 12 below.

**Special Condition 12:** Prior to issuance of a final on the Building Permit, the applicant shall record a ten foot wide easement for the infiltration trench noted on Sheet G-2. Additionally, prior to issuance of the Building Permit the applicant shall resubmit plans for the infiltration trench that clearly illustrate drain rock placed around the HDPR pipe to the top of the pipe to encourage maximum infiltration.

The project plans include trees in the infiltration swale through the middle of the parking lot (Attachment 6, L-1.1). The placement of the trees in this location will interfere with the functioning of the swale as the roots will infiltrate and block the perforated infiltration pipe and the pipe itself may limit the viability of the trees in terms of having sufficient room to grow. Additionally, for the stormwater bio-filtration system and stormwater catchment system to work effectively, a monitoring and maintenance plan should be prepared and implemented as part of the ongoing operation of the facility. Therefore staff recommends Special Condition 13.

**Special Condition 13:** Prior to issuance of the Building Permit the applicant shall submit a revised landscaping plan that illustrates the relocation of the trees in the middle island of the parking lot to the islands on either end of the easternmost rows of parking in the parking lot. Prior to issuance of the Building Permit the applicant shall submit a stormwater management monitoring and maintenance program, for review and approval by the Director of Public Works, that specifically indicates how the stormwater catchment overflow system will function and how the overall stormwater management, infiltration and bio-filtration components of the system will be monitored and maintained. Ongoing monitoring and maintenance shall occur as described and approved in the plan.

Additionally, as this project includes grading of a site of more than one acre the applicant is required to obtain a Construction General Permit from the Regional Water Quality Control Board (RWQCB). Staff recommends Special Condition 14.

**Special Condition 14:** Prior to issuance of the Grading Permit that applicant shall obtain a Construction General Permit from the Regional Water Quality Control Board (RWQCB) for the project.

## DESIGN REVIEW ANALYSIS

Coastal LUDC section 17.22.060E provides the following specific regulations regarding formula design:

- E. **Formula design prohibited.** The architectural style and exterior finish materials of each proposed structure shall be designed based upon the architectural traditions of Fort Bragg and Mendocino County, and the architectural styles prevalent in the site vicinity. A building proposed with architectural features substantially similar to those found in other communities on buildings occupied by the same corporate or franchise entity that will occupy the proposed building shall not be approved.

The proposed project does not include a formula design for Grocery Outlet in terms of the architectural design of detailing of Building A; see Attachment 4 and 5 and Figure 4. Grocery Outlet does not appear to have a formula design for the exterior of their stores. Thus the project complies with Section 17.22.060E.



Hare Creek - SE

**Figure 4: Elevation of Grocery Outlet**

All projects that receive Design Review approval from the Planning Commission must be found to be consistent with the **Project Review Criteria** of Section 17.71.050E as listed below.

**1. Complies with the purpose and requirements of this Section.**

Purpose: Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community.

This finding can be made as this proposed Hare Creek Center is relatively small with the same total square feet as the Franklin Street strip shopping area. It is much smaller in size than the Boatyard Shopping Center or the Safeway grocery store. As these projects were approved in the past and found to be consistent with the small-town, coastal, historic and rural character of Fort Bragg, it would be consistent to determine that this small shopping center is also consistent with these values and descriptors. Additionally, the project design includes many sustainability features (solar power, stormwater catchment for reuse and aquifer recharge, green walls, use of daylighting, native plants, etc.) which reflect our rural character. The use of the water catchment systems for murals that depict Fort Bragg's cultural, natural and historic traditions (see Mitigation Measure 3 of the MND) is are consistent with the purpose of design review.

**2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.**

Please see discussion above and the discussion for conformance with Policy LU-4.1 regarding the projects compatibility in terms of scale and massing with the surroundings and the community.

To determine the appropriateness of the design Staff analyzed the projects conformance with Chapter 2.56 of the Citywide Design Guidelines. Table 8 below analyzes the project's conformance with the required design guidelines.

**Table 8: Conformance with Large Scale Retail Design Guidelines (Chapter 2.56)**

| Large Scale Retail Design Guidelines                                                                                                                                                                                                                                                                         | Proposed Project Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Conformance with Guideline         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>Site Planning</b>                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |
| Large commercial sites should be separated from residential properties by public or private streets, landscaped buffers, and decorative masonry walls                                                                                                                                                        | The proposed project is located within the General Commercial zone. An approximately 100 feet strip of land is zoned General Commercial between the proposed project and the Very High Density Residential zoning to the south. Thus the project will be separated from future residential development by an intervening future commercial development. The site is separated from undeveloped residential property to the west by 15 feet of landscaping and a public street. | Yes                                |
| Parking areas are strongly discouraged in the front of the building. Surface parking lots or any ground-floor parking should be wrapped with either active building space or screened with art, landscaping, etc. to provide a buffer between the sidewalk and vehicles while still allowing for visibility. | The project parking area is wrapped with active building space on three sides and with art (murals on the water catchment tanks) and landscaping that provides a buffer between the sidewalk and vehicles. However the north east corner of the site should be planted with at least two or three trees to further buffer the visual impact of the project.                                                                                                                    | Yes, with Special Condition below. |
| Parking areas should provide landscaped pedestrian walkways.                                                                                                                                                                                                                                                 | The project provides a landscaped walkway through the center of the parking lot, which is connected to the building entrances with sidewalks. However, the project should provide sidewalk connections to the required multiuse trail located to the east of the site. The project should also include a sidewalk connection between the island adjacent to the RV parking and the Building C pedestrian walkways.                                                             | No, see Special Condition below    |
| To reduce the visual impact of large paved areas, parking lots should be broken up into smaller areas separated by landscaping and drive aisles.                                                                                                                                                             | The parking lot has been separated into 5 smaller areas that are separated from each other by either landscaping or drive isles.                                                                                                                                                                                                                                                                                                                                               | Yes.                               |
| The number of entrances and exits should be designed and located to avoid interference with traffic flow along adjacent streets.                                                                                                                                                                             | The project includes two entrances which will not interfere with traffic flow.                                                                                                                                                                                                                                                                                                                                                                                                 | Yes                                |
| Storage areas, trash enclosures, fuel tanks, and loading facilities should be limited in number and should be designed, located, and screened to minimize their visibility from outside public areas, surrounding streets, freeways, and freeway on/off ramps.                                               | As conditioned the project includes adequate screening of all such improvements. Additionally, these improvements have been designed and located to minimize visibility from the public right of ways.                                                                                                                                                                                                                                                                         | Yes                                |
| Loading areas should be located and screened to minimize public view. Landscaping should be used to reduce the impact of screen walls.                                                                                                                                                                       | As conditioned the project includes adequate screening of loading zones.                                                                                                                                                                                                                                                                                                                                                                                                       | Yes                                |
| <b>Architectural Design</b>                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |
| A variety of rooftops are encouraged. Distinct and interesting rooflines instead of flat roofed structures are encouraged, including towers, turrets, and cupolas. A substantial cornice should be used at the top of a parapet wall or roof curb, providing a distinctive cap to the building facade.       | The project roof design includes a parapet wall, parapet peaks at entrances, skylights, and covered pediments. The project includes a cornice on the parapet wall.                                                                                                                                                                                                                                                                                                             | Yes                                |
| The building should be designed with an identifiable                                                                                                                                                                                                                                                         | The project design does not include an                                                                                                                                                                                                                                                                                                                                                                                                                                         | No, please see Special             |

|                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                   |                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| base, extending 3 to 5 feet up from the finished grade. The base material should be highly resistant to damage, defacing, and general wear and tear. Stucco should not be utilized as a base material. Pre-cast decorative concrete, stone masonry, brick and commercial grade ceramic tile are examples of acceptable base materials. | identifiable base extending 3 feet up from the finished grade.                                                                                                    | Condition below. |
| Retail buildings that include shops along the exterior of the building ("liner shops") with entrances from the exterior of the building are desirable in order to create a more human scale and pedestrian-oriented character.                                                                                                         | The project's Building C includes four exterior shops that have exterior entrances on both the west and east elevation of the building.                           | Yes              |
| Building walls should incorporate substantial articulation and changes in plane. Exterior wall treatments such as arcades, porticos, insets, and colonnades should be used to mitigate the flat, windowless appearance of the typical warehouse retail building.                                                                       | The building walls include a covered walkway, trellises and green walls though out the project which provide sufficient articulation and exterior wall treatment. | Yes              |
| Outdoor sales and storage areas should be screened to blend with the architecture of the main building. The height of the screening elements should be tall enough to screen all stored materials.                                                                                                                                     | The proposed project does not include outdoor sales or storage areas, other than trash/recyclable, and propane tanks which are all adequately screened.           | Yes              |

The project will comply with Design Review guidelines with the addition of Special Condition 15.

**Special Condition 15:** Prior to issuance of the building permit the applicant shall resubmit project site plans and elevations for approval by the Community Development Director that illustrate: 1) at least two additional trees in the landscaping plan on the north east corner of the parcel; 2) sidewalk connections to the required multiuse trail from Building A and C; 3) a sidewalk connection between the island adjacent to the RV parking and the Building C pedestrian walkway; and 4) an identifiable base, extending 3 to 5 feet up from the finished grade that is highly resistant to damage, defacing, and general wear and tear and composed of either pre-cast decorative concrete, stone masonry, brick, commercial grade ceramic tile or equivalent approved by the Community Development Director.

Alternatively, the revised design could be brought back to the Planning Commission for its future consideration.

**3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.**

As conditioned the project provides attractive site layout and design.

**4. Provides efficient and safe public access, circulation, and parking.**

As conditioned the project provides safe and efficient access, circulation and parking.

**5. Provides appropriate open space and landscaping, including the use of water efficient landscaping.**

As conditioned the project provides appropriate open space, landscaping and use of water efficient landscaping. As noted previously in this report, the proposed stormwater catchment system will store sufficient water to irrigate the proposed landscaping elements.

**6. Is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone.**

As conditioned, and as noted previously in this report, the project conforms with all policies and programs of the Coastal General Plan and the Certified LCP, except that the Planning Commission must interpret Policy LU 4.1 to determine if the project conforms with this policy.

**7. Complies and is consistent with the City's Design Guidelines.**

As conditioned the project complies with the City's Design Guidelines. Please see Table 8 above for the complete analysis of the conformance with the City's Design Guidelines.

**LOT LINE ADJUSTMENT ANALYSIS**

Section 17.84.040 requires that lot line adjustments comply with Section 66412(d) of the Map Act.

(d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. A local agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act.

The CLUDC requires a minimum lot size of 5,000 SF and a minimum width of 50 feet in the CH zoning district. After the Lot Line Adjustment, the proposed lots would exceed these minimum requirements. Additionally the Lot Line Adjustment would not result in any new nonconforming setbacks on either parcel. Special Condition 16 has been added to ensure that the LLA does not conflict with anyone's property rights.

**Special Condition 16:** Prior to issuance of the Coastal Development Permit, the applicant shall record a deed, eliminating the lot line between parcels 018-120-49 and 018-120-48. 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 effected by the LLA shall be notified of the proposed LLA and concur with the LLA in writing to the City of Fort Bragg.

**Public Improvements.**

Section 17.30.090 of the Coastal Land Use and Development Code requires construction of improvements to each public street frontage of the site. Improvements including sidewalk, curb and gutter, and payment of drainage fees are warranted for the undeveloped parcel where new parking and loading are proposed. Installation of drainage facilities may be warranted as determined by the City Engineer, in reviewing grading plans.

As shown on the site plan, a new road, sidewalk with curb and gutter are proposed along the subject property. The new curb, gutter and sidewalk will need to be developed to City standards and will be reviewed by the City Engineer as a part of the grading permit process.

Special Condition 17 is recommended to require payment of drainage fees at the current rate at time of payment, and installation of public improvements, streets, curb, gutter and sidewalk improvements, prior to issuance of the building permit.

**Special Condition 17:** Prior to issuance of the building permit for structural improvements, and prior to occupancy of the building, the applicant shall pay drainage fees at the current rate at time of payment, and shall obtain a grading permit for curb, gutter, sidewalk, driveway, loading zone, and parking lot improvements as applicable, and shall construct such improvements to the satisfaction of the City Engineer.

**Environmental Determination.** The project was analyzed in a Mitigated Negative Declaration pursuant to the CEQA. The MND identified the following mitigation measures which shall be implemented under Special Condition 11.

Special Condition 11: The applicant shall implement all Mitigation Measures identified in the MND for this project as required by CEQA.

Mitigation Measure 1: Prior to issuance of the Building Permit, the applicant shall resubmit the landscaping plan, for approval by the Community Development Director, illustrating: 1) nine Shore Pines (or coastal native tree equivalents) along the eastern edge of the proposed parking lot; 2) local coastal trees for the remainder of the landscaping plan; 3) the plant variety proposed for the trellis shown on the eastern edge of the parcel; and 4) types and locations of climbing plants that are appropriate to the coastal environment for all trellises of the project.

Mitigation Measure 2: Prior to issuance of the Building Permit, the applicant shall revise the Project Site Plan to set back the east face of Building C by an additional 5 feet and shall submit a landscaping plan to include installation of a five foot wide vegetative area along the east face (highway facing) elevation of Building C.

Mitigation Measure 3: The rainwater catchment tank shall be of a non-reflective material in a natural and neutral tone. Prior to approval of the Building Permit, the applicant shall submit the colors for the cisterns and a mural design for the southernmost rainwater catchment tank on the east side of the property and the northernmost rainwater catchment tank on the west side of the property, for review and approval by the Director of Community Development. The mural shall depict a historic, cultural or natural theme related to the Mendocino Coast.

Mitigation Measure 4: In order to minimize dust and keep dust from leaving the project site, a dust prevention and control plan shall be submitted for approval by the City Engineer in conjunction with the Storm Water Pollution Prevention Plan (SWPPP). The dust prevention and control plan shall demonstrate that the discharge of dust from the construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall include the following information and provisions:

1. The plan shall address site conditions during construction operations, after normal working hours, and during various phases of construction.
2. The plan shall include the name and the 24 hour phone number of a responsible party in case of emergency.
3. If the importing or exporting of dirt is necessary as demonstrated by the cut and fill quantities on the grading plan, the plan shall also include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.
4. When an entire project is to be graded and the subsequent construction on the site is to be completed in phases, the portion of the site not under construction shall be treated with dust preventive substance or plant materials and an irrigation system.
5. Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.
6. The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized.
7. All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions. Dust emissions shall be controlled by watering a minimum of two times each day, paving or other treatment of permanent on-site roads and construction roads, the covering of trucks carrying loads with dust content, and/or other dust-preventive measures (e.g., hydroseeding, etc.).

8. All unpaved surfaces shall have a posted speed limit of 10 miles per hour.
9. Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.
10. Water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to airborne dusts.
11. All earthmoving activities shall cease when sustained winds exceed 20 miles per hour.
12. The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.

Mitigation Measure 5: Minimize Potential Disturbance of Breeding Birds through the following techniques:

1. Work Windows. Conduct as much ground disturbance and vegetation (tree and shrub) removal as is feasible between September 1 and January 15, outside of the breeding season for most bird species.
2. Preconstruction Surveys. If ground disturbance or removal of vegetation occurs between January 16 and August 31, preconstruction surveys will be performed prior to such disturbance to determine the presence and location of nesting bird species.
3. Buffers. If nests are present, establishment of temporary protective breeding season buffers will avoid direct mortality of these birds. The appropriate buffer distance is species specific and will be determined by a qualified biologist as appropriate to prevent nest abandonment and direct mortality during construction.

Mitigation Measure 6: A Native American monitor shall be present during all ground disturbing activities. Additionally the project applicant shall provide five day notice to the Sherwood Valley Band of Pomo Indians in advance of ground disturbing activities on the site so the SVBP can schedule a Native American monitor for the site. If any cultural resources are discovered during construction activities the applicant shall follow state and local laws requiring that the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department immediately of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with the Sherwood Valley Band of Pomo.

Mitigation Measure 7: If human remains are identified during project construction that applicant shall follow the following procedures. All development shall cease immediately and shall not commence until so directed by the Community Development Director. The Director and county coroner shall be notified immediately. The applicant shall follow the procedure defined in 17.50.030E of the Coastal Land Use and Development Code.

Mitigation Measure 8: The recommendations of the Krazen & Associates geotechnical report shall be followed for site grading, compaction and preparation of engineered fill.

Mitigation Measure 9: The Applicant shall secure all necessary permits for the proposed development from City and State agencies having jurisdiction, including a Grading Permit, NPDES Permit, Building Permit and others as required.

Mitigation Measure 10: Prior to issuance of the Building Permit, the applicant shall submit a Storm Water Pollution Prevention Plan for review and approval by the Community Development Director, that shall include measures for prevention of gasoline, oil and lubricant spills, and an action plan for clean-up of any accidental fluids or other contaminants spilled or encountered during conversion and construction activities.

Mitigation Measure 11: During construction the areas slated for bioswales will be protected from excessive grading and compaction with construction fencing. The efficacy of the bioswales will be demonstrated prior to final of the building permit, by testing the permeability of the soil with a perc test. Once the Hare Creek Center is operational, the bioswales will be inspected for clogging at least monthly. If clogging is identified it shall be addressed immediately to ensure the effective operation of this stormwater system.

Mitigation Measure 12: The project landscaping plan shall not include any species of broom, pampas grass, gorse, or other species of invasive non-native plants, such as Monterey Cypress deemed



undesirable by the City or other regulatory agency. Nor will the applicant plant any of these invasive plants on the property now or in the future.

Mitigation Measure 13: Grading and earthwork activity shall be limited to the hours of 8:00am to 5:00pm Monday through Friday.

Mitigation Measure 14: Shopping Carts at the Hare Creek Center shall include lock out technology so that the carts cannot be removed from the parking lot.

Mitigation Measure 15: Prior to issuance of the Building Permit, the applicant shall submit plans to the Director of Public Works for review and approval for: 1) widening the eastbound approach of Ocean View Drive (at Highway 1 and Ocean View Drive); 2) adding a right turn only lane, and; 3) completing related relocation/redesign of sidewalks and signals. The right turn only lane shall be of a length, determined by the Director of Public Works, to ensure effective queuing of traffic prior to turn movements. Prior to the final approval of the Building Permit, the Director of Public Works shall confirm that the plans for widening Ocean View Drive and adding the right turn only lane and relocating sidewalks and other infrastructure have been completed as approved by the Director of Public Works.

Mitigation Measure 16: Prior to approval of the Building Permit, the applicant shall submit a new site plan to the Community Development Director illustrating the addition of two fire hydrants: one to be located between Building A and Bayview Drive and the other hydrant located between Building B and Bayview Drive.

Mitigation Measure 17: Prior to issuance of the Building Permit, the applicant shall submit a new site plan to the Community Development Director illustrating the sidewalk improvements along Highway 1 as part of this project. The sidewalk improvements will conform with the requirements of the South Fort Bragg Pedestrian Access Plan, which include a sidewalk of at least 6 feet in width with a 5 foot landscaped buffer between the sidewalk and the Highway 1 right of way.

Mitigation Measure 18: Prior to issuance of the building permit, the applicant shall pay all capacity charges associated with the project.

Mitigation Measure 19: Prior to issuance of a final on the Building permit, the applicant shall record an easement for the infiltration trench.

Mitigation Measure 20: Prior to approval of the Building Permit, the City of Fort Bragg shall prepare a study at the applicant's expense which will determine the fair share cost to upgrade the four culverts and outfall and to re-grade the drainage ditch along Ocean View Drive if needed to accommodate additional stormwater from the site. Prior to the approval of the Building Permit, the applicant will either pay the City for the applicant's proportional share of the cost for the improvements or install the improvements.

Mitigation Measure 21: Prior to issuance of the Building Permit, the applicant shall submit a revised site plan to the Community Development Director illustrating a recycling enclosure for segregation of green and food waste (compostable materials) for both the restaurant and the grocery store.

The California Department of Fish and Wildlife (CDFW) submitted a comment letter regarding the MND, see Attachment 13. Staff has prepared a response to the comment letter (Attachment 14) and recommends that no additional mitigation measures are required for the project.

## **PLANNING COMMISSION ACTION**

1. Hold a hearing on the DR 3-14, USP 4-14, CDP 4-14, LLA 3-14, close the hearing, deliberate, and consider adopting a Resolution approving the Mitigated Negative Declaration (Attachment 12) and a Resolution approving the Hare Creek Center permits (Attachment 13) at this Planning Commission meeting.

## **ALTERNATIVE ACTION**

2. Hold a hearing, close the hearing, deliberate without a decision, provide direction to staff and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
3. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain the Commission may then deliberate and make a decision.

## **RECOMMENDATION**

Staff recommends approval of **Design Review 4-14 (DR 4-14), Use Permit 5-14 (USP 5-14) and Coastal Development Permit 5-14 (CDP 4-14) and Lot Line Adjustment 2-14 (LLA 2-14)** for the project based on the analysis of this staff report and subject to all the recommended Special and Standard Conditions and Mitigation Measures.

## **ATTACHMENTS**

1. Site Location Map
2. Site Photos
3. Site Plans & Floor Plans
4. Project Renderings & Visual Analysis
5. Project Elevations
6. Landscaping Plan & Plant List
7. Grading Plan
8. Mitigated Negative Declaration & MND Attachments
  1. Attachment 1-Project Plans
  2. Attachment 2-WRA, Coastal Act Compliance Report for Hare Creek Center, March, 2014
  3. Attachment 3 -Urbemis, Combined Annual Emissions Report, July 30, 2014
  4. Attachment 4 -Nolan Associates, Groundwater Recharge and Water Balance Evaluation, August 23, 1995
  5. Attachment 5 - Angela Liebenberg, email, July 31, 2014
  6. Attachment 6 - GHD, Hare Creek Commercial Center Project Traffic Impact Study Report, March 2014
  7. Attachment 7 -KASL Consulting Engineers. Water Model Study for 1250 Del Mar Drive Proposed Retail Shopping Center, Oct 2014
9. Lighting Plan
10. Project Colors and Materials
11. Project Storm Water Treatment Plans
12. Resolution for Adoption of Hare Creek Center MND
13. Resolution for Approval of DR 4-14, USP 5-14, CDP 4-14 and LLA 2-14
14. January 20th Letter from the California Department of Fish and Wildlife
15. January 23<sup>rd</sup> Letter from the City of Fort Bragg in Response to the CDFW letter
16. Mitigation Monitoring and Reporting Plan