

## Lemos, June

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**From:** Miller, Tabatha  
**Sent:** Tuesday, November 13, 2018 9:57 AM  
**To:** Lemos, June  
**Subject:** FW: removing item # 5H Avalon Hotel & Conference Center from consent calendar as it warrants a discussion and schedule for Nov. 26 under conduct of business

-----Original Message-----

From: Annemarie [mailto:aweibel@mcn.org]  
Sent: Tuesday, November 13, 2018 9:54 AM  
To: Peters, Lindy <LPeters2@fortbragg.com>; Lee, Will <Wlee@fortbragg.com>; Turner, Dave <dturner@fortbragg.com>; Cimolino, Michael <MCimolino@fortbragg.com>; Norvell, Bernie <Bnorvell2@fortbragg.com>  
Cc: Miller, Tabatha <TMiller@fortbragg.com>; Jones, Marie <mjones@fortbragg.com>; Perkins, Scott <SPerkins@fortbragg.com>  
Subject: removing item # 5H Avalon Hotel & Conference Center from consent calendar as it warrants a discussion and schedule for Nov. 26 under conduct of business

To the members of the City Council,

Please remove item # 5H Avalon Hotel & Conference Center from the consent calendar as it warrants a discussion and schedule it for Nov. 26 under conduct of business.

To bad that the City's new web page has no information about the Avalon Hotel & Conference Center other than what is written on the agenda and link. I asked Scott Perkins about online information (on City's web site) about the Avalon Hotel & Conference Center, but I could not find anything. Missing are also on the web page the 16 documents listed in Exhibit A. Amy Wynn has a web page. If at least that link could have been placed online it would not be so bad. <https://wcplan.com/avalon/>

The project was never brought up during a Community Development Committee meeting this year.

Based on the Coastal Act Section 30006 the public has a right to fully participate in decisions affecting coastal planning, conservation, and development. Achievement of sound coastal conservation and development is dependent upon public understanding and support.

The continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

In addition to the approximately 3,000 sf event center the 65-room hotel would be 3 story high (in front of the ocean!), and would have a 63 seat, 660 sf restaurant and a 818 sf cocktail lounge with 40 seats.

You are tempted to vote today during the consent calendar portion of the meeting not only if you agree with the city staff proposal to approve the scope of work for proposals about this project (item # 5H), but also to approve all 11 items which also includes an item about the Hare Creek mall (item # 5D). This is not ok without discussion. The public will have an opportunity to address issues during public comments, but the City Council will not discuss or act on any requests.

A Negative Declaration (ND) or a Mitigated Negative Declaration (MND) should be prepared for a project when there is no substantial evidence that the project or any of its aspects could result in significant adverse impacts CEQA Guidelines Section 15063(b)(2).

Reading through the "Request for Proposals" it seems clear that the proposed project "has a number of issues and constraints that must be addressed through the environmental review." The City lists these:

- 1) the impact of the project on prehistoric cultural resource deposits;
- 2) the impact of the project on Environmentally Sensitive Habitat Areas and nesting birds;
- 3) storm water and drainage management;
- 4) visual impacts of the project from the public right of way including the Haul Road; and
- 5) traffic impacts of the proposed uses.

Several Surveys/Reports/Investigations/Evaluations are from 2008, 2014, 2015, 2016 and might already be outdated.

Based on the book: Understanding Environmental Impact Assessment by Grassetti Environmental Consulting we know that if the project has a "significant effect on the environment" an Environmental Impact Report (EIR) needs to be prepared. The book especially lists noise level, traffic impact, waste treatment plant capacity, impacts on threatened or endangered species, loss of farmland, wetland encroachment, impacts on archaeological resources, and water supply capacity. In 2016 there was only going to be 1% of City water left for the Hare Creek mall that needs 1,800,000 gallons of water a year & the Avalon Project.

Most of these issues might be problematic issues with this project and that is maybe also the reason this project has taken so long (at least since 2014) to get to this stage. Therefore it will be even more important that an EIR will be prepared and that the City does not try to get away with a MND. Getting bids from an environmental consultant when it is not clear what they are bidding for (MND or EIR) is odd and will result in back and forth interactions between the lead agency and the responsible agency whereby corners are cut, \$ amount will be determined and then changed/augmented along the way. This is happening with the Hare Creek mall (see item # 5D). How can you City Council approve the Scope of Work for a Request for Proposals (RFP) to assist the consultants in the Environmental Evaluation when they don't know what will be needed (MND or EIR)?

As the Initial Study will provide the lead agency with information to use as the basis for deciding whether to prepare an EIR or a ND why is that not the goal of the bid?

The City prepared an MND for the Hare Creek mall and ended up needing to prepare an EIR.

Are we putting the cart before the horse?

Please remove item # 5H Avalon Hotel & Conference Center from the consent calendar as it warrants a discussion and schedule it for Nov. 26 under conduct of business.

Please also remove item # 5D Hare Creek mall issue from the consent calendar as it warrants a discussion and schedule it for Nov. 26 under conduct of business. More about that in my next e-mail.

Thanks, Annemarie Weibel  
937-5575

## Lemos, June

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**From:** Miller, Tabatha  
**Sent:** Tuesday, November 13, 2018 9:44 AM  
**To:** Lemos, June; Jourdain, Brenda  
**Subject:** FW: Please remove 5D and 5H from tonight's consent calendar  
**Attachments:** CACLU\_SummaryLetter.pdf

I am not sure what you have received as public comment but didn't see you on the email list.

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**From:** Citizens for Appropriate Coastal Land Use [mailto:caclu@mcn.org]  
**Sent:** Tuesday, November 13, 2018 8:37 AM  
**To:** Peters, Lindy <LPeters2@fortbragg.com>; Lee, Will <Wlee@fortbragg.com>; Turner, Dave <dturner@fortbragg.com>; Cimolino, Michael <MCimolino@fortbragg.com>; Norvell, Bernie <Bnorvell2@fortbragg.com>  
**Cc:** Miller, Tabatha <TMiller@fortbragg.com>; Perkins, Scott <SPerkins@fortbragg.com>; Jones, Marie <mjones@fortbragg.com>  
**Subject:** Please remove 5D and 5H from tonight's consent calendar

To the Members of the City Council,

Citizens for Appropriate Coastal Land Use requests that two items be pulled from the consent calendar so that there can be more thorough discussion about concerns regarding:

**5D** - Adopt City Council Resolution Approving Professional Services Agreement with Michael Baker International, Inc., to Respond to Public Comments on the Hare Creek Center Draft Environmental Impact Report (EIR) and Complete the EIR for the Hare Creek Center Development Application and Authorizing City Manager to Execute Same (Amount Not to Exceed \$48,350; Account No. 110-4320-3415)

**5H** - Approve Scope of Work for a Request for Proposals (RFP) to Assist the City in the Environmental Evaluation of the Proposed Avalon Project Pursuant of the California Environmental Quality Act (CEQA)

With regards to 5H, CACLU wants to point out that issuing RFPs for environmental work on this project is premature. Until the City has held a public meeting to hear the concerns of the public, the full scope of work to be considered is unknown. By bringing on a consultant company and executing a contract in advance of such meeting, substantive concerns expressed by the public may not be included in the scope of work. CACLU feels this is putting the cart before the horse.

With regards to 5D, CACLU wishes to express profound disappointment with the Draft EIR produced by Michael Baker International (MBI). The Draft EIR was not the thorough, objective, and up-to-date document the public requested. It was superficial and dismissed many important impacts while continuing to rely on outdated studies with minimal or no updates. In addition, its mitigation measures were inadequate, with many of them relying on the appearance of mitigation or on deferred mitigation. In short, the Draft EIR was an embarrassment. For these reasons, a revised Draft EIR (RDEIR) needs to be prepared and recirculated for public review.

Unfortunately, the scope of work in the Professional Services Agreement does not propose preparation of a RDEIR. Instead, the document titled “Michael Baker Contract” clearly states that the scope of work is only to respond to public comments and prepare the Final EIR (FEIR). In particular, the “Consultant’s Proposal (Exhibit 1)” mentions the following:

Letters can be segregated into **3 categories**:

- 1) Many of the letters (120) generally **question the merits of the project** most could be addressed with a standard response
- 2) Around 40 letters **raise 1-2 EIR specific issues** for these approx 50 comments, assume 1 hour/response
- 3) 10 comment letters with **multiple substantive project-specific comments** some can be addressed with master responses

however, these 10 letters contain a total of approx 40 individual comments this will require substantial work, requiring a multidisciplinary effort included time for our biologist, archaeologist, and other specialists estimated 80 hours plus input from subject matter experts

**Assumptions:**

**responses will be based on available information**

**will not require new data collection or impact analysis** with applicant’s traffic consultant or other subcontractors

responses will address comments provided as editorial comments in attached sections of the EIR

responses will be written without providing a summary of the comments to lead off the response

will assemble a complete response to comments document and respond to one round of consolidated City comments

**Based on your direction**, our base price **does not include preparing responses to the last batch of comments** you received, **including the May 22 letter from Citizens for Appropriate Coastal Land Use (CACLU)**. However, the CACLU letter was submitted within the comment period and should be addressed at some level.

The DEIR concluded that the only significant impact of this project would be on traffic, and that this impact could not be mitigated. CACLU does not agree with this conclusion, and asserts that there are many other significant impacts that were ignored or were mitigated in inappropriate ways. One egregious example of use of an outdated study was for the traffic analysis. It relied on data collected in August 2013. The timing of this study was unfortunate because all schools were out of session, no special events were scheduled, and the Dollar Store was not yet open. In addition, the study only focused on the Highway 1 corridor and did not address the impact of traffic on Ocean View Dr, currently the only point of entry and exit for Todd Point residences, schools, and coastal access. At minimum, a new traffic study is warranted. Merely preparing “master responses” dodges the substantive concerns brought up during the public comment period and no amount of dissembling can make these issues go away.

Finally, many documents were turned in on May 22, the last day of the comment period. It is unclear from the statement in the contract about the "last batch of comments" which of these will be inappropriately excluded from response. In particular, the letter from CACLU was specifically called out for exclusion, "based on the your direction" (City Staff). CACLU is perplexed at this request for exclusion, and is concerned that other unspecified and significant comments will be excluded from the scope of work. This is ill-advised at best. The May 22 letter from CACLU is attached.

Thank you for your attention to these concerns.

Leslie Kashiwada  
on behalf of Citizens for Appropriate Coastal Land Use