

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
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# W11b

**A-1-FTB-23-0021 (Best Development Grocery Outlet)****September 6, 2023****EXHIBITS**

<b>Exhibit 1</b> - Project Vicinity and Location Maps.....	2
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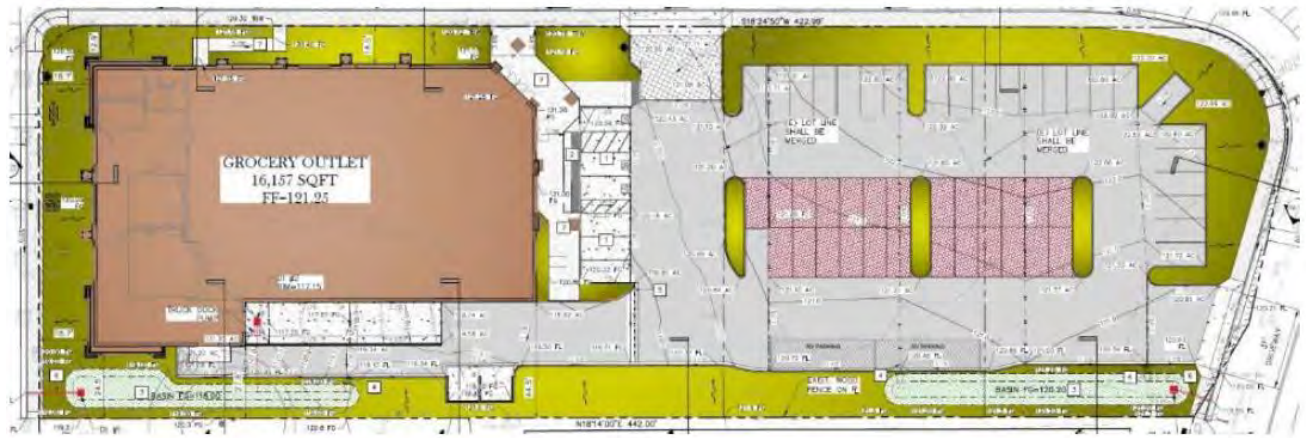
**Legend**

Project Boundary

**FORT BRAGG BEST DEVELOPMENT  
GROCERY OUTLET PROJECT**

Figure 3. Aerial View of Project Site





EXISTING



PROPOSED



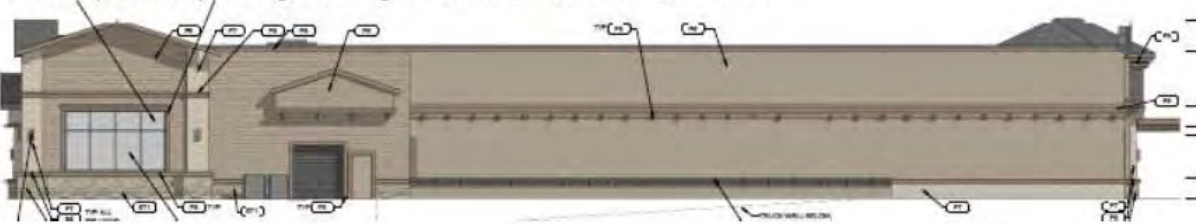
S. Franklin Street Elevation:



South Street Elevation:



Backside (Internal) facing fence/gas station/Taco Bell Elevation:



N. Harbor Drive Elevation:



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**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: North Coast

Appeal Number: A-1-FTB-23-0021

Date Filed: June 22 2023

Appellant Name(s): Fort Bragg Local Business Matters, Mary Rose Kaczorowski,  
Leslie Kashiwada, Lee and Mitzi Rider

**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is [NorthCoast@coastal.ca.gov](mailto:NorthCoast@coastal.ca.gov). An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).



**Appeal of local CDP decision**  
**Page 2**

**1. Appellant information<sup>1</sup>**

Name: SEE ATTACHMENT - APPELLANT INFORMATION

Mailing address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

How did you participate in the local CDP application and decision-making process?

☐ Did not participate    ☒ Submitted comment    ☒ Testified at hearing    ☐ Other

Describe: All Appellants commented both orally and in writing before the Ft Bragg  
Planning Commission and City Council in opposition to the Project and its EIR. Their  
comments and those of others explainted that the Project was inconsistent with the  
Ft Bragg LCP and interfered with Coastal access. See Grounds For Appeal, attached.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The Project was heard by both the Ft Bragg Planning Commission and the  
City Council, given that the approvals included a Coastal Development Permit.  
Appellants appeared at both hearings, submitting both oral and written comment.  
\_\_\_\_\_

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and information. Please attach additional sheets as necessary.

### **APPELLANT INFORMATION**

Appeal of City of Fort Bragg Local Coastal Permit No. 2-22  
Proposed Grocery Outlet Supermarket  
825 845, 851 South Franklin Street, Fort Bragg

Fort Bragg Local Business Matters  
Mary Rose Kaczorowski  
P.O. Box 1684  
Fort Bragg, CA 95437  
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[mrkaczorowski@gmail.com](mailto:mrkaczorowski@gmail.com)

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(707) 964-7653  
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Lee and Mitzi Rider  
27811 North Hway 1  
Fort Bragg, CA 95437  
[ridermitzi@comcast.net](mailto:ridermitzi@comcast.net)



**Appeal of local CDP decision**  
**Page 3**

**2. Local CDP decision being appealed<sup>2</sup>**

Local government name: City of Fort Bragg  
Local government approval body: Fort Bragg City Council  
Local government CDP application number: LCP 2-22  
Local government CDP decision: ☒ CDP approval ☐ CDP denial<sup>3</sup>  
Date of local government CDP decision: June 5, 2023

Please identify the location and description of the development that was approved or denied by the local government.

Describe: COASTAL DEVELOPMENT PERMIT 2-22 (CDP 2-22), DESIGN REVIEW 7-22 (DR 7-22) AND  
PARCEL MERGER 1-2022 (MGR 1-22) FOR 16,157 SQ FT GROCERY OUTLET SUPERMARKET  
AND 54-SPACE PARKING LOT AT 825 845, 851 SOUTH FRANKLIN STREET IN FORT BRAGG.

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submission of an appeal. Please see the [appeal information sheet](#) for more information.

**Appeal of local CDP decision**  
**Page 4**

**3. Applicant information**

Applicant name(s):

BEST DEVELOPMENT GROUP, LLC

2580 SIERRA BLVD #E

Applicant Address:

SACRAMENTO, CA 95825

**4. Grounds for this appeal<sup>4</sup>**

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe:

PLEASE SEE ATTACHED SEPARATE SHEET  
DESCRIBING GROUNDS FOR APPEAL

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

## Appeal of local CDP decision

Page 5

### 5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so



Interested persons identified and provided on a separate attached sheet

### 6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name

Mary Rose Kaczorowski, Leslie Kashiwada, Mitzi Rider, Lee Rider

Mary Rose Kaczorowski

Leslie Kashiwada

Mitzi Rider

Lee Rider

Signature

Date of Signature

6/21/2023

### 7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.



I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

• If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

• If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



**CALIFORNIA COASTAL COMMISSION**

855 MARKET STREET, SUITE 300  
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**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name: Mary Rose Kaczorowski, FDLBM, Leslie Kuchwida, MTS Rider, Leo Rider

CDP Application or Appeal Number Fort Bragg LCP 2-22

**Lead Representative**

Name Mark R. Wolfe, M. R. Wolfe & Associates, PC

Title Attorney

Street Address 580 California Street, Suite 1200

City San Francisco

State, Zip CA

Email Address 04104

Daytime Phone 415-380-6400

Your Signature \_\_\_\_\_

Date of Signature 6/31/2023

## GROUNDNS FOR APPEAL

Appeal of City of Fort Bragg Local Coastal Permit No. 2-22

Proposed Grocery Outlet Supermarket

825 845, 851 South Franklin Street, Fort Bragg

The grounds for appeal of the decision by the City of Fort Bragg to certify a Final EIR and approve a Development Permit for the Grocery Outlet Project is based on our contention that this decision is not in conformity with the City's own Coastal General Plan Mission and Vision and Local Coastal Program policies. The mission of the City of Fort Bragg 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." In addition, this Grocery Outlet project does not embrace the public access policies or Smart Growth principles of the California Coastal Commission or vision and goals of the California Coastal Act.

The City of Fort Bragg's decision to approve the Final EIR and Development Permit for the Grocery Outlet Project has not adequately addressed many issues of concern, and has not applied appropriate conditions to this project permit.

The Local Coastal Program (LCP) was adopted by the Fort Bragg City Council in May 2008, and certified by the California Coastal Commission in August 2008. The Local Coastal Program consists of the Coastal General Plan (Land Use Plan), and the Coastal Land Use and Development Code (Implementation Plan), also known as Title 17 of the [Fort Bragg Municipal Code](#). In addition, even though the California Coastal Commission certified The City of Fort Bragg Coastal General Plan, provisions were not included in the adopted LCP that address some of the issues raised herein or sustain public benefit as addressed.

We are appealing this project decision to the California Coastal Commission based on issues specifically outlined and identified in this appeal (see Appendix A). In addition, we wish to point out how this Grocery Outlet project --as it stands-- fails to meet the California Coastal Commission and State of California goals of Green House Gas Emissions reduction targets and the Coastal Commission's own Smart Growth Principles.

This project is a major change of use and replaces the former County of Mendocino Social Services Building on the edge of town with a high-traffic, high-impact retail operation. This project does not support the City of Fort Bragg's own self-defined efforts to preserve and strengthen the vitality of commerce in its central business district. For instance, the Fort Bragg City Council recently rejected a formula business, Auto Zone. The proposed location of this project on the west side of Highway 1, impacted view sheds, and was a major concern. More relevant to the Grocery Outlet project, the other key reason was that this commercial establishment would detract from the overall economic and cultural vitality of the City per recommendation by the Planning Commission, as it would compete with the other auto parts supply shops already established in the City. We contend that the Grocery Outlet similarly impacts existing businesses. However, that is not the primary focus of this appeal.

The Final EIR is flawed and biased and does not, even with the numerous special conditions, adequately address Traffic, Safety and Pollution. Per the California Coastal Act Section 3000.15 see (c) this project does not maximize public access to and along the coast. Increased traffic will

## **GROUND'S FOR APPEAL**

Appeal of City of Fort Bragg Local Coastal Permit No. 2-22

Proposed Grocery Outlet Supermarket

825 845, 851 South Franklin Street, Fort Bragg

impact the already substantial existing traffic on North Harbor Drive going down to Noyo Harbor and along the Noyo River. There is a long-standing pathway behind the Harbor Lite Lodge, which allows pedestrians to access the harbor and Noyo Beach. The vacant lot to the north of the Harbor Lite Lodge, which has been used by the public for decades, would be converted into a customer-use-only parking lot for the Grocery Outlet. The proposed special condition to add 2 visitor-serving parking spaces to the parking lot was refused by the developers. In addition, the increased traffic will make crossing North Harbor Drive to access the pathway even more treacherous for pedestrians.

This Grocery Outlet project does not promote public safety, health and welfare. The sidewalks across the street from the Grocery Outlet on Franklin Street and on North Harbor Drive are not continuous and connected and, with the increase in traffic that the Grocery Outlet will bring, will further amp up an already existing safety hazard for walking and bicycling on these streets. In particular, there will be increased danger to elderly and differently-abled people using canes, wheelchairs, motorized transport chairs, and walkers. Traffic lights, signals or flashing warning lights at critical intersections impacted by this project (i.e., the intersection of South Franklin Street at both South Street and North Harbor Drive) were not adequately addressed or analyzed, and were not a required condition for this project.

The east side of South Franklin Street will be used for in-and-out parking, not just by patrons, but also by big rigs, and other service and recreational vehicles that currently park in the existing vacant lot. This issue falls under the California Coastal Commission protecting quality of life, which is addressed by the Environmental Justice and Fair Treatment goals regarding “people of all races and cultures and incomes” who rely on walking and bicycling.

This Grocery Outlet project is not in alignment with the Coastal Commission’s and Coastal Act Smart Growth principles. Under these Smart Growth principles this Grocery Outlet project does not encourage affordable housing. It adds miles traveled rather than less and Greenhouse Gas emissions will increase with added traffic that includes delivery vehicles, including big rigs and other trucks, and vehicles driven by employees, and patrons. This additional traffic will add pollution emissions to this neighborhood. Local government per CCC must look at CEQA Greenhouse Gas Emissions at the local level and in analyzing that data must ground-truth that data. Vehicle miles traveled do not account for heavy emissions from big rigs, pickup trucks, delivery trucks and vans that mostly use diesel fuel.

Traffic bottlenecks were not adequately addressed. The traffic study as presented is old and the data were collected over a single three-day time period in late July 2019. Additional analysis of the same data does not account for newly added traffic over and above the addition of the 69-Unit DANCO Plateau housing project (which was only modeled), with added medical services per Adventists Health Mendocino Coast and Mendocino Coast Clinic, a newly opened Crisis Respite Center (517 Cypress Street) and Parent & Friends additional build out on Cypress Street.



## GROUNDINGS FOR APPEAL

Appeal of City of Fort Bragg Local Coastal Permit No. 2-22

Proposed Grocery Outlet Supermarket

825 845, 851 South Franklin Street, Fort Bragg

This project will add to the already high traffic in the area and, as previously mentioned, generate hundreds of new vehicle and delivery truck trips per day along South Main Street, South Franklin Street, North Harbor Drive, South Street, Cypress Street and River Drive. These streets are also the entryways to busy motels, restaurants, several gas stations, auto repair shops, Parents and Friends buildings, Mendocino Coast Pharmacy, Adventist Health Mendocino Coast Hospital's Emergency Room & several hospital outpatient facilities, several Mendocino Coast Clinic facilities, Mendocino County Social Services, Mendocino Superior Court Ten Mile Branch, Fort Bragg Police Station, Mendocino Sports Club, various dental and physical therapy offices, other medical offices along the 510 Cypress St. Medical complex, Crisis Respite Center (517 Cypress Street) and nine (9) existing townhouse and apartment complexes including several apartment and housing complexes serving seniors.

This Grocery Outlet will be built and owned by an outside corporation. Despite the claims that the business will be run by local owners, the building will be owned by the corporation and its policies will influence decisions about staffing, employment conditions, and product availability. It will not foster a business climate that sustains and nourishes the growth and expansion of local businesses and cottage industries.

This site could be used for existing motel and recreational parking and could have been adapted for service worker housing or another motel or hotel accommodation serving visitors. Our own City of Fort Bragg Mayor, Bernie Norvell, stated that motels that were recently for sale should not be purchased to house the houseless: "Norvell says the city needs more motel rooms, not fewer, and would be hit hard by the loss of sales tax monies due to Home Key." Read more at: <https://mendovoice.com/2023/03/coast-lodging-properties-are-hot-newsoms-homekey-not-in-fort-bragg/>

We want to point out that existing development uses, and future development have not been carefully planned and developed—(See Section 3001 (c) & (d) of the California Coastal Act) as this project's impacts ignore and erode long-existing access to harbor/river. Adverse impacts from this project may result from development where zoning regulations alone may not adequately protect Coastal Resources or Access as mentioned in Section 30502 of the California Coastal Act.

California Coastal Act Section 30711 #2 discusses the Port Master Plan. This Grocery Outlet development will and can impact commercial traffic going down North Harbor Drive. North Harbor Drive serves a working harbor where commercial boats dock, load equipment, unload and process their catch, and load trucks that transport their product to market. There are also visitor-service facilities, kayaking, tourist fishing and whale watching excursion businesses, and other tourist attractions, cafes and restaurants, and access to beach parking (U.S. Coast Guard facility is accessed from South Harbor Drive).

In addition to the above traffic impacts, this Grocery Outlet project does not maximize public access to and along the coast nor maximize public recreational access to and along the coast. The

## GROUNDNS FOR APPEAL

Appeal of City of Fort Bragg Local Coastal Permit No. 2-22

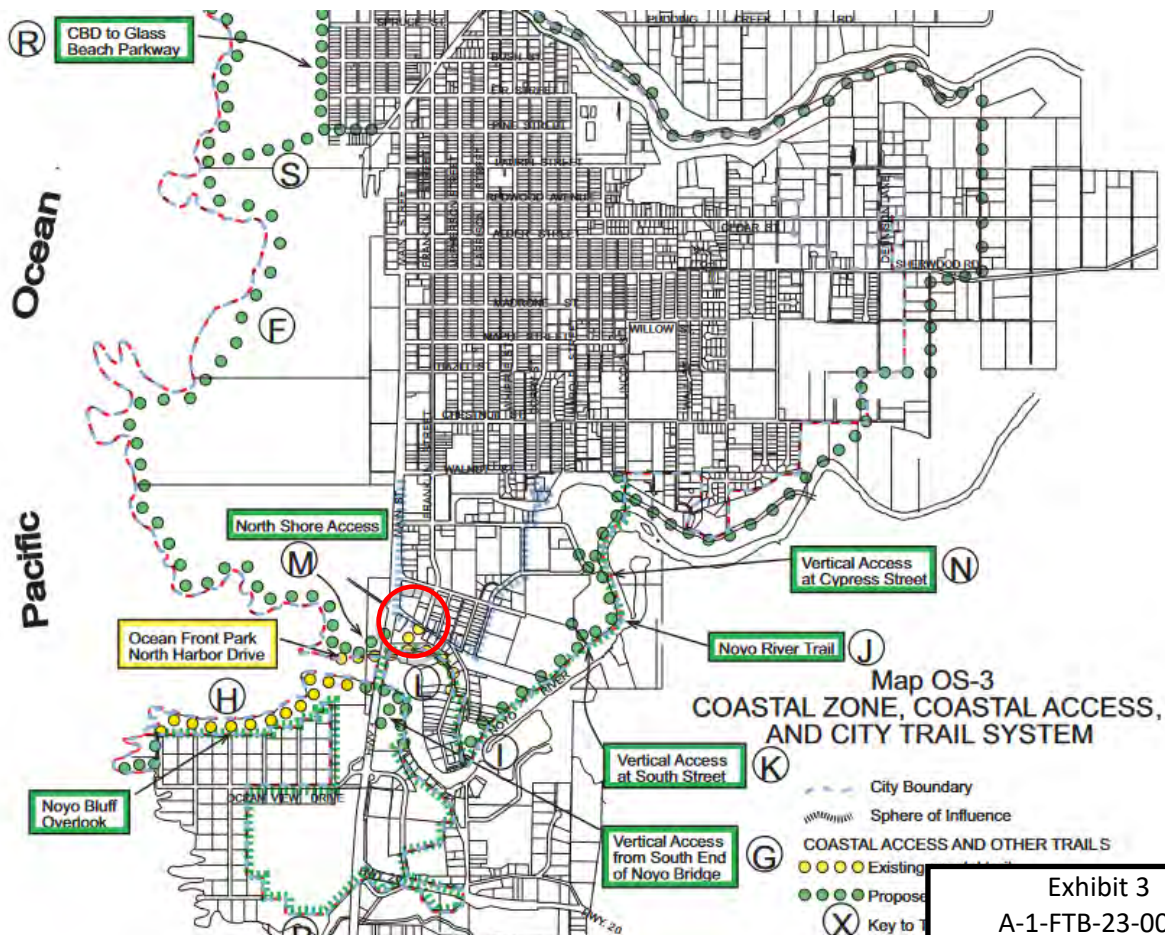
Proposed Grocery Outlet Supermarket

825 845, 851 South Franklin Street, Fort Bragg

City of Fort Bragg Coastal General Plan Element 4 Section OS-16.4 and Coastal access Routes Map OS.3 (below) shows the North Harbor Access post lateral trail down to Noyo Harbor by the Harbor Lite Lodge. The informal parking lot as noted in this appeal appears to be serving this access and will be lost once the project is built (general area circled in red).

The City of Fort Bragg General Plan Element Policy OS-16.4 New Development: Requires public access from the nearest public roadway to the shoreline and along the coast in new development. North Harbor Drive a vertical access from the bottom of North Harbor Drive to the proposed lateral access along the north bank of the Noyo River shall be required as a condition of permit approval and requires public access along the entire length of the City's frontage on the north bank of the Noyo River as a condition of permit approval. Please see below Map OS-3.

Again, this is an Environmental Justice issue since more car and vehicle trips added by this formula store impacts walkability to this access and adds to already existing traffic issues, along with lack of safe roads and sidewalks. **An in-depth commentary on the Grocery Outlet project's inconsistency with the Coastal General Plan and Local Coastal Program policies follows (see Appendix A)**



## GROUNDINGS FOR APPEAL

Appeal of City of Fort Bragg Local Coastal Permit No. 2-22  
Proposed Grocery Outlet Supermarket  
825 845, 851 South Franklin Street, Fort Bragg

### Appendix A – COASTAL GENERAL PLAN INCONSISTENCY ANALYSIS

The Project is inconsistent with the following Coastal General Plan/Local Coastal Program policies in the manner described (listed in order of relevance to this Coastal Commission Appeal).

**Policy LU-5.6:** The use of private lands suitable for visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Consistency: This project involves the development of the southern parcel into a parking lot for general commercial development, the proposed Grocery Outlet store. That currently vacant parcel is frequently used for parking of large vehicles (e.g., big rig trucks and recreational vehicles) of transient visitors staying at the adjacent lodging facilities (i.e., the Harbor Lite Lodge and Super 8 Motel) as well as visitors and locals seeking coastal access to the Noyo Harbor and Noyo Beach via the existing public access trail and stairs across North Harbor Drive and adjacent to the Harbor Lite Lodge. In short, this project seeks to convert a visitor-serving use (i.e., an informal parking area) that provides public opportunities for coastal recreation through the adjacent access trail and stairs. Because general commercial development (the proposed use) is disfavored compared to visitor-serving uses that provide and enhance public opportunities for coastal recreation (the existing use of the southern parcel) this project is not consistent with LU-5.6

**Policy LU-5.7:** Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

Consistency: Same as LU-4.1, see consistency analysis above. Moreover, the proposed parking lot will displace an existing, albeit informal, parking area serving recreational uses and public access to the coastal resources of Noyo Harbor and Noyo Beach without providing a “comparable replacement area” thus it is not consistent with LU-5.7.

Below are photos of this parking area taken on June 5, 2020 at around noon.





**Policy OS-16.7:** Mitigation measures required for impacts to public access and recreational opportunities shall be implemented prior to or concurrent with construction of the approved development. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access.

Consistency: As discussed in the consistency analysis for LU-5.6 and LU-5.7 above, this project includes the replacement of an existing unimproved parking area providing public access to recreational opportunities with a parking lot to serve a general commercial use but it does not include any mitigation measures (e.g., an off-site replacement of the existing parking area that provides relatively equivalent access to the coastal resources) to address or reduce these impacts. Thus, the lack of mitigation required by OS-16.7 prevents this project from being consistent with OS-16.7.

**Policy C-1.2:** Coordinate Land Use and Transportation: Ensure that the amount and phasing of development can be adequately served by transportation facilities.

**Program C-1.2.1:** Review development proposals for their direct and cumulative effects on roadway Level of Service standards. During the development review process, City staff will determine whether traffic studies need to be carried out and the scope of such studies.

Consistency: Although a traffic study was prepared for this project, it concludes that the project will contribute, in a cumulatively considerable manner, to further deterioration of the LOS standards at several studied intersections established by the Coastal General Plan. However, adequate mitigation measures were not incorporated. Without such mitigation measures, the project cannot be considered to be “adequately served” by the City’s transportation facilities. Moreover, there is no discussion or analysis of the site’s access to public transportation or pedestrian-oriented facilities. Thus, this project is not consistent with C-1.2.

**Policy C-1.3:** Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met:

- a) Revisions are incorporated in the proposed development project which prevent the Level of Service from deteriorating below the adopted Level of Service standards; or
- b) Funding of pro rata share of the cost of circulation improvements and/or the construction of roadway improvements needed to maintain the established Level of Service is included as a condition or development standard of project approval.

Consistency: As discussed above for C-1.2, this project is similarly inconsistent with C-1.3 because neither of the listed conditions for potential approval are met by the proposal. This is true despite the traffic study specifically recommending intersection improvements to the intersection of Main and South Streets during the IS/MND hearings, and later recommendations for improvements to the intersection of Main and North Harbor Drive during the EIR process. However, this mitigation measure might not be feasible for that intersection. In

general, CalTrans has a prohibition on signalized intersections in close proximity to a bridge and the intersection of Main Street and North Harbor Drive is in close proximity to the Noyo River bridge to the south. Without such mitigation or other revisions to the project to prevent the LOS from deteriorating further, it is inconsistent with C-1.3. (See also, consistency analysis for C-1.2, C-9.3.)

**Policy C-1.4:** Include specific time frames for the funding and completion of roadway improvements for projects which cause adopted roadway and intersection Level of Service standards to be exceeded. Require security, bonding or other means acceptable to the City to ensure the timely implementation of roadway mitigations.

Consistency: This project is not consistent with C-1.4 because no time frames are established for the completion of any roadway improvements and the project causes the LOS to exceed the applicable standards. In addition, the only proposed intersection improvement may not be feasible.

**Policy C-1.5:** Traffic Impact Fees. When traffic impact fees are collected, establish a schedule from the date of collection of said fee for the expenditure of funds to construct roadway improvements that meets project needs. Where a project would cause a roadway or intersection to operate below the adopted traffic Level of Service standards, the roadway or intersection improvements should be completed in a timely manner but no later than five years after project completion.

Consistency: (See consistency analysis for C-1.4 above; see also C-9.3 below) Because roadway and intersection improvements are necessary per the traffic study as well as relevant Coastal General Plan policies discussed herein, the project must also incorporate a timeline for such improvements that ensures completion within the maximum five years permitted by C-1.5. Yet, not timeline was established. For this reason, the project is not consistent with C-1.5.

**Policy C-6.2:** Improve Existing North Harbor Drive: Consider improvements to North Harbor Drive to increase capacity and safety for vehicles and pedestrians. Any improvements to North Harbor Drive shall be consistent with all applicable policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

Consistency: This project involves improvements along a short section of North Harbor Drive (e.g., sidewalks along the project site on the north side of the road) but there is no analysis of the consistency of the proposed improvements with the applicable policies of the LCP, including policies concerning maintaining public access to coastal resources served by the informal parking area on the southern portion of the parcels. Thus, this project is not consistent with C-6.2 absent revisions to include consistency analysis of the proposed improvements to North Harbor Drive.

**Policy C-9.3:** Where feasible, incorporate pedestrian facilities into the design and construction of all road improvements.

Consistency: The northeastern boundary of this project is adjacent to the intersection of South Franklin Street and South Street, which is currently a two-way stop on South Franklin Street. That intersection does not include north-south crosswalks for safer pedestrian access across South Street nor does it include installing stop signs on South Street to convert the intersection into a four-way stop, which would improve conditions necessary for safe pedestrian access. The City Council has previously identified this intersection for pedestrian and vehicular safety upgrades, including conversion into a four-way stop. The record does not include sufficient analysis of the issue of pedestrian safety for patrons to access the Grocery Outlet across South Street.

**Policy C-9.7:** Improve Pedestrian Safety.

**Program C-9.7.1:** Continue to provide traffic controls and well-lit intersections in areas with a high volume of pedestrian movement.

Consistency: As discussed in the consistency analysis for C-1.2 and C-9.3 above, this project does not propose to provide recommended traffic controls at the intersection of South Franklin Street and South Street. Because the Grocery Outlet is a discount grocery store in a location to the south of most residential development in the City, it is likely to attract patrons without the means to afford private vehicle transportation. As such, it is likely to produce a “high volume of pedestrian movement” and it is reasonable to predict the bulk of patrons accessing the site on foot will be travelling from the north along Franklin Street and across South Street. The record does not include sufficient analysis of safe pedestrian access through this intersection (or otherwise) and it should be revised to include this critical information and analysis.

**Policy C-14.1:** Development to Pay Its Fair Share: Require new development to pay its fair share of transportation improvements to maintain levels of service and traffic safety in the City.

Consistency: (See consistency analysis for C-1.2, C-1.3, C-1.4, C-1.5, C-9.3, and C-9.7.) This project is inconsistent with C-14.1 because it only requires the project applicant/developer to make a fair-share contribution for a signal at Main Street and North Harbor Drive (without written documentation by CalTrans that it will permit a signal in that location), but not for other transportation infrastructure improvements that the traffic study identified were necessary to maintain LOS and traffic safety in the City.

**Policy LU-10.5:** Minimize Impacts on Air Quality and Green House Gasses. New development shall: 1) be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development, and 2) minimize energy consumption and vehicle miles traveled.

Consistency: The City’s EIR projects that GHG emissions and energy consumption will increase due this project regardless of the vehicle miles travelled (VMT) calculations, and also



acknowledges that the City adopted a Climate Action Plan setting goals of reducing GHG emissions. Because the project will increase overall GHG emissions and energy consumption, and the City has adopted a policy requiring the reduction of GHG emissions, this project is inconsistent with LU-10.5 absent the incorporation of energy reduction techniques or on-site or off-site carbon sequestration efforts as mitigation measures and/or permit conditions to offset the projected increase in GHG emissions and energy use.

**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.

Consistency: The project is not consistent with CD-1.1 because it is not “designed and sited to protect views to and along the ocean” since the site layout and design shifts the new building further north on the project site compared to the existing building to a location that includes the only current blue water ocean views through the site from the public rights-of-way. The City has attempted to dismiss this inconsistency by describing the existing ocean views as “keyhole” views through the existing gas station to the west of the project but CD-1.1 is mandatory based on the use of “shall” and CD-1.1 does not make any exceptions to the requirement to protect views for partially-obstructed or keyhole views. (See the documents in the record for the recent proposed but denied application for an Auto Zone project on Todd’s Point, which incorporated visual analysis of ocean views through the project site and through intervening development that partially obstructed the ocean views through that project site.)

**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.

Consistency: (Same as consistency analysis of CD-1.4.)

**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.

Consistency: The project is not consistent with CD-1.10 because it includes boundary line adjustments in the form of the merger of three existing parcels into a single parcel but the Final EIR fails to include any analysis of the parcel merger’s consistency with the visual resource protection policies of the Coastal General Plan discussed in these comments. These policies include CD-1.1, CD-1.4, and CD-2.5, which protect the existing ocean views through the northern-most parcel that will be merged with the other two parcels. The proposed parcel merger is necessary to facilitate the development on the new combined parcel that shifts the proposed new building further to the north (thus blocking most of the existing ocean views) but which would have not been possible absent the boundary line adjustments/parcel merger

because the proposed building would have straddled the property line of the middle and northern parcel, which is not permitted by the CLUDC.

**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.

Consistency: (See consistency analysis of CD-1.1, CD-1.4, and CD-1.10.) The project is not consistent with CD-2.5 because the proposed development adversely impacts scenic views of the ocean through the project site as seen from the public rights-of-way along South Franklin Street and South Street.

**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.

Consistency: This project proposes a formula business, Grocery Outlet, so LU-4.1 applies, but the proposed location of the Grocery Outlet in close proximity to existing commercial businesses offering the same or similar grocery products (i.e., Harvest Market to the south; Safeway two blocks to the north on Franklin Street; Purity Stores further north at Franklin and Alder Streets; and other smaller markets like Down Home Foods on Franklin Street, B&C Grocery at Oak and Harrison Streets, Columbi's Market on Oak and Harold Streets, and Nello's Market at Main and Elm Streets) will compete with these existing businesses and detract from their economic vitality by cannibalizing and shifting existing sales to the new Grocery Outlet.

**Policy OS-11.6:** Use Permeable Pavement Materials. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.

Consistency: This project involves a significant amount of hardscaping and paved areas but no indication that the hardscaping and pavement proposed for this project "shall use permeable pavement materials and techniques" anywhere on the project site. Although there are non-paved landscaping areas that will be permeable, there is no analysis indicating that permeable pavement materials were considered at all for the paved areas, let alone rejected as infeasible. Thus, this project is inconsistent with OS-11.6 because it neither incorporates permeable paving materials nor analyzes and rejects such materials and infeasible in accordance with OS-11.6

**Policy OS-12.1:** Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts, due to the development size, type of land use, impervious site coverage, or proximity to coastal

waters. A development in one or more of the following categories shall be considered a “Development of Special Water Quality Concern,” and shall be subject to additional requirements set forth in Policy OS-12.2 below to protect coastal water quality. Developments of Special Water Quality Concern include the following:

- a) Housing developments of ten or more dwelling units.
- b) Hillside developments on slopes greater than 12 percent, located in areas with highly erodible soil.
- c) Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.
- d) Parking lots with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.
- e) Heavy industrial developments.
- f) Vehicle service facilities (including retail gasoline outlets, service stations, commercial car washes, and vehicle repair facilities).
- g) Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the review authority based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or waterbodies.
- h) All developments within 125 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area.
  - a. “Discharge directly to” the ocean or a waterbody means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.
- i) Any other development determined by the review authority to be a Development of Special Water Quality Concern.

Consistency: This project involves the “creation, addition, or replacement of 10,000 square feet or more of impervious surface area” and a parking lot “with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff” so OS-12.1 applies. However, this project is inconsistent with OS-12.1 since it does not include the “requirements set forth in Policy OS-12.2 below to protect coastal water quality” because it does not include a “Water Quality Management Plan (WQMP), prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development.”

**Policy OS-12.2:** Additional Requirements for Developments of Special Water Quality Concern. All Developments of Special Water Quality Concern (as identified in Policy OS-12.1, above) shall be subject to the following four additional requirements to protect coastal water quality:

- 1) Water Quality Management Plan. The applicant for a Development of Special Water Quality Concern shall be required to submit for approval a Water Quality Management Plan (WQMP), prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.
- 2) Selection of Structural Treatment Control BMPs. As set forth in Policy OS-10.4, if the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.
- 3) 85th Percentile Design Standard for Treatment Control BMPs. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.
- 4) Goal for Runoff Reduction. In Developments of Special Water Quality Concern, the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.

Consistency: (See consistency analysis for OS-12.1 above.)

**Policy LU-10.4:** Ensure Adequate Services and Infrastructure for New Development. Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed development shall be grounds for denial of the development.



**Consistency:** The record includes no meaningful analysis of the adequacy of the City's water supply sources and infrastructure to provide water to the proposed project. LU-10.4 requires that such analysis be included and this project is thus not consistent with LU-10.4. The City has developed a water model that predicts future availability of water supply based on historic water supply and usage rates. Unfortunately, the City's water model does not adequately include analysis of the projected impacts of climate change and sea-level rise on the City's future water supply. However, when data about historic king tides, the impacts of which will increase when projected sea-level rise occurs, and their interference with the City's ability to divert water from the Noyo River is included, the City's own water model projects that the City will not have adequate water supply for existing development with a mere one-foot increase in the sea level, let alone adequate water supply for new development like this project.

**Policy CD-5.1:** Parking Location: Wherever feasible, locate parking facilities to the rear of the development so that the building facade is contiguous with the street frontage, and parking areas are hidden from the street.

**Consistency:** This project proposes all parking facilities to the south and in front of the primary entrance at the southeastern corner of the new proposed building. The location of the proposed parking lot is not to the rear of the building, which is along the western (and possibly northern) side of the property because the primary street frontage of the building is along South Franklin Street as well as North Harbor Drive based on the location of the building entrance facing South Franklin Street and North Harbor Drive. Instead, the entire parking lot is proposed on the southern end of the merged parcels, which is directly in front of the building entrance and clearly visible from both North Harbor Drive and South Franklin Street rather than proposing parking areas that are hidden from the street, as is required by CD-5.1 whenever it is feasible to do so. The Final EIR fails to include any meaningful analysis of the project's consistency with CD-5.1, including entirely omitting any discussion of the feasibility of locating the parking area(s) in locations "to the rear of the development" or otherwise "hidden from the street." There was verbal statements that it would be undesirable to place parking in the back, and that other grocery stores have parking in the front, there was no meaningful analysis of why it would be infeasible to locate the parking area as suggested by CD-5.1. In addition, there is nothing in the code or design guidelines that exempts grocery stores from this analysis. Thus, the project is not consistent with CD-5.1.

**Policy OS-5.1:** Native Species: Preserve native plant and animal species and their habitat.

**Consistency:** This project interferes with the continued ability of native animal species observed on the site (e.g., grey herons) to access food sources and habitat provided by the existing conditions on the site so it is inconsistent with OS-5.1.

**Policy OS-5.2:** To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Consistency: OS-5.2 requires that the site planning and construction of this project preserve existing healthy trees “to the maximum extent feasible.” However, the proposed site layout shifts the new building closer to the existing healthy trees in the northwest portion of the site and includes a bioretention basin within the area where the root system of the cypress tree will have the maximum impacts and damage due to the construction of the bioretention basin. The locations of the proposed building or the northwestern bioretention basin do not have any demonstrated connection to the permitted use or the project’s economic viability so they could easily be relocated to locations that reduce the conflicts with the existing healthy cypress tree. Thus, this project is inconsistent with LU 5.2 because it does not preserve the existing healthy cypress tree “to the maximum extent feasible” nor does it retain the existing healthy pine tree to the north of the cypress tree, instead proposing its removal and replacement with new landscaping.

**Policy LU-3.5:** Re-Use of Existing Buildings: Encourage the adaptive re-use and more complete utilization of buildings in the Central Business District and other commercial districts.

Inconsistency: Rather than adaptively reusing the vacant existing building on the site with almost the same floor area as the new building, this project, which is in a commercial district, proposes to demolish the existing building.

**Policy CD-2.1:** Design Review: All development that has the potential to affect visual resources shall be subject to Design Review, unless otherwise exempt from Design Review pursuant to Coastal Land Use & Development Code Section 18.71.050. Design Review approval requirements shall not replace, supersede or otherwise modify the independent requirement for a coastal development permit approved pursuant to the applicable policies and standards of the certified LCP. Ensure that development is constructed in a manner consistent with the Citywide Design Guidelines.

Consistency: Despite many adjustments to the design elements, this project is not consistent with numerous provisions in the Citywide Design Guidelines, especially with regards of overall aesthetic. As a result, the project is not consistent with the final sentence of CD-2.1, which requires all development to be “constructed in a manner that is consistent with the Citywide Design Guidelines.”



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*

416 N. Franklin Street, Fort Bragg, CA 95437

Phone: (707) 961-2827 Fax: (707) 961-2802

[www.FortBragg.com](http://www.FortBragg.com)

### NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT PERMIT, DESIGN REVIEW & PARCEL MERGER

June 5, 2023, final action was taken by the City on the following Permits:

**PERMIT TYPE & NO.:** Coastal Development Permit 2-22 (CDP 2-22), Design Review Permit 7-22 (DR 7-22), Parcel Merger 1-2022 (MGR 1-22).  
**APPLICANT/OWNER:** Best Development / Robert Affinito, Terry Johnson  
**LOCATION:** 825, 845, & 851 S. Franklin Street, Fort Bragg CA  
**APN:** 018-120-47, 018-120-48, & 018-120-49  
**DESCRIPTION:** Coastal Development Permit, Design Review and Parcel Merger to construct a Grocery Outlet Market (retail store). As proposed the Project would include the demolition of an existing 16,436 SF vacant former office building and associated 47-space parking lot and wooden fencing along the property line, and the construction and operation of a 16,157 SF, one-story, retail store with a 54-space parking lot and associated improvements and infrastructure. The Project would be operated by 15 to 25 full-time staff and two (2) managers and would be open from 9:00 a.m. to 10:00 p.m., seven days per week.

**STAFF REPORT URL:**

<https://cityfortbragg.legistar.com/View.ashx?M=PA&ID=1104410&GUID=AA86FD34-B886-4692-97FD-7C25D338855A>

**DATE OF ACTION:** June 5, 2023  
**ACTION BY:** City Council  
**ACTION TAKEN:** X Approved (See attached Findings and Conditions)

**THIS PROJECT IS:** X This project is appealable to the California Coastal Commission pursuant to Public Resource Code Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within ten working days of Commission receipt of this notice. Appeals must be in writing to the North Coast District Office of the California Coastal Commission.

  
Juliana von Hacht Cherry  
Community Development Director

June 9, 2023

Date

Exhibit 4  
A-1-FTB-23-0021  
NOFA  
Page 1 of 40

## RESOLUTION NO. 4689 - 2023

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT BRAGG, CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE BEST DEVELOPMENT GROCERY OUTLET (SCH: 2022050308); ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, Best Development ("Applicant"), submitted an application for a Coastal Development Permit (CDP 2-22), Design Review (DR 7-22), and Parcel Merger (MGR 1-22) to construct a Grocery Outlet Market ("Project" or "retail store"). The proposed Project includes the demolition of an existing 16,436 SF vacant former office building and associated 47-space parking lot and wooden fencing along the property line, and as conditioned, the construction and operation of a 16,157 SF, one-story, retail store with a 53-space parking lot (as conditioned) and associated improvements and infrastructure located at 825, 845, and 851 South Franklin Street; and

**WHEREAS**, the California Environmental Quality Act, Public Resources Code, Section 21000 *et seq.* ("CEQA"), requires that the City consider the environmental effects of the Project prior to approving any entitlements for the Project; and

**WHEREAS**, the City Council directed staff to prepare an EIR to evaluate the impact of the proposed project on the environment pursuant to CEQA and Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines") and the City's CEQA Implementation Procedures; and

**WHEREAS**, the City engaged the services of De Novo Planning Group (De Novo) which prepared an EIR for the Project pursuant to CEQA Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines") and the City's CEQA Implementation Procedures; and

**WHEREAS**, De Novo prepared a Notice of Preparation of the EIR which provided for a public review period from May 19, 2022 through June 20, 2022; and

**WHEREAS**, the City held a hybrid scoping meeting (both in-person and by Zoom) on June 7, 2022; and

**WHEREAS**, a Draft EIR (State Clearinghouse No. 2022050308) was prepared for the Project and circulated for more than the required 45-day public review and comment period, beginning on September 15, 2022 and ending on October 31, 2022; and

**WHEREAS**, during this period, on October 11, 2022, a public hearing was held by the City Council to receive comments on the Draft EIR in accordance with the provisions of the Fort Bragg Municipal Code; and

**WHEREAS**, by the end of the public review and comment period, the City received 27 letters and/or e-mail comments from agencies and individuals; and



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

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

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

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

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

**WHEREAS**, on May 10, 2023, the Planning Commission held a duly noticed public hearing at which time it considered all of the testimony presented as well as written testimony that had been timely submitted; and

**WHEREAS**, as a result of the testimony a modification was made to Mitigation Measure 3.6-1 to specify the timing of when the noise wall had to be installed; and

**WHEREAS**, after the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council certify the EIR, adopt the required CEQA findings, and adopt the Mitigation and Monitoring Program, as well as recommended that the City Council approve the Project; and

**WHEREAS**, numerous written comments were received after the close of the public comment period and not timely submitted to be included in the Planning Commission packet; and

**WHEREAS**, as a result of those comments additional changes were made to the revised Final EIR which were posted on the City's website on May 31, 2023; and

**WHEREAS**, on June 5, 2023, at a specially scheduled meeting, the City Council held a duly noticed public hearing on the proposed Project and considered all information related to the EIR, including the Draft and Final EIR, all reports and attachments prepared or presented by City staff, pertinent documents provided during previous public meetings, all oral and written testimony and the full record of proceedings on the Project;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FORT BRAGG DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** Findings.

The above recitals are true and correct and are incorporated herein by reference.

- A. The EIR for the Project consists of the Draft EIR dated September 2022 and Appendices A – H thereto and the Final EIR dated May 31, 2023 and appendices A – H thereto (collectively, the "EIR").

- B. The changes set forth in the FEIR, including the additional revisions made on April 26 and May 31, 2023 do not require recirculation of the EIR. The changes do not disclose any new or increased significant impacts. The changes merely clarify and amplify information that was already contained in the EIR.
- C. The change made to Mitigation Measure 3.6-1 does not require recirculation as it merely adds clarifying language as to the timing of the sound wall.
- D. After mitigation, all project impacts are less than significant.

**SECTION 2.** Actions. The City Council hereby takes the following actions.

- A. The City Council hereby certifies the EIR as described in Section 1 above.
- B. The City Council hereby adopts the Findings of Fact attached hereto as Exhibit A.
- C. The City Council hereby adopts the Mitigation Monitoring and Reporting Program ("MMRP") attached hereto as Exhibit B.

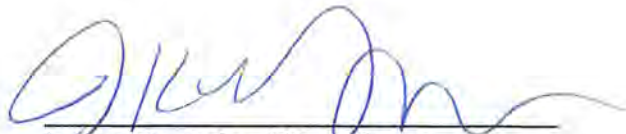
**SECTION 3.** Summaries of Information. All summaries of information in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

**SECTION 4.** Custodian of Record. The documents and materials that constitute the record of proceedings on which these findings and approval are based are located in the *Community Development Department*. The Custodian of Records is the *City Clerk* who can be reached at 707-961-2823 or [JLemos@fortbragg.com](mailto:JLemos@fortbragg.com).

**SECTION 5.** Effective Date. This Resolution shall become effective immediately.

The above and foregoing Resolution was introduced by Councilmember Peters seconded by Councilmember Rafanan, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 5th day of June 2023, by the following vote:

AYES: Councilmembers Peters, Rafanan and Vice Mayor Godeke  
 NOES: Councilmember Albin-Smith  
 ABSENT: None  
 ABSTAIN: None  
 RECUSE: Mayor Norvell

  
 Jason Godeke, Vice Mayor

ATTEST:

  
 for June Lemos, MMC  
 City Clerk



## FINDINGS OF FACT

FOR THE

BEST DEVELOPMENT GROCERY OUTLET  
(SCH: 2022050308)

APRIL 2023

*Prepared for:*

City of Fort Bragg  
Community Development Department  
416 N. Franklin Street  
Fort Bragg, CA 95437

*Prepared by:*

De Novo Planning Group  
1020 Suncast Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



**RESO NO 4689-2023 EXHIBIT A**



FINDINGS OF FACT

FOR THE

BEST DEVELOPMENT GROCERY OUTLET  
(SCH: 2022050308)

APRIL 2023

*Prepared for:*

City of Fort Bragg  
Community Development Department  
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## FINDINGS OF FACT

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IV. Findings and Recommendations Regarding Those Impacts Which are Less Than Significant or Less Than Cumulatively Considerable .....	10
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## FINDINGS FOR THE BEST DEVELOPMENT GROCERY OUTLET

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, § 21000 et seq.)

### I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Fort Bragg (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.) Because the

This document explains the City's findings regarding the potentially significant impacts identified in the environmental impact report (EIR) prepared for the Best Development Grocery Outlet Project (Project). As all potentially significant impacts can be mitigated below a level of significance, the City is not required to make findings regarding the feasibility of alternatives. (CEQA Guidelines § 15091.) Nevertheless, this document makes findings regarding the feasibility of the project alternatives considered in the EIR for the decision makers' consideration. There is no statement of overriding considerations because the Project would not result in any significant and unavoidable impacts. All impacts were determined to have no impact, a less than significant impact, or a less than significant impact with implementation of the mitigation measures included in the EIR for the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the Final EIR reflect the City's independent judgment.

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined the proposed Project and three alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Building Reuse Alternative; and (3) Decreased Density Alternative.

The Findings are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis, substantial evidence, and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project.



## CEQA FINDINGS

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### II. GENERAL FINDINGS AND OVERVIEW

#### Project Overview

The Project site is located at 825, 845, and 851 S. Franklin Street in the City of Fort Bragg, Mendocino County, California. The northern portion of the Project site contains an existing structure and pavement and the southern portion of the site is vacant with a dirt driveway. A 16,436 square-foot (sf) vacant former office building and associated 47-space parking lot are located in the northern half of the site. The building, locally referred to as the “Old Social Services Building”, has not been leased since 2010 but has been used as storage since then. Wooden fencing is currently located along the western property line and adjacent to the south side of the building. Shrubs and trees are located in the northern portion of the site. The southern-most lot is vacant with one-third bare soil and two-thirds covered with annual grasses and forbs with scattered shrubs.

The proposed Project includes demolition of the existing 16,436-sf vacant former office building and parking area and subsequent development and operation of a 16,157-sf Grocery Outlet (retail grocery store) with associated improvements on the Project site. Grocery Outlet is a value grocer, meaning that it sells brand name products at bargain prices due to their opportunity buying style. Associated improvements include a parking lot, loading dock and trash enclosure, circulation and access improvements, and utility infrastructure.

The Project would also include a merger of three existing parcels (lots) to create one 71,002 sf (1.63 acres) parcel to accommodate the footprint of the proposed retail store within the resulting parcel.

The underlying purpose of the proposed Project is to construct and operate a Grocery Outlet retail store at a location within the City of Fort Bragg on which the existing General Plan and zoning designations allow for such a use.

Refer to EIR Chapter 2.0, Project Description, for a more complete description of the details of the proposed Project.

#### PROCEDURAL BACKGROUND

**Notice of Preparation Public Circulation:** The City of Fort Bragg circulated an Initial Study (IS) and Notice of Preparation (NOP) of an EIR for the proposed Project on May 19, 2022 to the State Clearinghouse, CDFW, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was held on June 7, 2022. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The IS, NOP, and comments received on the NOP by interested parties, including those received at the public Scoping Meeting, are presented in Appendix A of the Draft EIR. The commenters are provided below.

- California Department of Toxic Substances Control (June 17, 2022);
- Jacob Patterson (June 8, 2022 and June 14, 2022);
- Janet Kabel (May 19, 2022);
- Leslie Kashiwada (June 20, 2022);
- Renz Martin (June 18, 2022);

- Sherwood Valley Band of Pomo Indians (June 1, 2022).

**Notice of Availability and Draft EIR:** The City published a public Notice of Availability (NOA) for the Draft EIR on September 15, 2022 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2022050308) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The 45-day public review period for the Draft EIR began on September 15, 2022 and ended on October 31, 2022 at 5:00 p.m.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

**Final EIR:** The City of Fort Bragg received 29 comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata.

The comments received did not provide evidence of any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. The revisions merely, clarify, amplify, or make insignificant revisions to the Draft EIR.

#### RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6(e).

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Fort Bragg, 416 N. Franklin Street, Fort Bragg, CA 95437, or online at:

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<https://www.city.fortbragg.com/departments/community-development/active-planning-reports-and-studies>

### FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (*Id.*) Section 21002 also provides that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project ***unless the public agency makes one or more written findings*** for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. (Emphasis added.) The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1))

[determining the feasibility of alternatives].) Feasibility is a two-stage process; what is feasible to be included in an EIR for an alternatives analysis is not necessarily the same as being feasible for adoption. At this second stage, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002) and weighing the alternatives along with legal and policy considerations (Kostka & Zischke, Practice under the Cal. Environmental Quality Act (Cont.EdBar 2d ed. 2009, Updated March 2022) § 15.09.)

#### MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and, if the Project is approved, will be adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures. The applicant has agreed to all mitigation measures.

#### CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

#### SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.



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### III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

#### A. BIOLOGICAL RESOURCES

1. IMPACT 3.3-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES, INCLUDING THROUGH THE SUBSTANTIAL REDUCTION OF HABITAT OR RANGE RESTRICTION FOR BIRD SPECIES, RESULTING IN A BIRD SPECIES POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, OR THREATENING TO ELIMINATE A BIRD COMMUNITY.

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status bird species, including through the substantial reduction of habitat or range restriction for bird species, resulting in a bird species population to drop below self-sustaining levels, or threatening to eliminate a bird community is discussed on page 3.3-26 and 3.3-27 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1.
- (c) Findings. As shown in Table 3.3-3 in Section 3.3 of the Draft EIR, habitat for the aforementioned special-status bird species is not available on-site. These special-status birds have not been documented on the Project site. No special-status birds were observed within the Project site during field surveys and none are expected to be affected by the proposed Project based on the lack of appropriate habitat. Great blue herons have been identified on the properties to the north and northwest of the Project site, but not the Project site itself.

Although not high quality, potential nesting habitat is potentially present in the larger trees located within the Project site and in the vicinity. Although on-site vegetation is limited, there is also the potential for other birds that do not nest in this region and represent migrants or winter visitants to forage on the Project site. Additionally, common raptors may nest in or adjacent to the Project site.

New sources of noise and light during the construction and operational phases of the project could adversely affect nesters if they located adjacent to the Project site in any given year. Additionally, the proposed Project would eliminate the disturbed grass areas on the southern portion of the Project site, which serve as potential low-quality foraging habitat for birds throughout the year. Mitigation Measure 3.3-1 requires preconstruction surveys for active nests should any nests be found on-site or within 500 feet of Project disturbance.

In accordance with Public Resources Code, § 21081 and CEQA Guideline 15091, Mitigation Measure 3.3-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status bird species, including through the substantial reduction of habitat or range restriction for bird species, resulting in a bird species population to drop below self-sustaining levels, or threatening to eliminate a bird community will be mitigated to a less than significant level.

**2. IMPACT 3.3-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES, INCLUDING THROUGH THE SUBSTANTIAL REDUCTION OF HABITAT OR RANGE RESTRICTION FOR MAMMAL SPECIES, RESULTING IN A MAMMAL SPECIES POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, OR THREATENING TO ELIMINATE A MAMMAL COMMUNITY.**

- (a) Potential Impact. The potential to result in direct or indirect effects on special-status mammal species, including through the substantial reduction of habitat or range restriction for mammal species, resulting in a mammal species population to drop below self-sustaining levels, or threatening to eliminate a mammal community is discussed on pages 3.3-28 and 3.3-29 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-2.
- (c) Findings. The Project site is located within a built-up, urban environment and is comprised of an existing building, paved parking lot, and annual grasses and forbs with scattered shrubs. The Project site does not provide suitable habitat for the above-listed species, with the exception of bats. These special-status have not been documented on the Project site. No special-status species were observed within the Project site during field surveys and none would be affected by the proposed Project based on the lack of appropriate habitat.

There is a possibility that bats can be present in abandoned building as several members of the species are known to use similar structures for roosting. The surveys performed by De Novo Planning Group on March 29th and April 20th were a daytime habitat assessment to determine if the Project site, including the building to be removed and any vegetation present, has a potential to provide bat roosting habitat, and to determine if bats are present. All buildings and trees with a potential to provide significant bat roosting habitat were inspected with binoculars, a spotlight, a "peeper" mirror, and a borescope to look for indications of use such as guano, staining, bat smells or sounds, or visual confirmation of active occupancy. No evidence of bat roosting on the Project site was present.

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Regardless of the absence of bats, or evidence of bats, on the Project site during the survey, there remains a possibility that bats could establish a roost in the abandoned building in the future. Mitigation Measure 3.3-2 would require a preconstruction bat survey.

In accordance with Public Resources Code, § 21081 and CEQA Guidelines § 15091, Mitigation Measure 3.3-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in direct or indirect effects on special-status mammal species, including through the substantial reduction of habitat or range restriction for mammal species, resulting in a mammal species population to drop below self-sustaining levels, or threatening to eliminate a mammal community will be mitigated to a less than significant level.

B. NOISE

1. **IMPACT 3.6-1: THE PROPOSED PROJECT WOULD NOT GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.**
  - (a) **Potential Impact.** The potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies is discussed on pages 3.6-9 through 3.6-16 of the Draft EIR.
  - (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
  - (c) **Findings.** Table 3.6-8 in Section 3.6 of the Draft EIR shows predicted construction noise levels for each of the project construction phases. Based upon the Table 3.6-8 data, the loudest phase of demolition, with an average noise exposure of 85 dBA Leq at 50 feet, would occur during foundation demolition activities. The complete demolition and haul off of all the debris would take five days. There would be one concrete saw, one excavator with a clam shell and three trucks that will haul off the debris. The procedure is that the excavator clam shell would dismantle the building and place the material directly into the trucks. The debris would be trucked to Willits as the closest receiving station. The building demolition would take two days. The concrete foundation would require the concrete saw for one day, and the debris would also be trucked to Willits and would take three days because the weight of the concrete is greater than the building debris.

The loudest phase of construction would be grading at 86 dBA Leq at 50 feet. Saxelby Acoustics used the SoundPLAN noise model to calculate noise levels at the nearest sensitive receptors in terms of the City's daytime (Leq) noise level criterion. The results of the construction noise analysis are shown graphically on Figure 3.6-6 (demolition) and Figure 3.6-7 (grading). A summary of the noise prediction results for each phase of construction are shown in Table 3.6-9. Receptor locations are shown on Figure 3.6-6. The construction noise modeling includes an 8-foot-tall temporary sound barrier around the construction area.

Compliance with the City's permissible hours of construction, as well as implementing the best management noise reduction techniques and practices (both outlined in Mitigation Measure 3.6-1), would help to ensure that noise levels stay below the 12 dBA threshold. Based upon the Table 3.6-9 data, construction noise levels are not predicted to exceed the 12 dBA test of significance.

In accordance with Public Resources Code, § 21081 and CEQA Guidelines § 15091, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be mitigated to a less than significant level.

**2. IMPACT 3.6-2: THE PROPOSED PROJECT WOULD NOT GENERATE EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.**

- (a) Potential Impact. The potential for the Project to generate excessive groundborne vibration or groundborne noise levels is discussed on pages 3.6-17 and 3.6-18 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
- (c) Findings. Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural damage. The primary vibration-generating activities would be grading, utilities placement, and parking lot construction. Table 3.6-10 in Section 3.6 of the Draft EIR shows the typical vibration levels produced by construction equipment.

With the exception of vibratory compactors, Table 3.6-10 data indicates that construction vibration levels anticipated for the proposed Project are less than the 0.2

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in/sec threshold at a distance of 25 feet. Use of vibratory compactors within 26 feet of the adjacent buildings could cause vibrations in excess of 0.2 in/sec. Structures which could be impacted by construction-related vibrations, especially vibratory compactors/rollers, are located less than 26 feet from the Project site. Therefore, this is a potentially significant impact and mitigation measures would be required.

Mitigation Measure 3.6-2 requires that any compaction less than 26 feet from an adjacent residential structure be accomplished using static drum rollers. As an alternative to this requirement, pre-construction crack documentation and construction vibration monitoring could be conducted to ensure that construction vibrations do not cause damage to any adjacent structures. With this mitigation measure.

In accordance with Public Resources Code, § 21081 and CEQA Guidelines § 15091, Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be mitigated to a less than significant level.

#### IV. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

**Aesthetics and Visual Resources:** The following specific impacts were found to be less than significant: 3.1-1, 3.1-2, 3.1-3, and 3.1-4.

**Air Quality:** The following specific impacts were found to be less than significant: 3.2-1, 3.2-2, 3.2-3, 3.2-4, and 3.2-5.

**Biological Resources:** The following specific impacts were found to be less than significant: 3.3-1, 3.3-4, 3.3-5, 3.3-6, and 3.3-7.

**Greenhouse Gases, Climate Change, and Energy:** The following specific impacts were found to be less than significant: 3.4-1 and 3.4-2.

**Land Use:** The following specific impacts were found to be less than significant: 3.5-1 and 3.5-2, and 3.10-3.



**Transportation and Circulation:** The following specific impacts were found to be less than significant: 3.7-1, 3.7-2, 3.7-3, and 3.7-4.

**Utilities:** The following specific impacts were found to be less than significant: 3.8-1, 3.8-2, 3.8-3, 3.8-4, 3.8-5, 3.8-6, and 3.8-7.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

**Aesthetics and Visual Resources:** The following specific impact was found to be less than cumulatively considerable: 4.1.

**Agricultural Resources:** The following specific impact was found to be less than cumulatively considerable: 4.2.

**Air Quality:** The following specific impact was found to be less than cumulatively considerable: 4.3.

**Biological Resources:** The following specific impact was found to be less than cumulatively considerable: 4.4.

**Cultural and Tribal Cultural Resources:** The following specific impact was found to be less than cumulatively considerable: 4.5.

**Geology and Soils:** The following specific impact was found to be less than cumulatively considerable: 4.6.

**Greenhouse Gas Emissions:** The following specific impact was found to be less than cumulatively considerable: 4.7.

**Hazards and Hazardous Materials:** The following specific impact was found to be less than cumulatively considerable: 4.8.

**Hydrology and Water Quality:** The following specific impact was found to be less than cumulatively considerable: 4.9.

**Land Use:** The following specific impact was found to be less than cumulatively considerable: 4.10.

**Mineral Resources:** The following specific impact was found to be less than cumulatively considerable: 4.11.

**Noise:** The following specific impact was found to be less than cumulatively considerable: 4.12.

**Population and Housing:** The following specific impact was found to be less than cumulatively considerable: 4.13.

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**Public Services and Recreation:** The following specific impact was found to be less than cumulatively considerable: 4.14.

**Transportation and Circulation:** The following specific impacts were found to be less than cumulatively considerable: 4.15 and 4.16.

**Utilities:** The following specific impacts were found to be less than cumulatively considerable: 4.17, 4.18, 4.19, and 4.20.

**Wildfire:** The following specific impact was found to be less than cumulatively considerable: 4.21.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

## V. PROJECT ALTERNATIVES

### A. IDENTIFICATION OF PROJECT OBJECTIVES

An EIR is required to identify a range of reasonable alternatives to the project. The “range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects.” (CEQA Guidelines Section 15126.6(c).) “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” (CEQA Guidelines Section 15126.6(f)(1).)

The underlying purpose of the proposed Project is to construct and operate a Grocery Outlet retail store at a location within the City of Fort Bragg on which the existing General Plan and zoning designations allow for such a use.

Consistent with this underlying purpose, the proposed Project seeks to attain the following project objectives:

- Develop a grocery store that provides its customers with comparatively affordable groceries at a convenient location for their shopping needs.
- Develop a grocery store that would generate additional revenues to the City in the form of increased sales and property tax revenues.
- Develop a grocery store that would create new jobs in the City.

- Develop an aesthetically attractive grocery store and landscaping on an infill site.
- Design a site plan that minimizes circulation conflicts between automobiles and pedestrians.

## B. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included in Chapter 5.0. When all impacts have been mitigated below a level of significance, findings are not required regarding feasibility of alternatives and the City Council is not required to choose the most environmentally friendly alternative. Nevertheless, the following findings are included for the City Council's adoption.

### 1. NO PROJECT (NO BUILD) ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on pages 5.0-3, and 5.0-4 through 5.0-8 of the Draft EIR. Under the No Project (No Build) Alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition. The northern portion of the Project site contains existing development and the southern portion of the site is vacant with a dirt driveway. An unoccupied 16,436 square-foot (sf) vacant former office building and associated 47-space parking lot are located in the northern half of the site. The building, locally referred to as the "Old Social Services Building", has not been leased since 2010 but has been used as storage since then. Wooden fencing is currently located along the western property line and adjacent to the south side of the building. Shrubs and trees are located in the northern portion of the site. The southern-most lot is vacant with one-third bare soil and two-thirds covered with annual grasses and forbs with scattered shrubs. All existing conditions would remain intact. It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives identified by the City of Fort Bragg.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Air Quality, Biological Resources, Greenhouse Gases, Climate Change and Energy, Land Use, Noise, and Utilities. Two impacts related to Transportation and Circulation would be increased under this alternative while the two remaining impacts related to Transportation and Circulation would be decreased.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not: develop a grocery store that provides its customers with comparatively affordable groceries at a convenient location for their shopping needs; develop a grocery store that would generate additional revenues to the City in the form of increased sales and property tax revenues; develop a grocery store that would create new jobs in the City; develop an aesthetically attractive grocery store and landscaping on an infill site; or design a site plan that minimizes circulation conflicts between automobiles and pedestrians.

Additionally, this alternative would not realize the project benefits of increased food supplies within the City, additional employment opportunities, or new tax revenue. For

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all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

2. BUILDING REUSE ALTERNATIVE:

The **Building Reuse Alternative** is discussed on pages 5.0-3, and 5.0-8 through 5.0-12 of the Draft EIR. Under the Building Reuse Alternative, the proposed Project would be developed with the same uses as described in the Project Description, but the existing vacant former office building would be renovated and reused for the proposed grocery store use. Under the Building Reuse Alternative, the existing 16,436 sf vacant former office building would be converted to a grocery store use. In order to provide adequate facilities for the grocery store use, the office building would be substantially renovated, consistent with the current California Building Code. Additionally, the asbestos containing materials would have to be removed under this alternative. The building size and footprint of the existing building would not change. Further, similar to the proposed Project, the southern portion of the site would be developed with a parking area and associated landscaping and stormwater improvements. The existing parking area in the northern portion of the site would also be improved consistent with the proposed southern parking area.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of three out of five impacts related to Air Quality, one out of two impacts related to Noise, and one impact out of seven related to Utilities would also be reduced. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. For example, the Building Reuse Alternative would partially meet Objective #4 (develop an aesthetically attractive grocery store and landscaping on an infill site) because although a grocery store would be developed on-site, the existing building would remain in place. But the existing structure would be retained rather than replaced with a more attractive structure, which will reflect compliance with applicable design requirements and the outcome of the formal design review process.

It is also noted that a feasibility assessment of the Building Reuse Alternative was prepared by Thomas Jones, former Vice President of Hilbers Inc., a national contracting and engineering firm specializing in office, commercial, and grocery store development. He has 34 years' construction experience and has worked on more than twenty Grocery Outlet stores. For reasons set forth in detail, Mr. Jones explained why the Reuse Alternative is infeasible. The Jones feasibility analysis concluded that the existing building on the Project site has several structural and logistical issues and ultimately "has no reuse value for a Grocery Outlet...." Specifically, the analysis explains that the building "fails to meet current building codes," is "practically inaccessible for those with disabilities," and would require a "major seismic upgrade" to meet current codes. The



structure is “extremely energy inefficient,” “has insufficient and outdated electrical services,” and has a “roof structure that will not allow any additional mechanical loads or modifications,” such additional heating or air conditioning. The building also has asbestos that further limits modifications. Furthermore, the existing structure has inadequate storage for a grocery store and floors insufficient to support the forklifts needed for stocking a grocery store. The analysis then accurately concluded that use of the existing building under the Building Reuse Alternative is entirely infeasible.

Moreover, in testimony before the City Council on July 26, 2021, Terry Johnson of the Best Development Group testified that the existing building cannot be feasibly reused, as it has mold and asbestos and does not meet current codes. Similarly, under this alternative, due to the current layout of the existing office building, paired with the divided parking areas that would be provided in the southern and northern portions of the site, substantial improvements would be required to ensure that site circulation and pedestrian access is safe and adequately provided. Therefore, this alternative would meet Objective #5 (design a site plan that minimizes circulation conflicts between automobiles and pedestrians), but to a lesser extent than the proposed Project and the Decreased Density Alternative. On balance, the minor environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

### 3. DECREASED DENSITY ALTERNATIVE:

The **Decreased Density Alternative** is discussed on pages 5.0-3, and 5.0-13 through 5.0-17 of the Draft EIR. Under the Decreased Density Alternative, the proposed Project would be developed with the same components as described in the Project Description, but the size of the grocery store building and parking lot would be reduced, resulting in an increase of undeveloped land. The grocery store would be located in the northern portion of the site, similar to the Project. The grocery store would be reduced by approximately 30 percent from 16,157 sf to 11,310 square feet. The parking lot would be reduced by approximately 30 percent from 51,650 sf (1.18 acres) to 36,155 sf (0.083 acres). The total acreage dedicated to the proposed Project would be reduced by approximately 30 percent. The total acreage developed would be 1.14 acres, with 0.49 acres remaining in its current state. The 0.49 acres that would remain undeveloped would be located in the southern portion of the site.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Greenhouse Gases, Climate Change and Energy, Noise, Transportation and Circulation, or Utilities. Three of the five impacts related to Air Quality and one out of seven impacts related to Biological Resources would also be reduced. The remaining resources areas would have equal or similar impacts to the Project.

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On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. This alternative would not achieve all of the Project objectives. The Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. Additionally, this alternative would provide a 30 percent reduction in grocery store area, which would result in fewer job opportunities for Fort Bragg residents and less shelf space for grocery items. This would also reduce the property tax and sales tax revenue generation as compared to the Project. On balance, the minor environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

4. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-1 of the Draft EIR (on pages 5.0-18 and 5.0-19), a comparison of alternatives is presented. No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Building Reuse Alternative and Decreased Density Alternative both rank higher than the proposed Project. Comparatively, the Decreased Density Alternative would result in less impact than the Building Reuse Alternative because it provides the greatest reduction of potential impacts in comparison to the proposed Project. However, neither the Decreased Density Alternative nor the Building Reuse Alternative fully meet all of the Project objectives. While the City recognizes the environmental benefits of both alternatives, these alternatives are determined to be infeasible and rejected.

## MITIGATION MONITORING AND REPORTING PROGRAM

4.0

This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Best Development Grocery Outlet (Project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed Project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

#### 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Fort Bragg will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

**RESO NO 4689-2023 EXHIBIT B**

**4.0 MITIGATION MONITORING AND REPORTING PROGRAM**

**TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM**

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<b>BIOLOGICAL RESOURCES</b>				
Impact 3.3-2: The proposed Project has the potential to have direct or indirect effects on special-status bird species, including through the substantial reduction of habitat or range restriction for bird species, resulting in a bird species population to drop below self-sustaining levels, or threatening to eliminate a bird community.	<p><b>Mitigation Measure 3.3-1:</b> The Project proponent shall implement the following measure to avoid or minimize impacts on protected bird species that may occur on the site:</p> <ul style="list-style-type: none"> <li>Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of Project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.</li> </ul> <p>If any active nests, or behaviors indicating that active nests are present, are observed, appropriately protective buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from Project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that Project activity is not resulting in detectable adverse effects on nesting birds or their young. No Project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.</p>	Fort Bragg Community Development Department	Within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area	
Impact 3.3-3: The proposed Project has the potential to result in direct or indirect effects on special-status mammal species, including through the substantial reduction of habitat or range restriction for mammal species, resulting in a mammal species population to drop below self-sustaining levels, or threatening to eliminate a mammal community.	<p><b>Mitigation Measure 3.3-2:</b> The Project proponent shall implement the following measure to avoid or minimize impacts on special-status bat species that may occur on the site:</p> <ul style="list-style-type: none"> <li>A bat survey shall be conducted by a qualified biologist prior to demolition of the existing on-site building. The surveys shall be conducted from dusk until dark. If the weather during the bat survey makes visual observations difficult or impossible, another survey shall occur when the weather is appropriate for visual observations. If no bats or maternity roosts are found in the existing building, no further mitigation is required.</li> </ul> <p>If bats or bat roosts are discovered, prior to demolition of the existing building, the bat(s) or bat roost(s) shall be removed through live exclusion or similar</p>	Fort Bragg Community Development Department	Prior to demolition of the existing on-site building.	

4.0-2 Revised Final EIR – Best Development Grocery Outlet

# RESO NO 4689-2023 EXHIBIT B

## MITIGATION MONITORING AND REPORTING PROGRAM

4.0

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	means that do not harm bats. The removal strategy shall be determined and overseen by the qualified biologist. No bat or roost removal shall occur during the maternity season (typically late May through mid-August) to protect flightless baby bats. No Project activity shall commence within the building area until the end of the pupping season (August 1) or until a qualified biologist confirms the maternity roost is no longer active.			
<b>NOISE</b>				
Impact 3.6-1: The proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	<p><b>Mitigation Measure 3.6-1:</b> To reduce potential construction noise impacts during Project construction, the following multi-part mitigation measure shall be implemented for the Project:</p> <ul style="list-style-type: none"> <li>• All construction equipment powered by internal combustion engines shall be properly muffled and maintained.</li> <li>• Quiet construction equipment, particularly air compressors, shall be selected whenever possible.</li> <li>• All stationary noise-generating construction equipment such as generators or air compressors shall be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.</li> <li>• Unnecessary idling of internal combustion engines shall be prohibited.</li> <li>• The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.</li> <li>• Exterior construction activities shall be limited to 7:00 a.m. to 8:00 p.m., and interior construction activities shall be limited to 7:00 a.m. to 10:00 p.m. All construction activities shall be limited to Monday to Friday, holidays excluded.</li> <li>• Staging areas on the Project site shall be located in areas that maximize, to the extent feasible, the distance between staging activity and sensitive receptors.</li> <li>• An 8-foot tall temporary construction sound wall shall be constructed along the east and south sides of the project site, as shown on Figures 3.6-8 and 3.6-9. The sound barrier fencing should consist of</li> </ul>	Fort Bragg Community Development Department	Prior to and during all demolition, grading, and construction related activities	

Revised Final EIR – Best Development Grocery Outlet

4.0-3



# RESO NO 4689-2023 EXHIBIT B

## 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p>½" plywood or minimum STC 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier should be free from gaps, openings, or penetrations to ensure maximum performance. This temporary construction sound wall shall be constructed prior to any demolition or other ground disturbing activities associated with construction.</p>			
<p>Impact 3.6-2: The proposed Project would not generate excessive groundborne vibration or groundborne noise levels.</p>	<p><b>Mitigation Measure 3.6-2:</b> To reduce potential vibration impacts during Project construction, the following mitigation measure shall be implemented for the Project:</p> <ul style="list-style-type: none"> <li>Any compaction required less than 26 feet from the adjacent residential structures to the south shall be accomplished by using static drum rollers which use weight instead of vibrations to achieve soil compaction. As an alternative to this requirement, pre-construction crack documentation and construction vibration monitoring should be conducted to ensure that construction vibrations do not cause damage to any adjacent structures. Any such documented damage would be required to be repaired by the applicant.</li> </ul>	<p>Fort Bragg Community Development Department</p>	<p>Prior to and during all demolition, grading, and construction related activities</p>	

## **RESOLUTION NO. 4690-2023**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT BRAGG, CALIFORNIA APPROVING COASTAL DEVELOPMENT PERMIT 2-22 (CDP 2-22), DESIGN REVIEW 7-22 (DR 7-22); PARCEL MERGER 1-2022 (MGR 1-22) FOR THE GROCERY OUTLET AT 825 845, 851 SOUTH FRANKLIN STREET**

**WHEREAS**, Best Development (“Applicant”), submitted an application for a Coastal Development Permit (CDP 2-22), Design Review (DR 7-22); and Parcel Merger (MGR 1-22) to construct a Grocery Outlet Market (“Project” or “retail store”). The Project includes the demolition of an existing 16,436 SF vacant former office building and associated 47-space parking lot and wooden fencing along the property line, and the construction and operation of a 16,157 SF, one-story, retail store with a 53-space parking lot (as conditioned) and associated improvements and infrastructure located at 825, 845, and 851 South Franklin Street (the “Property”); and

**WHEREAS**, 825 845, 851 South Franklin Street, Fort Bragg, California (Assessor Parcel Numbers: 018-120-49, 018-120-48, 018-120-47) are in the Highway Visitor Commercial (CH) zone, Coastal Zone and no changes to the site’s current zoning designation are proposed under the Project; and

**WHEREAS**, the Project is subject to the Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

**WHEREAS**, on May 10, 2023 the Planning Commission held a duly noticed public hearing to consider the Project and the related CEQA items at which time it considered all of the testimony presented as well as written testimony that had been timely submitted; and

**WHEREAS**, after the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council certify the EIR, adopt the required CEQA findings, and adopt the Mitigation and Monitoring Program, as well as recommended that the City Council approve the Project; and

**WHEREAS**, on June 5, 2023, at a specially scheduled meeting, the City Council held a duly noticed public hearing on the Project and considered all information related to the EIR, including the Draft and Final EIR, all reports and attachments prepared or presented by City staff, pertinent documents provided during previous public meetings, all oral and written testimony and the full record of proceedings on the Project; and

**WHEREAS**, prior to adopting this Resolution the City Council adopted Resolution No. 4689–2023, certifying the Environmental Impact Report for the Best Development Grocery Outlet, adopting the required CEQA findings, and adopting a mitigation monitoring and reporting program;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FORT BRAGG  
DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** General Findings.

- A. The foregoing recitals are true and correct and made a part of this Resolution.
- B. The Project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general.

**SECTION 2.** Coastal Development Permit Findings

The City Council hereby approves CDP 2-22 and in doing so, makes the following findings in accordance with Section 17.71.045.I of the Coastal Land Use and Development Code (CLUDC):

- A. The Project, as modified by the conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources.

*Analysis: Policies of the Coastal General Plan and applicable provisions of the Coastal Land Use Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff report, dated June 5, 2023.*

- B. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

*Analysis: The environmental impacts of the Project have been analyzed through an Environmental Impact Report and all mitigation measures have been incorporated into the project through the adoption of Special Condition 18.*

- C. The proposed use is consistent with the purposes of the zone in which the site is located.

*Analysis: The Project is a permitted use by right in the Highway Commercial zoning district.*

- D. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan.

*Analysis: The Project, as conditioned, is consistent with the relevant policies of the Coastal General Plan and applicable provisions of the Coastal Land Use and Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff report, dated June 5, 2023.*

- E. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

*Analysis: The Project, as conditioned, would not be detrimental to the public*

*health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, per analysis incorporated herein by reference to the project staff report, dated June 5, 2023.*

- F. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development.

*Analysis: The Project, as conditioned, would be adequately served by water supply, sewer supply, solid waste disposal, and roadway capacity per the analysis incorporated herein by reference to the project staff report, dated June 5, 2023 and the project EIR.*

- G. The Project is not located between the first public road and the sea, the Project does not involve any geologic, floor or fire hazards, and the Project is not located within an Environmentally Sensitive Habitat Area.

### **SECTION 3.** Design Review Permit - General Findings

The City Council hereby approves DRP 2-22 and in doing so, makes the following findings in accordance with Section 17.71.050.E and F of the Coastal Land Use and Development Code (CLUDC). These findings are substantiated by the project staff report dated June 5, 2023, including the attachments thereto, and the EIR, which are incorporated herein by reference. The City Council hereby finds that the Project:

- A. Complies with the purpose and requirements of this Section (Design Review in the CLUDC).
- B. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.
- C. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.
- D. Provides efficient and safe public access, circulation, and parking.
- E. Provides appropriate open space and landscaping, including the use of water efficient landscaping.
- F. Is consistent with the Coastal General Plan, and applicable specific plan, and the certified Local Coastal Program.
- G. Complies and is consistent with the City's Design Guidelines.

### **SECTION 4.** Design Review Permit – Signage Findings

Section 17.71.050b.iv provides that any signage included with plans for a project is to be approved as part of the Design Review. Accordingly, the City Council hereby approves the signage for the Project as part of the Design Review and in doing so, makes the following findings set forth below in accordance with Section 17.38.030.D of the Coastal Land Use and Development Code (CLUDC). These findings are based on

the analysis contained in the project staff report dated June 5, 2023 and the Sign Plan which can be found as Attachment 3 to the staff report which are incorporated herein by reference. The City Council hereby finds that as conditioned by special conditions 30 - 32:

- A. The proposed signs do not exceed the standards of Sections 17.38.070 (Zoning District Sign Standards) and 17.38.080 (Standards for Specific Sign Types), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.
- B. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign.
- C. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged.
- D. The proposed signs do not unreasonably block the sightlines of existing signs on adjacent properties.
- E. The placement and size of the sign will not impair pedestrian or vehicular safety.
- F. The design, height, location, and size of the signs are visually complementary and compatible with the scale, and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
- G. The proposed signs are in substantial conformance with the design criteria in Subsection 17.38.060.F (Design criteria for signs).

## **SECTION 5.** Parcel Merger

The City Council hereby approves Parcel Merger 1-22 to merge the three lots. The City Council finds that this merger is necessary to comply with CLUDC section 17.36.090A.2 which requires non-residential parking to be located on the same parcel as the uses served or within 300 feet of the parcel if the parking is shared or public parking facilities are used. As the parking is private, a parcel merger is necessary to eliminate the parcel lines between the three properties so that the parking may all be on one lot. Special condition 32 requires the parcel merger to take place prior to issuance of a building permit.

## **SECTION 6.** Conditions

Each and every one of the approvals set forth in Sections 2 through 5 above for Coastal Development Permit 2-22 (CDP 2-22), Design Review Permit 7-22 (DR 7-22) including the signage, and Parcel Merger 1-22 (MGR 1-22) to construct a Grocery Outlet Market (retail store) are subject to the following standard and special conditions:

## **SPECIAL CONDITIONS**

Special Condition 1a: The Applicant shall resubmit the landscaping and parking plans



for Community Development Director approval. The revised parking and landscaping plan shall eliminate the excess RV parking space, and to the degree feasible replace a portion of it with landscaping.

Special Condition 1b: The Applicant shall resubmit the landscaping and parking plans for Community Development Director approval. The revised parking and landscaping plan shall:

- Comply with the required Landscaping Setback of 15 feet for parking lots by modifying the parking lot to ensure adequate setback for the two parking spaces on the southwest corner of the lot. (Section 17.34.050C4a)
- Contain drought tolerant native species;
- Preserve the existing Monterey Cypress Trees and the Shore Pine on site, as feasible. Protective measures shall include a fence around the drip line. Replace the proposed 24 Monterey Cypress Trees in the Landscaping Plan with a locally native 24 gallon tree species.
- Comply with the California Model Water Efficient Landscape Ordinance (MWELO).
- Include the placement of the backflow device, which shall be fully screened from view by landscaping shrubs.

Special Condition 2: The applicant shall construct new sidewalk along parcel boundaries with South Street, S. Franklin Street, and N. Harbor Drive frontages, as required by City standards prior to final of the Building Permit.

Special Condition 3: Prior to final of the Building Permit, a "Fair-Share Deferment" agreement shall be entered into by the Applicant with Caltrans to fund future traffic improvements as required by cumulative development. The agreement shall be in the form published by Caltrans in the Local Development Intergovernmental Review Program – Traffic Mitigation Agreements. Furthermore, the amount of fair share payment has been determined to be \$144,900 based on the traffic study and the Caltrans cost estimate. The "Fair-Share Deferment" agreement shall be executed, and \$144,900 in funds shall be deposited with TRAMS - a fund program of Caltrans - prior to issuance of the Building Permit. The check shall be submitted per the procedure outlined in the document entitled Local Development Intergovernmental Review Program – Traffic Mitigation Agreements.

Special Condition 4: The Applicant shall apply for an encroachment permit from Caltrans and, if the permit is approved, the applicant shall install signage, stripe and paint to create a right-hand-turn only lane at the western approach of N. Harbor Drive to the intersection of N. Harbor Drive and S. Main Street. If through a traffic/safety study completed within two years of Project's final on the Building Permit, the City determines that the left turn lane from N Harbor Drive onto Highway 1 needs to be modified, and Caltrans agrees, the Applicant shall obtain an encroachment permit and pay its pro-rata share of the cost to modify this intersection per Caltrans specs.

~~Special Condition 5: Prior to issuance of the grading permit, the applicant shall submit for approval by the Public Works Director, the stormwater calculations for the stormwater~~

~~plan, including a Water Quality Management Plan and including how the proposed structural treatments minimize construction impacts to water quality, maximize infiltration of runoff, and reduce parking lot runoff pollution.~~

Special Condition 6: Prior to issuance of the Building Permit the applicant shall provide an analysis that documents the sufficiency of existing stormwater infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system for approval by the Public Works Director. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City.

Special Condition 7: The applicant shall install offsite drainage improvements as needed to ensure that stormwater flows from the project will be effectively transported to the nearest drainage facilities, located on Main Street/Highway 1. This may include surface transportation facilities such as gutters, where absent, or subsurface transportation via pipe if there is insufficient surface capacity.

Special Condition 8: A Maintenance and Operations agreement for ongoing maintenance of the bioretention features installed with this project shall be submitted to the City for review and approval and shall be recorded with the County Recorder's office to ensure that the bioretention features are maintained and remain effective. Recordation of the Maintenance Agreement shall be completed prior to Certificate of Occupancy.

Special Condition 9: An engineered grading plan shall be provided, per Municipal Code Section 17.60.030, and a separate grading permit will be required for the site work. The final grading plan can be submitted at the time of Building Permit application.

Special Condition 10: Prior to issuance of the Building Permit, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the State Water Board to obtain a Construction General Permit. A Runoff Mitigation Plan (RMP) is required by the City to demonstrate the project meets the requirements established by local, state and federal regulations. The City's RMP requirement can be fulfilled by a SWPPP instead. If using a SWPPP to fulfill the RMP, a draft version shall be submitted to the City to ensure the project is in compliance prior to filing for a Notice of Intent (NOI) with the state.

Special Condition 11: All work shall be done in compliance with all conditions required by the City of Fort Bragg Grading Ordinance; Land Use Code Chapter 17.60-17.64 – Grading and Stormwater Runoff Requirements and Procedures. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.

Special Condition 12: Markers or stenciling shall be required for all storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

Special Condition 13: 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 grading plan. The dust prevention and control plan shall demonstrate that the discharge of dust from site demolition and construction 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:

- If the importing or exporting of dirt is necessary, the plan shall include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.
- 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.
- 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.
- All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.
- The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.
- Graded areas that are not immediately paved shall be revegetated as soon as possible to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained.

Special Condition 14: The applicant is required to pay its fair share of the system infrastructure and future capital improvements through the Drainage fees, Water Capacity Charges and Wastewater Capacity Charges. All associated capacity charges and fees shall be paid prior to the issuance of the first building permit.

Special Condition 15: Should the existing project require new or increased capacity water/sewer connections, fees will be required. New or increased capacity sewer connections shall include cleanouts and new or increased capacity water connection(s) shall have backflow device(s). All associated connection fees shall be paid prior to the issuance of the first building permit.

Special Condition 16: Frontage improvements are required on North Harbor Drive, and the southerly portion of South Franklin that is not improved. Public improvements shall be designed by a licensed Civil Engineer, and include pavement as needed for road widening, curb, gutter and sidewalk, per City of Fort Bragg Construction Standards. The designs for all frontage improvements shall be submitted to the City with the Building Permit application for approval by the Director of Public Works and all improvements shall be installed prior to final of the building permit.

Special Condition 17: The Applicant shall ensure adequate pressure and flow to the subject site to provide necessary commercial and fire suppression flows. The Applicant

shall provide documentation that water pressures can be achieved or that they have a means (via pressure pump, tank, etc.) for enhancing their system to meet standards. Documentation shall be submitted prior to issuance of Building Permit.

Special Condition 18: The applicant shall implement all Mitigation Measures in the Final EIR and the Mitigation Monitoring and Reporting Plan for the Project as certified by City Council.

~~Special Condition 19: The applicant shall allow two-hour parking for people wishing to access Noyo Harbor via the Harborlite Lodge stairway.~~

Special Condition 20: The building permit application plans shall include solar panels on the roof, which shall be installed prior to the final of the building permit.

Optional Special Condition 21: Two benches shall be installed in the landscaped area parallel to and adjacent to the sidewalk along South Franklin Street.

~~Special Condition 22: The applicant shall submit a revised design that includes additional detailing in the parapets for consideration and approval by the Community Development Director.~~

Special Condition 23: The windows on the south side of the building may be obscured with murals or other films or coverings so long as they don't limit passive solar gain. Additionally, such coverings shall not conflict with limitations placed on window signage in Chapter 17.38 Signs.

Optional Special Condition 24: The applicant shall replace/cover all smooth surface CMU block on the east and north elevation of the building with one of the other higher-grade materials which are already proposed for the South and West facade of the building.

~~Special Condition 25: The applicant shall replace/cover all CMU block on the west face of the building with hardiboard composite wood paneling.~~

Special Condition 26: The Building Permit plans shall illustrate parking lot lighting standards that are not taller than 16 feet in height.

Special Condition 27: Prior to approval of the Building Permit application, the applicant shall provide an elevation of the new fencing/sound wall from both the east and west perspective. Further the Community Development Director shall ensure conformance with the Design Guidelines related to fencing.

Special Condition 28: The Building Permit application shall include an exit gate by the loading dock to facilitate emergency egress out of the loading area.

Special Condition 29: The applicant shall install a Pick-up/ Drop-off Sign on Franklin Street adjacent to the Entryway. This area will include at least two spaces that are painted

for 10-minute pick up and drop off.

Special Condition 30: Prior to approval of the Building Permit the applicant shall submit a revised sign plan that includes no more than 100 SF of signage, and the monument sign shall include the required site address, and substantially replicate the proposed sign design and locations, for approval by the Community Development Director.

Special Condition 31: Prior to issuance of the Building Permit, the applicant shall submit a revised sign site plan, to be approved by the Community Development Director. The revised sign plan must illustrate that the monument sign is 20 feet back from the edge of the sidewalk in every direction (due to curved sidewalk situation) and is perpendicular to the street at its placement.

Special Condition 32: Prior to issuance of the Building Permit, the applicant shall record a deed and parcel map, eliminating the lot lines between parcels 018-120-49 and 018- 120-48 and 018-120-47. 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.

Special Condition 33: The City shall hire a traffic safety engineer to identify an appropriate safety solution for the South Franklin Street and South Street intersection which may include installation of pedestrian activated flashing beacons, traffic calming measures, sidewalk improvements or other improvement. The Applicant shall pay its fair-share for the installation of the recommended intersection solution, as recommended by a traffic engineer, for the intersection of South Franklin Street and South Street.

Special Condition 34: The Grocery Outlet truck loading dock will not be operated nor accept deliveries between the hours of 9:00 p.m. and 7:00 a.m.

Special Condition 35: Prior to issuance of the Building Permit the applicant shall submit a site plan that illustrates a generator or battery backup, for approval by the Community Development Director.

Special Condition 36: Prior to issuance of the Building Permit the applicant shall submit a site plan that illustrates a crosswalk from the parking area to the entrance of the Grocery Outlet.

## **STANDARD CONDITIONS**

1. This action shall become final on the 11th working day following the City Council decision to allow time for a timely appeal to the Coastal Commission in conformance with 17.76.020.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC.
3. The application, along with supplemental exhibits and related material, shall be



considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.

5. The applicant shall secure all required building permits for the Project as required by the Mendocino County Building Department.

6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, 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 within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.

7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:

- (a) That such permit was obtained or extended by fraud.
- (b) That one or more of the conditions upon which such permit was granted have been violated.
- (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
- (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.

8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B).

**SECTION 7.** Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

**SECTION 8.** Summaries of Information. All summaries of information in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

**SECTION 9.** Custodian of Record. The documents and materials that constitute the record of proceedings on which these findings and approval are based are located in the City of Fort Bragg Community Development Department at City Hall. The Custodian of

Records is the City Clerk who can be reached at 707-961-2823 or jlemos@fortbragg.com.

**The above and foregoing Resolution was introduced by Councilmember Peters seconded by Councilmember Rafanan, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 5th day of June 2023, by the following vote:**

**AYES:** Councilmembers Albin-Smith, Peters, Rafanan and Vice Mayor Godeke  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** Mayor Norvell

  
\_\_\_\_\_  
**Jason Godeke**  
**Vice Mayor**

**ATTEST:**

  
for \_\_\_\_\_  
**June Lemos, MMC**  
**City Clerk**

MEETING DATE: June 5, 2023

PREPARED BY: Marie Jones of MJC

PRESENTED BY: Marie Jones of MJC

## AGENDA ITEM SUMMARY REPORT

**APPLICATION:** Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MGR 1-22), Application Date 3-14-2022

**APPLICANT:** Best Development

**OWNER/AGENT:** Robert Affinito/Terry Johnson

**REQUEST:** Coastal Development Permit, Design Review and Parcel Merger to construct a Grocery Outlet Market (retail store). As proposed the Project would include the demolition of an existing 16,436 SF vacant former office building and associated 55-space parking lot and wooden fencing along the property line, and the construction and operation of a 16,157 SF, one-story, retail store with a 55-space parking lot and associated improvements and infrastructure. The Project will be operated by 15 to 25 full-time staff and two (2) managers and would be open from 9:00 a.m. to 10:00 p.m., seven days per week.

**LOCATION:** 825, 845, & 851 S. Franklin Street; 018-120-47, 018-120-48, & 018-120-49

**ENVIRONMENTAL DETERMINATION:** An Environmental Impact Report (EIR) is prepared for the Project.

**SURROUNDING LAND USES:**  
NORTH: Seabird Motel and Undeveloped Lot  
WEST: Chevron Gas Station and Super 8 Motel  
SOUTH: Undeveloped Lot, Harbor Lite Lodge and Arco Gas Station  
EAST: Residential and Commercial

**APPEALABLE PROJECT:** ☒ Can be appealed to California Coastal Commission

**RELATED APPLICATIONS:** CDP 7-96/SCR 7-96 - Construction of a 16,423 SF new civic building, parking and landscaping for a social services building.  
[This is the existing building on site.](#)

## Report Revisions

Key revisions to the Planning Commission Staff Report are in blue text throughout this City Council Staff Report. Blue text is not intended to include all changes nor is it the form of a track changes or legal redline. Instead, the purpose of the blue text is simply to alert the public about key revisions to the staff report.

**Hearing Comments & Changes.** The Planning Commission received significant verbal and written public comments as part of the public hearing. The public comments from the Planning Commission hearing related to environmental issues have been analyzed and included in the Final EIR and have informed this revised Staff Report. This task is taken to clarify the public record for the Project. Where necessary, clarifications and/or additions have also been made to the staff report to address issues and questions of the community and Planning Commissioners and to include amendments, deletions and additions to the Special Conditions for the Project.

## PROJECT APPEALABILITY TO THE COASTAL COMMISSION

The City received comments from the public that the Project is not appealable to the Coastal Commission based on the staff report for a prior application for this Project. However, per the City's Certified LCP, a project is appealable to the Coastal Commission per the provisions and definitions below in the CLUDC.

Appealable Development. (Section 17.92.040C & 17.100.020) After certification of the Fort Bragg Local Coastal Program, an action taken by the City of Fort Bragg on a coastal development permit application may be appealed to the Coastal Commission for only the following types of developments:

1. Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
2. Developments approved by the City not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, within 300 feet of the top of the seaward face of any coastal bluff.

Sea. (Section 17.100.020) The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to constant or periodic tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

The proposed Project site is located 210 feet from a bluff top that faces the harbor, which is considered part of the sea under the City's Certified LCP. Thus, the Project is appealable under #2 of the definition of Appealable Development above.

## PROJECT HISTORY

The Planning Commission held a hearing, received testimony on May 10, 2023 and adopted two resolutions, as amended, during the hearing. Amendments were made to the second

resolution that included striking out three special conditions, modifying four special conditions and adding four new special conditions (See Attachment 2). Both resolutions are attached to this staff report as Attachment 1 and Attachment 2. The body of the staff report includes additional analysis to support Planning Commission's decisions regarding the recommended amendments to the Special Conditions.

## PROJECT DESCRIPTION

Best Development Group (Applicant) is proposing to construct a Grocery Outlet (retail store) on a 1.63-acre site located at 825, 845, and 851 S. Franklin Street, Fort Bragg, and identified by Assessor's Parcel Numbers (APNs) 018-120-47, 018-120-48, and 018-120- 49 (Site). Grocery Outlet describes itself as a value grocer, meaning they sell brand name products at lower prices. The site is owned by Dominic and Juliette Affinito and is located in the Coastal Zone within the City of Fort Bragg city limits. No changes to the Site's current land use or zoning designations are proposed under the Project.

The Project includes:

- Parcel merger of Parcels 018-120-47, 018-120-48, and 018-120-49; and
- Demolition of an existing 16,436-square-foot vacant former office building and existing 47-space parking lot, and wooden fencing along the property line; and
- Construction and operation of a 16,157-square-foot, one-story, retail store with a proposed 55-space<sup>1</sup> parking lot, loading dock, landscaping, sound wall, fencing, signage and other associated improvements and infrastructure.

The store would operate from 9:00 a.m. to 10:00 p.m., seven days per week with 15 to 25 full-time staff and two (2) managers working over two (2) shift schedules. The store would receive approximately eight (8) semi-trailer truck deliveries per week and 4 to 5 medium truck deliveries per day. Typically, trucks would arrive around 7:00 a.m. and leave before 9:00 a.m. Additional deliveries would be made daily by four (4) to five (5) small trucks that would typically arrive in the morning and leave shortly afterward.

Please see following Attachments to review the Project Plans:

### Report Attachments

1. A Resolution of the Fort Bragg Planning Commission Recommending that the City Council: A) Certify the Environmental Impact Report for the Best Development Grocery Outlet (Sch: 2022050308); B) Adopt the California Environmental Quality Act Findings; and C) Adopt Mitigation Monitoring and Reporting Program.
2. Resolution of the Fort Bragg Planning Commission Making A Recommendation To City Council for the Approval of the Coastal Development Permit 2-22 (CDP 2- 22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MGR 1-22) for the Grocery Outlet at 825 845, 851 South Franklin Street.
3. Site Location Map
4. Site Plan

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<sup>1</sup> Please note that the project as submitted includes 55 parking spaces, but the project as approved includes 54 spaces.



5. Floor Plans & Elevations
6. Landscape Plan
7. Sewer & Water Plan
8. SWIPP
9. Grading & Stormwater Plan
10. Visual Simulation
11. Lighting Plan
12. Sign Plan
13. Preliminary Deed Description and Parcel Map
14. A Resolution of the City Council of the City Of Fort Bragg, California Certifying The Environmental Impact Report For The Best Development Grocery Outlet (Sch: 2022050308); Adopting The California Environmental Quality Act Findings; And Adopting A Mitigation Monitoring And Reporting Program
15. FEIR Findings
16. A Resolution of the City Council of the City Of Fort Bragg, California Approving Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MGR 1-22) for the Grocery Outlet At 825 845, 851 South Franklin Street
17. Public Comments
18. Draft EIR & Attachments. Please see the link below:  
<https://files.ceqanet.opr.ca.gov/278651-2/attachment/B4mEXYDJGnZMeYYxx2BhZ8d-6quo1KG64Apvot3eOZ1c9Dj4xRQB1F2HK6-cj6sYLF0N9wEDFjPnynx10>
19. Final EIR & Attachments. Please see link below:  
<https://www.city.fortbragg.com/departments/community-development/city-projects>

## PERMIT REQUIREMENTS OVERVIEW

**Coastal Development Permit.** Section 17.22.030.A of the Coastal Land Use and Development Code (CLUDC) outlines general permit requirements for commercial district land uses as follows (pertinent part):

“A Coastal Development Permit shall be required for all development, including... the placement or erection of any .... structure; ...change in the density or intensity of use of land, .... construction, .... or demolition of any structure.”

Because the proposed development is a change in land use and includes demolition and new construction, a Coastal Development Permit is required.

**Use Permit.** A retail store is a use permitted by right in the Highway Commercial zoning district, therefore no Use Permit is required.

**Design Review.** As the Project includes construction of a new building and associated landscaping and parking, a Design Review Permit is required which includes the review of the proposed signage.

**Sign Permit.** The sign permit for the proposed Project must be processed concurrently with the remainder of the permits and is considered part of the Design Review Permit (Section 17.71.050Bbiv).

**Parcel Merger.** A Parcel Merger is required to accommodate the parking lot to serve the new retail store. Section 17.36.090.A.2 CLUDC requires that “Nonresidential parking shall be located on the same parcel as the uses served or within 300 feet of the parcel if shared parking or public parking facilities are used to meet parking requirements.” As the proposed parking would be private and located on two adjacent lots, a Lot Merger is required to eliminate the lot line between the three properties so that the proposed parking lot would be located on the same property as the Grocery Outlet.

**Environmental Review.** A Mitigated Negative Declaration was prepared for a substantially similar project in 2021. The application and Mitigated Negative Declaration (MND) were heard and approved by the Planning Commission. The approval was appealed to the City Council and the City Council confirmed the Planning Commission decision and approved the Project. The Project MND was subsequently challenged through the courts. The Applicant withdrew its application and resubmitted substantially the same project. The City hired De Novo Planning to prepare an Environmental Impact Report (EIR) for the Project. A Draft EIR was prepared and circulated for comments in the fall of 2022. On October 11, 2022 the City Council held a hearing to receive comments on the Draft EIR. A final EIR was prepared in compliance with California Environmental Quality Act (CEQA) regulations and published on the City’s website starting on April 11, 2023. The Draft and Final Environmental Impact Reports can be found here:

<https://www.city.fortbragg.com/departments/community-development/city-projects>.

Additional clarifications about Design Review were added to the Final EIR on April 20, 2023, when it was reposted. [The Final EIR was again revised based on comments submitted as part of the Planning Commission hearing on May 10<sup>th</sup>. The revised EIR was posted on May 31, 2023; revisions include changes to the Aesthetics and Noise analysis in the EIR.](#)

## **CONSISTENCY WITH COASTAL GENERAL PLAN POLICIES**

This section includes an analysis of the General Plan Policies that are most germane to the review of this Project. To ease review, some General Plan policies are discussed later by topic area, concurrent with the zoning ordinance analysis.

**Formula Business.** The proposed Project falls under the land use category “General retail – 5,000 SF or larger”, which is permitted by right in the Highway and Visitor Commercial (CH) zoning district. The proposed Project does not meet the standards for a big box store, which is over 30,000 square feet. Grocery Outlet is considered a formula business.

[In the CLUDC, a formula business is defined as follows:](#)

[Formula Business. A business that is required by contractual or other arrangement to maintain standardized uses, services, decor, uniforms, architecture, signs, or other similar features. Formula businesses include retail sales and services and visitor accommodations.](#)

[Grocery Outlets are required to have similar signs and typically have similar architectural features, except where local zoning codes do not allow this. They have standardized products](#)

for sale across all grocery outlets. There are over 400 grocery outlets throughout the US. Although they are individually owned and operated, they qualify as a Formula Business.

There are no specific land use standards for a formula business in the CH zone in the CLUDC but there is a relevant General Plan 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 allows for the regulation of the “location, scale and appearance” of the proposed formula retailer when determining if the Project should be modified to better ensure that the Project does not “detract from the economic vitality of established commercial businesses.” Each of these issues is analyzed in turn below:

- **Location.** The proposed location is currently occupied by a similarly sized building. The proposed Project would be located near a number of existing competitive businesses including Safeway, Rite Aid and Harvest Market.
- **Scale.** The proposed store is smaller than two current grocery stores in Fort Bragg, Safeway (~45,000 square feet) and Harvest Market (~36,000 square feet), but larger than Purity (~10,600 square feet). The proposed Grocery Outlet size is commensurate with other similar businesses.
- **Design.** The proposed building design, as conditioned below, is consistent with the Citywide Design Guidelines, which are intended to maintain the small town, rural character of the area. Please see detailed analysis later in this report.
- **Economic Vitality.** An Urban Decay study was completed for the Project by ALH/ECON. The Urban Decay study provides insights as to whether the Project would impact the “economic vitality of established commercial businesses” (see Policy LU-4.1 above). The study included a retail leakage analysis, which analyzes if the proposed Project would impact the general market for area retailers. The study includes the following conclusions:
  - The Grocery Outlet store is estimated to achieve annual sales of \$6.5 million during its first year of operations, comprising \$2.3 million in perishable goods and \$4.2 million in non-perishable goods. The study also assumed that 10% of these sales would be to visitors from outside the area.
  - The primary market area households (defined as coastal Mendocino County from Elk to Westport) are estimated to generate \$95 million in demand for food and beverage sales and \$31 million in other retail categories. These two categories correspond with Grocery Outlet sales.
  - The primary market area households are estimated to generate demand for \$258.5 million in annual retail sales, including \$95 million in food and beverage store sales. Overall, as of 2021, the area is characterized by retail sales leakage in all major retail categories except food and beverage stores, building materials and garden equipment, and gasoline stations. Much of this leakage is likely due to internet sales. The high leakage amounts generally indicate that the primary market area is under-retailed relative to the demand generated by its population base. See table 7 below from the report.

**Table 7. Fort Bragg Primary Market Area (PMA) Sales and Leakage in Key Sales Categories (2021) and Grocery Outlet Estimated Sales (2022)**

Type of Store	Fort Bragg PMA Sales (1)	Existing PMA Leakage (2)	Grocery Outlet PMA Sales (3)	PMA Sales Capture Rate	Impact on Existing Sales	
					Amount	Percent of Sales
Food & Beverage Stores	\$95,192,763 (2)	\$0	\$2,027,258 (4)	2.1%	\$2,027,258	2.1%
General Merchandise Stores	\$2,994,020	(\$24,870,385)				
Home Furnishings & Appliance Stores	\$3,674,860	(\$6,602,354)				
Other Retail Group	\$25,124,592	(\$14,379,262)				
Sub-total	\$31,793,471	(\$45,852,002)	\$3,822,742	12.0%	\$0 (5)	0.0%

Sources: Exhibit 3; Exhibit 4; and Table 1.

(1) Unless otherwise noted, see Exhibit 3.

(2) See Exhibit 4.

(3) See Table 6.

(4) Corresponds to Perishable Goods in Table 6.

(5) There is retail leakage in all these sales categories in the primary market area (PMA). Therefore, the Grocery Outlet sales impact is 0.0%, as Grocery Outlet sales will absorb existing primary market area sales leakage.

- The analysis concludes that the Grocery Outlet would impact existing food and beverage sales at other stores by 2.1% in the first year with sales at \$6.5 million.
- The analysis concludes that the Grocery Outlet would not impact the existing “other retail” category (general merchandise) due to significant existing leakage in these categories.
- The report concludes that: “if sales are diverted from any existing stores, they will be dispersed among many of the stores, such that no one store is likely to experience sales loss sufficient to significantly impact store sales. Moreover, the stores all have the capability to modify their offerings and product mix to better insulate their inventory against competitive impacts associated with Grocery Outlet.” (page 22)

As previously stated, the policy allows the City to regulate the “location, scale and appearance” of the proposed formula retailer after determining that the Project would “detract from the economic vitality of established commercial businesses.” The Planning Commission determined that this threshold has not been reached.

**Demolition and Building Reuse Policies.** The proposed Project would include the demolition of an existing non-historic structure. The policies below are not applicable to the Project.

Policy CD-7.2 Discourage Demolitions: Discourage the demolition of historic buildings.

Policy CD-3.1 Adaptive Reuse: Facilitate the adaptive reuse of existing older buildings in the Central Business District.

The building is not a historic building, so Policy CD-7.2 does not apply to the Project. Likewise, as the proposed Project site is not located in the Central Business District, Policy CD-3.1 does not apply to the Project.

**Scenic Views.** As noted in the attached EIR the Project would not have a substantial adverse effect on a scenic vista. [Per CLUDC section 17.50.070B, a visual resources analysis is required as follows:](#)

Applicability. The requirements of this Section apply to the review and approval of planning permits, including but not limited to, coastal development permits for proposed development located on any parcel of land that is located along, provides views to, or is visible from any scenic area, scenic road, or public viewing area including:

1. Along the west side of Highway 1;
2. Along the bluff of the Noyo River including any area within viewing distance from the bluff, and the bluffs at the mouth of Pudding Creek within the Coastal Zone (CZ);
3. Along Highway 20 and Highway 1 on sites with views to the ocean; and
4. **Areas designated “Potential Scenic Views toward the Ocean or the Noyo River” on Map CD-1.**

**The Project is not: 1) located on the west side of Highway 1; 2) within viewing distance from a bluff; 3) along Highway 20 or Highway 1 with views to the ocean; 4) located in an area designated as having “potential scenic views toward the ocean or the Noyo River” per Map CD-1 of the City’s Community Design Element of the Coastal General Plan.**

**Further Chapter 10 of the CLUDC defines a Public Viewing Area as follows:**

Public Viewing Area. A location along existing scenic public roads and trails or within public parklands or beaches where there are scenic views of the beach and ocean, coastline, mountains, ridgelines, canyons and other unique natural features or areas.

**The proposed Project is not located on a scenic public road, trail, parkland or beach. Therefore, CLUDC Section 17.50.070B does not apply to the Project.**

**The above section of the CLUDC is intended to implement the policies of the Coastal General Plan that relate to the protection of scenic views, which include the following:**

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.

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.

**There are very limited views of the Pacific Ocean through the Project site from S. Franklin Street along the north boundary of the parcel. This road does not qualify as a Public Viewing Area (as noted above).**

**The exiting view is compromised as follows:**

1. **The view is visible for about 20 feet along the access road entrance from the current**



parking lot.

2. The view extends through four parcels, including an existing Chevron gas station, Highway 1, and the undeveloped Mill Site to the west of Highway 1.
3. The view to the ocean is only visible from a high truck or other high vehicle (see figure 2). It is fully obscured by a solid wood fence along the Mill Site property line if one is in a car or walking as a pedestrian (see figures 1 and 3).
4. The short high view is also interrupted by two large cypress trees and a number of bushes, which further obscure the limited high truck views of the ocean and skyline.
5. The proposed retail store would occupy a similar location to the existing structure on the northern portion of the Project site.
6. There are no views to the Pacific Ocean on the southern portion of the Project site, as all views are blocked by the existing two-story Super 8 hotel and landscaping.

**Figure 1: No View to the Ocean from the Project Site (Person Standing)**





Figure 2: Distant view to the ocean from Google Earth Street View (Camera is 8.2 feet high)



The existing view towards the ocean does not qualify as a scenic resource because it is [not located in a Public Viewing Area](#) and it is exceptionally distant, small, and highly compromised by existing interceding development and only visible from a seat in a high truck. The Project does not conflict with Policy CD-1.1, CD-2.5 nor CD-1.4. [Please see Figure 3 for a close up of the westerly view of the intervening fence, which blocks the view to the Ocean.](#)

Figure 3. Close up of Mill Site fence interrupting “view” to the ocean (taken by a person standing).



# CONSISTENCY WITH THE COASTAL LAND USE AND DEVELOPMENT CODE

## ZONING

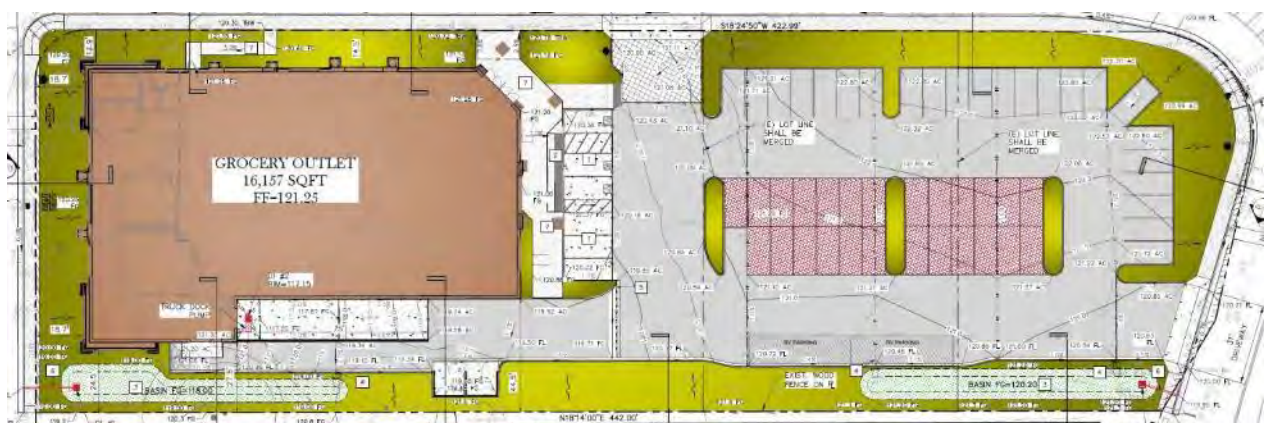
The purpose of the Highway and Visitor Serving (CH) zoning district is described in Section 17.22.010.E of the Coastal Land Use and Development Code as follows:

The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores. The maximum allowable residential density within the CH district for the residential component of a mixed-use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CH zoning district implements and is consistent with the CH land use designation of the Coastal General Plan.

The proposed land use, “general retail – 5,000 sf or larger,” is a principally permitted use in this zoning district and consistent with the purpose of the CH district. As noted below, the Project complies with these standards.

## Site Design

The proposed Project would include 51,650 square feet (1.18 acres) of impervious surfaces for the proposed store (16,157 SF), parking lot, sidewalks, and driveways. Associated improvements and site infrastructure include a loading dock, sound wall, site fencing and trash enclosure on the west side of the store, a parking area with 55 proposed parking spaces on the south side of the store, an internal system of walkways and crosswalks, two (2) bicycle racks, two (2) driveways, a new fire service line connection, replacement of an existing sewer connection, connection to underground utilities, construction of two (2) bioretention basins for stormwater capture and treatment, proposed illuminated signage, and landscaping throughout the Site.



<b>Setbacks</b>	<p>The Site is bordered to the north by South Street, to the south by N. Harbor Drive, and to the east by S. Franklin Street and conforms to all required setbacks in 17.22.050.</p> <ul style="list-style-type: none"> <li>• The proposed front setback would be 10 feet and 5 feet is required by the code.</li> <li>• Proposed side and rear setbacks would be 11 feet and 6 feet respectively and no setback is required by the code.</li> </ul>
<b>Lot Coverage and Floor Area Ratio</b>	The Project site is 1.63 acres. The proposed Project would have a Floor Area Ratio (FAR) of 0.23 which is less than the maximum of 0.4 FAR. The CH zone has no maximum lot coverage.
<b>Maximum Height</b>	The proposed building would be 28 feet at the top of the canopy and 23 feet at the top of the parapet. This conforms to the code, which allows up to 35 feet.
<b>Fencing &amp; Trash Enclosures</b>	<p>The Project would include a 314 square foot trash enclosure on the west side of the structure. It would be fenced with solid metal gates that will be painted to match the previously approved color “Indian River” by Benjamin Moore. Walls on the enclosure would be 6 ft, high. No additional fencing is proposed. All of these improvements conform with zoning requirements.</p> <p>The Project also includes a 4 foot guard rail and a 6 foot high sound wall (from top of ground but higher from the bottom of the loading ramp) on the west side of the property that would be painted Indian River. This fencing complies with the CLUDC.</p>

## Parking and Circulation

### General Plan Policies

Parking is also consistent with the General Plan Policies C-10.5 because it provides adequate and secure bicycle parking and C-11.1 and C-11.2 because it provides ADA access. The pedestrian circulation system is also consistent with General Plan policy C-9.4 as it includes new sidewalks, and C-9.7 as the project will improve pedestrian safety, and C-11.2 as the project includes the installation of curb cuts, ramps, and other improvements facilitating [ADA] access.

### CLUDC Regulations

**Parking Lot.** The CLUDC Chapter 17.36 Parking and Loading requires one space per 300 SF of retail space, which equates to 53 parking spaces for the 16,157 SF facility. Other parking requirements include: 1 RV space per 40 parking spaces, 1 ADA space per 26 spaces. As

proposed the 25,000 SF parking area has 55 parking spaces, including three ADA-accessible spaces, two Recreational Vehicle Spaces, six bike parking stalls, and five EV compatible spaces and meets the requirements. The proposed Project includes one extra RV parking space. The Code (17.36.040Af) requires a Minor Use Permit to approve parking in excess of the code, in order to avoid excessive impervious surfaces and inefficient land use. The Applicant has indicated that it does not want to apply for a Minor Use Permit to retain the extra RV parking space and so Special Condition 1a is proposed to address this issue.

**Special Condition 1a:** The Applicant shall resubmit the landscaping and parking plans for Community Development Director approval. The revised parking and landscaping plan shall eliminate the excess RV parking space, and to the degree feasible replace a portion of it with landscaping.

**Bicycle Parking.** The Project site plan illustrates six (6) bicycle parking spaces. The CLUDC requires one (1) bicycle space per ten (10) car parking spaces or five (5) spaces total. The Project complies with this requirement.

**Loading Dock.** The Project proposes one (1) loading dock. The CLUDC requires one loading dock per 10,000 SF of retail space. The proposed Project includes 16,157 SF. The CLUDC requires rounding up for items like parking if the fractional difference for a requirement is more than 0.5. However, the code does not define a rounding option for loading docks. Instead, the Code reads as follows: “1 space for each additional 10,000 SF.” The proposed Project is less than 20,000 SF so the additional loading zone is not required.

The proposed loading dock complies with the site standards in Section 17.36.110 with regard to its location and configuration behind the building and the screening provided by a sound wall on the west side of the property. The dock will be screened from the public right of way by the building. Thus, the loading dock complies with Section 17.36.110.

**Pedestrian Circulation.** The Project would include an internal system of walkways and crosswalks to provide pedestrian connectivity between the parking lot, building, and sidewalk. The pedestrian improvements would be Americans with Disabilities Act (ADA) compliant. A sidewalk would be constructed along South Street, S. Franklin Street, and North Harbor Drive frontages, as required by City standards and to provide pedestrian access around the site. Where required, existing sidewalks would be upgraded to meet City standards in conformance with CLUDC Section 17.30.090 Public Improvements. Special Condition 2 has been added to ensure the construction of required sidewalks.

**Special Condition 2:** The Applicant shall construct a new sidewalk along parcel boundaries with South Street, S. Franklin Street, and N. Harbor Drive frontages, as required by City standards prior to final of the Building Permit.

**Parking Entrance.** The Project includes a new, 30-foot-wide entrance/exit on N. Harbor Drive and a 35-foot wide entrance/exit on S. Franklin Street. Due to the size and shape of the site, the proposed driveway is only 65 feet from the intersection of Franklin Street and N. Harbor Drive. This was reviewed and approved by the City Engineer, as required by Section 17.36.100B because it is less than 150 feet from the intersection. With this approval, the proposed driveways comply with the CLUDC Section 17.36.100.



## Lighting

The Project is consistent with General Plan policy CD-1.9. It conforms with most of the lighting requirements in CLUDC Section 17.30.070.

- The proposed outdoor light fixtures would utilize energy efficient fixtures and lamps.
- The lighting would be shielded and directed downward and away from adjoining properties and the public right of way to reduce offsite illumination. (see Attachment 12).

However, the proposed outdoor light fixtures are too high and are limited to a maximum height of 18 feet per the CLUDC and 16 feet per the Citywide Design Guidelines. Special Condition 26 in the Design Review analysis below addresses this issue by imposing a height limit of 16 feet on the light fixtures.

## Landscaping

The proposed Project includes approximately 18,290 square feet of landscaping including 36 trees that would be planted 25 feet apart and 786 shrubs as well as ground cover, grasses, and boulders. Landscaping is proposed for the parking lots, setbacks, undeveloped areas, and as a buffer between adjacent properties in compliance with the requirement of CLUDC 17.34.050. As proposed, 13% of the parking area would be landscaped, which exceeds the code requirement of 10%. (See Attachment 7, Landscape Plan).

However, Code section 17.34.050C4a requires a minimum 15 feet of landscaping between the street right of way and the parking lot. The parking area does not comply with this requirement at the southwestern edge. The buffer in front of the two parking spaces adjoining the 30' wide entrance would be closer than 15 feet to the sidewalk. Therefore, **Special Condition 1b** is recommended.

Additionally, the landscaping plan contains several plant species that are non-native and may not be drought tolerant, which is not consistent with Policy OS-11.8 Landscape with Native Plant Species. The landscaping plan also includes 24 Monterey Cypress trees, which are non-native to our County and have a tendency to grow very large and become dangerous over time. The Planning Commission recommends Special Condition 1c, d and e to require an alternative tree species and a revised landscaping plan. [The Planning Commission expressed interest in preserving the two existing Monterey Cypress Trees, if feasible. Additionally, backflow devices are required for new projects with fire sprinklers systems and unfortunately the placement of such devices often occurs as an afterthought, and they often mar otherwise compliant site landscaping. Therefore, MJC recommends Special Condition 1b be modified as follows to require appropriate location and screening of the backflow devices.](#)

**Special Condition 1b:** The Applicant shall resubmit the landscaping and parking plans for Community Development Director approval. The revised parking and landscaping plan shall:

- [Comply with the required landscaping setback of 15 feet for parking lots by modifying the parking lot to ensure adequate setback for the two parking spaces on the southwest corner of the lot \(Section 17.34.050C4a\);](#)
- Contain drought tolerant native species;
- [Preserve the existing Monterey Cypress Trees and the Shore Pine on site](#)

as feasible, and replace the proposed 24 Monterey Cypress Trees in the Landscaping Plan with a locally native tree species.

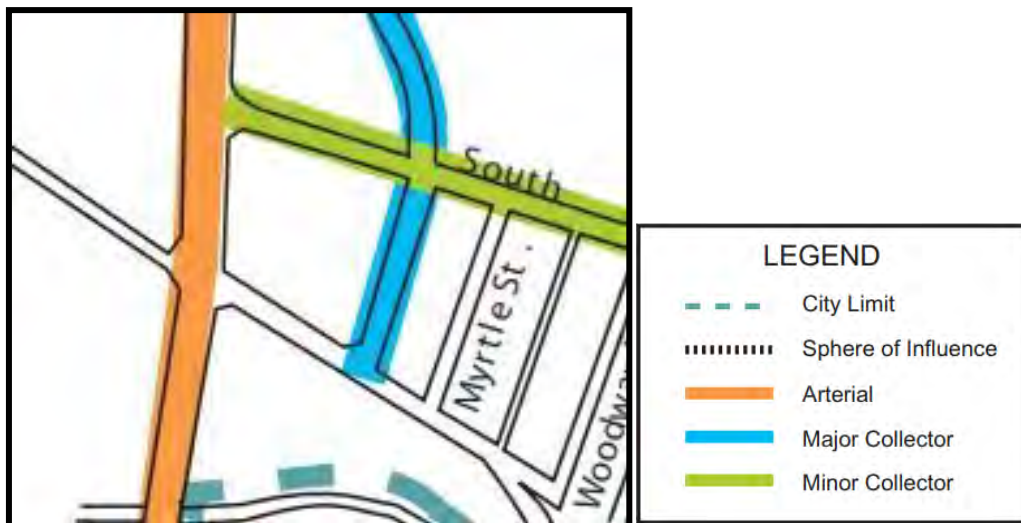
- Comply with the California Model Water Efficient Landscape Ordinance (MWELO).
- Include the placement of the backflow device, which shall be fully screened from view by landscaping shrubs.

## TRAFFIC & CIRCULATION

The proposed Project is located on S. Franklin Street, between South Street and N. Harbor Drive, one block east of Highway One/Main Street.

Per the City's Coastal General Plan Map:

- Highway One is an Arterial
- S. Franklin Street is designated as a Major Collector
- South Street is designated as Minor Collector
- N. Harbor Drive does not have a designation (see map excerpt below)



A detailed analysis of the proposed Project's impacts on vehicle miles traveled (VMT) is included in the EIR. However, the City's General Plan uses Level of Service (LOS) to identify required special conditions to address vehicle wait time.

A traffic study for the parcel was completed in 2019. Subsequently, Caltrans determined that the left-hand turn prohibition located at the intersection of S. Main Street and N. Harbor Drive was no longer necessary and has removed the prohibition. In order to determine if allowing left-hand turns at this intersection required an updated traffic study for the proposed Project, the City engaged a traffic engineer to analyze whether the change would impact the LOS. As noted in the excerpt below, the report found that traffic LOS limits would be satisfied even with the construction of the Grocery Outlet and allowing left hand turns. See *italics* below.

"As indicated, with left turns allowed the westbound approach to the SR 1 / N. Harbor Drive intersection operates at LOS D in the p.m. peak hour with the addition of GOS (Grocery Outlet Store) trips. *This result satisfies the City's minimum LOS D standard*



*for weekday peak hours. On Saturday the westbound approach also operates at LOS D, and again the General Plan's minimum LOS D standard is satisfied. This conclusion is consistent with the (Traffic Impact Analysis) TIA's prior results, which also indicated that City of Fort Bragg's minimum Level of Service standards would be satisfied at the South Street and N. Harbor Drive intersections with development of the Grocery Outlet.*

Cumulative Year 2040 and Year 2040 Plus Grocery Outlet Store Level of Service. Table 3 presents the intersection Level of Service results from the TIA assuming that left turns onto SR 1 were prohibited at the SR 1 / N. Harbor Drive intersection. Table 4 compares the Year 2040 Levels of Service at study area intersections with and without the GOS assuming left turn access is allowed at the SR 1 / N. Harbor Drive intersection. Again, the length of delays is less than had been projected in the TIA on the westbound approach to the SR 1 / South Street intersection with the diversion of traffic to N. Harbor Drive. As shown in Table 3, the TIA indicated that the addition of GOS traffic resulted in LOS E conditions at this location with the left turn prohibition in place. *While the minimum LOS D standard had been exceeded, General Plan policy had allowed the City to accept LOS F condition on peak summer weekends.* With traffic diverted to N. Harbor Drive the General Plan's minimum LOS D standard is no longer exceeded at the South Street intersection on Saturday.

Alternatively, the length of delays at the SR 1 / N. Harbor Drive intersection are longer under cumulative conditions if left turns are allowed. As indicated in Table 4, the westbound approach to the SR 1 / N. Harbor Drive intersection operates at LOS D in the p.m. peak hour with the addition of GOS trips. *This result satisfies the City's minimum LOS D standard.* On Saturday the westbound approach operates at LOS D without GOS and at LOS E with GOS. LOS E exceeds the General Plan's minimum LOS D standard, but *as noted in the General Plan, the City of Fort Bragg is allowed to accept LOS F during peak hours during peak summer weekends.* Thus, the GOS's effect during summer Saturday peak hour conditions would be acceptable under that policy."

As conditioned, the Project would be consistent with Circulation Goal C-1:

Circulation Goal C-1 The maximum allowable LOS standards for Main Street apply to the p.m. peak hour weekdays during the summer and to the p.m. peak hour on weekdays and weekends during the remainder of the year. They do not apply to p.m. peak hours on weekends and holidays during the summer. During the p.m. peak hours on summer weekends and holidays, Main Street can operate at LOS F.

The traffic study prepared for this Project identified a cumulative impact (Project plus future development) that warrants an off-site traffic signal at Highway 1 and N. Harbor Drive. Additionally it is the Policy of the City and Caltrans that all development pay its fair share for future infrastructure improvements. Special Condition 3 will ensure that when a N. Harbor Drive and Highway 1 signalization is required, that the Grocery Outlet will pay its fair share of the construction costs. In 2019, the City received an estimate of \$900,000 for signalization of this intersection by Caltrans. Further the EIR noted that the Project's trips represent 16.1% of the future new traffic at the SR 1/South Street intersection, thus the Project should pay 16.1% of the cost of signalization. Accordingly, see special condition 3 below.

**Special Condition 3:** Prior to final of the Building Permit, a “Fair-Share Deferment” agreement shall be entered into by the Applicant with Caltrans to fund future traffic improvements as required by cumulative development. The agreement shall be in the form published by Caltrans in the Local Development Intergovernmental Review Program – Traffic Mitigation Agreements. Furthermore, the amount of fair share payment has been determined to be \$144,900 based on the traffic study and the Caltrans cost estimate. The “Fair-Share Deferment” agreement shall be executed, and \$144,900 in funds shall be deposited with TRAMS - a fund program of Caltrans - prior to issuance of the Building Permit. The check shall be submitted per the procedure outlined in the document entitled Local Development Intergovernmental Review Program – Traffic Mitigation Agreements.

The fair share agreement is a reasonable option, as this is part of a State highway, and Caltrans will be responsible for carrying out the improvements.

As conditioned above, the Project would comply with the following General Plan Policy:

Circulation Policy C-1.3 Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met:

- a) Revisions are incorporated in the proposed development project which prevent the Level of Service from deteriorating below the adopted Level of Service standards; or
- b) Funding of prorata share of the cost of circulation improvements and/or the construction of roadway improvements needed to maintain the established Level of Service is included as a condition or development standard of project approval.

The traffic study found that the LOS at the N. Harbor Drive and Highway 1 intersection would be substantially improved by making the west bound N. Harbor Drive traffic lane into a right turn only lane. Special Condition 4 would improve the Level of Service at N. Harbor Drive and Highway 1. During the Public Hearing before the Planning Commission, safety concerns were mentioned with regard to the south bound left turn lane from North Harbor Drive. As a consequence, the Planning Commission recommended that Special Condition 4 be expanded to require a traffic safety analysis and for the Applicant to pay its fair share for any future modification to the left hand south-bound turn lane. However, MJC does not recommend this additional language as it is not justified by safety data or the extensive traffic analysis in the EIR. There is currently no documented safety issue at this intersection. Additionally it is unclear how to determine a pro-rata share for any changes or who is going to pay for the study. Finally, changing the striping or turn rules at this intersection is ultimately up to Caltrans and Caltrans did not indicate that safety is a concern at this intersection in their comments to the City of Fort Bragg regarding the EIR or this Project.

**Special Condition 4:** The Applicant shall obtain an encroachment permit from Caltrans and the City of Fort Bragg and install signage, stripe and paint to create a right-hand-turn only lane at the western approach of N. Harbor Drive to the intersection of N. Harbor Drive and S. Main Street. If through a traffic/safety study completed within two years of Project’s final on the Building Permit, the City determines that the left turn

lane from N Harbor Drive onto Highway 1 needs to be modified, the Applicant shall pay its pro-rata share of the cost to modify this intersection per Caltrans specs.

Additionally, the Planning Commission discussed at length the need for off-site pedestrian improvements at the corner of South Franklin and South Streets. There are just a few Coastal General Policies regarding pedestrian safety including:

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-9.7: Improve Pedestrian Safety.

Therefore, the Planning Commission recommends that the City Council adopt a new Special Condition 33 to establish a safe crossing and complete sidewalks at this intersection:

**Special Condition 33:** The Applicant shall pay its fair-share for the installation of either an all-way stop or pedestrian triggered flashing lights, as recommended by a traffic engineer, at the intersection of South Franklin St. and South St., including signage, striping, and pedestrian facilities (sidewalk, curb, and gutter) to provide crossing at all legs of the intersection. The proposed intersection improvement would require the installation of sidewalk curb and gutter to City Standard Specifications for a total length of 57 linear feet along the east side of South Franklin St. as well as a curb return to provide sufficient pedestrian landing facilities on the south-east corner of the intersection.

Consistent with case law, the City is only legally able to ask for a fair share contribution to off-site improvements. The Applicant has, however, agreed verbally to pay for the entire cost of these improvements.

**Transit.** A transit stop is currently located on the corner of South Street and S. Franklin Street. (northeast corner), and no additional transit facilities are required.

**Bike Connectivity.** The Project is located on Franklin Street which has bike lanes, and the Project includes bicycle parking and an extra wide pedestrian path of travel to the bicycle lanes on Franklin Street. Thus, the Project is consistent with Policy C-10.2:

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

## NOISE

The Planning Commission discussed the potential impacts of construction noise on the surrounding community. Consequently, the Planning Commission requested clarity that the EIR Mitigation Measure be modified to require in Mitigation Measure 3.6-1 that the temporary sound wall be constructed as soon as reasonably practicable in order to comply with the City's noise ordinance and Coastal General Plan Noise Element. Mitigation Measure 3.6-1 has been modified as follows:

***Mitigation Measure 3.6-1: To reduce potential construction noise impacts during Project***

construction, the following multi-part mitigation measure shall be implemented for the Project:

- An 8-foot-tall temporary construction sound wall shall be constructed along the east and south sides of the Project site, as shown on Figures 3.6-6 and 3.6-7. The sound barrier fencing should consist of ½" plywood or minimum STC 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier should be free from gaps, openings, or penetrations to ensure maximum performance. *This temporary construction sound wall shall be constructed prior to any demolition or other ground disturbing activities associated with construction.*

Additionally, the Planning Commission received comments from the public regarding noise impacts on the adjacent motel. Both of these issues were examined thoroughly by the City's noise consultant which concluded that the project complies with all noise policies of the City.

Specifically, the Project complies with the Coastal General Plan Noise Standard Table N-4 which includes the following noise standards for "Residential, Hotels and Motels"

- Noise levels of less than 60L<sub>dn</sub>dB are normally acceptable; and
- Noise levels between 60L<sub>dn</sub>dB and 75 L<sub>dn</sub>dB are conditionally acceptable; and
- Noise levels of more than 75 L<sub>dn</sub>dB are not acceptable.

Being extremely conservative, the Noise Consultant applied Policy N-1.4 (below) to the Project and determined that the Project also complies with this standard, even though the policy is limited to "new residential development including hotels and motels" and the Project before the City Council is not the new development of a residential or hotel use.

Policy N-1.4 Residential and Noise Sensitive Land Use Standards: Require a standard of 45 L<sub>dn</sub> for indoor noise level for all new residential development including hotels and motels, and a standard of 60 L<sub>dn</sub> for outdoor noise at residences. These limits shall be reduced by 5 dB for senior housing and residential care facilities.

The Coastal General Plan also includes Policy N-1.6 which calls for mitigation of noise impacts to the maximum extent feasible.

Policy N-1.6 Mitigate Noise Impacts: Mitigate noise impacts to the maximum feasible extent.

Truck deliveries have a larger sound footprint than any other activity at the proposed Grocery Outlet. Disturbing truck noises include back-up beeping, setting the jake brake, idling, and opening and closing cargo doors. It is feasible to limit the deliveries and activity at the loading dock to non-sensitive timeframes (waking hours), therefore, to fully comply with Policy N-1.6 City Council may adopt Special Condition 34 below:

Special Condition 34: The Grocery Outlet truck loading dock will not be operated nor accept deliveries between the hours of 9:00pm and 7:00am.

While the Project without special conditions would comply fully with noise standards in the CLUDC, the Applicant has agreed to limit truck delivery to daytime hours, which does reduce noise impacts to the adjacent hotel.

## STORMWATER MANAGEMENT & GRADING PLAN

The proposed Project is on a partially developed and ruderal site that consists mostly of open gravel that is used as (unpermitted) parking for large trucks and sometimes fruit vendors. As noted in the EIR, there is nothing on the site that would qualify as natural vegetation. The proposed Project includes:

- Demolition of the existing building and removal of existing landscaping.
- New landscaping around the perimeter of the site and two (2) bioretention basins on the west side to which water naturally flows. These bioretention facilities have been designed to capture and treat all water runoff from a 24-hour 85<sup>th</sup> percentile storm, as required by the CLUDC (see Attachment 10).
- Permeable paving is proposed for 25 parking spots located in the middle of the parking lot. Three (3) drainage inlets are also located on the west side of the property.

The Project is a Development of Special Water Quality Concern per the City of Fort Bragg's Coastal Land Use and Development Code Section 17.64.045.A. The Project will also require a Runoff Mitigation Plan per Section 17.64.040 of the CLUDC. The goals for the Runoff Mitigation Plan are to minimize impervious surfaces, maximize infiltration of runoff, and reduce parking lot runoff pollution. Additional requirements to meet these goals for Developments of Special Water Quality Concern include submittal of a Water Quality Management Plan, and selection of structural treatment control Best Management Practices, and 85<sup>th</sup> percentile design requirements. These requirements ensure that construction and post construction measures to reduce runoff and pollution are properly engineered and best suited to the site. The Applicant has achieved the 85<sup>th</sup> percentile design requirements with proposed drainage improvements that include post- construction BMPs, such as bioretention facilities and permeable paving that are sized to capture and treat runoff from the proposed impervious surfaces produced by the 24-hour 85<sup>th</sup> percentile rain event and landscaped areas throughout the Project site to encourage natural stormwater infiltration. The Applicant's stormwater engineer completed stormwater calculations for the proposed Project and stormwater plans which illustrate that the Project can infiltrate the 85<sup>th</sup> percentile 24-hour storm on site (see Attachment 10). [The Assistant City Engineer confirmed the calculations and so Special Condition 5 has been deleted from the permit as this has already been achieved.](#)

~~Special Condition 5 requires the Applicant to submit the background calculations for the drainage plan that was submitted to the City of Fort Bragg. The calculations should define the runoff volume and describe the volume reduction measures and treatment controls used to reach attainment consistent with the Fort Bragg Storm Drain Master Plan and City of Fort Bragg Design Specifications and Standards.~~

~~**Special Condition 5:** Prior to issuance of the grading permit, the Applicant shall submit for approval by the Public Works Director, the stormwater calculations for the stormwater plan, including a Water Quality Management Plan and including how the proposed structural treatments minimize construction impacts to water quality, maximize infiltration of runoff, and reduce parking lot runoff pollution.~~

Special Condition 6 requires the Applicant to analyze off-site stormwater infrastructure and construct any improvements required by the increased stormflow from the proposed Project.

**Special Condition 6:** Prior to issuance of the Building Permit, the Applicant shall provide an analysis that documents the sufficiency of existing off-site stormwater infrastructure or provide an engineer-reviewed design of a new proposed drainage conveyance system for approval by the Public Works Director. If upgrades to off-site infrastructure are required, this shall be completed by the developer and dedicated to the City.

**Special Condition 7:** The Applicant shall install offsite drainage improvements as needed to ensure that stormwater flows from the Project will be effectively transported to the nearest drainage facilities, located on Main Street/Highway 1. This may include surface transportation facilities such as gutters, where absent, or subsurface transportation via pipe if there is insufficient surface capacity.

As conditioned, the Project would be consistent with the City's Coastal General Plan policies OS-11.9: Provide Storm Drain Inlet Markers and OS-11.10: Continue Operation and Maintenance of Post-Construction BMPs, and OS-141.1: Minimize Polluted Runoff and Pollution from Construction.

### **Grading**

Article 6 of the CLUDC regulates grading activities to prevent erosion and control sediment. A preliminary grading and drainage plan has been prepared for the Project. However, as this development would include over one acre of disturbance, the Applicant is required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the State Water Board to obtain a Construction General Permit. To ensure Project conformance with the grading requirements of the City's Municipal Code, CLUDC, and State law, the Public Works Department recommends the following special conditions:

**Special Condition 8:** A Maintenance and Operations agreement for ongoing maintenance of the bioretention features installed with this Project shall be submitted to the City for review and approval and shall be recorded with the County Recorder's office to ensure that the bioretention features are maintained and remain effective. Recordation of the Maintenance Agreement shall be completed prior to Certificate of Occupancy.

**Special Condition 9:** An engineered grading plan shall be provided, per CLUDC Section 17.60.030, and a separate grading permit will be required for the site work. The final grading plan can be submitted at the time of the Building Permit application.

**Special Condition 10:** Prior to issuance of the Building Permit, the Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the State Water Board to obtain a Construction General Permit. A Runoff Mitigation Plan (RMP) is required by the City to demonstrate the Project meets the requirements established by local, State and federal regulations. The City's RMP requirement can be fulfilled by a SWPPP instead. If using a SWPPP to fulfill the RMP, a draft version shall be submitted to the City to ensure the Project is in compliance prior to filing for a Notice of Intent (NOI) with the state.



**Special Condition 11:** All work shall be done in compliance with all conditions required by Article 6, Chapters 17.60 through 17.64, of the Coastal Land Use and Development Code relating to grading, erosion and sediment control, and stormwater runoff pollution control. If construction is to be conducted between October and April (the rainy season), approval from the Public Works Department and additional construction BMP's will be required.

**Special Condition 12:** Markers or stenciling shall be required for all storm drain inlets constructed or modified by development to discourage dumping and other illegal discharges into the storm drain system.

Section 18.30.080.D of the Land Use and Development Code outlines municipal standards for dust management. Additionally, Section 18.62.020 of the Land Use and Development Code requires a Dust Prevention and Control Plan to be submitted in conjunction with the grading plan. **Special Condition 13** includes language to assure that the requirements of the Land Use Development Code pertaining to dust control are addressed. [Additionally, the Planning Commission recommended that the special condition be modified to make it clear that all dust suppression activities also apply to demolition activities on the site.](#)

**Special Condition 13:** In order to minimize dust and prevent it from leaving the Project site, a dust prevention and control plan shall be submitted for approval by the City Engineer in conjunction with the grading plan. The dust prevention and control plan shall demonstrate that the discharge of dust from the [demolition and](#) 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:

- If the importing or exporting of dirt is necessary, the plan shall include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.
- 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.
- 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.
- All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.
- The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.
- Graded areas that are not immediately paved shall be revegetated as soon as possible to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three (3) months shall be seeded and watered until grass cover is grown and maintained.

As conditioned, the Project would be consistent with the City's Coastal General Plan policy

OS-14.2: Minimize Land Disturbance During Construction, OS-14.4: Stabilize Soil Promptly, and OS-14.5: Grading During Rainy Season.

## **PUBLIC UTILITIES**

In compliance with CLUDC Section 17.30.090 the Applicant is required to pay for all required public street and frontage improvements associated with the Project. Additionally, as required by the Coastal General Plan Policy C-2.1: Roadway Improvements and Policy C-14.1: Development to Pay Fair Share, project applicants shall be fiscally responsible for their fair share of roadway improvements. The following special conditions are recommended:

**Special Condition 14:** The Applicant is required to pay its fair share of the system infrastructure and future capital improvements through the Drainage fees, Water Capacity Charges and Wastewater Capacity Charges. All associated capacity charges and fees shall be paid prior to the issuance of the first Building Permit.

**Special Condition 15:** Should the existing Project require new or increased capacity water and/or sewer connections, fees will be required. New or increased capacity sewer connections shall include cleanouts and new or increased capacity water connection(s) shall have backflow device(s). All associated connection fees shall be paid prior to the issuance of the first Building Permit.

**Special Condition 16:** Frontage improvements are required on N. Harbor Drive, and the southerly portion of S. Franklin Street that is not improved. Public improvements shall be designed by a licensed Civil Engineer, and shall include pavement as needed for road widening, curb, gutter and sidewalk, per City of Fort Bragg Construction Standards. The designs for all frontage improvements shall be submitted to the City with the Building Permit application for approval by the Director of Public Works and all improvements shall be installed prior to final of the Building Permit.

## **Public Safety**

The proposed Project is not located on a slope or near an identified seismic fault shown on Coastal General Plan Map SF-1 Geologic Hazards. Additionally, State Building Code is protective of the Project in the case of an earthquake. According to FEMA maps, the Project is not located in a flood zone. The Project is not located in a tsunami inundation zone according to California Emergency Management Agency maps. The Project is located within 300 feet of the top of a coastal bluff, however it is far enough away from the bluff that a geotechnical report was not required for the Project.

In conformance with Policy SF-6.1 *Demand for Police Services*, the proposed Project was reviewed by the Police Department. The Project was also reviewed by the Fort Bragg Fire Protection Authority. The Fire Department recommends Special Condition 17 below for compliance with Coastal General Plan Policy SF-5.1: *Minimize Fire Risk in New Development*:

**Special Condition 17:** The Applicant shall ensure adequate pressure and flow to the subject site to provide necessary commercial and fire suppression flows. The Applicant shall provide documentation that water pressures can be achieved or that they have a means (via pressure pump, tank, etc.) for enhancing their system to meet standards. Documentation shall be submitted prior to issuance of Building Permit.

Additionally, the Planning Commission recommended Special Condition 35 to require the installation of a generator or battery backup on the Site Plan to ensure that it complies with safety concerns regarding power outages.

**Special Condition 35:** Prior to issuance of the Building Permit the Applicant shall submit a site plan that illustrates a generator or battery backup, for approval by the Community Development Director.

There were no conflicts between the proposed Project and any other policies of the Safety Element, therefore the proposed Project is in conformance with the Safety Element of the Coastal General Plan.

## **COASTAL DEVELOPMENT PERMIT & COASTAL ACT RESOURCES**

The Coastal Development Permit review process requires making findings that the Project will not have an impact on Coastal Act Resources. This section analyzes potential impacts to Coastal Act Resources.

### **Cultural Resources**

The existing building was constructed in the 1990s and does not qualify as a historic resource. The structure does not have any features or context that would render it a historic resource and it has no cultural or historic value. A cultural resources evaluation was performed in 1996 by Katherine Flynn of Archaeological Resource Service, before the property was first developed. No resources were identified at that time. The survey encompassed the entire Project area. An archaeological survey of the site was again conducted in 2022 and sent to tribal governments for review. As noted in the EIR, the Project is unlikely to impact cultural resources. A standard condition is included in the Coastal Development Permit to ensure that if any resources are discovered during grading activities, appropriate steps are taken to prevent detrimental impacts. The Project is not expected to result in impacts to cultural resources.

### **Visual Resources**

As previously noted earlier in this report the Project is not subject to the Visual Analysis requirement and the project will have no effect on visual resources. Chapter 3.1 of the EIR analyzes the aesthetic impacts of the proposed Project. The Project is subject to Design Review for the proposed exterior changes and new signs as discussed later in the report.

### **Environmentally Sensitive Habitat Areas**

The proposed Project site is not located in a mapped Environmentally Sensitive Habitat Area (ESHA) as shown on Map OS-1 from the Coastal General Plan (**see Figure 1**). Proposed improvements would not occur in or near any known sensitive habitat areas. A biological report and wetlands study were completed for this Project. An analysis of the site's natural resources and biological condition has been reviewed as part of the EIR, which finds that there are no significant impacts on biological resources with mitigation. See pages 3.3.1-3.3.36 of the Draft EIR and Appendix C for the studies, analysis, and discussions of the Project's environmental

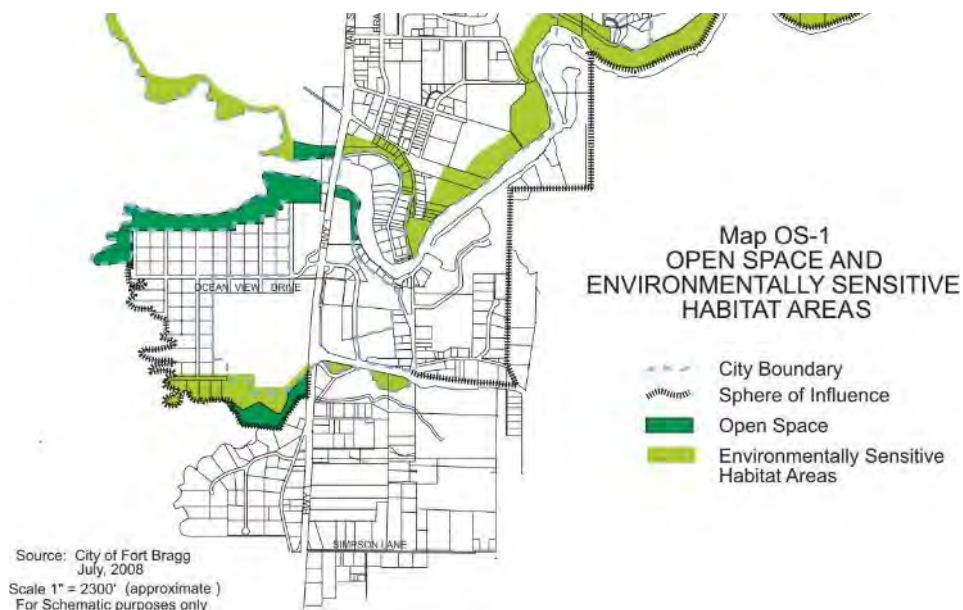
impacts. Here are the key findings from the biological and wetland analysis.

- The lot is vegetated with ruderal, low growing weedy plant species and is regularly mowed. There are no native plant communities, wetlands or riparian areas on the site or within 100 feet of the Project site.
- The EIR found that the proposed Project has the potential to have direct or indirect effects on special-status migrating bird species, however the report identifies that these impacts could be mitigated with the implementation of Mitigation Measure 3.3-1.
- The EIR further identifies that the proposed Project has the potential to result in direct or indirect effects on special-status mammal species, but that this impact would be a less than significant impact with implementation of Mitigation Measure 3.3-2.

Special Condition 18 requires that the proposed Project complete all mitigation measures in the EIR. Therefore, the proposed Project as conditioned and mitigated will not have significant impacts on ESHAs, as there are no ESHAs on site, and the Project complies with all General Plan ESHA policies.

**Special Condition 18:** The Applicant shall implement all Mitigation Measures in the Final EIR and the Mitigation Monitoring and Reporting Plan for the Project as certified by City Council.

**Figure 3: Open space and environmentally sensitive habitat areas.**



### **Pedestrian Access to the Harbor/Ocean**

The proposed Project is not located between the sea and the first public road. The Project does not provide direct connectivity to the Harbor, and it is not feasible nor desirable to require public coastal access through the property to the Harbor (see General Plan Policy OS-16.4: New Development), as site sidewalks will provide good pedestrian access.

An existing public access trail/stairway to the Harbor is located just south of the Project at the Harbor Lite Lodge (Figure 4), however the motel does not permit public parking for this access.

The new sidewalks and pedestrian upgrades that are required as a condition of this Project will increase pedestrian accessibility to this existing Harbor access. An optional special condition was included in the Planning Commission staff report to allow the use of the Project parking spaces for vehicular parking for the trail. However, the Planning Commission recommended that the optional special condition below be stricken from the resolution, as this is not an effective access to the Noyo Harbor given the easy drive to the harbor and the Coastal Trail and it would be problematic for the Grocery Outlet to monitor such parking.

~~**Optional Special Condition 19:** The Applicant shall allow two-hour parking for people wishing to access Noyo Harbor via the Harbor Lite Lodge stairway.~~

**Figure 4: Aerial Photo illustrating pedestrian access to the Harbor from the proposed site.**



### **Vehicular Access to the Harbor**

The Project site is bordered on the south by N. Harbor Drive, which provides vehicular access to the north side of Noyo Harbor. The North Harbor offers docks for commercial and sport fishing, restaurants and access to Noyo Beach. Grocery Outlet will generate additional vehicle traffic on this street and will affect the Level of Service (LOS) of N. Harbor Drive, as permitted by the City's Coastal General Plan.

- The current LOS for vehicles turning onto Noyo Harbor Drive is LOS B. The post Project level of service would remain at LOS B.
- The current LOS for vehicles turning onto Highway 1 from N. Harbor Drive is LOS C (southbound left turn), and B (northbound right turn). The Post Project LOS for vehicles turning onto Highway 1 from N. Harbor Drive would be LOS D (southbound left turn), and C (northbound right turn). The Coastal General Plan allows, as noted in Table 3.7-8, a minimum LOS at intersections controlled by side street stops (based on the delay experienced by motorists on the side street) is LOS D on Main Street. Thus, the Project complies with the General Plan requirements regarding Level of Service at the intersection of N. Harbor Drive and Highway 1.



- The proposed Project would contribute to traffic that may slightly slow access to the Harbor at the corner of Franklin and N Harbor Drive, however the intersection currently provides a LOS A and the LOS with the Project would remain as LOS A. Thus the Project is in compliance with General Plan Policy C-1.1 which allows a LOS C or LOS E (if there are less than 15 vehicles/hour) for this intersection.

## DESIGN REVIEW PERMIT ANALYSIS

The Project is subject to Design Review per Section 17.71.050 of the CLUDC and must conform with the Citywide Design Guidelines. The following analysis considers whether the proposed Project conforms with design review criteria and the Citywide Design Guidelines as well as the findings for the Design Review Permit and the sign review.

Grocery Outlet franchise's come in a range of designs with common themes, including the following.

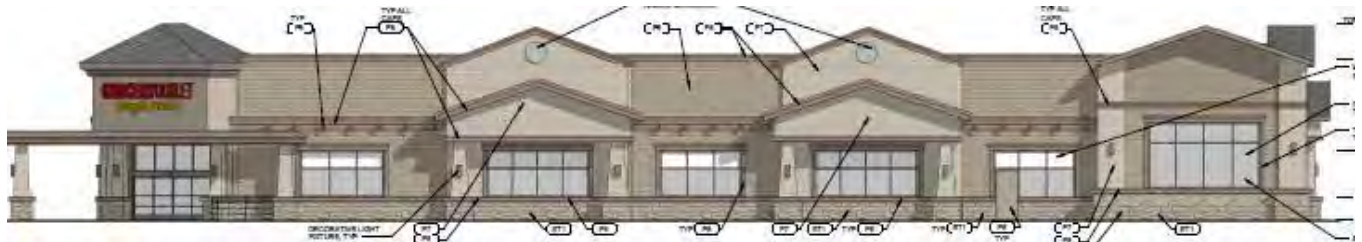
**Figure 5: Some Typical Grocery Outlet Designs**



However, these designs do not comply with the Citywide Design Guidelines. Therefore, the Applicant was asked to develop a design that complies with the Citywide Design Guidelines. The submitted design is illustrated in the photos on the following page and in Attachment 6: Grocery Outlet Floor Plan Elevations.



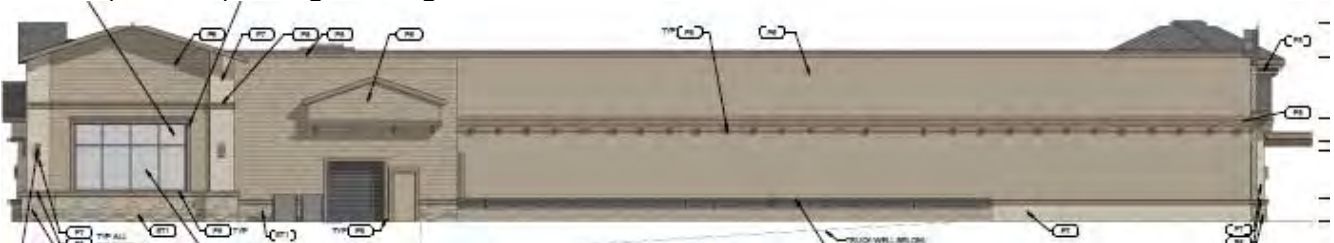
S. Franklin Street Elevation:



South Street Elevation:



Backside (Internal) facing fence/gas station/Taco Bell Elevation:



N. Harbor Drive Elevation:



Additionally, the visual simulation (Attachment 11 and below) illustrates how the building would appear onsite.

**View 1: From the corner of S. Franklin Street and N. Harbor Drive**



**View 2: From the intersection at South Street and S. Franklin Street**



**View 3: From South Street**



Design Review Findings. The City Council must evaluate the application to ensure that the Project complies with the following findings in order to approve a Design Review Permit.

1. Complies with the purpose and requirements of this Section (Design Review in the CLUDC).
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.
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.
4. Provides efficient and safe public access, circulation, and parking.
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping.
6. Is consistent with the General Plan, and applicable specific plan, and the certified Local Coastal Program.
7. Complies and is consistent with the City's Design Guidelines.

As mentioned above, the Design Review process requires substantial compliance with the Citywide Design Guidelines. This includes the four guiding principles of the Citywide Design Guidelines (analyzed below) and the mandatory and preferable Design Guidelines (analyzed later by component).

**Guiding Principle 1: Community Character**

*Project design should reflect and strengthen the distinct identity of Fort Bragg – a rural, historic small town on the Mendocino coast.*

The proposed Project design has features that are compatible with, without trying to mimic historic design, including parapets and building articulation which break up the building's massing. It is similar in design quality to other recently constructed large format and franchise stores such as CVS, McDonalds and Taco Bell. It has better design character than some larger franchise stores which were constructed prior to the adoption of the Citywide Design Guidelines, such as Safeway, Pizza Hut and RiteAid.

**Guiding Principle 2: Support Connectivity**

*Project design should incorporate safe, functional and multimodal connections that are easy to navigate by walking, bicycling and public transit. When feasible, new streets should follow existing development pattern.*

The proposed Project would result in the construction of new sidewalks on a parcel which currently lacks sidewalks. A bus stop is located across the street from the Project. The Project includes bicycle racks and easy access to the Class II bicycle lane on Franklin Street.



### **Guiding Principle 3: Public Enhancements**

*Project proposals should positively enhance the adjacent public realm by contributing to the collective good of community. This means building places, and not individual sites; making design consideration in the context of streets, sidewalks, public spaces, parks, and trails and looking at how the community interacts with these public spaces.*

The Project includes significant landscaping which would screen the parking lot from public view, while providing comfortable spaces to walk on new sidewalks. The Project Applicant made a design decision to build the proposed structure on the footprint of the existing structure, which means that the urban form will not change significantly on this block.

### **Guiding Principle 4: Water & Power Sustainability**

*Do more with less. Development should incorporate water and power efficient design strategies.*

As conditioned, the Project incorporates permeable paving and bioswales to reduce stormwater flows and native plantings which require less watering. The Project will achieve Title 24 energy efficiency in compliance with the State Building Code. The Planning Commission could recommend that the Project incorporate solar as part of the Building Permit process. The proposed roof plan does not currently include solar panels although a location is reserved for them on the plans. **Special Condition 20 was recommended by the Planning Commission.**

**Special Condition 20:** The building permit application plans shall include solar panels on the roof, which shall be installed prior to the final of the building permit.

The Citywide Design Guidelines also include a specific design guideline for South Franklin Street as follows:

#### **Franklin Street South**

*From the intersection of Oak and Franklin Street to N. Harbor Drive lies the Franklin South Corridor. This corridor on the eastern side of the street is mainly an eclectic mix of single-family residences in a variety of building forms, setbacks, and landscape character. While the western portion is mainly made up of hotels and commercial development. Due to this mix of development, there is no significant architectural style and detail present throughout the corridor. Sidewalks and class II bikeways are present on both sides and speed limits are a maximum of 30MPH making it one of the more pedestrian friendly streets in town.*

*With some relatively large opportunity sites in this area, new development is likely to have a transformative impact. As new development occurs, new sites and buildings should be designed with the objectives listed below in mind.*

- *Ensure a comfortable pedestrian environment through design approaches for a front setback area.*
- *Limit parking to the rear or alley of primary structures.*

- *Create a visual and physical connection between a building's entry and the public realm.*
- *Emphasis on front yard trees and landscaping.*
- *Mixed-use development is heavily encouraged.*

Project compliance with each of the above requirements is analyzed below:

- **Ensure a comfortable pedestrian environment through design approaches for a front setback area.**

The proposed Project provides a 12' 9" setback along Franklin Street which is landscaped with a variety of shrubs and trees. The proposed sidewalk is 5 feet wide. In order to improve the sense of the public realm and the setback area, the Planning Commission recommended special condition 21.

**Special Condition 21:** Two benches shall be installed in the landscaped area parallel to and adjacent to the sidewalk.

- **Limit parking to the rear or alley of primary structures.**

The proposed Project includes parking to the south of the structure that faces the building entrance. This is very common for grocery stores and other large format retailers, and indeed all the City's grocery stores front their parking lots. This is necessary to easily bring groceries from the store via cart to one's car. Due to parcel configuration (long and thin) the Project site would not support parking at the rear of the parcel for any building equivalent to the existing structure in size. This is especially true for a grocery store, as any grocery store would have to be too long and thin to work effectively as a grocery store in order to accommodate all parking behind the building. Compliance with this design guideline is not feasible given the parcel configuration and the need for grocery cart accessibility.

- **Create a visual and physical connection between a building's entry and the public realm.**

The proposed Project has a 12-foot-wide concrete plaza and entrance that connects the Project to the Franklin Street sidewalk. This is a good physical connection. The building has many windows that face Franklin Street and S. Harbor Drive which create good visual connections to the street.

- **Emphasis on front yard trees and landscaping.**

The Project includes a large number of street trees on all site edges within the public realm. The "front yard of the Project" along Franklin Street has 14 trees, while the front yard fronting N. Harbor Drive has 5 trees. The Project has incorporated extensive front yard landscaping.

- **Mixed-use development is heavily encouraged.**

The proposed Project is a single use (retail) development but it is part of a very mixed neighborhood which includes hotels, gas stations, restaurants and residential uses all located within the immediately surrounding blocks.

## **Chapter 2 Design Review Requirements.**

Additionally, the Project must be reviewed for compliance with the requirements of Chapter 2 of the Citywide Design Guidelines. As conditioned, the Project is in substantial conformance with these guidelines as follows:

### ***Massing Elevations and Articulation – Mandatory Standards***

The Project addresses all mandatory standards as follows:

1. It is well articulated on the three sides that face the public right of way.
2. The scale of the building relates to the two-story development pattern of the motel on the adjacent parcel. The building is essentially two stories in height, and as a grocery store, additional step-backs are not feasible beyond the small amount that is achieved with the building footprint and massing.
3. Includes architectural detailing at the pedestrian level such as windows, building base materials change, awnings, trellises, and window murals.
4. The Project does not include franchise architecture (Architectural Form & Detail #1)
5. The Project incorporates some features from the historic downtown, namely windows and awnings (Architectural Form & Detail #2).

The Project includes the following preferred elements:

1. Includes a higher level of architectural details at the pedestrian level, such as parapets, windows, awnings, medallions, and trellis features. (Preferred Standard 1, 2 & 3).
2. Breaks up the building into forms with vertical and horizontal variations in wall and roof planes and window bays.

### ***Roof forms – Mandatory Standards***

The Project complies with the mandatory standards for roof form with the exception of the items listed below.

1. The roof Parapet does not “include detailing typical of Fort Bragg’s character and design.” The proposed Project does not use much architectural detailing on the parapet. [The Planning Commission does not recommend optional Special Condition 22, as the proposed design has sufficient detail.](#)

~~**Optional Special Condition 22:** The Applicant shall submit a revised design that includes additional detailing in the parapets for consideration and approval by the Community Development Director.~~

2. The Project does not take advantage of passive solar design because the windows on the south wall are proposed to be obscured with murals.



The Planning Commission recommends a revised Special Condition 23, to ensure effective solar passive gain in the building.

**Special Condition 23:** The windows on the south side of the building may be obscured with murals or other films or coverings so long as they do not limit passive solar gain. Additionally, such coverings shall not conflict with limitations placed on signage in Chapter 17.38 Signs.

### **Windows, Doors & Entries – Mandatory Standards.**

The Project complies with all mandatory standards for windows and doors except for storefront window requirements.

- Windows are incorporated at the storefront location and includes use of clear glass (at least 80% light transmission). However as proposed these windows would be painted with murals which would reduce light transmission significantly. Special condition 23, above, will address this issue.
- The size and location of doors and windows relate to the scale and proportions of the overall structure.
- The main building entrance is distinguished from the rest of the building and easily recognizable and oriented toward the internal walkway, street and parking lot.


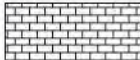








The Project also complies with most of the preferred standards for windows and doors. The Project includes:

- A front entry design with recessed doors, decorative detailing, a projecting element above the entrance and changes in the roofline.
- Window and door type, material, shape, and proportion complement the architectural style of the building.
- Windows are articulated with accent trim and sills.

### **Materials- Mandatory Standards**

The proposed Project complies with the mandatory materials list with one exception.

- The front façade includes the following materials for the exterior elevation from the Encouraged List: Hardi Board Composite, Wood Paneling, Hardi Board Composite Half, Round "Fish Scale" Paneling, Wood Roof Shingles.
- It also includes the following materials from the Acceptable List: Cultured Stone with an authentic appearance, and Country LedgeStone.
- However, the Project includes Smooth Face

ELEVATION NOTES		
1. ALL BUILDING HEIGHTS ARE ABOVE INTERIOR FINISH FLOOR NOT ADJACENT GRADES.		
LEGEND		
EXAMPLE IMAGE	GRAPHIC	DISCRPTION
		SMOOTH FACE CMU
		HARDI BOARD COMPOSITE WOOD PANELING
		HARDI BOARD COMPOSITE HALF ROUND "FISH SCALE" PANELING
		WOOD ROOF SHINGLES
		CULTURED STONE - COUNTRY LEDGESTONE

CMU, which is considered a “discouraged” building material. The CMU is proposed for portions of the building fronting Franklin Street and South Street and the west face of the building which fronts the property line with the gas station.

The Planning Commission recommends Special Condition 24, with proposed strike out, to ensure that building materials on the North and East façade of the building match that of the south face.

**Special Condition 24:** The Applicant shall replace/cover all smooth surface CMU block on the east and north elevation of the building with one of the higher-grade materials (~~fish scale hardipanel~~) which are proposed for the South and West facade of the building.

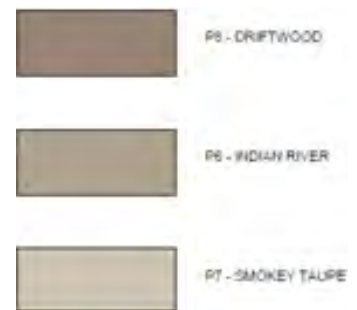
Planning Commission also considered optional Special Condition 25 to require a similar level of material finishes for the Western elevation of the building, **and chose not to recommend this special condition, because the Planning Commission clarified that the Design Guideline was intended to apply only to street-facing facades not all facades.**

~~**Optional Special Condition 25:** The Applicant shall replace/cover all CMU block on the west face of the building with hardiboard composite wood paneling.~~

### Colors.

There are no mandatory standards for color. The proposed Project would be painted with three different earth tones namely: Driftwood, Indian River and Smokey Taupe. The Project complies with the following preferred standards for color:

- Colors enhance different parts of a building’s façade and are consistent with the architectural style.
- Colors visually relate building elements (trim, roof, pedestrian level wall) to each other. The colors also complement neighboring facades.
- The building colors reflect the basic colors of the architectural style or period of the building. They are earth tone colors as required for the Coastal Zone.
- Two colors are included on every façade.



### Lighting - Mandatory Standards

Standard	Compliance
1) Exterior lighting shall be designed as part of the overall architectural style of the building and should illuminate entries, driveways, walkways, and activity areas.	Exterior lights are proposed as simple lighting boxes with downlighting. The lighting boxes are attached to the sides of the buildings. The plan shows that driveways, walkways and entry ways would be effectively illuminated.

2) Entrances shall be well illuminated for safety and identification purposes.	Please see Attachment 9 – Lighting Plan. The entrance will be well illuminated.
3) Lighting sources shall be hidden unless the sources are an integral part of the design. Lighting fixtures should not project above the fascia or roofline of the building.	Please see Attachment 9 – Lighting Plan. The lighting sources are integral to the design, all lighting fixtures are located well below the Fascia.
4) Partial or full cutoff lighting is required. Exterior lighting shall be located and designed to avoid shining directly onto nearby residential properties, and shall minimize off-site glare. The latest technical and operational energy conservation concepts should be considered in lighting designs.	Please see Attachment 9 – Lighting Plan. The Project, as designed, would avoid shining light directly onto nearby residential properties.
5) Parking lot lighting fixtures shall be no taller than 16 feet in height and shall cast light downward without allowing glare or light to encroach upon neighboring properties	The Lighting plan illustrates parking lot lighting fixtures in excess of 16 feet in height. Special Condition 26 is included to address this. All fixtures are downward and do not allow glare to encroach upon neighboring properties.

**Special Condition 26:** The Building Permit plans shall illustrate parking lot lighting standards that are not taller than 16 feet in height.

### *Site Planning - Mandatory Standards*

The proposed Project complies with the mandatory site planning standards.

1. The proposed Project has been sited to minimize impacts to surrounding development. The proposed use will be considerably more intensive than the existing use both in terms of operating hours and the number of vehicles and people coming to the site. However, by occupying the same general footprint as the current building the proposed Project would minimize new impacts to surrounding development. The Project is not adjacent to open space and so will not have an impact on open space. The proposed Project is on a flat lot without natural areas and so the mandatory requirement “to place structures well to minimize impacts to natural areas and natural contours” does not apply.
2. The proposed Project complies generally with the second mandatory standard: “Buildings should generally be oriented toward the street. Buildings on corner parcels should establish a strong tie to both streets.” The front of this building is oriented toward Noyo Harbor Drive with a strong secondary orientation to Franklin Street via the plaza and architectural features.

As conditioned, the Project generally complies with preferred site planning standards, as the building is oriented to the south to take advantage of solar access for passive and active

energy needs and to moderate the impact of prevailing winds from the north.

### ***Landscape - Mandatory Standards***

The Project complies with the mandatory landscaping standards.

1. As conditioned the Project does not include plants and trees with root systems that could uplift hardscape materials. Specifically Special Condition 1 requires the Applicant to select an alternative tree type.
2. As conditioned, the landscaping plan will use trees and plants native to the Northern California coast.

As conditioned, the Project generally complies with the preferred landscaping requirements. Specifically, it:

- 1) Incorporates plantings utilizing a three-tiered system: ground covers, shrubs, and trees;
- 2) Enhances the quality of the development by framing and softening the appearance of the building and screening undesirable views and equipment;
- 3) Is in scale with the building and of appropriate size at maturity;
- 4) Includes water-efficient plants; and
- 5) Defines and accents the building entry, parking lot entrances and the main walkways.

### ***Open Space & Pedestrian Circulation - Preferred Standards***

There are no mandatory open space design guidelines. The proposed Project incorporates a few of the preferred standards into the design. The Project includes:

1. A small plaza at the entrance and quite a lot of landscaped areas.
2. Trees have been incorporated into the courtyard design.

### ***Fencing and Screening - Mandatory Standards***

The proposed Project plans do not include sufficient detailed information to determine if the design complies with the following mandatory requirements for fences:

1. "Fences or walls of more than 100 ft should provide variation in the design – via changes in height, materials, embellishments, step backs, gates, etc. - to break up the length and provide visual interest."

Therefore, the Planning Commission recommended Special Condition 27.

**Special Condition 27:** Prior to approval of the Building Permit application, the Applicant shall provide an elevation of the new fencing/sound wall from both the east and west perspective. Further, the Community Development Director shall ensure conformance with the Design Guidelines related to fencing.

The proposed Project does not comply with the second Mandatory requirement as the Project fence/sound wall would result in hiding places or entrapment areas by the loading dock. The

public interest in health and safety may be better served by keeping people out of the loading dock area than by providing a gate to the adjacent property at this location. However, Planning Commission requested Special Condition 28, as they determined that egress was more important than keeping people out of the area.

**Special Condition 28:** The Building Permit application shall include an exit gate by the loading dock to facilitate emergency egress out of the loading area.

### ***Site Amenities - Mandatory Standards***

The proposed Project does not include more than one unit (retail store) so the mandatory unit numbering, guest parking, and other requirements of this guideline do not apply to it.

### ***Pedestrian Circulation - Mandatory Standards***

Pedestrian access connects buildings to their surroundings and encourages street activity. This Project must add a “drop off only” signage and white marking space along the Franklin Street frontage parallel to the Building entry to comply with the only mandatory guideline in this section. Special Condition 29 is included to achieve this objective.

**Special Condition 29:** The Applicant shall install a Pick-up/Drop-off Sign on Franklin Street adjacent to the Entryway. This area will include at least two spaces that are painted for 10-minute pick up and drop off.

The Project does not comply with the preferred standard to have “continuous, clearly marked pathways from the parking areas to main entrances of buildings” nor has the sidewalk been designed to “minimize pedestrians crossing parking stalls and landscape islands to reach building entries.” However, given the parcel geometry and the minimum 8’ width of landscaping required between the sidewalk and the parking lot, it is not feasible to add pedestrian only paths of travel to the interior of the parking lot. This level of pedestrian access is not provided in any of the other large format stores in Fort Bragg. [The Planning Commission recommended the addition of Special Condition 36 to establish at least one crosswalk from the primary parking area to the front of the building.](#)

[Special Condition 36:](#) Prior to issuance of the Building Permit the Applicant shall submit a site plan that illustrates a crosswalk from the parking area to the entrance of the Grocery Outlet.

### ***Circulation and Parking - Mandatory Standards***

The proposed Project complies with the mandatory circulation and parking standards as the lot is “well designed, with consideration given to landscaping, lighting, building massing, and pedestrian/vehicular circulation” and is “designed for safe ingress and egress.”

### ***Loading and Delivery - Mandatory Standards***

The loading and delivery service area complies with the mandatory standards, as the loading area is located at the rear of the building to minimize its “visibility, circulation conflicts, and adverse noise impacts.” Additionally, the proposed loading and delivery areas are “screened

with portions of the building, freestanding walls and landscaping planting.”

### **Design Review Findings**

As previously mentioned the Planning Commission must evaluate the application to ensure that the Project complies with the Design Review Findings as analyzed above and below.

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

This finding can be made, because as conditioned (discussed in detail above), the Project complies with the purpose and mandatory requirements of the Citywide Design Guidelines.

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

This finding can be made, because as conditioned (discussed in detail above), the Project provides architectural design, building massing and scale that is compatible with the site surroundings and community. Specifically, the building size and massing are permissible with the site zoning and similar to that of other hotels and large format grocery stores in the neighborhood. The level of architectural design is significantly better than many of the other structures in the neighborhood

**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.**

Compliance with the adoptions of the listed special conditions and the Cityside Design Guidelines and the CLUDC as detailed above ensure that this finding can be made.

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

As previously discussed in this report, the Project has been designed and conditioned to provide efficient and easy pedestrian and vehicular circulation and parking.

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

As conditioned the Project provides sufficient landscaping to comply with the CLUDC and the Cityside Design Guidelines.

**6. Is consistent with the General Plan, and applicable specific plan, and the certified Local Coastal Program.**

As analyzed and conditioned in this report and as mitigated in the EIR, this Project is consistent with the Coastal General Plan and the CLUDC which together make up the Local Coastal Plan.

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

As conditioned above, the Project is consistent with the mandatory requirements of the City’s Design Guidelines.



## SIGN ANALYSIS

The sign review is a component of the Design Review Permit and sign plans are in Attachment 13. Pursuant to Section 17.38.040 of the Coastal Land Use and Development Code, the review authority must make all of the following findings.

- 1. The proposed signs do not exceed the standards of Sections 17.38.070 (Zoning District Sign Standards) and 17.38.080 (Standards for Specific Sign Types), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.**

The proposed channel sign on the building and the monument sign proposed for the southeast corner of the lot comply with the standards in 17.38. Both signs comply with height limits. The wall sign is 83.3 square feet (20' X 4'2") and the proposed entry sign is 26 SF (3'10" X 6'10"). Only one side of the free-standing sign is used in the total signage calculation. Signage area calculations are made following the requirements of Section 17.38.060A1. The applicant did not calculate the signage area correctly for the monument sign: the sign submittal illustrates 15 sf but it was calculated incorrectly using the lettering not the sign face. The total signage for the site is therefore 83.3 SF + 26 SF = 109.3 SF. This is 9.3 SF more than the allowed maximum of 100 SF. The proposed sign does not include the site address number as required by the CLUDC. Planning Commission recommends Special Condition 30 below to address this issue:

**Special Condition 30.** Prior to approval of the Building Permit the Applicant shall submit a revised sign plan that includes no more than 100 SF of signage, and the monument sign shall include the required site address, and substantially replicate the proposed sign design and locations for approval by the Community Development Director.

- 2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign.**

The placement of the sign on the building facade is appropriate for the height of the building. The placement of the 6-foot-tall monument standing sign as proposed is not appropriate because the monument sign is located in the traffic safety visibility area which measures 20 feet in each direction from the corner of the lot (not from the corner of the stop bar as noted on the plan set). **Special Condition 31** would address this issue.

**Special Condition 31:** Prior to issuance of the Building Permit, the Applicant shall submit a revised sign site plan, to be approved by the Community Development Director. The revised sign plan must illustrate that the monument sign is 20 feet back from the edge of the sidewalk in every direction (due to curved sidewalk situation) and is perpendicular to the street at its placement.

- 3. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged.**

The proposed flush building sign is a key component of the architectural design and related well to the design and the building entry.

**4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties.**

Proposed signs would not block the sight lines of any existing signs on adjacent properties.

**5. The placement and size of the sign will not impair pedestrian or vehicular safety.**

As previously noted the freestanding sign is proposed to be located within the traffic safety visibility area, which would be addressed by Special Condition 32.

**6. The design, height, location, and size of the signs are visually complementary and compatible with the scale, and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street.**

The heights, locations and sizes of the proposed signs, as conditioned, are adequately compatible with the scale and architectural style of the building.

**7. The proposed signs are in substantial conformance with the design criteria in Subsection 17.38.060.F (Design criteria for signs).**

The proposed signage complies with the mandatory standards for signs of Chapter 5 of the Citywide Design Guidelines. Specifically, the proposed sign “relates to the architectural features of the building” as the primary sign is located on a large forward-facing elevation that is clearly designed to accommodate the sign and it is located above the store entry way. The sign also “coordinates with the building design, materials, color, size, and placement” as follows: 1) the monument sign pedestal includes the same material finishes and colors as the building elevations; 2) the wall sign is located above the entrance and is integrated into the building materials as a floating neon sign; 3) the building includes color accents above the sign that match the sign’s red color; 4) the sign is sized appropriately for the building fascade.

Additionally, as the proposed sign is the logo and trademark of Grocery Outlet, the City is limited in its ability to modify type face, lettering, spacing or similar sign characters.

The proposed sign also complies with the City’s mandatory standards in the Design Guidelines with regard to sign placement, color, materials, wall signs, illumination, and monument signs.

## PARCEL MERGER ANALYSIS

Section 17.36.090.A.2 of the Coastal Land Use and Development Code requires non-residential parking to be located on the same parcel as the uses served or within 300 feet of the parcel if shared parking or public parking facilities are used to meet parking requirements. The proposed new parking lot must be on the same parcel as the proposed Grocery Outlet. Therefore, a parcel Merger is required to eliminate the parcel lines between the three properties, so that the new parking lot and buildings will be on the same parcel.

**Special Condition 32** is added to require a parcel map, recorded deed (and payment of real property taxes), eliminating the lot lines between the subject parcels, prior to issuance of the Building Permit. The Parcel Merger will result in the elimination of the lots lines and the joining of the three parcels into one parcel. The City Council must also approve the deed and parcel map prior to recordation.

**Special Condition 32:** Prior to issuance of the Building Permit, the Applicant shall record a deed and parcel map, eliminating the lot lines between parcels 018-120-49 and 018-120-48 and 018-120-47. 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.

The preliminary parcel map and legal description is included in Attachment 14. The title report indicates that one of the parcels has a Deed of Trust to secure an original indebtedness of \$3,500,000 recorded August 6, 2010 as Instrument No. 2010-10989 of Official Records with the Trustee of StoneTree Financial, Inc. a California corporation Beneficiary. The Parcel Merger will require the approval on the deed holder.

## ENVIRONMENTAL ANALYSIS

An EIR is generally prepared for projects where there is a fair argument that there may be a significant impact on the environment, and the impacts may not be mitigated below a level of significance. EIRs are generally used for larger and more complex projects.

The EIR process starts with the preparation of an Initial Study and then a Notice of Preparation during which there is a 30-day review period for people and public agencies to comment on what should be studied in the document. The City of Fort Bragg circulated an Initial Study (IS) and Notice of Preparation (NOP) of an EIR for the proposed Project on May 19, 2022 to the State Clearinghouse, CDFW, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was held on June 7, 2022. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The IS, NOP, and comments received on the NOP by interested parties, including those received at the public Scoping Meeting, are presented in Appendix A of the Draft EIR. The commenters are provided below.

- California Department of Toxic Substances Control (June 17, 2022);
- Jacob Patterson (June 8, 2022 and June 14, 2022);
- Janet Kabel (May 19, 2022);
- Leslie Kashiwada (June 20, 2022);
- Renz Martin (June 18, 2022);
- Sherwood Valley Band of Pomo Indians (June 1, 2022)

A Draft EIR (DEIR) covers the same topics as a Mitigated Negative Declaration (MND), but with additional required sections such as a discussion of alternatives and growth inducing impacts. As with an MND, mitigation measures are included in a DEIR to reduce or eliminate significant impacts. Once the DEIR is completed, a Notice of Availability is prepared and the DEIR is circulated for a 30 or 45-day public review period. The City published a public Notice of Availability (NOA) for the Draft EIR on September 15, 2022 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2022050308) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The 45-day public review period for the Draft EIR began on September 15, 2022 and ended on October 31, 2022 at 5:00 p.m.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR. Once the public review period was closed, a Final EIR (FEIR) was prepared.

The FEIR is required to include, among other things, all written comments received on the DEIR, responses to comments, and revisions necessitated due to the comments. The City of Fort Bragg received 29 comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata. The comments received did not provide evidence of any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. The revisions merely clarify, amplify, or make insignificant revisions to the Draft EIR. The FEIR was posted on the City’s website on April 11, 2023 and additional revisions were made and a revised version was posted on April 26, 2023.

A number of comments were provided to the City during the Planning Commission hearing on May 10th. Although not legally required to respond in writing, as the comments were submitted after the close of the public review period, the City made further revisions to the FEIR to address the submitted comments. These changes were posted on the City’s website on May 31, 2023. Again, none of the comments provided any evidence of a new significant impact or significant new information that would require recirculation. The revisions simply provide additional clarification, amplification and insignificant revisions.

All of the required CEQA Findings are contained in the Findings of Fact document attached as Attachment 16 to this staff report. These findings are incorporated by reference as part of the staff report.

The City Council must consider and certify the EIR before approving the proposed Project.

The EIR need not be certified if the City Council denies the Project. If the City Council finds that the EIR is "adequate and complete," the Council should certify the EIR in accordance with CEQA and City environmental review procedures and codes. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project which intelligently take account of environmental consequences.

Upon review and certification of the EIR, the City Council may take action to approve, revise, or reject the Project. A decision to approve the Project, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Section 15091. As there are no impacts that could not be mitigated below a level of significance, there are no findings that are required to be made under Guidelines Section 15093.

A Mitigation Monitoring and Reporting Program must also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the Project to reduce or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program has been designed to ensure that these measures are carried out during Project implementation, in a manner that is consistent with the EIR. As discussed above, Special Condition 18 incorporates all mitigation measures as a condition of approval as required by law.

## **Recommended City Council Actions**

The City Council should conduct the course of actions in the following sequence:

1. Receive the report, conduct a public hearing, deliberate; and
2. Adopt a Resolution of the City Council to: A) Certify the Environmental Impact Report for the Best Development Grocery Outlet (Sch: 2022050308); B) Adopt the California Environmental Quality Act Findings; and C) Adopt Mitigation Monitoring and Reporting Program; and
3. Adopt a Resolution of the City Council to Approve the Coastal Development Permit 2-22 (CDP 2- 22), Design Review 7-22 (DR 7-22), Parcel Merger 1-2022 (MGR 1-22) for the Grocery Outlet at 825 845, 851 South Franklin Street.

## **Alternative City Council Actions**

1. If there is insufficient time to obtain all input from all interested parties, the City Council may continue this item to a later date. At this later date, the Council may then deliberate, make a decision and adopt the relevant resolutions.
2. If the City Council finds the Project is inconsistent with the Coastal General Plan and/or the Coastal Land Use and Development Code and/or CEQA, the Council must provide the Council's reasons for denial of the Project and direct staff to prepare an alternative resolution, denying the project, for consideration at the next City Council meeting.

## **ATTACHMENTS**

1. A Resolution of the Fort Bragg Planning Commission Recommending that the City Council: A) Certify the Environmental Impact Report for the Best Development Grocery Outlet (Sch: 2022050308); B) Adopt the California Environmental Quality Act Findings; and C) Adopt Mitigation Monitoring and Reporting Program.
2. Resolution of the Fort Bragg Planning Commission Making A Recommendation To City Council for the Approval of the Coastal Development Permit 2-22 (CDP 2- 22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MGR 1-22) for the Grocery Outlet at 825 845, 851 South Franklin Street.
3. Site Location Map
4. Site Plan
5. Floor Plans & Elevations
6. Landscape Plan
7. Sewer & Water Plan
8. SWIPP
9. Grading & Stormwater Plan
10. Visual Simulation
11. Lighting Plan
12. Sign Plan
13. Preliminary Deed Description and Parcel Map
14. A Resolution of the City Council of the City Of Fort Bragg, California Certifying The Environmental Impact Report For The Best Development Grocery Outlet (Sch: 2022050308); Adopting The California Environmental Quality Act Findings; And Adopting A Mitigation Monitoring And Reporting Program
15. FEIR Findings
16. A Resolution of the City Council of the City Of Fort Bragg, California Approving Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MGR 1-22) for the Grocery Outlet At 825 845, 851 South Franklin Street
17. Public Comments
18. Final Environmental Impact report can be found here:  
<https://www.city.fortbragg.com/departments/community-development/city-projects>
19. Draft EIR can be found on CEQANET here:  
<https://files.ceqanet.opr.ca.gov/278651-2/attachment/B4mEXYDJGnZMeYYxx2BhZ8d-6quo1KG64Apvot3eOZ1c9Dj4xRQB1F2HK6-cj6sYLF0N9wEDFjPnynx10>
20. The Initial Study may be found here:  
<https://files.ceqanet.opr.ca.gov/278651-1/attachment/rjSYwJhnAxzbttdSMY72CAXgIJ5082gf3ZImObiTJHehROUGBjLQQoz09HQFRoMlo4a1SITE6i9QtoFsP0>