

MEETING DATE: June 5, 2023

PREPARED BY: Marie Jones of MJC

PRESENTED BY: Marie Jones of MJC

AGENDA ITEM SUMMARY REPORT

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

APPLICANT: Best Development

OWNER/AGENT: Robert Affinito/Terry Johnson

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

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

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

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

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

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

Report Revisions

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

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

PROJECT APPEALABILITY TO THE COASTAL COMMISSION

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

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

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

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

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

PROJECT HISTORY

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

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

PROJECT DESCRIPTION

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

The Project includes:

- Parcel merger of Parcels 018-120-47, 018-120-48, and 018-120-49; and
- Demolition of an existing 16,436-square-foot vacant former office building and existing 47-space parking lot, and wooden fencing along the property line; and
- Construction and operation of a 16,157-square-foot, one-story, retail store with a proposed 55-space¹ parking lot, loading dock, landscaping, sound wall, fencing, signage and other associated improvements and infrastructure.

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

Please see following Attachments to review the Project Plans:

Report Attachments

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

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

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

PERMIT REQUIREMENTS OVERVIEW

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

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

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

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

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

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

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

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

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

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

CONSISTENCY WITH COASTAL GENERAL PLAN POLICIES

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

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

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

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

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

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

There are no specific land use standards for a formula business in the CH zone in the CLUDC but there is a relevant General Plan policy:

Policy LU-4.1 Formula Businesses and Big Box Retail: Regulate the establishment of formula businesses and big box retail to ensure that their location, scale, and appearance do not detract from the economic vitality of established commercial businesses and are consistent with the small town, rural character of Fort Bragg.

The policy allows for the regulation of the “location, scale and appearance” of the proposed formula retailer when determining if the Project should be modified to better ensure that the Project does not “detract from the economic vitality of established commercial businesses.” Each of these issues is analyzed in turn below:

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

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

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

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

(1) Unless otherwise noted, see Exhibit 3.

(2) See Exhibit 4.

(3) See Table 6.

(4) Corresponds to Perishable Goods in Table 6.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CD-1.1: Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.

Policy CD-1.4: New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.

Policy CD-2.5 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.

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

The exiting view is compromised as follows:

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

parking lot.

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

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



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



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

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



CONSISTENCY WITH THE COASTAL LAND USE AND DEVELOPMENT CODE

ZONING

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

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

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

Site Design

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



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

Parking and Circulation

General Plan Policies

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

CLUDC Regulations

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

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

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

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

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

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

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

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

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

Lighting

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

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

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

Landscaping

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

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

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

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

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

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

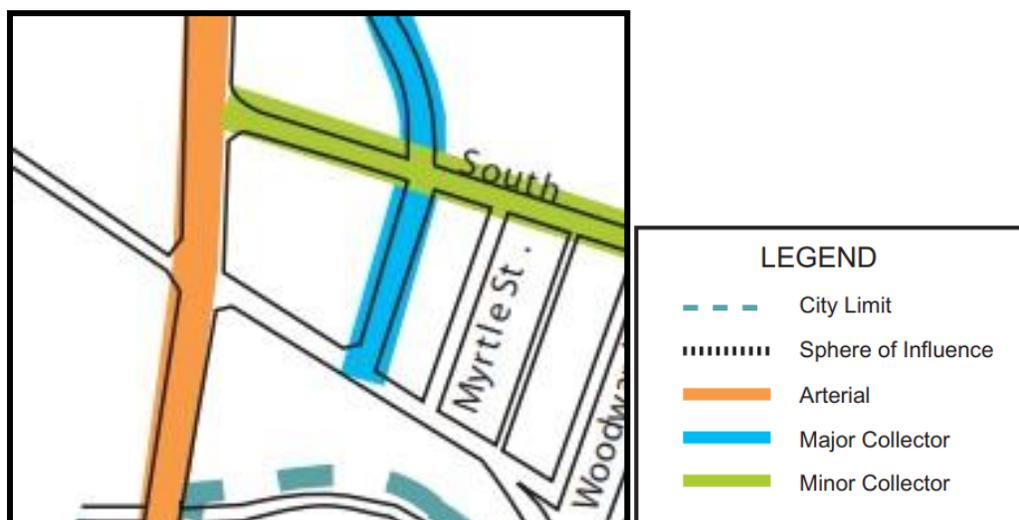
- Comply with the California Model Water Efficient Landscape Ordinance (MWELO).
- Include the placement of the backflow device, which shall be fully screened from view by landscaping shrubs.

TRAFFIC & CIRCULATION

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

Per the City's Coastal General Plan Map:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.

Policy C-9.7: Improve Pedestrian Safety.

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

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

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

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

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

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

NOISE

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

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

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

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

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

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

- Noise levels of less than 60L_{dn}dB are normally acceptable; and
- Noise levels between 60L_{dn}dB and 75 L_{dn}dB are conditionally acceptable; and
- Noise levels of more than 75 L_{dn}dB are not acceptable.

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

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

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

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

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

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

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

STORMWATER MANAGEMENT & GRADING PLAN

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

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

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

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

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

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

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

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

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

Grading

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

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

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

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

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

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

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

Special Condition 13: In order to minimize dust and prevent it from leaving the Project site, a dust prevention and control plan shall be submitted for approval by the City Engineer in conjunction with the grading plan. The dust prevention and control plan shall demonstrate that the discharge of dust from the [demolition and](#) construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall include the following information and provisions:

- If the importing or exporting of dirt is necessary, the plan shall include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.
- Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust- generating activity (e.g., construction, paving or planting) will occur as soon as possible.
- Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.
- All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.
- The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.
- Graded areas that are not immediately paved shall be revegetated as soon as possible to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three (3) months shall be seeded and watered until grass cover is grown and maintained.

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

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

PUBLIC UTILITIES

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

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

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

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

Public Safety

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

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

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

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

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

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

COASTAL DEVELOPMENT PERMIT & COASTAL ACT RESOURCES

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

Cultural Resources

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

Visual Resources

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

Environmentally Sensitive Habitat Areas

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

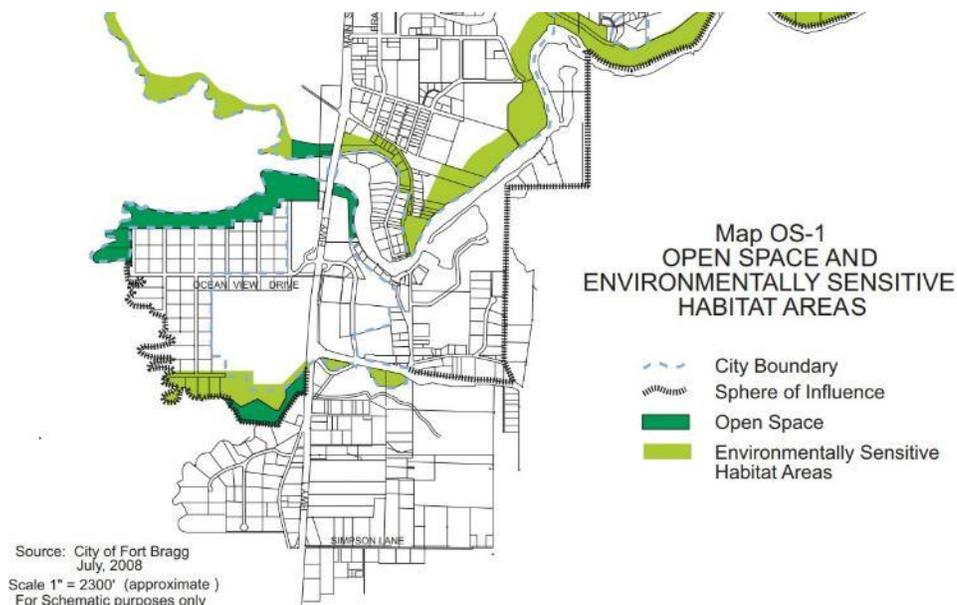
impacts. Here are the key findings from the biological and wetland analysis.

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

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

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

Figure 3: Open space and environmentally sensitive habitat areas.



Pedestrian Access to the Harbor/Ocean

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

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

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

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

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



Vehicular Access to the Harbor

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

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

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

DESIGN REVIEW PERMIT ANALYSIS

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

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

Figure 5: Some Typical Grocery Outlet Designs



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

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



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



View 3: From South Street



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

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

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

Guiding Principle 1: Community Character

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

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

Guiding Principle 2: Support Connectivity

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

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

Guiding Principle 3: Public Enhancements

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

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

Guiding Principle 4: Water & Power Sustainability

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

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

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

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

Franklin Street South

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 2 Design Review Requirements.

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

Massing Elevations and Articulation – Mandatory Standards

The Project addresses all mandatory standards as follows:

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

The Project includes the following preferred elements:

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

Roof forms – Mandatory Standards

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

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

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

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

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

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

Windows, Doors & Entries – Mandatory Standards.

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

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

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

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

Materials- Mandatory Standards

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

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

ELEVATION NOTES

1. ALL BUILDING HEIGHTS ARE ABOVE INTERIOR FINISH FLOOR NOT ADJACENT GRADES.

LEGEND

EXAMPLE IMAGE	GRAPHIC	DISCRIPTION
		SMOOTH FACE CMU
		HARDI BOARD COMPOSITE WOOD PANELING
		HARDI BOARD COMPOSITE HALF ROUND "FISH SCALE" PANELING
		WOOD ROOF SHINGLES
		CULTURED STONE - COUNTRY LEDGESTONE

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

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

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

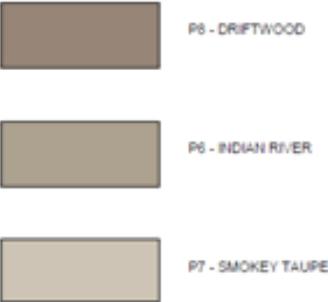
Planning Commission also considered optional Special Condition 25 to require a similar level of material finishes for the Western elevation of the building, **and chose not to recommend this special condition, because the Planning Commission clarified that the Design Guideline was intended to apply only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

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

Colors.

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

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



Lighting - Mandatory Standards

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

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

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

Site Planning - Mandatory Standards

The proposed Project complies with the mandatory site planning standards.

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

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

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

Landscape - Mandatory Standards

The Project complies with the mandatory landscaping standards.

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

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

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

Open Space & Pedestrian Circulation - Preferred Standards

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

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

Fencing and Screening - Mandatory Standards

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

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

Therefore, the Planning Commission recommended Special Condition 27.

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

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

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

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

Site Amenities - Mandatory Standards

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

Pedestrian Circulation - Mandatory Standards

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

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

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

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

Circulation and Parking - Mandatory Standards

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

Loading and Delivery - Mandatory Standards

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

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

Design Review Findings

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

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

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

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

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

3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.

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

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

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

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

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

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

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

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

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

SIGN ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PARCEL MERGER ANALYSIS

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

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

Special Condition 32: Prior to issuance of the Building Permit, the Applicant shall record a deed and parcel map, eliminating the lot lines between parcels 018-120-49 and 018-120-48 and 018-120-47. All property taxes due shall be paid prior to recordation, as evidenced by a preliminary title report submitted to the satisfaction of the Community Development Director.

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

ENVIRONMENTAL ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommended City Council Actions

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

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

Alternative City Council Actions

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

ATTACHMENTS

1. A Resolution of the Fort Bragg Planning Commission Recommending that the City Council: A) Certify the Environmental Impact Report for the Best Development Grocery Outlet (Sch: 2022050308); B) Adopt the California Environmental Quality Act Findings; and C) Adopt Mitigation Monitoring and Reporting Program.
2. Resolution of the Fort Bragg Planning Commission Making A Recommendation To City Council for the Approval of the Coastal Development Permit 2-22 (CDP 2- 22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MGR 1-22) for the Grocery Outlet at 825 845, 851 South Franklin Street.
3. Site Location Map
4. Site Plan
5. Floor Plans & Elevations
6. Landscape Plan
7. Sewer & Water Plan
8. SWIPP
9. Grading & Stormwater Plan
10. Visual Simulation
11. Lighting Plan
12. Sign Plan
13. Preliminary Deed Description and Parcel Map
14. A Resolution of the City Council of the City Of Fort Bragg, California Certifying The Environmental Impact Report For The Best Development Grocery Outlet (Sch: 2022050308); Adopting The California Environmental Quality Act Findings; And Adopting A Mitigation Monitoring And Reporting Program
15. FEIR Findings
16. A Resolution of the City Council of the City Of Fort Bragg, California Approving Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MGR 1-22) for the Grocery Outlet At 825 845, 851 South Franklin Street
17. Public Comments
18. Final Environmental Impact report can be found here:
<https://www.city.fortbragg.com/departments/community-development/city-projects>
19. Draft EIR can be found on CEQANET here:
<https://files.ceqanet.opr.ca.gov/278651-2/attachment/B4mEXYDJGnZMeYYxx2BhZ8d-6quo1KG64Apvot3eOZ1c9Dj4xRQB1F2HK6-cj6sYLF0N9wEDFjPnynx10>
20. The Initial Study may be found here:
<https://files.ceqanet.opr.ca.gov/278651-1/attachment/rjSYwJhnAxzbttdSMY72CAXgLJ5082gf3ZImObiTJHehROUGBjLQQoz09HQFRoMlo4a1SITE6i9QtoFsP0>