

<b>AGENCY:</b>	City of Fort Bragg
<b>MEETING DATE:</b>	May 26, 2021
<b>PREPARED BY:</b>	B. Turner
<b>PRESENTED BY:</b>	B. Turner

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** CDP 8-19, DR 1-19, MGR 1-19

**OWNER:** Dominic & Juliette Affinito

**APPLICANT:** BRR Architecture

**AGENT:** Best Development

**PROJECT:** A Coastal Development Permit, Design Review and Notice of Merger to construct a Grocery Outlet Market (retail store). The project includes the demolition of an existing 16,436-square-foot 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-square-foot, one-story, retail store with a 53-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 AM to 10:00 PM, 7 days per week with two (2) different shifts covering operating hours.

**LOCATION:** 825, 845, & 851 S. Franklin Street

**APN:** 018-120-47, -48, & -49

**LOT SIZES:** 1.63 Acres

**ACTION:** The Planning Commission will consider approval of Coastal Development Permit, Design Review, and Notice of Merger (CDP 8-19, DR 1-19, MGR 1-19) and adoption of the Mitigated Negative Declaration (MND).

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

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration (SCH: 2021010142)

**SURROUNDING LAND USES:**

- NORTH: Commercial (Motel, Restaurant)
- EAST: Residential, Commercial
- SOUTH: Commercial (Motel, Gas Station)
- WEST: Commercial (Motel, Gas Station, Restaurant)

- APPEALABLE PROJECT:**  **Can be appealed to City Council**  
 **Can be appealed to California Coastal Commission**

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## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission: 1) Open the public hearing; 2) Receive staff report; 3) Take testimony from the public and the applicant; 4) Close the public hearing and deliberate; and 5) Consider adopting Resolution adopting the Mitigated Negative Declaration (SCH: 2021010142) and approving Coastal Development Permit, Design Review, and Parcel Merger (CDP 8-19, DR 1-19, MGR 1-19) subject to standard and special conditions.

## **ALTERNATIVE ACTIONS**

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

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## **PROJECT DESCRIPTION**

BRR Architecture (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 bargain prices due to their opportunity buying style. The Site is owned by Dominic and Juliette Affinito and is located in the Coastal Zone within the City of Fort Bragg city limits. The Site has a City of Fort Bragg land use designation of Highway Visitor Commercial (CH) (2008) and a zoning designation of Highway Visitor Commercial (CH) per the City of Fort Bragg Zoning Map (2016). No changes to the Site's current land use or zoning designations are proposed under the project.

The project includes the demolition of an existing 16,436-square-foot 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-square-foot, one-story, retail store with a 53-space parking lot and associated improvements and infrastructure. The project would be operated by 15 to 25 full-time staff and two (2) managers. It would be open from 9:00 AM to 10:00 PM, 7 days per week with two (2) different shifts covering operating hours. Per correspondence with the property owners, the Site has not been leased since 2010 but has been used as storage since then. The retail store would be a maximum of 32.25 feet tall at the top of the proposed canopy and a maximum of 23 feet tall at the top of the proposed parapet. The project would include 51,650 square feet (1.18 acres) of hardscape areas that would be covered with the proposed store, parking lot, accessways or sidewalks, and

driveways. Associated improvements and infrastructure on-site would include a loading dock and trash enclosure on the west side of the store, a parking area with 53-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, two (2) bioretention basins for stormwater capture and treatment, proposed illuminated signage, and landscaping throughout the Site. The existing planted ornamental trees along the South Street frontage would be removed and replaced with landscaping as shown in **sheet L1.0, Attachment 2**. Landscaping includes trees and vegetation along the property boundaries within the proposed parking lot. Trees would be planted primarily along the north, south, and east boundaries, with a few along the west boundary, as well as one tree within each of the parking lot landscaping islands. Approximately 19,265 square feet (0.44 acres) of the Site would be landscaped and permeable to stormwater as the project would be designed to capture stormwater and pre-treat it on-site to remove dirt, oil, and heavy metals using bioretention basins located along the northwest and southwest boundaries.

The project proposes to include the installation of a six-foot, illuminated monument sign on the southeast corner of the Site (**Signage Plan, Attachment 4**). The monument sign would have 15 square feet of branding on each side, in addition to the unbranded base. Additionally, an 83.3-square-foot illuminated channel sign would be located on the sign parapet along the front elevation. All exterior lighting would be limited to a maximum height of 18 feet and utilize energy-efficient fixtures and lamps. No permanently installed lighting would blink, flash, or be of unusually high intensity or brightness. Exterior lighting would be shielded or recessed and directed downward and away from adjoining properties and public right-of-way to reduce light bleed so that no on-site light fixture directly illuminates an area off-site, in compliance with regulations set by the International Dark-Sky Association. An individual sign permit will be required for the signage. The project will also include a merger (**Attachment 8**) of three (3) existing parcels (lots) to create one 70,828 square foot (1.63 acres) parcel (see Table 1, below) to accommodate the footprint of the proposed retail store within the resulting parcel.

*Table 1. Parcel Merger Details*

Existing Parcels	Proposed Parcel
APN 018-120-47, ±17,119 SF (±0.393 acres)	APN to be determined ±70,828 SF (±1.63 acres)
APN 018-120-48, ±14,723 SF (±0.338 acres)	
APN 018-120-49, ±38,986 SF (±0.895 acres)	

### Site Access

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 – all local roads managed by the City of Fort Bragg Public Works. The site is located a short distance from State Highway 1, a four-lane conventional highway managed by the California Department of Transportation (Caltrans), to the west. Currently, the Site is accessed on the north end via a paved entrance to South Street. There is an existing dirt driveway that runs across the southern parcel from S. Franklin Street to N. Harbor Drive. The proposed project includes the construction of a new, 30-foot-wide

entrance on N. Harbor Drive and a 35-foot entrance on S. Franklin Street. The existing driveway on the north end of the Site would be removed as part of the project. The project will additionally 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 the South Street, S. Franklin Street, and N. 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. A total of 53 standard parking spaces, including three (3) ADA-accessible spaces would be provided on-site to serve the retail store, in addition to two (2) bicycle racks.

There are 4 semi-trailer truck deliveries proposed per week. Two of these trucks are frozen/perishables so they do have refrigeration units. The other two trucks deliver non-perishable goods and do not have refrigeration units. These trucks arrive around 7:00 AM and leave before 9 AM. The only other truck deliveries are from 4 to 5 small trucks that deliver every day, bread products, beverage products, etc. and they also arrive in the morning and leave soon thereafter.

### **Utilities and Services**

The Site is currently and would continue to be served by electrical, propane, city water and wastewater, solid waste, and telecommunication services. The Site is located within the service boundaries of the City of Fort Bragg water and wastewater collection. There are currently on-site utility connections; however, the recorded use of the building was for office space and the proposed use is retail grocery – water and sewer capacity fees would be associated with the proposed increase in use. 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. There is an existing 4-inch sewer lateral extending from the existing manhole on South Street and proposed to be removed and replaced with the construction of a new 6-inch sewer lateral per City standards. On-site drainage will be managed utilizing post-construction Low Impact Development (LID) site design measures including two (2) bioretention facilities on the west side of the site and 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 site to encourage natural stormwater infiltration. Post-construction LIDs will connect to proposed curbs and gutters along the perimeter of the Site. Additionally, electricity would be provided by Pacific Gas and Electric Company (PG&E). Gas service, if needed, would be provided via a propane tank located on the northern portion of the site.

Waste Management (WM) would provide solid waste collection services through the WM facility, located in the City of Fort Bragg, which would be collected from a trash bin enclosure to be installed in the western portion of the site. Xfinity (Comcast) provides cable TV and internet services, with various telecommunication companies providing land-line telephone service to the surrounding area. All utility lines within the project Site would be underground.

## **Drainage**

As the site is currently developed with flat topography, stormwater typically infiltrates in the undeveloped portion of the site or flows to the northwest and southwest towards the neighboring property, in the developed portion of the site.

Drainage improvements on-site would include post-construction Best Management Practices (BMPs), including bioretention facilities 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 site to encourage natural stormwater infiltration. Off-site improvements, such as sidewalk curbs and gutters would be required to convey flows from the post-construction BMPs at the project site to the existing Caltrans stormwater drainage system located west of the site on State Highway 1, which does not currently exist in the vicinity of the site. Drainage across the site appears to flow to the northwest and southwest towards the neighboring property. The nearest bodies of water are the Noyo River, which is located approximately 600 feet south of the site, and the Pacific Ocean, which is located approximately 1,200 feet west of the site. Regional drainage is controlled by the Noyo River.

## **CONSISTENCY WITH COASTAL GENERAL PLAN**

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### **LAND USE ELEMENT**

The zoning designation for the subject site is Highway Visitor Commercial (CH) in the Coastal Zone. The proposed land use is “General retail – 5,000 SF or larger”, which is permitted by right in the CH zoning district. The proposed retail store is a Grocery Outlet, which meets the Coastal Land Use and Development Code definition of formula business:

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

Per the Coastal Land Use and Development Code (CLUDC) Article 2, Policy No. 17.22.020 D, the Highway, and Visitor Commercial (CH) zoning district’s allowable land uses include lodging, restaurants, and retail stores. The City of Fort Bragg CLUDC (2018) defines a “Groceries, specialty foods” as “a retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales” and defines “General retail - 5,000 sf or larger” as “stores and shops selling many lines of merchandise.” These are both permitted land uses in the CH district and have no “special use regulations”; therefore, the proposed retail store would be a permitted use on-site, subject to the approval of a Zoning Clearance (ZC) and Coastal Development Permit (CDP) and Design Review (DR). The Site is located in an urban built-up environment and is surrounded by commercial businesses to the north, west, and south, and residences and two (2) vacant lots to the east. The commercial buildings are of similar scale to the proposed project.

This land use designation applies to land uses serving residents and visitors on sites which are located along State Highway 1 and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

Formula businesses are permitted in Fort Bragg, and compliance with Policy LU-4.1 is intended to ensure that their location, scale and appearance do not detract from the economic vitality of established commercial businesses.

**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.**

To determine whether the: 1) location; 2) scale; and 3) appearance of the proposed Grocery Outlet would detract from the economic vitality of established commercial businesses, staff has prepared the following analysis:

Location: The zoning designation, Highway Visitor Commercial, is applied to sites along CA Hwy 1 and is generally vehicle oriented. Land uses in the immediate vicinity of the project site include lodging, restaurant, café, retail and auto repair. Both the proposed project (retail) and adjacent existing businesses are permitted land uses by right, adhering to the intent of the CH zoning district, and thus would not detract from the economic vitality of established commercial businesses.

Scale: New development is comparable in scale with existing buildings and streetscape. The size of the proposed retail store is comparable with other buildings in the immediate vicinity and would not detract from the economic vitality of established commercial businesses. The new building is slightly smaller than the existing, and similar 2-story buildings exist in the vicinity.

Appearance: Staff required the applicant to modify and revise the initial project design to better comply with the Citywide Design Guidelines. The Design Review Permit process gives the Planning Commission an opportunity to further evaluate the proposed design and, if desired, to further modify the design in order to ensure the appearance does not detract from the economic vitality of established commercial businesses. Design Review is discussed in detail further in the staff report.

## **PUBLIC FACILITIES ELEMENT**

### **Adequacy of Water Supply, Sewage Disposal, Solid Waste, and Public Roadway Capacity**

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

#### **Policy PF-1.3 Ensure Adequate Service Capacity for Priority Uses:**

- a. New development that increases demand for new services by more than one equivalent dwelling unit (EDU) shall only be permitted in the Coastal Zone if,**
  - **Adequate services do or will exist to serve the proposed development upon completion of the proposed development, and**
  - **Adequate services capacity would be retained to accommodate existing, authorized, and probable priority uses upon completion. Such priority uses include, but are not limited to, coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational uses in commercial, industrial, parks and recreation, and public facilities districts. Probable priority uses are those that do not require an LCP amendment or zoning variance in the Coastal Zone.**
- b. Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing, authorized, and probable priority uses identified above.**

Water Supply. The City developed a new 45-acre-foot raw water reservoir called Summers Lane Reservoir to ensure adequate water storage during years of severe drought and to meet the water quality needs for the Fort Bragg Water Service District. The reservoir draws water from an existing water line which previously ran from Waterfall Gulch to Newman Gulch and stores raw water for the City's potable water use. With the development of Summers Lane Reservoir, the City was also able to obtain additional water storage capacity to meet the needs of a buildout development scenario in the City of Fort Bragg. The City has a licensed water right to divert water from the Noyo River as well as permanent license to divert water from both Newman Gulch and Waterfall Gulch, a tributary to Hare Creek. The water is piped from Summers Lane Reservoir to the Newman Reservoir and on to the treatment plant (City of Fort Bragg, 2014).

The City currently has the ability to store 6,300,000 gallons of treated water, including two 1,500,000-gallon tanks at the Corporation Yard and one across the street and a smaller tank at the Highway 20 Fire Station. Additional untreated water storage of 3,300,000 gallons is accommodated within the two raw water storage ponds at the Water Treatment Plant, Newman Reservoir, and the Waterfall Gulch pond. There is also a significant volume of water stored within the City's distribution system. The Summers Lane Reservoir holds approximately 14,700,000 gallons of raw water for a total storage of approximately

22,800,000 gallons. City water customers use about 600,000 to a million gallons of water per day in the summer. Water supply analyses indicate the City has sufficient water supply to serve the projected buildout of the City of Fort Bragg as currently zoned within the existing City Limits through 2040.

Water and Wastewater Service. The existing water connection on South Street includes a 6-inch fire service and is proposed to be the main water service to the building, with a new 8-inch fire connection to be constructed to the east of the existing connection. There is an existing 4-inch sewer lateral extending from the existing manhole on South Street that is proposed to be removed and replaced with the construction of a new 6-inch sewer lateral per City standards.

As all-new development is required to pay its fair share of the water system infrastructure and future capital improvements through the Water Capacity Charge, the applicant will be required to pay water capacity charges when they secure their Building Permit (see **Special Condition 1**).

Additionally, as all new development is required to pay its fair share of the wastewater system infrastructure and future capital improvements through the wastewater Capacity Charge, the applicant will be required to pay wastewater capacity charges when they secure their Building Permit.

**Special Condition 1:** 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, the applicant will be required to pay water capacity charges when they secure their Building Permit.

## **CONSERVATION, OPEN SPACE, ENERGY, AND PARKS ELEMENT**

### **Cultural Resources**

**Policy OS-4.1 Preserve Archaeological Resources: New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.**

A *Cultural Resources Inventory Survey (Cultural Survey)* was prepared by Genesis Society on August 15, 2019, to evaluate the project's potential to impact cultural resources in conformity with the City of Fort Bragg and Mendocino County rules and regulations, and in compliance with requirements of the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et seq. (CEQA), and the California CEQA Environmental Quality Act Guidelines, California Administrative Code Section 15000 et seq. (Guidelines as amended).

The *Cultural Survey* (Genesis Society, 2019) found that no historical resources or historic properties have been documented within the project area. While the proposed project



includes the demolition of an existing building, the existing building is a contemporary (post-1996) commercial building. As a result, no impact would occur.

The project is not anticipated to cause a substantial adverse change in the significance of an archaeological resource or disturb any human remains. Based on the records search conducted at the NWIC, the consultation undertaken with the NAHC, and the Tribal consultation effort completed by Genesis Society (2019), no unique archaeological resources or prehistoric cultural material was identified in the project area. The *Cultural Survey* recommends archaeological clearance for the proposed project, with the inclusion of general provisions that recommend consultation and protocol in the event of inadvertent discovery. A standard condition of approval to that effect has been applied to the project. The proposed project is found consistent with policies of the City of Fort Bragg for protection of cultural resources, including human remains.

In the event of inadvertent discovery of fossils or fossil-bearing deposits during project construction, **Special Condition 2** is recommended:

**Special Condition 2:** Pursuant to Mitigation Measure GEO-1, in the event that fossils or fossil-bearing deposits are discovered during project construction, the contractor shall notify a qualified paleontologist to examine the discovery, and excavations within 50 feet of the find shall be temporarily halted or diverted. The area of discovery shall be protected to ensure that fossils are not removed, handled, altered, or damaged until the Site is properly evaluated, and further action is determined. The paleontologist shall document the discovery as needed, in accordance with the Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the City of Fort Bragg for review and approval prior to implementation.

### **Environmentally Sensitive Habitat Areas, and Wetland and Riparian Protection**

Under the City of Fort Bragg's Coastal General Plan policies, the project has been reviewed for consistency with Element 4 (Conservation, Open Space, Energy, and Parks), which contains goals and policies related to the protection and enhancement of natural resources, reduction of greenhouse gas (GHG) emissions, protection of water quality, and enhancement of open space, and for the provision of coastal access and recreational opportunities for Fort Bragg residents and visitors. The project Site is not mapped for open space or environmentally sensitive areas as indicated on Map OS-1 Open Space and Environmentally Sensitive Habitat Areas.

The parcel was visited on the afternoon of March 15, 2021 by WRM's principal biologist for the purpose of determining if wetlands, of any type, are present at the site. On that date, the weather was clear with a strong north wind blowing. Initial inspection of the parcel noted that there was no evidence of any wetland features but rather the site's vegetation consisted of annual grasses and forbs, lacking shrubs and or trees. To be certain that no wetland indicators were present, a systematic survey of the parcel was made following the Army Corp of Engineers (USACE) wetland determination data collection methodology and the definition of wetland boundaries contained in Section 13577 (b) of the California Code of Regulations. To do this, four (4) test locations were selected to represent the general character of the parcel. One (1) test location was placed within each quadrant of the parcel (northeast, northwest, southwest and southeast). At each location data was collected within a 1-meter square sample plot. At each plot, the dominant vegetation was identified, soil structure and type were determined, and evidence of hydrology was looked for. Soil structure was determined by excavating an 18+ inch deep hole and noting the soil profile description and any presence or absence of hydric soil indicators. Data was recorded on the USACE "Wetland Determination Data Form – Arid West Region."

No indicators of any type of wetland, stream course, vernal pools or vernal swales were found on the site. There were a limited number of wetland plants found but their frequency of presence was insufficient to constitute a wetland site. There was no evidence of hydric soil nor any wetland hydrology found. No part of this parcel may be considered a wetland area. (See **Attachment 7 – Wetland Report**)

### **Biological and Botanical Resources**

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

A *Grocery Outlet Fort Bragg, California Property Biological Review (Biological Review*, see Initial Study, **Attachment 5**) was prepared by Wildland Resource Managers in August 2019. As noted in the *Biological Review*, the study was conducted to identify and assess the biological features of the project area inclusive of its soils, vegetation, wetlands, wildlife habitats, and the presence of sensitive species in order to comply with Fort Bragg's planning requirements pursuant to CEQA. A query of the California Natural Diversity Database (CNDDDB) for the Fort Bragg quadrangle was made to determine if any special status plant or animals could be on the property given the current habitat conditions. A listing of 73 species was found, but with the limited grass habitat on the Site and general surrounding urban conditions, there is no suitable habitat for any of the database listed species on the three (3) lots, and none were observed during the field visit. No species of listed plants or animals were found within the project site area and there are no wetland features within or around the immediate area. No wildlife activity was observed occupying the site other than gopher mounding and crow flyover. As there is a remote possibility that bats may be present in the abandoned building, a follow-up survey to address this question is advisable. If bats are found to utilize the site, then consultation with CDFW is advisable. If bats are not found, there will be little loss of biological or ecological resources if the site is developed (*Biological Review*, 2019). Because the site is located in an urban built-up

environment, surrounded by similar, urban uses, there is limited potential for any special status plant or wildlife species to be present at the site.

However, since there is a remote possibility that bats may be present in the abandoned building, Mitigation Measure BIO-1 was included in the Initial Study to reduce potential impacts and is included as **Special Condition 3**, below. Additionally, to minimize potential impacts to special status birds as a result of the project, **Special Condition 4** is included.

**Special Condition 3:** Pursuant to Mitigation Measure BIO-1, a bat survey shall be conducted prior to demolishing the existing building on-site. If no bats are found no further mitigation is required. If bats are discovered, prior to demolition the bats must be removed through live exclusion or similar means that do not harm bats. If bats are discovered no removal can occur during the maternity season (typically late May through mid-August) to protect flightless baby bats. Survey methods and qualifications of biologists conducting the bat survey should be provided to CDFW prior to surveys to ensure proper assessment. The survey shall include visual surveys inside the building. If a bat survey identifies bats present in the existing building, the method and timing of exclusion activities shall be provided to CDFW for review and concurrence 30 days prior to commencement of removal.

**Special Condition 4:** If designated for removal, any habitat for nesting birds shall be removed between September 1 and February 28 to reduce nesting habitat. If nesting habitat is to remain, and construction, grading, or other project improvements are scheduled during nesting season (March 1 through August 31), A pre-construction survey for nesting birds shall be conducted no more than five-days prior to commencement of construction activities. The survey shall include the parcel and suitable nesting habitat within a 100-foot buffer. If nesting birds are detected, appropriate buffers, monitoring, and operational restrictions should be put in place with review and concurrence from CDFW.

### **Water Quality**

Drainage improvements on-site would include post-construction Best Management Practices (BMPs), including bioretention facilities 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 site to encourage natural stormwater infiltration. Off-site improvements, such as sidewalk curbs and gutters would be required to convey flows from the post-construction BMPs at the project site to the existing Caltrans stormwater drainage system located west of the site on State Highway 1, which does not currently exist in the vicinity of the site. Drainage across the site appears to flow to the northwest and southwest towards the neighboring property.

During construction, erosion would be minimized, and runoff would be managed through the implementation of project-specific BMPs detailed in the Stormwater Pollution Prevention Plan (SWPPP) prepared for the proposed project, which may include physical barriers such as straw bales, fiber rolls, and/or silt fencing structures, and preventative actions such as scheduling construction for the non-rainy season, if possible, soil

compaction, and seeding/mulching disturbed areas. In addition, post-construction runoff and stormwater flows would be managed through stormwater facilities designed in accordance with Chapter 17.64 of the CLUDC. Off-site improvements, such as sidewalk curbs and gutters would be required to convey flows from the post-construction BMPs at the project site to the existing Caltrans stormwater drainage system located west of the site on State Highway 1, which does not currently exist in the vicinity of the site. Additionally, the project has been conditioned (see **Special Conditions 5-7**) to ensure consistency with the relevant storm water policies of the Coastal General Plan, as determined by the City's Public Works Department. These policies are listed below:

**Policy OS-10.4: Incorporate Treatment Control BMPs if Necessary.** If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policy OS-9.3, as determined by the review authority, development shall also incorporate post-construction Treatment Control BMPs. Projects of Special Water Quality Concern (see Policy OS-12.1) are presumed to require Treatment Control BMPs to meet the requirements of OS-9.3. Treatment Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program, including biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inserts, wet vaults, or hydrodynamic separator systems.

**Policy OS-11.1: Use Integrated Management Practices in Site Design.** The city shall require, where appropriate and feasible, the use of small-scale integrated management practices (e.g., Low Impact Development techniques) designed to maintain the site's natural hydrology by minimizing impervious surfaces and infiltrating stormwater close to its source (e.g., vegetated swales, permeable pavements, and infiltration of rooftop runoff).

**Policy OS-11.3: Minimize Impervious Surfaces.** Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, where feasible. Redevelopment shall reduce the impervious surface site coverage, where feasible. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

**Policy OS-11.5: Divert Stormwater Runoff into Permeable Areas.** Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.

**Policy OS-11.4: Infiltrate Stormwater Runoff.** Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize

transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

**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.

**Policy OS-11.10: Continue Operation and Maintenance of Post-Construction BMPs.** Permittees shall be required to continue the operation, inspection, and maintenance of all post-construction BMPs as necessary to ensure their effective operation for the life of the development.

The Plan Set Site Plans (**Attachment 2**) shows that the project would create more than 10,000 square feet of new impervious surfaces (buildings, sidewalks and Asphalt Concrete Parking). For that reason, the project is categorized as a project of Special Water Quality Concern by the CLUDC.

**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:

c) Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.

As a project of Special Water Quality Concern, the project must comply with the following policies.

**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.

The preliminary Grading and Drainage plan and Stormwater Low Impact Development (LID) Area plan (**Attachment 2**) included in the packet has been reviewed by the City's Public Works Department. **Special Conditions 5-7** have been placed on the project to ensure compliance with the stormwater and water quality requirements described above, and ensure compliance with the stormwater management requirements of the City's Coastal General Plan.

**Special Condition 5:** Bioretention features shall be sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (0.83" in 24-hours). 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 6:** Prior to issuance of the Building Permit the applicant shall submit a Water Quality Management Plan and/or a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer.

**Special Condition 7:** 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.

## **Energy**

The project will comply with the following Coastal General Plan policy related to energy.

**Policy OS-6.1 Energy Conservation Measures in Buildings: Continue to require structures to comply with State energy conservation standards and encourage owners of existing dwellings to retrofit with energy-saving features.**

Construction of the proposed project would be subject to the 2016 California Energy Code, Part 6 of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality.

## **Air Quality**

The project will comply with the following Coastal General Plan policy related to air quality.

**Policy OS-7.2 Air Quality Standards: Seek to comply with State and Federal standards for air quality.**

While the anticipated development at the Site would generate temporary emissions and direct and indirect emissions once construction is complete, the project would not include any source of visible emissions, including intentional fire/burning or manufacturing, and would control exhaust emissions from construction equipment by minimizing idling. In addition, the contractor would suppress fugitive dust during construction and operation, pursuant to Rule-1-430 (Fugitive Dust Emissions) of Chapter IV (Prohibitions) of Regulation 1 (Air Pollution Control Rules) of the Mendocino County Air Quality Management District (MCAQMD's) Rules and Regulations (February 2011), and would maintain all construction equipment in good working order such that exhaust and fugitive dust emissions are minimized. The project would be subject to current and future regulations adopted by MCAQMD, including the PM Attainment Plan (2005), and compliance with these regulations would ensure the project would not result in a substantial increase of PM<sub>10</sub> within the vicinity of the Site. To further reduce the project's potential impact, **Special Condition 8** is required.

**Special Condition 8:** The project is required to comply with existing policies of the MCAQMD regarding the control of fugitive dust during these activities, which include maintaining all construction equipment in good working condition and limiting truck idling on-site to a maximum of five minutes, pursuant to State law. Additionally, construction is required to comply with the City's dust management plan and the site-specific Dust Prevention and Control Plan required for construction of the project, pursuant to the City CLUDC.

### **Public Access**

Chapter 4 (Conservation, Open Space, Energy, and Parks Element) of the Fort Bragg Coastal General Plan includes goals and policies relating the public access. The following policy is in regard to the right to public access.

**Policy OS-16.2 Right of Public Access:** Development in the Coastal Zone shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Public prescriptive rights must be protected wherever they exist.

The project is not in an area used by the public to access the coast nor is it identified in the Coastal General Plan as a location for public access to the Noyo River. The properties to the north and south are identified as access points and irrevocable offers to dedicate will be required when these projects are developed in the future.

### **CIRCULATION ELEMENT**

Applicable Circulation Element policies include the following:

**Policy C-11.2: Handicapped Access.** In conformance with State and Federal regulations. continue to review all projects for handicapped access and require the installation of curb cuts, ramps, and other improvements facilitating handicapped access.

The project will include Americans with Disabilities Act (ADA)-compliant features, including three (3) ADA-accessible parking spaces. In addition, the project will include an internal system of walkways and crosswalks to provide pedestrian connectivity between the parking lot, building, and sidewalk, and would be ADA-compliant.

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**Circulation, Access & Street Frontage**

The main objectives of the Circulation Element are to ensure that Fort Bragg’s circulation network is sufficient to accommodate anticipated development; minimize the intrusion of through-traffic onto local streets; encourage public transportation, bicycle, and pedestrian movement, and other alternatives to the single-occupant vehicle; and provide improvements to the transportation system which complement and support the other goals of this Coastal General Plan.

The proposed project will be consistent with the goals and policies of the Circulation Element. The proposed project will require a minor dedication of Right-of Way (ROW) and street and frontage improvements to comply with Section 17.30.090 of the CLUDC; including: installation of sidewalk, curb, and gutter along the project frontage on South Franklin Street and North Harbor Drive; see **Special Conditions 9, 10, and 11**, as recommended, below.

**Special Condition 9:** 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.

**Special Condition 10:** Applicant shall dedicate via Grant Deed Adequate Right of way to accommodate the proposed public improvements, including the full width of public sidewalk and driveway cuts proposed to be established along both South Franklin Street and North Harbor Drive. This Grant Deed shall include the dedication of Parcel “A” as identified on that certain Parcel Map for DIV 5-80, recorded April 14, 1981 in Map Case 2 Drawer 37 Page 79 Mendocino County Records, located at the intersection of South Street and South Franklin Street. Grant Deed legal description of the merged parcel shall be written by a licensed land surveyor or engineer. The dedications shall occur simultaneous with the lot merger and prior to issuance of the building permit.

**Special Condition 11:** Parcels shall be merged in accordance with the City’s Lot Line Adjustment process. Applicant shall submit a plat showing the existing and proposed lot configurations with accompanying lot calculations, and legal description of the merged parcel, written by a licensed land surveyor or engineer. Recordation of the merged parcel Grant Deed shall occur prior to issuance of the building permit.

Additional conditions related to roadway improvements and circulation are provided below, including **Condition 15** which requires EV charging stations in order to reduce GHG emissions associated with this project. (see **Special Conditions 12-15**):

**Special Condition 12:** Full road closure of N. Harbor Drive is not allowed. Work shall be planned in advance to minimize impacts to visitors of the harbor area. No work requiring an encroachment on N. Harbor Drive shall be performed during any weekend or Holiday to minimize disruptions. Applicant shall be mindful of roadway and vehicular constraints (e.g. narrow road, sharp turns) when planning types of vehicles/equipment to use in the demolition activities.

**Special Condition 13:** Applicant shall notify affected residents and businesses in the project area at least 72 hours prior to any lane closures.

**Special Condition 14:** If work is to occur in the Right of Way, the applicant shall obtain an encroachment permit from the City of Fort Bragg and include a Traffic Control Plan (TCP), and insurance at least two (2) weeks prior to anticipated construction date. This includes the placement of dumpsters, construction vehicles not parked in conformance with parking codes, installation of any off-site improvements located in the City's right of way, and for installation of any frontage improvements. Please submit the relevant encroachment permit application two (2) weeks prior to anticipated construction date(s) to allow adequate time for processing.

**Special Condition 15:** Two EV charging stations are required to be located near the entrance of the building and identified as parking for electric vehicles only pursuant to Fort Bragg Municipal Code Chapter 10.20.215.

**Policy C-2.6: Traffic Studies for High Trip Generating Uses:** Traffic studies shall be required for all major development proposals, including but not limited to, drive-through facilities, fast food outlets, convenience markets, major tourist accommodations, shopping centers, commercial development, residential subdivisions, and other generators of high traffic volumes that would affect a Level of Service. Traffic studies shall identify, at a minimum:

- (a) the amount of traffic to be added to the street system by the proposed development;
- (b) other known and foreseeable projects and their effects on the street system;
- (c) the direct, indirect, and cumulative adverse impacts of project traffic on street system operations, safety, and public access to the coast;
- (d) mitigation measures necessary to provide for project traffic while maintaining City Level of Service standards;
- (e) the responsibility of the developer to provide improvements; and
- (f) the timing of all improvements.

In accordance with **Policy C-2.6** a traffic study (included in CEQA Initial Study, **Attachment 5**) was performed by KD Anderson and Associates and completed October 22, 2019. This study analyzed of the traffic impacts associated with developing a Grocery Outlet Store in the Mendocino County community of Fort Bragg, California. This assessment of traffic impacts was required by City of Fort Bragg to confirm that the project will not result in conditions in excess of adopted General Plan Minimum Level of Service (LOS) standards. The analysis identified both current and future background conditions at key intersections in the vicinity of the site. To assess traffic impacts, the characteristics of the proposed project have been determined, including estimated trip generation and the directional distribution/assignment of project generated traffic. The significance of project impacts has been determined with regard to Existing Plus Project and Cumulative Plus Project conditions. The extent of off-site impacts has been determined, and the adequacy of site access has been evaluated.

Multiple 24 hr. traffic counts were made on key roadway segments on a summer Thursday, Friday, and Saturday to define the periods of intersection analysis. The counts were made at the following locations:

- Cypress Street between Main Street and Franklin Street
- South Street between Main Street and Franklin Street
- Harbor Drive between Main Street and Franklin Street
- Franklin Street between Cypress Street and South Street
- Franklin Street between South Street and North Harbor Drive

New intersection turning movement counts (motor vehicles, pedestrians, bicycles) were then made on a weekday and on Saturday during the two-hour peak periods at these locations:

- Main Street / Cypress Street
- Main Street / South Street
- Main Street / North Harbor Drive
- Franklin Street / Cypress Street
- Franklin Street / South Street
- Franklin Street / Harbor Drive

Operating Levels of Service and roadway system performance were analyzed using methodologies that are acceptable to the City and Caltrans. The Study made recommendations that are reflected in Special Condition 16, which is discussed further on this document.

The report found that the addition of project traffic would not appreciably increase the length of delays already occurring at most study intersections, but the project does change the Level of Service at one location. At the Main Street/South Street intersection the addition of project trips will result in LOS D conditions on the westbound approach. However, LOS D is considered acceptable on approaches to the state highway, and as a result the project's impact is not significant.

Development of the proposed Grocery Outlet may incrementally contribute to the demand for facilities to serve pedestrians, cyclists and transit riders in this area of Mendocino County, but this demand is expected to be relatively minor.

**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.

**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.

**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.

**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. 2. Recommended Roadway Improvements Goal C-2 Develop and manage a roadway system that accommodates future growth and maintains acceptable Levels of Service while considering the other policies and programs of the Coastal General Plan.

**Policy C-2.1 Roadway Improvements:** In coordination with Caltrans and Mendocino County, plan for and seek funding for on-going improvements to the local and regional road system to ensure that the roadway system operates safely and efficiently and to ensure that Highway 1 in rural areas outside the Mendocino County urban/rural boundary will remain a scenic two-lane road consistent with Section 30254 of the Coastal Act. Project applicants

**are fiscally responsible for their fair share of roadway improvements necessary to serve their projects.**

The study also analyzed impacts to pedestrian facilities and alternative transportation. Development of the proposed Grocery Outlet may incrementally contribute to the demand for facilities to serve pedestrians, cyclists and transit riders in this area of Mendocino County, but this demand is expected to be relatively minor.

Future Impacts:

The impacts of the Grocery Outlet Store project have also been considered within the context of future traffic conditions in this area of Fort Bragg. Long term traffic conditions have been forecast and evaluated based on growth assumptions made in other recent traffic studies and based on understanding of other approved projects in this area.

In a project plus future buildout scenario the project’s cumulative impact could be significant at the Highway 1 (Main Street)/South Street intersection based on General Plan policy, since the project will cause the intersection to operate at LOS E, which exceeds the LOS D minimum, and peak hour traffic signal warrants will be met at some time in the future. To address future conditions at this location it will be necessary to install traffic controls that stop the flow of traffic on Highway 1 in order to allow side street traffic to enter, such improvements may include a traffic signal or a roundabout.

Any improvements within the state right of way require Caltrans approval. At this time, Caltrans has indicated that it will not permit any traffic controls at this location, and therefore agrees with the recommendation of the Traffic Study that frontage improvements and contribution to a fair-share funding mechanism be required for future improvement.

According to the analysis, project trips represent 16.1% of the future new traffic at the Highway 1 / South Street intersection. Assuming a \$500,000 traffic signal, the project’s contribution could be \$84,500.

In accordance with **Policies C- 1.2 to C-2.1** described above, the results of the traffic study, and Caltrans comments; to ensure the project is adequately served by transportation facilities, cumulative impacts associated with nearby and future development is incorporated, and the developer is funding their pro-rata share of the cost associated with future transportation needs the Staff recommends the addition of **Special Condition 16**.

**Special Condition 16:** A “Fair-Share” agreement shall be entered into by the applicant to fund future traffic improvements as necessary. The agreement shall be in the form approved by the Director of Public Works and the amount shall be based on a traffic study performed by a qualified professional at the cost to the applicant. The “Fair-Share” agreement shall be executed and funds deposited with the City prior to certificate of occupancy.

## COMMUNITY DESIGN ELEMENT

The following Community Design Element policies are applicable to the project:

**Policy CD-1.9: Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, and shielded so that no light shines beyond the boundary of the property.**

As previously described, all exterior lighting would be limited to a maximum height of 18 feet and utilize energy-efficient fixtures and lamps. No permanently installed lighting would blink, flash, or be of unusually high intensity or brightness. Exterior lighting shall be shielded or recessed and directed downward and away from adjoining properties and public right-of-way to reduce light bleed so that no on-site light fixture directly illuminates an area off-site, in compliance with regulations set by the International Dark-Sky Association. In order to assure compliance with Policy CD-1.9 staff recommends **Special Condition 17**.

**Special Condition 17:** Prior to issuance of a building permit, final lighting plan shall be approved the Public Works Director or their designee, and be consistent with the CLUDC and Dark Sky Standards.

**Policy CD-2.7 Landscaping: Encourage attractive native and drought-tolerant landscaping in residential and commercial developments.**

Proposed landscaping includes trees and vegetation along the property boundaries within the proposed parking lot. Trees would be planted primarily along the north, south, and east boundaries, with a few along the west boundary, as well as one tree within each of the parking lot landscaping islands. Approximately 19,265 square feet (0.44 acres) of the Site would be landscaped and permeable to stormwater as the project would be designed to capture stormwater and pre-treat it on-site to remove dirt, oil, and heavy metals using bioretention basins located along the northwest and southwest boundaries. While a minimum of 10% landscape area is required, 27% landscape area is proposed under the project.

Currently, the proposed plantings include a variety of California native and non-native (including invasive) species of trees, shrubs, and ground cover. A total of 37 trees would be planted on-site. Groupings of shrubs are proposed throughout the area proposed for development and parking area, the site entrance, and parking lot perimeter.

The project is conditioned to revise the landscaping plan to entirely consist of drought tolerant native species, per **Special Condition 18**, below:

**Special Condition 18:** A landscape plan shall be prepared for review and approval by the Community Development Director that consists entirely of drought tolerant native species.

## **Special Communities, Neighborhoods, and Recreational and Visitor Serving Uses**

The project will neither impact a special community or neighborhood nor displace or preclude any potential recreational or visitor serving uses.

### **Visual Analysis**

**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.**

The project is not in an area requiring visual analysis as part of the Coastal Development Permit review process; therefore, no review of visual impact of the proposal to coastal scenic views is required. The project is subject to Design Review as discussed later in this report.

### **SAFETY ELEMENT**

The following policies from the Safety Element are applicable to the project:

**Policy SF-1.1 Minimize Hazards: New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**

The site is located inland from the coastal bluff overlooking the Noyo River and therefore, is not subject to hazards associated with coastal bluff erosion. All hazards associated with earthquakes will be addressed by the building permit process under the authority of the California Building Code.

According to Federal Emergency Management Agency (FEMA) flood insurance maps the project site is located outside the 500-year flood plains associated with the Noyo River. No flooding concerns are raised relative to the project.

**Policy SF-5.1 Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.**

The project site is not located in a moderate or high fire hazard area and is not of special concern to the Fire Department. The Fire Marshal reviewed the project plans and did not issue a statement of concern regarding fire and life safety. The new buildings code requires that all buildings have sprinkler systems, a monitored alarm system, and parking and driveway areas that are navigable by fire trucks and other emergency vehicles.

## NOISE ELEMENT

The Noise Element of the City of Fort Bragg Coastal General Plan contains policies and programs to reduce the community's exposure to excessive noise and establishes exterior noise level standards for affected land uses, which is utilized to determine whether the noise exposure for the intended land use requires mitigation in order to achieve a compatible noise environment. However, as noted in the Noise Element, the policies are not part of the City of Fort Bragg certified Local Coastal Program and do not govern the review and approval of coastal development permits.

During construction, temporary noise would be anticipated as a result of utilizing standard heavy equipment, which may include, but is not limited to the following: excavator, cement mixer, dump truck, water truck, and backhoe. These noise impacts would be temporary in nature; however, construction-generated noise may irritate nearby sensitive receptors, including guests at the adjacent and nearby motels and nearby residents. The City of Fort Bragg Noise Ordinance (1972) regulates noise within a radius of 500 feet therefrom a residential zone. As the Site is located directly west and northwest of existing single-family and multi-family residences, the special restrictions of the City of Fort Bragg Noise Ordinance would be applicable during construction activities at the Site.

Upon build-out of the Site, operational noise would be associated with vehicular travel of employees and clients accessing the store, grounds maintenance equipment, HVAC units, and delivery trucks traveling to and from the Site. Operational noise would be consistent with noise levels typical of commercial development and would not exceed established noise standards.

To ensure noise impacts associated with the project are not significant, **Special Condition 19** is recommended:

**Special Condition 19:** Pursuant to Mitigation Measure NOISE-1, implementation of the following measures are required during the duration of the project construction period to reduce potential noise impacts on the nearby sensitive receptors:

- a. Construction shall be limited to between the hours of 7:00 AM to 7:00 PM, Monday through Saturday, with no construction activities permitted on Sunday, or holidays;
- b. All internal combustion engine-driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Air compressors and pneumatic equipment shall be equipped with mufflers and impact tools shall be equipped with shrouds or shields; and
- c. All unnecessary idling of internal combustion engines on-site shall be prohibited.

## COMPLIANCE WITH COASTAL LAND USE & DEVELOPMENT CODE (CLUDC) ZONING STANDARDS

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The proposed project complies with all required zoning standards for the Highway Visitor Commercial (CH) Zoning District. See Table 2, below, for specific standards and project details.

- Density – the project complies with the density requirements of the CH zoning district, which allows for a maximum of 24 units/acre. No residential dwelling units are proposed under the project.
- Setbacks – the structures comply with all required setbacks. Note that the lot meets the definition of “through lot”, therefore the street side setback is 5 feet, and there are no rear setbacks
- Maximum floor area – between the Noyo River and Pudding Creek bridge, floor area is limited to 50,000 square feet. The proposed structure would be 16,157 square feet in size, well below the maximum.
- Site coverage – there is no limitation on site coverage in the CH zoning district.
- Height – the CH Zoning District allows for a 35-foot maximum building height. The proposed retail store would be a maximum of 32.25 feet tall at the top of the proposed canopy and a maximum of 23 feet tall at the top of the proposed parapet.
- Floor Area Ratio (FAR) – FAR is the ratio of floor area to total lot area. The project will yield a FAR of 0.23, which is well below the allowable FAR limit of 0.40.

*Table 2. Compliance with Zoning Standards*

<b>Development Aspect</b>	<b>Zoning Requirement (CH)</b>	<b>Proposed Project</b>
Residential Density (max)	24 units/acre	No residential dwelling units proposed
Front setback	15 feet	20 feet
Rear Setback	10 feet	27 feet
Side Setback	5 feet	10 feet
Floor Area (max)	50,000 square feet	16,167 square feet
Site Coverage	No Limitation	N/A
Height Limit	35 feet	32.25 feet
Floor Area Ratio (FAR)	0.40	.23

## **COMPLIANCE WITH CLUDC SITE STANDARDS**

### **Parking**

Under the proposed project, the existing 47-space parking lot would be demolished and would include a parking area with 53 parking spaces on the south side of the store. Pursuant to Section 17.36.040 of the CLUDC, 1 space for each 300 sf of floor area, plus 1 space for each 300 sf of outdoor sales area would be required. Of the total 53 spaces, 3 spaces would be ADA compliant (1 van). Bike parking would also be provided (3 spaces

required and provided), as required under the CLUDC. The project would meet this requirement.

## Landscaping

CLUDC Chapter 17.34 establishes requirements for landscaping. As described in the project's Initial Study and shown on the project's Preliminary Landscaping Plan, proposed landscaping includes trees and vegetation along the property boundaries within the proposed parking lot. Trees would be planted primarily along the north, south, and east boundaries, with a few along the west boundary, as well as one tree within each of the parking lot landscaping islands. Approximately 19,265 square feet (0.44 acres) of the Site would be landscaped and permeable to stormwater as the project would be designed to capture stormwater and pre-treat it on-site to remove dirt, oil, and heavy metals using bioretention basins located along the northwest and southwest boundaries. While a minimum of 10% landscape area is required, 27% landscape area is proposed under the project.

Currently, the proposed plantings include a variety of California native and non-native (invasive) species of trees, shrubs, and ground cover. A total of 37 trees would be planted on-site. Groupings of shrubs are proposed throughout the area proposed for development and parking area, the site entrance, and parking lot perimeter. The project is conditioned to review the landscape plan to consist entirely of drought tolerant native species.

## Signs

The placement, type, size, and number of signs are regulated by CLUDC 17.38. The project would include the installation of a six-foot-tall, illuminated monument sign on the southeast corner of the Site. The monument sign would have 15 square feet of branding on each side, in addition to the unbranded base. Additionally, an 83.3 square foot illuminated channel sign would be located on the sign parapet along the front elevation. The project will require a separate sign permit (see **Special Condition 20**).

**Special Condition 20:** A separate sign permit from the City of Fort Bragg will be required for this project. The permit shall be approved by the Community Development Director or designee.

Per CLUDC Section, 17.38.030.D, the approval of a sign permit shall require that the review authority first make all the following findings, as applicable.

**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.**

Signage standards for free standing signs in the commercial zoning district per CLUDC 17.38 and the compliance of the proposed sign is outlined in the Table 3 below.

Table 3. Signage Development Standards

Development Standards	Requirement	Proposal	Compliance
Number of Signs Allowed	Three (3) of any combination of allowed sign types per primary structure frontage. One (1) of any allowed sign type per secondary frontage.	1 free standing monument sign and 1 channel sign	Yes
Maximum Sign Area	1. 2 sf for each 3 linear ft. of primary building frontage. 2. 0.5 additional sf for each linear foot of secondary building frontage. 3. Each use is allowed a total sign area of at least 25 sf regardless of frontage length. 4. The total sign area per use shall not exceed 100 sf.	15 square feet of branding on each side (monument), plus 83.3 square feet (channel sign)	Yes
Freestanding Monument Sign	Maximum of 6 feet in height	6 feet	Yes
Address	Must include an illuminated street address of six inches in height	Proposed free standing monument sign includes street address.	TBD

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

The proposed sign would be located adjacent to the pedestrian sidewalk of the proposed development and would face S Franklin Street, as shown in **Attachment 4** of the project plans. The sign design guidelines recommend that monument signs be placed perpendicular to the street. The Planning Commission may consider **Special Condition 19** to ensure the project sign’s placement in conformance with the aforementioned design guideline.

**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;**

This finding does not apply to the proposed freestanding monument sign. However, the proposed channel sign will relate to the architectural design of the structure and will not cover windows, spill over natural boundaries, or cover architectural features.

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

The proposed sign is 10 square feet in area, is approximately three (3) feet tall and does not extend beyond six (6) feet above ground, as required per the CLUDC. It would be located in front of the side façade of Building 2, which itself would not include any signs. Therefore, the proposed sign would not block sight lines of existing signs.

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

The sign's design and location would not impact sight lines or create safety issues because the sign's placement would be approximately 30 feet and 49 feet from the sidewalk adjacent to the parking area on the property and vehicular entry to the site, respectively.

**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; and**

The proposed monument sign would be located in the south east corner of the lot at the intersection of North Harbor Drive and South Franklin Street, and is consistent with the signage on the main building.

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

The design criteria in Subsection 17.38.060.F provide standards related to the color, design and construction, materials and structures and street address on the sign.

In accordance with the design criteria, the colors on signs and posts supporting the sign complement the colors of the proposed structures on the site. The design of the sign has been professionally prepared, and the composite sign with printed finish would be water, salt, air and UV resistant.

**Solid Waste Recycling & Material Storage**

The site plan indicates an approximately 10 x 26-foot area for solid waste storage would be provided at the rear of the retail store, on the west side of the parcel. The plans show landscaping would be added adjacent to the enclosure.

Regarding waste/debris associated with demolition and construction, **Special Condition 21** is recommended:

**Special Condition 21:** All construction debris/soil shall be properly disposed of in accordance with the City's Construction Waste Recycling Ordinance. It is not permitted for construction debris and soil to be placed in the City right-of-way.

## Lighting

As described, with the assurances provided by **Special Condition 17**, the project complies with the General Plan **Policy CD-1.9** and is also consistent with the provisions of **CLUDC Section 17.30.070** as described in the community design element section above.

## **COMPLIANCE WITH COASTAL DEVELOPMENT PERMIT REQUIREMENTS**

The following Coastal Development Permit Findings [per CLUDC Section 17.71.045(I)(2)] must be made in order for the Planning Commission to approve the coastal development permit:

**1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources.**

The project proposes the redevelopment of the subject site with one new 16,157-square-foot, single story retail store with associated landscaping and parking lot improvements. With the addition of conditions of approval, the project conforms with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources.

**2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections [30200](#) of the Public Resources Code).**

The project is not located between the first public road and the sea. Therefore, this finding is not applicable to this project.

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

An Initial Study was prepared for the project in December 2020, which found that potentially significant impacts related to biological resources, geology and soils, and noise could all be reduced to a less-than-significant level with mitigation incorporated.

**4. The proposed use is consistent with the purposes of the zone in which the site is located.**

The proposed retail store is located in the Highway Visitor Commercial (CH) Zone. The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. The proposed land use is “General retail – 5,000 SF or larger”, which is permitted by right in the CH zoning district.

**5. The proposed development is in conformance with the City of Fort Bragg’s Coastal General Plan.**

As conditioned, and analyzed in this staff report, the proposed development is in conformance with the City of Fort Bragg’s Coastal General Plan.

**6. 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.**

As proposed, conditioned, and analyzed in this staff report, the project would not be detrimental to public, health, welfare or materially injurious to properties or improvements in the vicinity.

**7. 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.**

Water Supply. The City completed construction of the Summers Lain Reservoir in 2017, which provides an additional 15 million gallons (MG) of raw water storage to help ensure a reliable water supply during the late summer months when flows are low at the City’s three water sources. This additional raw water storage ensures adequate water supply during drought years and will help to meet the needs of current and future development for the City.

Water Service. The existing water connection on South Street includes a 6-inch fire service line that is proposed to be the main water service to the building. Two (2) additional 6-inch fire connections are proposed to be constructed, one (1) to the east of the existing connection and one (1) to the south to be located on S. Franklin St. The project has been conditioned to ensure that the developer pays their connection fees needed to access the water system should additional connections be needed.

Wastewater. The City’s Wastewater Treatment Plant has sufficient capacity to serve the new development. There is an existing 4-inch sewer lateral extending from the existing manhole on South Street and proposed to be removed and replaced with the construction of a new 6-inch sewer lateral per City standards. The project has been conditioned to ensure that the developer pays connection fees necessary to accommodate these additional/changed connections.

Additionally, as all new development is required to pay its fair share of the system infrastructure and future capital improvements through the Water Capacity Charges and

Wastewater Capacity Charges, the applicant will be required to pay water capacity charges when they secure their Building Permit. **Special Condition 1** was added to ensure that this requirement is met.

Utilities. In accordance with Fort Bragg Municipal Code Title 14 Water and Sewers, the proposed retail store will connect to City water and sewer. The project applicant may choose to utilize existing connections to public water and sewer existing on subject parcel, and/or realign the existing public water and sewer service connections for the proposed building, and/or add additional services needed for commercial facilities and sprinkler systems. Connection fees, capacity fees, sewer cleanouts, and backflow devices are required, and those actual fees will be calculated at the time of building permit submittal. To ensure compliance with these requirements, staff recommends approval of the following **Special Condition 22 and 23.**

**Special Condition 22:** Sewer Connections. Connection fees and cleanouts required, all associated fees shall be paid prior to the issuance of the first building permit. Applicant to specify what size of connections, if any, will be needed for this project.

**Special Condition 23:** Water Connections. Connection fees and an approved backflow device is required for all water connections. All associated fees shall be paid prior to the issuance of the first building permit. Applicant to specify what size connections, if any, will be needed for this project.

The Applicant proposes to convey onsite stormwater runoff exceeding the 85th percentile storm event to the existing storm drain system with the nearest connection on Highway 1 via surface flows along South Street and N. Harbor Drive. The applicant will need to provide an analysis that documents the sufficiency of existing infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system. If upgrades to infrastructure or off-site upgrades are required, this shall be completed by the developer and dedicated to the City. **Special Condition 24** was added to ensure that these requirements are met.

**Special Condition 24.** 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.

The City's Public Works Department has reviewed the project and determined that, as conditioned, the project can be adequately served.

## **COMPLIANCE WITH DESIGN REVIEW PERMIT REQUIREMENTS**

As stated previously, the applicant revised and modified the design twice to include architectural and design elements required by Fort Bragg's Citywide Design Guidelines. These guidelines are intended to support positive design characteristics and are provided

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

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

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

Coastal General Plan **Policy LU-4.1** ensures the location, scale, and appearance of Formula and Big Box retail does not detract from the economic vitality of established commercial businesses and are consistent with the small town, rural character of Fort Bragg. Please see discussion above (pages 4-6) regarding the projects compliance with this policy. Staff has worked with applicant to revise the design of the building to bring the project into conformance with the Citywide Design Guidelines (see Table 4, below). However, many design elements are subjective and Planning Commission may interpret this analysis differently.

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

Please see discussion regarding **Policy LU-4.1** for the projects compatibility in terms of scale and massing with the surroundings and the community for project compliance with these terms.

To determine the appropriateness of the design, staff analyzed the project’s conformance with Chapter 2.3: General Commercial Design Guidelines of Fort Bragg’s Citywide Design Guidelines. Table 4 below analyzes the project’s conformance with the required design guidelines.

*Table 4. Analysis of Project’s Conformance with the General Commercial Design Guidelines*

General Commercial Design Guidelines	Proposed Project Compliance	Conformance with Guideline
<b>Site Planning</b>		
<u>Building Siting:</u> 1) strip-type development is to be avoided in favor of more pedestrian oriented configurations; 2) view corridors that offer unobstructed views of the shoreline and/or sea from the public right-of-way should be provided; and 3) cluster development to avoid blocking	The site is located where an existing vacant building is currently located. The view of the ocean is currently obstructed by the existing building, a two-story motel, a gas station, and landscaping. The new building will not significantly alter the obstructions to the view of the	Yes



viewsheds to the maximum extent possible.	sea. The new structure is smaller than existing.	
<u>Residential Interface:</u> 1) commercial development should be buffered from residential uses as much as possible; 2) commercial development should not directly face single family residential streets; 3) development on parcel should be located as far as possible from adjacent residential properties.	The new building will not directly face a residential street. This section of Franklin Street is zoned commercial on both the east and west side of the street. There are two vacant lots that are both zoned commercial. There is a multi-family residence and three single family residences in this section of Franklin. However, only one single family residence faces Franklin St. Therefore, this street does not qualify as a single family residential street. The proposed building is located as far away from residential as is feasible and the entrance will be shielded by landscaping from any residential properties.	Yes
<u>Open Space, Courtyards, Plazas and Pedestrian Areas:</u> 1) development should provide site amenities and other design features that encourage pedestrian utilization, including benches, seating areas, public art, bicycle racks and lighting; and 2) pedestrian activity areas should provide a sufficient level of wind and rain protection for pedestrians.	1) the project includes bicycle racks; and 2) canopies are provided on the exterior of building for wind and rain protection over pedestrian walkways to entrance.	Yes
<b>Architecture</b>		
<u>Architectural Form and Detail:</u> 1) architectural styles should be compatible with surrounding character, including style, form, size, materials, roofline; 2) long, blank unarticulated walls over 100 feet are discouraged; 3) design features should be consistent on all elevations of a structure; 4) the size and location of various building	1) see discussion regarding compliance with <b>LU-4.1</b> above. Due to irregular lot, street façade faces parking lot, but not necessarily the main street. Building is sufficiently broken up with various lines and elements to satisfy architectural elements. The design is consistent with the style and features of other	Yes

<p>elements should not be exaggerated to provide additional height for signs; 5) roofs should include two or more roof planes; 6) size and location of doors/windows should relate to scale and proportions of structure; 7) street facing façade should have a public entrance; 8) primary building entries should include features such as, overhangs, peaked roof forms, arches, columns, towers, etc.; 9) windows should be provided at storefront locations; and 10) the use of standardized “corporate franchise” architectural styles is strongly discouraged.</p>	<p>surrounding buildings. All design features are accounted for.</p>	
<p><u>Materials and Colors:</u> 1) exterior materials such as fake stone veneer, plastic or corrugated metal siding and heavily troweled finishes should be avoided; 2) materials should be varied to provide architectural interest, however, the number of materials and colors should be limited and not exceed what is required; and 3) Florescent, garish colors should be avoided.</p>	<p>1) the building includes HardiPlank siding and stucco finish; 2) building materials demonstrate a clear separation between the base, mid-section and upper section, with roof corbels; 3) the color palette is muted brown earth tones.</p>	<p>Yes</p>
<p><u>Architectural Details:</u> 1) when appropriate, incorporate design elements and features from the historic architectural styles of the Central Business District; 2) use of awning, canopies, recesses and arcades is encouraged to provide protection for pedestrians and add interest and color to buildings; 3) exterior lighting should be designed as part of the overall architectural style of the building and shielded to avoid spillover to adjacent properties. Full lighting of building façade is strongly discouraged; and 4) the use of security grills on windows is discouraged.</p>	<p>1) the composition of building (base, midline, roof, transom windows are architectural elements of structures in the Central Business District; 2) the structure includes metal awnings near at the entrance and rear of south elevation; 3) wall mounted light fixtures are downcast and final landscape plan will include additional lighting for pedestrian paths and driveway in conformance with CLUDC; 4) no security grills on windows are proposed.</p>	<p>Yes <b>With Special Condition 17</b></p>

**Parking and Circulation**

<p><u>Site Access and Circulation:</u> 1) the number of access driveways should be minimized and located as far from possible from street intersections; 2) parking lots should be accessed from commercially developed streets; 3) ensure visibility for vehicles entering and exiting parking lot.</p>	<p>The parking lot is accessed from two (2) driveways one (1) off South Franklin and one (1) off North Harbor, both commercial streets and driveways are as far as possible from intersections.</p>	<p>Yes</p>
<p><u>Parking Lot Design:</u> 1) the use of common or shared driveways is strongly encouraged between adjacent uses; 2) dead end drive aisles are strongly discouraged; and 3) use continuous curbs around perimeter of parking areas.</p>	<p>There are no common or shared driveways, dead end drive aisles, and a continuous curb</p>	<p>Yes</p>
<p><u>Pedestrian Circulation:</u> 1) clearly define pedestrian walkways so persons will not have to cross parking aisles and landscape islands; and 2) raised walkways, decorative paving, landscaping, and/or bollards should be used to separate pedestrians from vehicular circulation to maximum extent possible.</p>	<p>Parking lot is designed to the extent feasible to be pedestrian friendly and clearly marked.</p>	<p>Yes</p>
<p><u>Loading and Delivery:</u> 1) loading and delivery should be designed to minimize visibility, circulation conflicts and adverse noise; 2) loading and delivery areas should be screened with portions of the building, walls, landscape planting; 3) when adjacent to residential properties, loading areas should be located on the side; and 4) colors, materials, appearance of walls/fences should be compatible with landscaping used to soften appearances.</p>	<p>1) The loading zone is a designated space located in the least visible location on the north west portion of building; 2) the loading zone is tucked along the rear drive of building, screened by the building and trash enclosure; 3) the loading zone is located on the side on the opposite side from residential properties; and 4) colors of materials are earth toned brown and compatible with the landscaping.</p>	<p>Yes</p>

**Landscaping and Amenities**

<p><u>Landscape Design:</u> 1) landscaping should enhance development by softening appearances, screening, buffering incompatible uses and providing sun/wind protection; 2) plantings should utilize three tier system (ground cover, shrubs, trees); 3) landscaping strip should be used to separate parking lots and along buildings; 4) planters and pots are encouraged to provide visual interest, color and texture; 5) native planting materials, which are drought tolerant are preferred.</p>	<p>The proposed project incorporates landscaping to enhance the proposed projects appearance, screen the development, and aid with water quality through the incorporation of stormwater features. Conditions of approval require that landscaping be native and drought tolerant.</p>	<p>Yes</p> <p><b>With Special Condition 18</b></p>
<p><u>Site Elements and Amenities:</u> 1) outdoor furniture and fixtures such as lighting, trellises, raised planters benches, etc., should be selected as part of design; 2) Decorative paving, such as stamped concrete, stone, brick, pavers colored concrete, etc., should be incorporated into pedestrian areas; 3) light fixtures should be architecturally compatible and used to illuminate entries, walkways, driveways; 4) trash enclosures and mechanical devices should be located in least visible area and screened from public view.</p>	<p>1) outdoor lighting was selected as part of the design; 2) decorative paving is not included as part of the project; 3) photometric plan shows adequate lighting and is architecturally compatible with structure; 4) trash enclosure is located at the north east corner of the property.</p>	<p>Yes</p>

The project significantly conforms with the Citywide Design Guidelines. However, if the Planning Commission feels there are additional changes necessary to conform with the Citywide Design Guidelines, staff recommends that the Planning Commission address additional requirements through adding Special Conditions.

**COMPLIANCE WITH MERGER REQUIREMENTS**

The proposed merger of lots 018-120-047, -48, and -49 were reviewed for consistency with the Coastal General Plan and the Coastal Land Use Zoning Code. Table 5 below analyzes the project’s conformance with the guidelines.

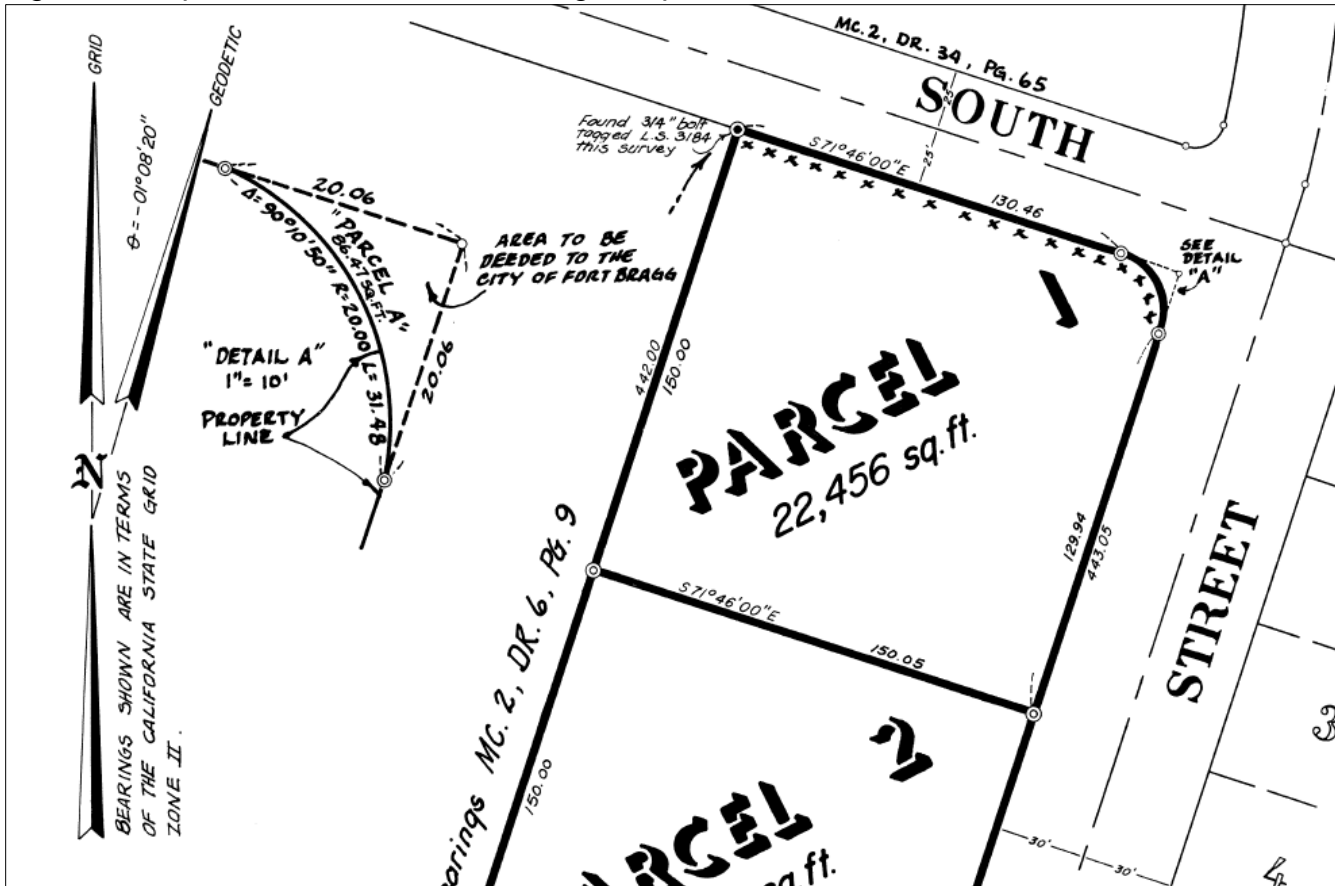
Table 5. Analysis of Project's Conformance with the Merger Guidelines

Guideline	Proposed Project Compliance	Conformance with Guideline
17.84.050 - Parcel Merger	<p>Procedures for merger of parcels. Two or more parcels may be merged as follows.</p> <p>2. Parcels may also be merged in compliance with Map Act Sections 66499.20-1/2, or 66499.20-3/4; provided that a merger in compliance with Map Act Section 66499.20-3/4 shall require the recordation of an instrument evidencing the merger in the same manner as required by Map Act Section 66499.20-1/2.</p>	<p>The merged parcels meet the requirements of the Map Act. <b>Special Condition 11</b> is included to ensure that the merger is recorded accordingly.</p>
17.22.040 A.	<p>Each subdivision shall comply with the minimum parcel size requirements shown in Table 2-7 for the applicable zoning district.</p>	<p>Table 2-7 requires minimum parcel sizes in the CH district be at least 6,000 SF. The proposed merger would combine three parcels into one ±70,828 SF parcel, exceeding the minimum required.</p>
Table 2-7	<p>Minimum parcel width: 50 feet</p>	<p>The parcel fronts on S. Franklin Street; therefore, the width is defined as the north-south dimension of the proposed parcel. The minimum measurement of 442 feet exceeds the minimum required width.</p>
Table 2-7	<p>Maximum parcel depth: 3 times width</p>	<p>The depth of the parcel is defined as the east-west dimension of the proposed parcel, which is no less than 145 feet. The depth does not exceed the maximum allowed in the CH district. Note: there is no minimum depth for parcels in the CH district.</p>

As required in previous parcel subdivision, the Parcel A identified in the Parcel Map recorded on April 14, 1981 and located in Map Case 2 Drawer 37 Page 79 shall be dedicated to the City to fulfill previous commitments. The three (3) parcels that make up the project site were subdivided and recorded on April 14, 1981 (**figure 1**). According to the map, the 86.47 square-foot triangle at the northeast corner of the parcel at the intersection of South Street and South Franklin Street identified as Parcel "A", was to be dedicated to the City of Fort Bragg. However, there are no records to indicate that the dedication was ever completed. **Special Condition 10** is recommended to require that, as part of the merger, the applicant complete the previous

subdivision requirement to dedicate Parcel "A" as identified and recorded on April 14, 1981 and located at the City of Fort Bragg in Map Case 2 Drawer 37 Page 79, under reference number 5356.

Figure 1, Map Case No 2, Drawer 37 Page 79 parcel "A" dedication.



## ENVIRONMENTAL DETERMINATION

An Initial Study and Mitigated Negative Declaration was prepared for this project and circulated to the State Clearinghouse from January 14 to February 16, 2021. Fifteen (15) public comments were received as a result of circulation. While a majority of the comments came from the general public and concerned citizens, two (2) comment letters were submitted from Responsible or Trustee Agencies (state agencies that may have some permitting responsibilities over the project). These agencies were the California Department of Fish & Wildlife (CDFW) and the California Department of Transportation (Caltrans).

**CDFW Comments:** CDFW noted that the site had potential evidence to establish wetland conditions based on the parameters found on-site, and therefore requested additional on-site inspection. As a result of this comment, the applicant contracted with Wildland Resource Managers (WRM) for further analysis. The parcel was visited on

the afternoon of March 15, 2021 by WRM's principal biologist for the purpose of determining if wetlands, of any type, are present at the site. On that date, the weather was clear with a strong north wind blowing. Initial inspection of the parcel noted that there was no evidence of any wetland features but rather the site's vegetation consisted of annual grasses and forbs, lacking shrubs and or trees. To be certain that no wetland indicators were present, a systematic survey of the parcel was made following the Army Corp of Engineers (USACE) wetland determination data collection methodology and the definition of wetland boundaries contained in Section 13577 (b) of the California Code of Regulations. To do this, four test locations were selected to represent the general character of the parcel. As depicted on Figure 2 on the following page, one test location was placed within each quadrant of the parcel (northeast, northwest, southwest and southeast). At each location data was collected within a 1-meter square sample plot. At each plot the dominant vegetation was identified, soil structure and type were determined and evidence of hydrology was looked for. Soil structure was determined by excavating an 18+ inch deep hole and noting the soil profile description and any presence or absence of hydric soil indicators. Data was recorded on the USACE "Wetland Determination Data Form – Arid West Region."

No indicators of any type of wetland, stream course, vernal pools or vernal swales were found on the site. There were a limited number of wetland plants found but their frequency of presence was insufficient to constitute a wetland site. There was no evidence of hydric soil nor any wetland hydrology found. No part of this parcel may be considered a wetland area.

CDFW also noted that Mitigation Measure BIO-1 requires a preconstruction survey for bats. CDFW recommended that BIO-1 be amended to ensure that procedures for survey and removal of bats followed CDFW protocol. **Special Condition 3** reflects this recommendation.

CDFW further recommended that nesting bird habitat be assessed, and if removed, done between September 1 and February 28. If habitat is to remain, buffers shall be established in order to protect the aforementioned habitat during construction. **Special Condition 4** reflects this recommendation.

Also, pursuant to CDFW comments, the landscape plan shall be redesigned to include no invasive species and emphasize regionally appropriate plants.

**Caltrans Comments:** Caltrans confirmed that per the Traffic Impact Study (2019), they agreed the project meets peak-hour signal warrants for the future plus build condition (comment letter sent to the City on December 24, 2019). Furthermore, conceptual approval for a roundabout or traffic signal will require an Intersection Control Evaluation (ICE).

A traffic signal is not warranted at this time (comment letter sent to the City on February 12, 2021). However, the City may choose to reserve the use of "fair share" funds to improve intersections at either South Street or North Harbor Drive if conditions change

due to the impact of the development(s). Caltrans Comment Letters included as **Attachment 9**.

Based on predicted growth in the area, it appears that it is appropriate to plan for a future intersection improvement (at either North Harbor Drive or South Street). It would be useful to conduct an analysis using all known/likely projects and potential growth in the area, to ensure that cumulative impacts are addressed.

Caltrans further commented on the existing vegetation on private land that is currently impacting sight distance, and stated that they will be removing the existing left-turn prohibition from North Harbor Drive onto Highway 1.

**Special Condition 16** was added regarding the fair-share agreement for future traffic improvements.

**Remaining Public Comments:** Thirteen (13) other comment letters were received from members of the public regarding this application as a result of circulation. One comment was in support of the project, while the rest came from opponents of the proposed project. Comments were generally concerned about traffic, location, and community character. 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.

Multiple comments expressed concern that the project is unsuitable in this location. This is an opinion and does not raise impacts which have not been addressed. The proposed project is a large retail grocery store in an area that is properly zoned and has a general plan designation that supports this type of use.

Multiple comments mention that the proposed project, characterized as a “big-box” or “formula business” store is not consistent with the “community character” of the City of Fort Bragg. Formula businesses are permitted in Fort Bragg, and compliance with **Policy LU-4.1** is intended to ensure that their location, scale and appearance do not detract from the economic vitality of established commercial businesses. To determine whether the: 1) location; 2) scale; and 3) appearance of the proposed Grocery Outlet would detract from the economic vitality of established commercial businesses, staff has prepared the following analysis:

Location: The zoning designation, Highway Visitor Commercial, is applied to sites along Highway 1 and is generally vehicle oriented. Land uses in the immediate vicinity of the project site include lodging, restaurant, café, retail and auto repair. Both the proposed project (retail) and adjacent existing businesses are permitted land uses by right, adhering to the intent of the CH zoning district, and thus would not detract from the economic vitality of established commercial businesses.



Scale: New development is comparable in scale with existing buildings and streetscape. The size of the proposed retail store is comparable with other buildings in the immediate vicinity and would not detract from the economic vitality of established commercial businesses. The new building is slightly smaller than the existing, and similar 2-story buildings exist in the vicinity.

Appearance: Staff required the applicant to modify and revise the initial project design to better comply the Citywide Design Guidelines. The Design Review Permit process gives the Planning Commission an opportunity to further evaluate the proposed design and, if desired, to further modify the design in order to ensure the appearance does not detract from the economic vitality of established commercial businesses. Design Review is discussed in detail further in the staff report.

Multiple comments mentioned safety of Highway 1 and the surrounding neighborhood. Caltrans initial comments confirmed that per the Traffic Impact Study (2019), they agreed the project meets peak-hour signal warrants for the future plus build condition (comment letter sent to the City on December 24, 2019). However, stated a traffic signal is not warranted in their follow up comment letter sent to the City on February 12, 2021. The changed recommendations from Caltrans arose as the State transitioned from reviewing projects under the Level of Service (LOS) model to the Vehicle Miles Traveled model. As the City's Coastal General Plan still utilizes the LOS model, a **Special Condition 16** is included to ensure collection of "fair share" funds from the applicant for future improvements to intersections at either South Street or North Harbor Drive if/when conditions change due to the impact of the development(s). Based on predicted growth in the area, it appears that it is appropriate to plan for a future intersection improvement (at either North Harbor Drive or South Street). Furthermore, conceptual approval for a roundabout or traffic signal will require an Intersection Control Evaluation (ICE) as conditioned. It would be useful to conduct an analysis using all known/likely projects and potential growth in the area, to ensure that cumulative impacts are addressed.

Caltrans further commented on the existing vegetation on private land that is currently impacting sight distance, and stated that they will be removing the existing left-turn prohibition from North Harbor Drive onto Highway 1. Conditions of Approval have been added regarding the fair-share agreement for future traffic improvements.

Comments from the CDFW and the public regarding the potential for wetlands and biological resources are discussed under CDFW comments.

Multiple public comments were received regarding the capacity of the area not being able to support an additional grocery store. This is an opinion and does not raise impacts which have not been addressed. The proposed project is a large retail grocery store in an area that is properly zoned and has a general plan designation that supports this type of use.

## **RECOMMENDED PLANNING COMMISSION ACTION**

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Staff recommends that the Planning Commission: 1) receive staff report; 2) open the public hearing; 3) take testimony from the public and the applicant; 4) close the public hearing and deliberate; and adopt the resolution with findings for approval based on the project's consistency with the City's Coastal General Plan and Coastal Land Use and Development Code as discussed and mitigated in the MND and analyzed and conditioned in the staff report.

### **ALTERNATIVE ACTIONS**

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

### **RECOMMENDATION**

Staff recommends adoption of the resolution approving Coastal Development Permit 8-19 (CDP 8-19), Design Review 1-19 (DR 1-19), Merger 1-19 (MGR 1-19), and adopting the Initial Study Mitigated Negative Declaration (SCH: 2021010142) pursuant to all the evidence presented, both oral and documentary, and further based on the findings and conditions stated therein.

### **ATTACHMENTS**

1. Location Map(s)
2. Site Plan
3. Civil Plans
4. Signage Plan
5. CEQA Initial Study
6. Public Comments on Initial Study
7. Wetland Report
8. Parcel Merger Submittal
9. Caltrans Comment Letters
10. Approval Resolution

### **NOTIFICATIONS**

1. Public Hearings
2. Applicant, Agent, Owner
3. Economic Development Notify Me List
4. Planning Commission