

Dear City Council members,

I am in favor of approving item 7A. 22-062 Conduct Public Hearing, Receive Report, and Consider Adoption of City Council Resolution Vacating the Adoption of the Mitigated Negative Declaration (MND) with Mitigation Monitoring and Reporting Plan, and Vacating the Approval of Coastal Development Permit 8-19, Design Review 1-19, and Parcel Merger 1-19 for the Grocery Outlet Project at 825, 845, and 851 S. Franklin Street.

As you might recall the Grocery Outlet Bargain Market MND project totaled over 1,000 pages of public comments in support/not in support, petitions from both sides, charts, graphs, articles, in person comments, etc. and was discussed by the Planning Commission on May 26, 2021 and June 9, 2021. The project was approved and then appealed by Leslie Kashiwada, and Ken Armstrong and Fort Bragg Local Business Matters.

On July 26, 2022, the City Council upheld the Planning Commission's approval.

A lawsuit was filed by Leslie Kashiwada and Fort Bragg Local Business Matters on August 24, 2021 challenging the City's adoption of the MND and the related approvals, arguing that an Environmental Impact Report (EIR) was required for the project under CEQA.

Many community members among them Leslie Kashiwada PhD, Edward Oberweiser, Mikael Blaidstell, attorney Jacob Patterson, Kyra Rice, Ken Armstrong, Michele Herrick, Evan S. Dick (next door neighbor), Mary Rose Kaczorowski, myself, and the Department of Fish & Wildlife commented that only an EIR will analyze the cumulative (as well as direct) impacts of the project (including the project as a whole) on the environment and protected resource.

It is hard to understand that after the issue with the development to accommodate the Grocery Outlet mall at the Hare Creek site which resulted in an EIR after community members appealed the MND, the city went ahead and hired an out of town incompetent environmental company and was ok with their faulty MND.

When will the city get some serious CEQA trainings along with the Planning Commission and the City Council?

Why should private citizens have to carry the financial burden and time intensive labor to appeal a faulty MND and carry the burden to hire a lawyer?

Why do big franchise businesses think they can get away with an MND and not have to do an EIR?

I understand that on February 2, 2022, Best Development Group (Best), the Project Applicant, sent a letter to the City requesting that the City Council vacate the approval of the MND so that Best can submit a new application for the Project based upon an EIR prepared by the City.

Sincerely, Annemarie Weibel
2-28-2022

Lemos, June

From: Leslie Kashiwada <kashiwa@mcn.org>
Sent: Monday, February 28, 2022 4:41 PM
To: Lemos, June
Subject: Agenda Item 7A

Hi June,

I'm not sure I will be able to attend the meeting tonight. I'd like to submit the following comment for Agenda Item 7A:

From: Leslie Kashiwada

Re: Agenda Item 7A on Feb 28, 2022

I was intrigued to find out that Best Development Group (BDG) requested the City vacate their prior approvals for the Grocery Outlet Project on South Franklin Street. I was particularly amused to read the letter from BDG, where they expressed the conviction that they could mount a "spirited legal defense of the MND" given the small size of the project and its minimal environmental effects.

It's important to remember that this project is not small in relation to our community, and that significant impacts were found (and that other impacts were ignored). An EIR is not just a matter of adding a few paragraphs to a pre-existing MND. All the prior concerns of the public and all the mitigations imposed by the Planning Commission must be addressed. Multiple alternatives must be provided with more than just a perfunctory statement that a given alternative is not viable. It is perfectly appropriate to state that the cost of a given alternative might be too high to make the project financially viable, but that does not invalidate that alternative.

The letter implies that the City will complete the EIR, and I assume BDG will pay the costs. Regardless of who prepares the EIR, it should include, but not be limited to, the following list of items:

1. **Traffic Study:** A thorough, complete, and up-to-date traffic study, with analysis of the various options for traffic control on Main Street, South Franklin Street, North Harbor Drive, and South Street. Pedestrian safety as well as flow of vehicles must be fully addressed.
2. **New build versus Reuse of Existing Building:** The General Code for the City states that reuse of existing buildings is preferred and encouraged. The similarity in square footage of the Old Social Services Building and the proposed new build requires that a full analysis be done for building reuse. If the exiting building is deemed unusable due to mold, then an air quality study should be performed. If the layout of the existing building is not workable, present diagrams showing that the space cannot be reconfigured to meet the needs of the client (Grocery Outlet). Indicate how the existing parking lot might be repurposed for loading and unloading, and for parking.
3. **New building placement and parking lots:** Alternatives for the placement of the new building should be presented and include analysis of parking lot function and pedestrian safety. The Planning Commission specifically asked BDG about building placement and they said it couldn't be changed. However, in the same hearing, BDG went on to say that they did change the placement of a new building in another location because

(drum roll please) the Planning Commission in that town demanded it. As currently proposed, there is far too much interaction between vehicles and customers walking to the entrance of the building. One of the mitigations imposed by the Planning Commission to provide separation between customers walking to the entrance and vehicles coming, going, and driving in the parking lot is not actually possible given the proposed configuration of the parking lot. Therefore, it is essential to provide alternatives for building placement, parking lot placement, and placement of the entrance. In addition, accommodation for employee parking needs to be addressed

4. Noise Study: The MND for this project used data from a previous study done nearby (not as part of this project). Their analysis indicated no significant impact. The analysis done by an expert for FBLBM used the same data to show that there would be significant impact. During the appeal hearing, a statement was made that those data could not be relied on as valid. That means a new study should be done in the actual area of the project.
5. Biological Review: The initial and follow up studies were an embarrassment. The surveys were superficial and included some incorrect species identifications. The timing of the survey for wetland plants was inappropriate. The bat studies, as requested by California Department of Fish and Wildlife were never completed. A time series should be undertaken with in depth surveys of flora and fauna monthly for 1 year (or quarterly at a minimum). The study should include wet as well as dry seasons.
6. Survey for wetland soils: While the methodology appeared appropriate, the area with the greatest likelihood of having wetland soils was studiously avoided. This must be corrected.
7. Retention of Mature Trees: While many of the mature trees on the site are Monterey Cypress (a tree that is not native to the area), these mature trees provide important habitat and should be maintained. The EIR should include analysis of the measures to be taken that will protect not only these trees, but also their root structure.

These are a few of the areas that must be fully addresses in an EIR. Simply repackaging the MND will not be sufficient.