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File # 387-21/C

Date Filed: 6.15.2021

Received by: Jemos

**APPEAL OF PLANNING COMMISSION DECISION**

APPELLANT(S): Leslie Kashiwada

MAILING ADDRESS: 17050 Boice Lane

CITY: Fort Bragg STATE & ZIP CODE: CA 95437

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**Describe the action being appealed and state the reasons for the appeal.  
(You may attach a letter or other exhibits to describe or justify this appeal.)**

See attached  
2-page statement  
6-page public comments

APPELLANT(S) SIGNATURE: Leslie Kashiwada

DATE: 14 June 2021

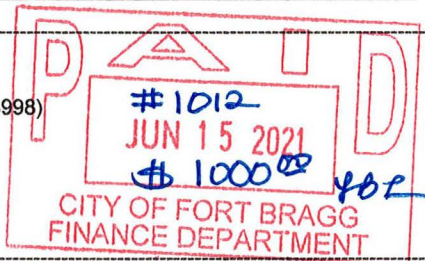
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Receipt # 00435728

Date: 6.15.2021



**Notice of Public Hearing:**

Mailed ( ) Date: \_\_\_\_\_

Published ( ) Date: \_\_\_\_\_

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**CITY COUNCIL ACTION:**

DATE: \_\_\_\_\_

Approve: \_\_\_\_\_

Deny: \_\_\_\_\_

Table: \_\_\_\_\_ Until \_\_\_\_\_

Receive & File: \_\_\_\_\_

To: Fort Bragg City Council  
Re: Appeal of Planning Commission Decision on Grocery Outlet  
Date: 14 June, 2021  
From: Leslie Kashiwada

I am filing this appeal because the Planning Commission was provided a seriously flawed draft IS/MND – one that did not follow CEQA protocols – and was asked to approve a project that was not consistent with many of the City’s Coastal General Plan policies applicable to this project. As a consequence, the Planning Commission was not able to make a truly informed decision about the project and the proposed mitigation measures and special conditions.

The grounds for my appeal are summarized below and incorporate, by reference, the concerns and objections noted in prior public comments submitted by me and other members of the public. These grounds include that the required findings for approval of the CEQA document and project permits cannot be made because they are incomplete and are not supported by substantial evidence, particularly General Findings 3, 4 and 5; all of the CEQA findings; CDP Findings 1, 3, 5, 6, 7 and 8; and all of the Design Review Findings described in the approval resolution.

In order for the Planning Commission or the City Council to evaluate proposed mitigation, the MND needs to include well-documented studies with relevant findings, including adverse impacts, and contain sound analyses. Instead, this MND contained many unsupported assertions and analyses without adequate documentation, and some of the supporting studies were woefully deficient, including the supplemental studies and reports that were prepared subsequent to the public review period for the draft IS/MND. Almost as notable as the findings and analyses that were included, were the findings and analyses that were not included (see below). Particularly egregious was the statement that all public concerns were irrelevant and therefore dismissed without appropriate revisions to actually address the legitimate concerns presented in those comments.

I am attaching my previous public comments about this project and will just list most of the relevant issues below:

Building Re-Use versus New Building: not analyzed or addressed

Biological Study – Biota: Issues not adequately addressed, and supplemental study not helpful or informative

Biological Study – Soils: Issues not adequately addressed, and supplemental study not helpful or informative

Water Usage: Issues not adequately addressed

Water System Infrastructure: Issues not adequately addressed

Storm Water Drainage: Issues not adequately addressed

Leslie Kashiwada

Appeal of Planning Commission Decision on Grocery Outlet (continued)

Traffic Study and Pedestrian Safety: The vehicle traffic impact was acknowledged as actually significant, yet the study stated that impact could not be mitigated, so there was no serious attempt to analyze various mitigation options. The Planning Commission added special conditions to try to address these concerns, but the special conditions concerning pedestrian safety on Franklin Street and the parking lot should have been included in the MND along with supporting analysis of the pedestrian safety issues, which is distinct from analysis concerning vehicle traffic control measures based on traffic warrants. In addition, the Fair Share contribution to Main Street traffic control improvements does not include an implementation time line as required by Policies C-1.4 and C-1.5.

Economic Analysis: Issues not addressed

Conclusion: Refer to the conclusions in my attached comments.

This appeal does not assert that this project is not worthwhile or potentially approvable. It is rather to make a strong statement about the breach in CEQA and permit review processes, which were procedurally and substantively deficient. I respectfully request that the City Council accept my appeal and direct City staff to fix the MND by addressing the legitimate concerns expressed in public comments and by incorporating the Planning Commission's special conditions that relate to CEQA impact areas as mitigation areas. It should then be recirculated for public review and comment prior to reconsideration of the permits (a process that may determine a full EIR is prudent if the revised MND cannot address all the documented issues). Informed decision making is not only required but it is the right thing to do to make sure we aren't approving projects without first making every effort to mitigate all environmental impacts and ensure full consistency with applicable policies and regulations.

**Best Development Grocery Outlet Bargain Market May 26, 2021**  
**Comments submitted by Leslie Jan Kashiwada, Ph.D., [kashiwa@mcn.org](mailto:kashiwa@mcn.org)**

The staff report for this project recommends adoption of the resolution approving Coastal Development Permit, Design Review, Merger, and adopting the Initial Study MND pursuant to all the evidence presented, both oral and documentary, and further based on findings and conditions state therein.

I am surprised that this recommendation includes adoption of the Initial Study MND, without significant change or new evaluation. In particular, I found the dismissal of community concerns to be disconcerting, especially the statement that, 'These comments have been considered and none of these comments change the conclusions of the Mitigated Negative Declaration. Additionally, no further changes to the project were made as a result of these comments.

For this reason, I am resubmitting my comments about the shortfalls of the Initial Study MND, with the following additional input:

**Building Re-Use versus New Building:** See my comments below. There was no substantive discussion of this aspect of the project, even though adaptive re-use of existing building is a stated policy with the Coastal General Plan.

**Biological Study – Biota:** See my comments below and those submitted by CDFW. A token Wetland Report was prepared to supposedly address the issues brought up by CDFW. This consisted of one afternoon in March 2021. Given the current extreme drought conditions, it is not surprising that wetland conditions were not detected. And the four test locations were placed well away from the area that is most likely to sustain wetland conditions in non-drought years (this is the area where an engineered swale is proposed). None of the other concerns brought up in my comments or by CDFW were addressed.

**Water Usage:** See my comments below. Currently the city does not have sufficient water to support any new development.

**Traffic Study:** See my comments below. This project will increase traffic and the city should be prepared for an increase in vehicular and pedestrian accidents. This is especially true if the left turn prohibition on North Harbor Drive is removed. I personally know of a serious t-bone collision from someone turning left onto Hwy 1 from Safeway, and we will likely see many more of those types of accidents with this development. Unfortunately, any serious collision in the vicinity of this project will impede the ability of emergency vehicles to move freely to the accident, and potentially to impede movement of emergency vehicles to the south.

**Economic Analysis:** See my comments below. Any development of this size needs to include an unbiased economic analysis of benefits and losses. This is a loss to existing businesses, but a gain for local residents. This was not addressed. There will be an impact on similar businesses, but with a benefit of additional shopping options to residents (perhaps resulting in fewer trips to Willits or Ukiah). There will be some additional jobs, but how many and at what pay level? This was not addressed. Most jobs in this kind of store are part-time and do not pay benefits. Is this the kind of jobs the city wants to support? This can't be analyzed because no information was provided.

Many of the deficiencies are the result of ignoring existing policies, poorly supported analyses, errors of omission (and commission), and wishful thinking. The job of the Community Development Department should be to require full, accurate analyses, which the Planning Commission and City Council can use to make decisions about approving or denying permits. In this case, and others, it seems city staff and helping developers jump through required “hoops” with little critical assessment of whether or not the actual information needed to make an informed decision was provided. City staff should represent the citizens of the community as much as developers.

-Leslie Kashiwada

## **Initial Study and Environmental Checklist for Best Development Grocery Outlet Bargain Market**

Jan 20, 2021

Comments submitted by Leslie Jan Kashiwada, PhD, [kashiwa@mcn.org](mailto:kashiwa@mcn.org)

### **Building Re-Use versus New Building**

The Initial Study indicates that the project proposes to tear down the old Social Services Building (16,436 sq ft) and build a new building (16,157 sq ft) with a very different footprint and much greater visual impact. Given that adaptive re-use of existing buildings is a stated policy within the Coastal General Plan, this study needs to discuss the feasibility of repurposing and retrofitting the existing building, including a cost-benefit analysis of re-using the existing building versus demolition with a new building.

### **Biological Study - Biota**

The site doesn't appear very interesting biologically, but the Biological Study was very superficial and severely lacking as a thorough effort to characterize the environment at the proposed site. The biological study consisted of one day on site (August 9) including a plant inventory (methodology not provided, but likely just a presence/absence survey) and visual evidence of animal activity (noting only gopher mounds and a crow). No mention was made of insects, reptiles or amphibians. The proposed night survey for bats (potentially roosting in the old building) was not conducted because of weather. In addition, the survey only included the south lot. The pine and mature cypress trees on the western edge of the northern lot were lumped in with “shrubby planted around the edges.” There was no mention of the habitat provided by these trees (more on this below). The study recommended a follow-up survey on bats and the Initial Study mentions a bat survey will be required as a mitigation (page 10). There is no indication of when that survey will be conducted; only that, if bats are found, then CDFW will be consulted. That study

should be done sooner rather than later in order to settle this issue before more time and money are spent on the project.

The proposal makes no effort to retain existing trees on the western edge of the northern lot, and only mentions new landscaping. The new landscaping includes Monterey cypress, but it will be many decades before any of them reach maturity, if they ever do. Because Monterey cypress trees have spreading limbs, these trees may be kept trimmed in a way that will not develop the habitat provided by the mature trees currently on site. In addition, because Monterey cypress is not native to the area, there should be an effort to find more appropriate native evergreens to use for landscaping. The existing trees (see photos below) should be retained to the maximum extent possible, and the study should address how this objective can be achieved. New trees should only be planted where there are currently no trees, or where an existing tree has to be removed, and they should be substantial in size.

### **Biological Study - Soils**

The biological study noted that the soils are hydric, but no wetland species were found. However, the date of the one-day survey was at the end of the summer (dry season) and therefore those conclusions are at best preliminary, pending further surveys done at a variety of times throughout the year. A one-day survey does not provide sufficient data for a complete characterization of any site, no matter how uninteresting or disturbed.

### **Water Usage**

The Initial Study notes that the change of site usage from offices to retail will include increased water use (especially given that the existing building has been vacant for over a decade). The report discusses the City's water supply (page 68), but there is no analysis of the amount of water the project will need and how that need will be met given that the City has had repeated water rationing during the dry season (even with several water storage reservoirs, which only store water – they do not produce new water). For comparison, KASL Consulting Engineers produced a Water Model Study for the 2015 Hare Creek Project MND, which noted that the average day demand would be 8,260 gpd (peak hour demand of 23,128 gpm). Although not directly comparable (The Hare Creek Project was much larger), most of that water use was allocated to a Grocery Outlet Bargain Market. The city's own water analysis shows that a minimal rise in sea level in conjunction with king tides will produce multiple days where the water system will not be able to draw water because of saltwater intrusion. This kind of in-depth look at water use and availability is essential for every proposed project that will depend on the City for its water supply, including this one.

### **Water System Infrastructure**

The Initial Study barely mentions the capacity of City water system (infrastructure) to serve the needs of the project. On page 4 (and page 67) it states that "The existing

water connection on South Street includes a 6-inch fire service line and is proposed to be the main water service to the building, with a new 6-inch fire connection to be constructed to the east of the existing connection. A total of three (3) fire hydrants with valve lines are proposed for fire suppression on the Site.” Note: page 67 says there will be a new 8-inch fire connection. The KASL Water Model Study referenced above relied on a report taken from the City of Fort Bragg, Phase 1 Water Facilities Study: Existing Water Collection, Distribution and Capacity, Nov 2013 for a baseline of existing system demands. The Phase 1 Water Facilities Study noted some areas of low water pressure that might not meet demand on the south end of town, particularly at fire hydrants. Is this no longer an issue or will adding a new 6-inch (or 8-inch) fire connection further reduce water pressure in the area? Has any new data been produced that show water pressure at fire hydrants meets all current applicable requirements?

### **Storm Water Drainage**

Storm water drainage is addressed in a very perfunctory way (page 5 and page 69). The Initial Study states that the swale and “bioretention facilities [are] sized to capture and treat runoff from the proposed impervious surfaces produced by the 24 hour 85<sup>th</sup> percentile rain event...” The study does not address runoff that exceeds this percentile. No system can retain all the water that might result from an atmospheric river dumping massive amounts of water in a short period of time. Because the site is in close proximity to the Noyo River and the Pacific Ocean there needs to be a Water Quality Management Plan that addresses these significant events, which will be more common in the coming years.

### **Traffic Study**

The findings of the Traffic Study were not fully addressed in the Initial Study. In fact, the Initial Study concluded that would be a less than significant impact on transportation (based on VMT instead of LOS). I work in the harbor and make a right turn at North Harbor Drive every weekday on my way to the CDFW office (excluding this pandemic period). I usually drive out via South Franklin Street across South Street and take a left turn at the 4-way stop at Cypress Street. This affords me the safety of a left turn at the traffic light at Cypress Street onto Highway One. Crossing South Street at South Franklin Street (a 2-way stop) can be a challenge and the increased traffic brought about by this proposed project will only make it worse. In addition, I regularly see people illegally turning left onto Highway One from the Arco Station (signage at North Harbor Drive indicates “no left turn”) and turning left onto Highway One from South Street, an action that is allowed but often harrowing. This proposed project would bring significantly more trips from both the north and the south and the Traffic Study indicated that LOS will worsen. The Traffic Study recommended improvements at several intersections to help mitigate those negative

impacts. However, I do not think those improvements are viable for the following reasons:

1) The intersection of Highway One and North Harbor Drive is too close to the bridge for a stop sign or light. Was CalTrans asked to comment on this? I suspect that even the intersection of Highway One and South Street is too close to the bridge for stop signs or light. I assume the entrance to the Grocery Outlet Bargain Market was located facing North Harbor Drive to keep traffic off South Street as much as possible.

2) South Street is the primary access for ambulances to the hospital. Putting any kind of traffic control on South Street at South Franklin Street could negatively impact this access route.

Unfortunately, neither the Traffic Study nor the Initial Study address the issue of intersection improvement feasibility. In addition, despite the recommendation of the Traffic Study, the Initial Study did not indicate any responsibility on the part of the developer to pay for any road improvements (independent of feasibility). Is the City willing to let LOS worsen, including more accidents in the affected intersection, especially on Highway One and South Street? The issue of using VMT instead of LOS as a measure of impact is something the Initial Study said the county and city need to address (pages 61 and 62), but I think these metrics are only indicators, and likely not very good ones for area like the proposed site which has complex intersections.

### **Note on Zoning**

The zoning is mostly described as Highway Visitor Commercial (pg 1, 3, 7, 46, Figure 2: Land Use Designation Map), but the Site Map lists zoning as General Commercial (pg 89).

### **Economic Analysis**

This Initial Study goes through a checklist of CEQA evaluations, but an Economical Analysis is not included. Perhaps it was not a required part of the report, but it should be. Before progressing further with this project, the impact on existing grocery stores must be analyzed. Can the community support another grocery store or will one of the existing full-service stores go under? Are the anticipated tax receipts from the proposed Grocery Outlet Bargain Market offset by loss of tax receipts at the other stores? If so, by how much?

In addition, the Initial Study indicates that the store will be operated by 15 to 25 full-time staff and 2 managers. What are the salary ranges for these full-time employees? My research shows that there will be corporate pressure to staff the store at the lowest possible level and that many of those employees will be part-time to avoid paying benefits that often come with full-time employment (a quick scan of reviews about pay and benefits indicates that even full-time workers don't receive benefits: <https://www.indeed.com/cmp/Grocery-Outlet/reviews?ftopic=paybenefits>). I recommend the City conduct an analysis of the employment practices of the other large local franchise stores (Safeway, Dollar Store, Rite Aid, CVS in Fort Bragg and Grocery Outlet



Bargain Market in Willits) to determine the most realistic employment model for the store. Relevant metrics would include square footage of retail space, number of check-out stations (staffed and self-serve), employee classifications with both full-time and part-time salary ranges (and which, if any, are covered by a union contract), the number of full- and part-time employees in each classification, and turnover in each classification.

## Conclusion

This Initial Study is sorely deficient. While it ticks off “required” boxes, it does not provide the most important information for City Staff, the Planning Commission, or the City Council to make a truly informed decision about this project. We should want smart, forward-looking economic development using a wide perspective on how the different parts of the local economy work together. Merely describing the bare minimum required by law, with no analysis of interdependent factors and cumulative impacts can lead to hollowing out the local economy. The pandemic has devastated our local businesses, and I encourage using a very critical eye on proposed development by non-local corporations. There is a plethora of research showing that this type of development extracts more from the local economy than it brings to it. Instead, I encourage the City to propose pro-active measures to support and foster local businesses. Unfortunately, the Fort Bragg Community Development Department is minimally staffed and only has the capacity to react to applications by property owners with the money to go through the permitting process. This makes the City



low-hanging fruit for large corporations to bring franchise businesses to town, which will turn us into Anywhere, USA.

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total		1,000.00
Cash		0.00
Check	10	1,000.00

Change 0.00

Leslie Kashiwada  
Customer #: 016885

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