

RESOLUTION NO. ____ - 2023

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

WHEREAS, Best Development ("Applicant"), submitted an applicant for a Coastal Development Permit (CDP 2-22), Design Review (DR 7-22), and Parcel Merger (MGR 1-22) to construct a Grocery Outlet Market ("Project" or "retail store"). The proposed Project includes the demolition of an existing 16,436 SF vacant former office building and associated 47-space parking lot and wooden fencing along the property line, and as conditioned, the construction and operation of a 16,157 SF, one-story, retail store with a 54-space parking lot (as conditioned) and associated improvements and infrastructure located at 825, 845, and 851 South Franklin Street; and

WHEREAS, the California Environmental Quality Act, Public Resources Code, Section 21000 *et seq.* ("CEQA"), requires that the City consider the environmental effects of the Project prior to approving any entitlements for the Project; and

WHEREAS, the City Council directed staff to prepare an EIR to evaluate the impact of the proposed project on the environment pursuant to CEQA and Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines") and the City's CEQA Implementation Procedures; and

WHEREAS, the City engaged the services of De Novo Planning Group (De Novo) which prepared an EIR for the Project pursuant to CEQA Title 14, California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines") and the City's CEQA Implementation Procedures; and

WHEREAS, De Novo prepared a Notice of Preparation of the EIR which provided for a public review period from May 19, 2022 through June 20, 2022; and

WHEREAS, the City held a hybrid scoping meeting (both in person and by Zoom) on June 7, 2022; and

WHEREAS, a Draft EIR (State Clearinghouse No. 2022050308) was prepared for the Project and circulated for more than the required 45-day public review and comment period, beginning on September 15, 2022 and ending on October 31, 2022; and

WHEREAS, during this period, on October 11, 2022, a public hearing was held by the City Council to receive comments on the Draft EIR in accordance with the provisions of the Fort Bragg Municipal Code; and

WHEREAS, by the end of the public review and comment period, the City received 27 letters and/or e-mail comments from agencies and individuals; and

WHEREAS, written and oral comments on the Draft EIR have been received, and responses to those comments have been prepared in the form of a Final EIR for the Project, which incorporates the Draft EIR by reference; and

WHEREAS, revisions were necessary to the Draft EIR in response to the comments received; and

WHEREAS, on April 11, 2023 the Final EIR was posted on the City's website; and

WHEREAS, on April 26, 2023, additional revisions were made to the Final EIR which included a consistency analysis with the City's Design Guidelines; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, on April 26, 2023, the City posted the revised Final EIR and provided public notice regarding availability of the revised Final EIR and circulated the proposed responses to comments on the Draft EIR; and

WHEREAS, on May 10, 2023, the Planning Commission held a duly noticed public hearing at which time it considered all of the testimony presented as well as written testimony that had been timely submitted; and

WHEREAS, as a result of the testimony a modification was made to Mitigation Measure 3.6-1 to specify the timing of when the noise wall had to be installed; and

WHEREAS, after the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council certify the EIR, adopt the required CEQA findings, and adopt the Mitigation and Monitoring Program, as well as recommended that the City Council approve the Project; and

WHEREAS, numerous written comments were received after the close of the public comment period and not timely submitted to be included in the Planning Commission packet; and

WHEREAS, as a result of those comments additional changes were made to the revised Final EIR which were posted on the City's website on May 31, 2023; and

WHEREAS, on June 5, 2023, at a specially scheduled meeting, the City Council held a duly noticed public hearing on the proposed Project and considered all information related to the EIR, including the Draft and Final EIR, all reports and attachments prepared or presented by City staff, pertinent documents provided during previous public meetings, all oral and written testimony and the full record of proceedings on the Project;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FORT BRAGG
DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Findings.

The above recitals are true and correct and are incorporated herein by reference.

- A. The EIR for the Project consists of the Draft EIR dated September 2022 and Appendices A – H thereto and the Final EIR dated May 31, 2023 and appendices A – H thereto (collectively, the "EIR").
- B. None of the comments made during the Planning Commission meeting of May 10, 2023 or in the late comments which were received on the date of the hearing provided any new information or evidence which would require recirculation of the EIR.
- C. The changes set forth in the FEIR, including the additional revisions made on April 26 and May 31, 2023 do not require recirculation of the EIR. The changes do not disclose any new or increased significant impacts. The changes merely clarify and amplify information that was already contained in the EIR.
- D. The change made to Mitigation Measure 3.6-1 does not require recirculation as it merely adds clarifying language as to the timing of the sound wall.
- E. After mitigation, all project impacts are less than significant.

SECTION 2. Actions. The City Council hereby takes the following actions.

- A. The City Council hereby certifies the EIR as described in Section 1 above.
- B. The City Council hereby adopts the Findings of Fact attached hereto as Exhibit A.
- C. The City Council hereby adopts the Mitigation Monitoring and Reporting Program ("MMRP") attached hereto as Exhibit B.

SECTION 3. Summaries of Information. All summaries of information in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 4. Custodian of Record. The documents and materials that constitute the record of proceedings on which these findings and approval are based are located in the *Community Development Department, City of Fort Bragg 416 N Main Street, Fort Bragg CA 95437*. The Custodian of Records is *City Clerk* who can be reached at 707-961-2823 or *Jlemos@fortbragg.com*.

SECTION 5. Effective Date. This Resolution shall become effective immediately.

The above and foregoing Resolution was introduced by Councilmember _____ seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 5th day of June 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Bernie Norvell
Mayor

ATTEST:

Cristal Munoz
Acting City Clerk