

City of Fort Bragg

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

Meeting Agenda Planning Commission

Wednesday, May 10, 2023

6:00 PM

Town Hall, 363 N.Main Street and Via Video Conference

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PLANNING COMMISSIONERS PLEASE TAKE NOTICE

Planning Commissioners are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.

ZOOM WEBINAR INVITATION

This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.

Please click the link below to join the webinar: https://us06web.zoom.us/j/85957868804 Or Telephone: Dial +1 669 444 9171 or +1 719 359 4580 or +1 253 205 0468 Webinar ID: 859 5786 8804

To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Chair or Acting Chair calls for public comment on the item you wish to address.

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

MANNER OF ADDRESSING THE COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. Public comments are restricted to three (3) minutes per speaker.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Chair or Acting Chair may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.

WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Commissioners as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be emailed to CDD@fortbragg.com.

2. STAFF COMMENTS

3. MATTERS FROM COMMISSIONERS

4. CONSENT CALENDAR

All items under the Consent Calendar will be acted upon in one motion unless a Commissioner requests that an individual item be taken up under Conduct of Business.

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

6. PUBLIC HEARINGS

23-124 6A

Receive Report, Hold a Public Hearing and Consider adopting:

- 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; and
- A 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.

Attachments: Grocery Outlet CDP DR MRG - 2023

Attachment 1 - Site Location Map and Existing Site Plan

Attachment 2 - Proposed Site Plan

Attachment 3 - Floor Plans & Elevations

Attachment 4 - Landscaping Plan

Attachment 5 - Sewer & Water Plan

Attachment 6 - SWIPP

Attachment 7 - Grading & Stormwater Plan

Attachment 8 - Visual Simulation Grocery Outlet

Attachment 9 - Site Lighting Plan

Attachment 10 - Sign Plan 5-2023

Attachment 11 - Deed and Parcel Map

Attachment 12 - PC Resolution Recommending EIR

Attachment 13 - PC FEIR Findings

Attachment 14 - PC Resolution Recommendation to Council

Attachment 15 - Public Comments

PC FEIR Hearing Presentation 5-4-2023

7. CONDUCT OF BUSINESS

ADJOURNMENT

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

STATE OF CALIFORNIA)	
)ss
COUNTY OF MENDOCINO)	

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on May 10, 2023.

Humberto Arellano Administrative Assistant - Confidential

NOTICE TO THE PUBLIC

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City's website at www.fortbragg.com subject to staff's ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



City of Fort Bragg

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

Text File

File Number: 23-124

Agenda Date: 5/10/2023 Version: 1 Status: Business

In Control: Planning Commission File Type: Staff Report

Agenda Number: 6A

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MEETING DATE: May 10, 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 would 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) has been prepared for the

Project.

SURROUNDING

LAND USES: NORTH: Seabird Motel and Undeveloped Lot

WEST: Chevron Gas Station and Super 8 Motel

SOUTH: Undeveloped Lot

EAST: Residential and Commercial

APPEALABLE PROJECT: Can be appealed to City Council

☐ 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.

AGENDA ITEM NO. _1_

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. The City's General Plan designates the site as Highway Visitor Commercial (CH). In the Coastal Land Use and Development Code (CLUDC) it is located in the Highway Visitor Commercial (CH) zoning district. 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 associated 55-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 55-space 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 four (4) semi-trailer truck deliveries per week. 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. Site Location Map
- 2. Site Plan
- 3. Floor Plans & Elevations
- 4. Landscape Plan
- 5. Sewer & Water Plan
- 6. SWIPP
- 7. Grading & Stormwater Plan
- 8. Visual Simulation
- 9. Lighting Plan
- 10. Sign Plan
- 11. Preliminary Deed Description and Parcel Map
- 12. Resolution Recommending EIR
- 13. FEIR Findings
- 14. Resolution Regarding Planning Permits
- 15. Public Comments

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.

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.

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 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.

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, along 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. 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 <u>Formula Businesses and Big Box Retail</u>: 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 has been completed for the Project by ALH/ECON The Urban Decay study also 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 findings:
 - 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 study inferred that, in subsequent years, annual sales at the Grocery Outlet could be in excess of \$7.4 million in sales, which is the national average for a Grocery Outlet store.
 - 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 Grocery Outlet would impact existing food and beverage sales at other stores by 2.4% in the first year and up to 2.72% in subsequent years.
- The Grocery Outlet would impact existing other retail category (general merchandise) at other stores by 13.5% in the first year and up to 15.3% subsequent years.
- The report concludes that: "stores that are anticipated to have food and related sales overlap with Grocery Outlet include the four full-service grocery stores and Dollar Tree. The natural food stores, convenience stores, other stores with substantial food and beverage sales (excluding Dollar Tree), and gas station convenience stores are not anticipated to experience much, if any competitive overlap" (Page 18).

The Urban Decay study finds that the proposed Grocery Outlet would attract some grocery and general merchandise sales away from existing retailers. 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 and the City Council can determine if this threshold has been reached.

Demolition and Building Reuse Policies. The proposed Project would include the demolition of an existing <u>non-historic</u> structure. Two policies below might have relevance to this 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.

Because the building is not a historic building, Policy CD-7.2 does not apply to the Project as it only applies to historic buildings. 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 Map CD-1 of the City's Community Design Element of the Coastal General Plan, the proposed Project is not located in an area designated as having "potential scenic views toward the ocean or the Noyo River". Relevant General Plan policies include:

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.

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.

There are limited views of the Pacific Ocean through the Project site from S. Franklin Street along the north boundary of the parcel. These views extend through four parcels, including an existing Chevron gas station, Highway 1, and the undeveloped Mill Site to the west of Highway 1. The views are also interrupted by two large trees, which partially obscure pedestrians' and drivers' views of the ocean and skyline. The proposed retail store would occupy a similar location to the existing structure on the northern portion of the Project site. On the southern portion of the Project site views to the Pacific Ocean are blocked by the existing Super 8 hotel and landscaping.





The existing views towards the ocean do not qualify as a scenic resource because they are exceptionally distant, small, and highly compromised by existing interceding development. This area is not mapped as a scenic resource in Map CD-1. The Planning Commission can make findings that the Project does not conflict with either Policy CD-2.5 or CD-1.4.

CONSISTENCY WITH THE COASTAL LAND USE AND DEVELOPMENT CODE

ZONING

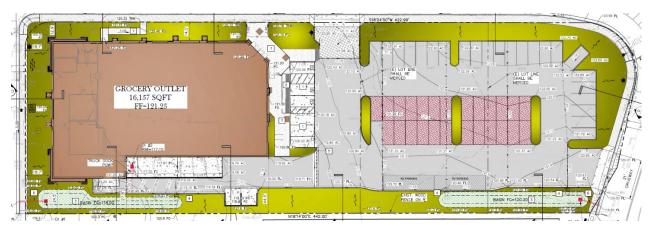
The purpose of the Highway and Visitor Serving (CH) zoning district is described in Section 17.22.010.E of the Coastal Land Use and Development Code as follows:

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, access ways or sidewalks, and driveways. Associated improvements and site infrastructure include a loading dock and trash enclosure on the west side of the store, a proposed parking area with 55-parking spaces on the south side of the store, an internal system of walkways and crosswalks, two (2) bicycle racks, two (2) driveways, a new fire service line connection, replacement of an existing sewer connection, connection to underground utilities, two (2) bioretention basins for stormwater capture and treatment, proposed illuminated signage, and landscaping throughout the Site.



Setbacks	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.
	 The proposed front setback would be 10 feet and 5 feet is required by the code.
	 Proposed side and rear setbacks would be 11' and 6' respectively and no setback is required by the code.
Lot Coverage and Floor Area Ratio	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.

Maximum Height	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.
Fencing & Trash Enclosures	The Project would include a 314 square foot trash enclosure on the west side of the primary 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. The Project also includes a 4' 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.

Parking and Circulation

General Plan Policies

Parking is also consistent with the General Plan Policies C-10.5. to provide adequate and secure bicycle parking and C-11.1 and C-11.2 to enforce/provide ADA access. The pedestrian circulation system is consistent with General Plan policy C-9.4 to ensure property owners maintain sidewalks in a safe manner, C-9.7 to improve pedestrian safety, and C-11.2 to review projects and require 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 1 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 two extra parking spaces and 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. However, as noted below in the Landscaping Section, the proposed parking lot does not comply with minimum landscaping buffers between the lot and the public right of way on the southwest corner of the lot, and thus Marie Jones Consulting (MJC) is recommending a reduction of two parking spaces in this area. With this reduction required by Special Condition 1a and 1b, the Project would conform with the City's parking requirements. The proposed Project has one excess RV parking space. The proposed Project would require a Use Permit to

approve the excess RV parking space. The Applicant was asked if they want to pursue a Use Permit for the excess parking space and the Applicant indicated that they would rather remove the excess space.

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

- a) Delete the two parking spaces on the southwest corner of the parking lot and replace this area with landscaping.
- b) Eliminate the excess RV parking space, and to the degree feasible replace a portion of it with landscaping.

Bicycle Parking. The Project site plan illustrated 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 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 N. Harbor Drive frontages, as required by City standards and to provide pedestrian access around the site. Where required, existing sidewalks would be upgraded to meet City standards in conformance to 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 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 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 9).

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 27 in the Design Review analysis below will address this issue.

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 4, 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 1a** 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. Additionally the landscaping plan includes Monterey Cypress trees, which are non-native to our County and have a tendency to grow very large and become dangerous over time. MJC recommends Special Condition 1c, d and e to require an alternative tree species and a revised landscaping plan.

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

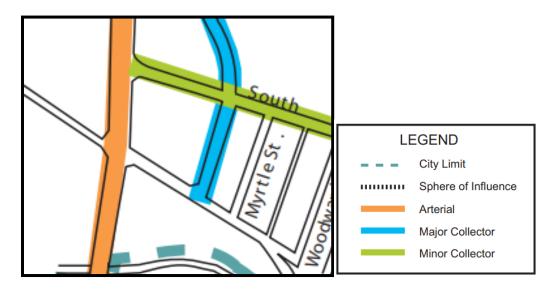
- a. Contain drought tolerant native species:
- **b.** Replace the Monterey Cypress Trees with locally native tree species.
- **c.** Comply with the California Model Water Efficient Landscape Ordinance (MWELO).

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) are 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 it. In order to determine if allowing left-hand turns at this intersection required an updated traffic study, 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. Thus, Special Condition 3 below 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 <u>Local Development Intergovernmental Review Program – Traffic Mitigation Agreements</u>. 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 <u>Local Development</u> 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 <u>Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards</u> 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.

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.

Transit. A transit stop is currently located on the corner of South Street and S. Franklin Street. (northeast corner), therefore, no additional stop at the Project site is 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.

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 7).
- 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 postconstruction 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 7). The Assistant City Engineer confirmed the calculations.

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 stormwater infrastructure or provide an engineer-reviewed design of a new proposed drainage conveyance system for approval by the Public Works Director. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City.

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. Additionally, as this Project proposes more than 10,000 SF of impervious surface it qualifies as a Project with "Special Water Quality Concerns" and must comply with section 17.64.045. Special condition 8 is recommended to achieve compliance with these regulations:

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.

In order 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 9: An engineered grading plan shall be provided, per Municipal Code 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 the City of Fort Bragg Grading Ordinance; Land Use Code Chapter 17.60-17.64 – Grading and Stormwater Runoff Requirements and Procedures. If construction is to be conducted between October and April (the rainy season), approval from the Public Works Department and additional construction BMP's will be required.

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.

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 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 dustgenerating 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 by MJC:

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.

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 includes all the analyses above and also 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 developed. No resources were identified at that time. The survey encompassed the entire Project area. An archaeological survey of the site was again conduced 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

A Visual Analysis is required for all projects located on parcels illustrated in Map CD-1 "Potential Scenic Views Toward the Ocean or the Noyo River" of the Coastal General Plan. As shown on the map, the Project parcels are not located in a scenic review area, nor is the Project located in an area within viewing distance from the Noyo River bluff. The Project is therefore not subject to the Visual Analysis requirement. Chapter 3.1 of the EIR analyzes the aesthetic impacts of the proposed Project. As noted previously, the Project could impact a view to the ocean that is so compromised that it may not constitute a scenic resource if so recommended by the Planning Commission and determined by City Council. The Project is subject to Design Review for the proposed exterior changes and new signs as discussed later in the report.

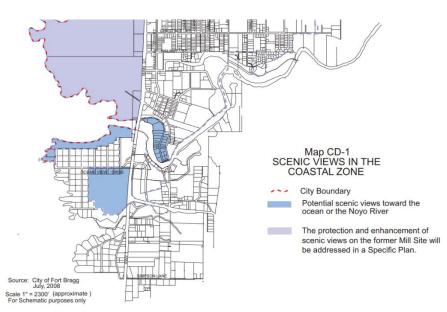


Figure 2: Scenic Views in the Coastal Zone

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.

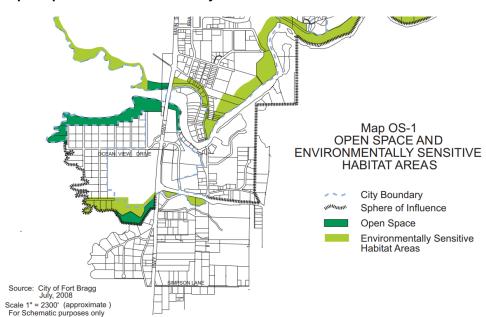


Figure 3: Open space and environmentally sensitive habitat areas.

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. The Planning Commission could recommend, and the City Council could further increase access, by requiring that the Applicant allow the use of its parking spaces for vehicular parking for the trail. This vehicular parking would likely not be used by many members of the public as there are much more spectacular nearby access points to the ocean and Harbor at Noyo Harbor Beach and the Fort Bragg Coastal Trail. Therefore, an optional special condition is included below, in case the Planning Commission wishes to make a recommendation that the City Council provide this access.

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 will further slow access to the Harbor at the corner of Franklin and N Harbor Drive, however this impact is in compliance with General Plan Policy C-1.1 which allows a LOS D or LOS F for this intersection.

DESIGN REVIEW PERMIT ANALYSIS

As noted above in the Coastal Development Permit (CDP) analysis, the proposed Project consists of construction and operation of a 16,157 SF, one-story, retail store with a 55-space parking lot and associated improvements, landscaping, and infrastructure. The proposed visual conditions are shown in the visual analysis prepared for the Environmental Impact Report. 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 required to approve the Design Review Permit.

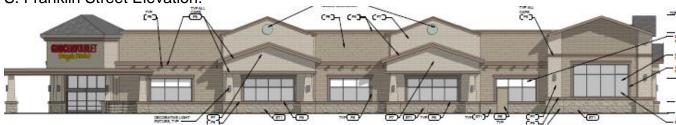
A Grocery Outlet franchise typically uses the following standard design for their storefronts.



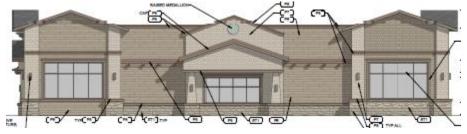


However, this standard design does not comply with the Citywide Design Guidelines. Therefore, the Applicant was asked to develop a design that complies with the Citywide Design Guidelines. The submitted design is illustrated in the photos on the following page and in Attachment 3: Grocery Outlet Floor Plan Elevations.

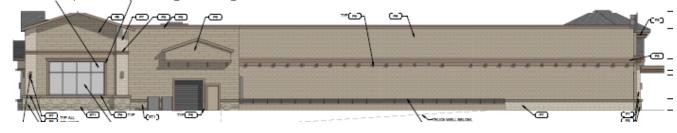
S. Franklin Street Elevation:



South Street Elevation:



Backside (Internal) facing fence/gas station/Taco Bell Elevation:



N. Harbor Drive Elevation:



Additionally, the visual simulation (Attachment 8 and below) illustrates how the building would appear onsite.

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



<u>Design Review Findings.</u> The Planning Commission 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 incudes 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 can be recommended by the Planning Commission.

Special Condition 20: The Building Permit application plans shall include solar panels on the roof.

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 can recommend 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.

- 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 can recommend optional Special Condition 22.
 - **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 may recommend Optional Special Condition 23, however as this is a preferred and not mandatory requirement the Planning Commission may choose to delete this special condition.

Optional Special Condition 23: The windows on the south side of the building shall not be obscured for more than 20% of total window area with murals or other films or coverings that limit passive solar gain.

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 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 may recommend Optional Special Condition 24 to change the design so that the building materials on the North and East façade of the building match that of the south face.

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

P8 - DRIFTWOOD

P6 - INDIAN RIVER

P7 - SMOKEY TAUPE

ELEVATION NOTES

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

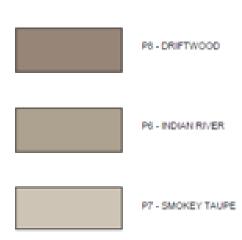
Planning Commission may also consider optional Special Condition 25 to require a similar level of material finishes for the Western elevation of the building. While a lower level of architectural finish is generally acceptable on the back side of the building, the Planning Commission may choose to require hardipanel on this elevation.

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 X – 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	The Lighting plan illustrates parking lot lighting fixtures in excess of 16 feet in height. Special Condition 26 is included to address	

glare or light to encroach upon neighboring properties	this. All fixtures are downward and do not allow glare to encroach upon neighboring
31 31 31	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 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 may recommend 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 providing a gate to the adjacent property at this location. However, the Planning Commission should request Optional Special Condition 28, if egress is more important.

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.

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 REVIEW PERMIT ANALYSIS

The sign plans are in Attachment 10. Pursuant to Section 17.38.040 of the Coastal Land Use and Development Code, the review authority must make all of the following findings.

 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 and the proposed entry sign is 30 SF on each side for a total of 60 SF. Only one side of the free standing sign is used in the total signage calculation. 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 may recommend Special Condition 30 below:

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 is 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** should recommended to 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 noted 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" and "coordinates with the building design, materials, color, size, and placement." 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 018-120-48. 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 11. The title report indicates that one of the parcels has a Deed of Trust to secure an original indebtedness of \$3,500,000.00 recorded August 6, 2010 as Instrument No. 2010-10989 of Official Records with the Trustee of StoneTree Financial, Inc. a California corporation Beneficiary.

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);

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.

All of the required CEQA Findings are contained in the Findings of Fact document attached as Attachment 13 to this staff report. These findings are incorporated by reference as part of the staff report.

The Fort Bragg Planning Commission and City Council will review and consider the Final EIR. If the City Council finds that the FEIR is "adequate and complete," the Council may certify the FEIR 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
- 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 consideration of the Final 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.

Before making a recommendation on the Project, the Planning Commission should adopt a resolution making a recommendation on certification of the EIR, including the required findings and adoption of the Mitigation Monitoring and Reporting Program. Consistent with the EIR, Planning Commission should recommend Special Condition 18.

Special Condition 18. The Applicant shall implement all Mitigation Measures as identified in the Mitigation and Monitoring Plan for the EIR.

PLANNING COMMISSION ACTION

This item is not a public hearing as the Planning Commission is not providing the decision on the topic. Instead this is a conduct of business item as the Planning Commission is only providing a recommendation to the City Council. The Planning Commission should receive report, hear from the Project Applicant, take public comment, and consider the adoption of a resolutions with recommendations to City Council regarding:

- Certification of the Final Environmental Impact Report.
- Approval or Denial of the Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MERGER 1-22) for the Proposed Grocery Outlet Project.
- Adding, removing and/or modification of special conditions.

Recommended Planning Commission Actions

Should the Planning Commission determine that the Project is consistent with the Coastal General Plan and the Coastal Land Use and Development Code and CEQA, The Planning Commission should take the following course of action:

- 1. Receive the report, take public comment, deliberate; and
- 2. Adopt Planning Commission Resolution Making a Recommendation to the City Council **to Certify** the **Final** EIR (Attachment 12); and
- 3. Adopt Planning Commission Resolution Providing a Recommendation that City Council Approve Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MERGER 1-22) for the Proposed Grocery Outlet Project. (Attachment 13).

Alternative Planning Commission Actions

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

<u>ATTACHMENTS</u>

- 1. Site Location Map
- 2. Site Plan
- 3. Floor Plans & Elevations
- 4. Landscape Plan
- 5. Sewer & Water Plan
- 6. SWIPP
- 7. Grading & Stormwater Plan
- 8. Visual Simulation
- 9. Lighting Plan
- 10. Sign Plan
- 11. Preliminary Deed Description, Parcel Map and Title Report for Parcel Merger 1-2022
- 12. 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. FEIR Findings
- 13. FEIR Findings
- 14. 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.
- 15. Public Comments

DOCUMENT LINKS

1. Final Environmental Impact report can be found here:

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

Draft EIR can be found on CEQANET here:

https://files.ceganet.opr.ca.gov/278651-

2/attachment/B4mEXYDJGnZMeYYxx2BhZ8d-

6quo1KG64Apvot3eOZ1c9Dj4xRQB1F2HK6-cj6sYLF0N9wEDFjPnynx10

BEST DEVELOPMENT GROUP

NE CORNER OF SOUTH ST. AND S. FRANKLIN ST. FORT BRAGG, CA 95437

VICINITY MAP



PROJECT DESCRIPTION

NEW GROCERY STORE BUILDING - INCLUDING, BUT NOT LIMITED TO, RACKING, REFRIGERATED CASES, COOLERS, FREEZER, AND ASSOCIATED EQUIPMENT AND SITE IMPROVEMENTS.

GENERAL SCOPE OF WORK

- WOOD TRUSS AND GLULAM STRUCTURE WITH PLYWOOD DECK
- OFFICE AND BREAKROOM
- STOCKROOM
- EXTERIOR BUILDING SIGNAGE (UNDER SEPARATE PERMIT) ON AND OFF SITE IMPROVEMENTS - GRADING + DRAINAGÉ, UTILITIES AND LANDSCAPING

CODE SUMMARY

APPLICABLE CODES

2016 CALIFORNIA BUILDING CODE (CBC)
2016 CALIFORNIA MECHANICAL CODE (CMC)
2016 CALIFORNIA PLUMBING CODE (CPC)
2016 CALIFORNIA ELECTRIC CODE (CEC)
2016 CALIFORNIA BUILDING CODE CHAPTER 11B
2016 STATE OF CALIFORNIA ENERGY CODE
2016 CALIFORNIA FIRE CODE (CFC)

BUILDING CODE ANALYSIS

USE GROUP	
USE GROUP:	M-MERCANTILE
USE GROUP:	S1-STORAGE
TOTAL GROSS SQUARE FOOTAGE	16,688 SF
FIRE PROTECTION:	FULLY SPRINKLERED
APN#:	336-012-43

CONSTRUCTION TYPE

CONSTRUCTION TYPE:	III-B
	FULLY SPRINKLED



JAMES A. HAILEY 6700 ANTIOCH PLAZA SUITE 300 MERRIAM, KS 66204

www.brrarch.com TEL: 913-262-9095 FAX: 913-262-9044

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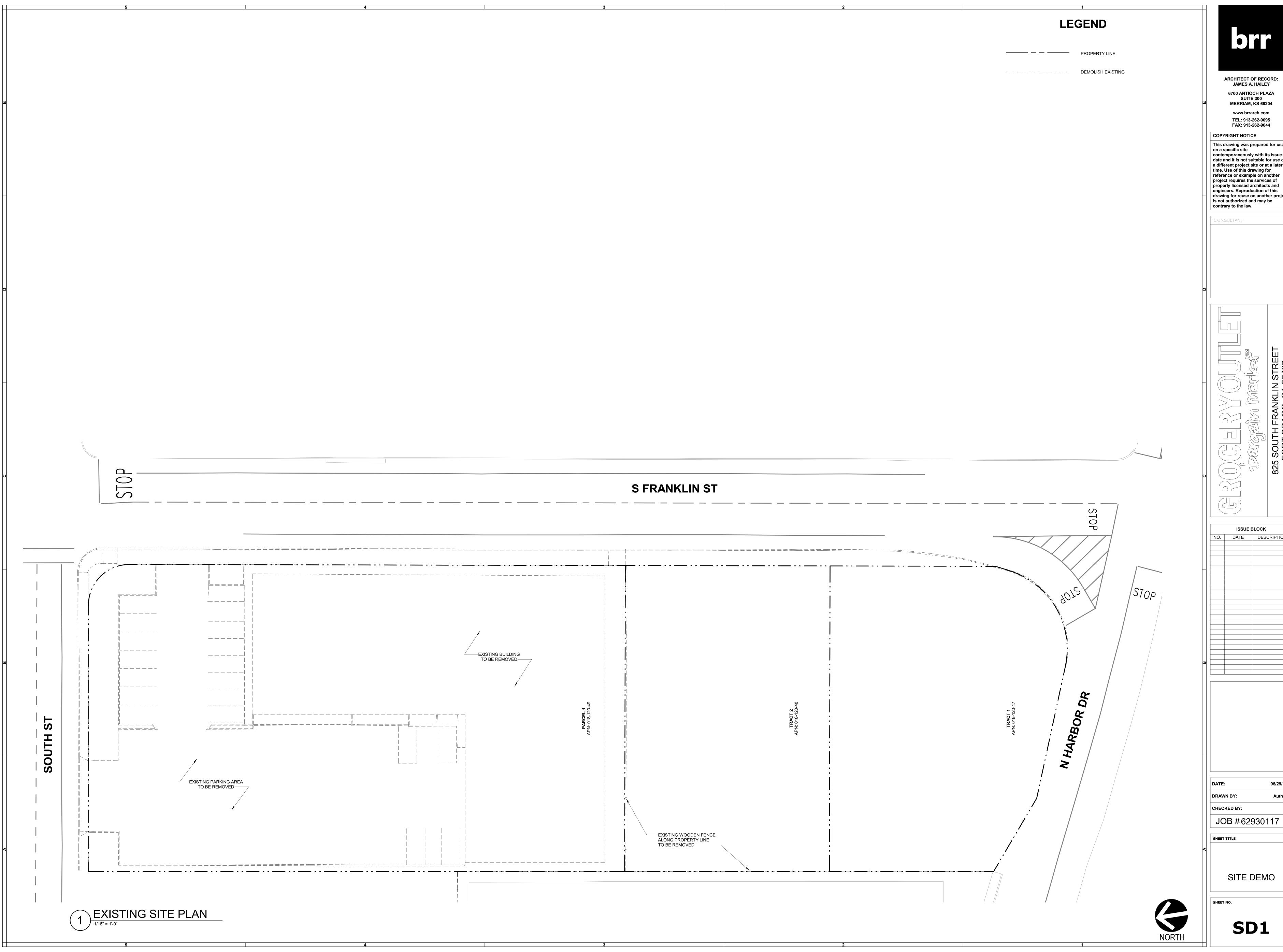
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JOB #62930117 SHEET TITLE

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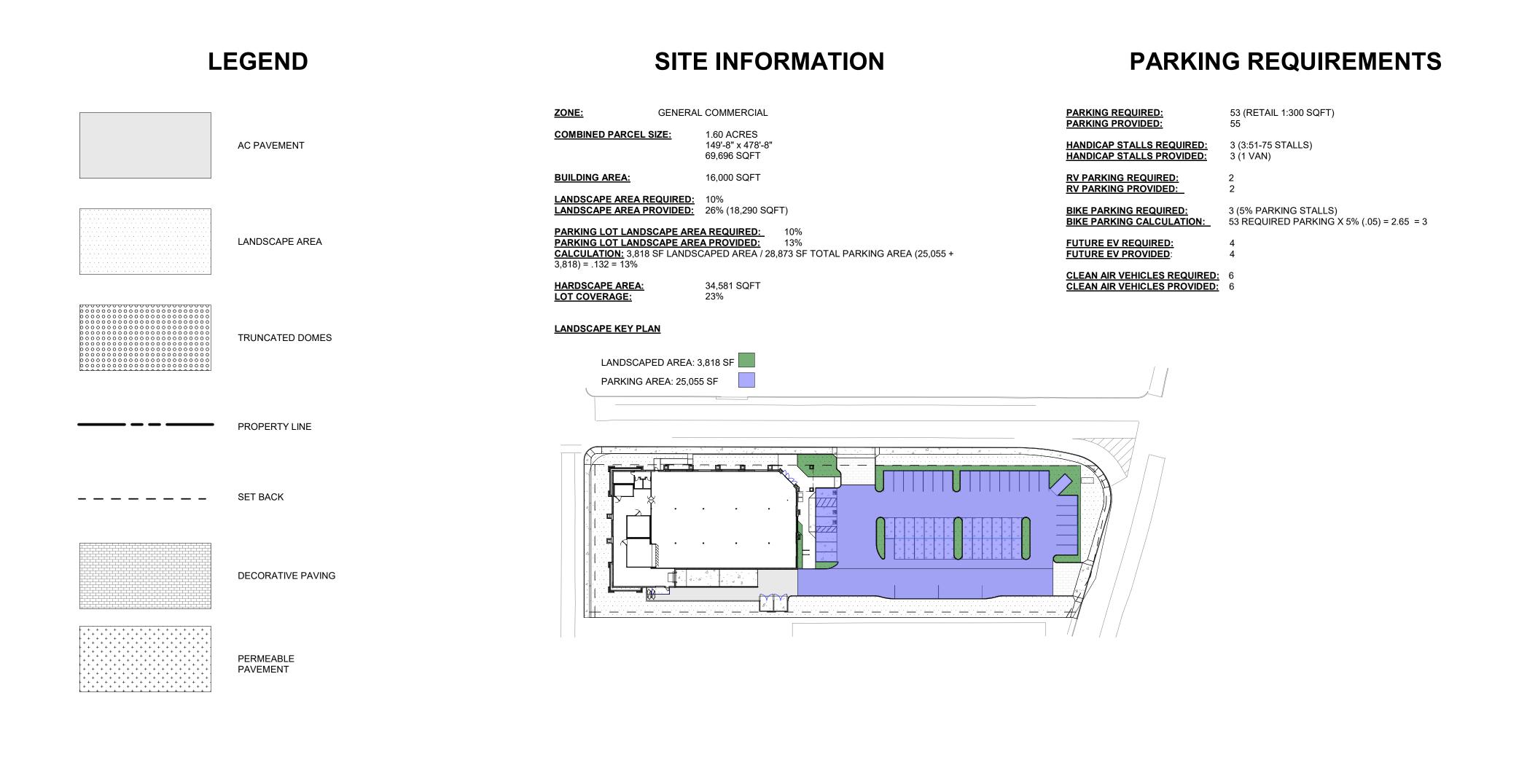




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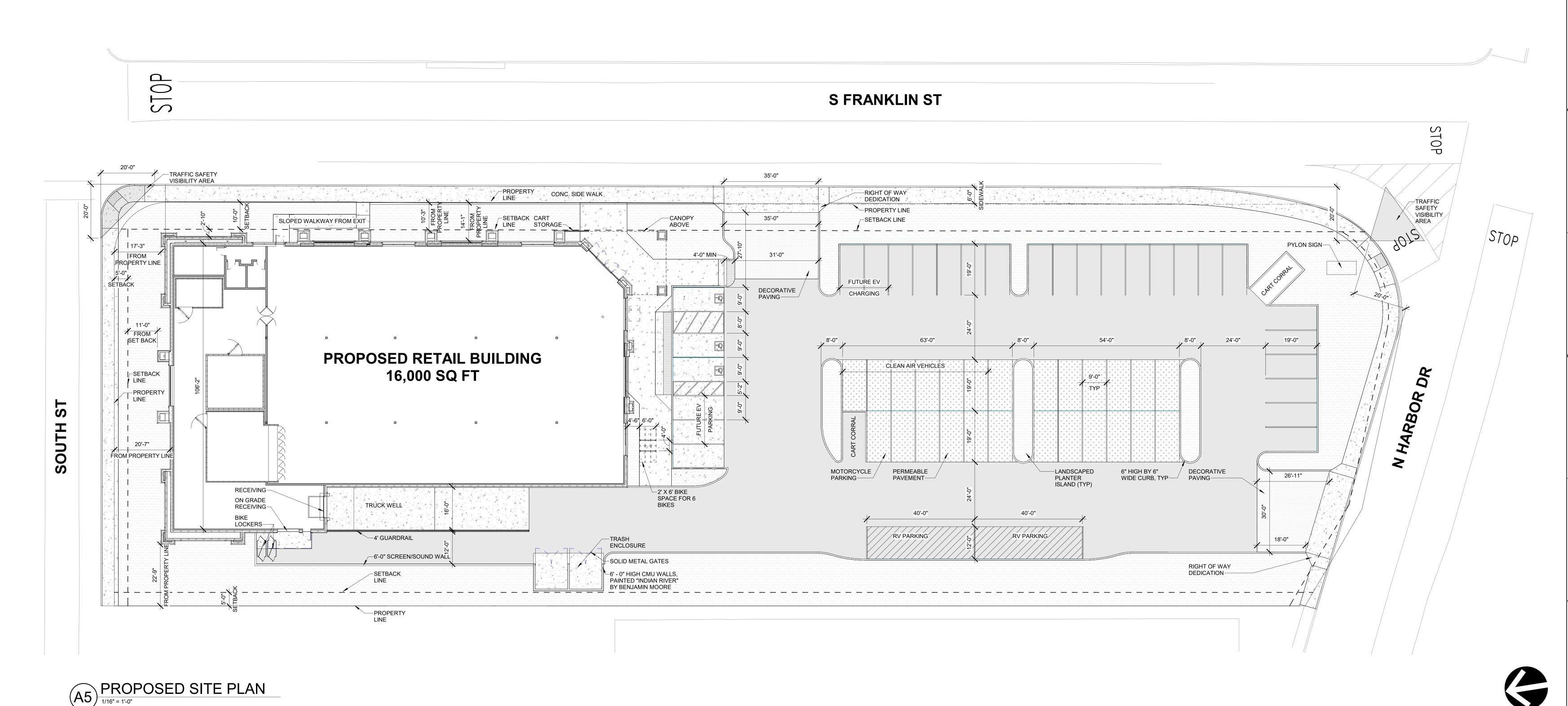
SITE PLAN NOTES

1. OUTDOOR LIGHT FIXTURES SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 18' AND WILL UTILIZE ENERGY-EFFICIENT FIXTURES AND LAMPS 2. LIGHTING FIXTURES WILL BE SHIELDED OR RECESSED TO REDUCE LIGHT BLEED TO ADJOINING PROPERTIES BY ENSURING THAT THE LIGHT SOURCE IS NOT VISIBLE FROM OFF SITE AND CONFINING GLARE AND REFLECTIONS WITHIN THE BOUNDARIES OF THE SITE TO THE MAXIMUM EXTENT FEASIBLE. 3. EACH LIGHT FIXTURE SHALL BE DIRECTED DOWNWARD AND AWAY FROM ADJOINING PROPERTIES AND PUBLIC RIGHT-OF-WAY, SO THAT NO ON-SITE LIGHT FIXTURE DIRECTLY ILLUMINATES AN AREA 4. NO PERMANENTLY INSTALLED LIGHTING SHALL BLINK, FLASH, OR BE OF UNUSUALLY HIGH INTENSITY OR BRIGHTNESS, AS DETERMINED BY THE DIRECTOR.

LANDSCAPING 1. REFER TO LANDSCAPE PLAN FOR ENTIRE LIST OF SPECIES AND DESIGN 2. VEGETATION PROPOSED WITHIN THE TRAFFIC VISIBILITY AREA WILL NOT EXCEED A HEIGHT OF 42"

1. ALL ACTIVITIES THAT MAY GENERATE DUST EMISSIONS SHALL BE CONDUCTED TO LIMIT THE EMISSIONS BEYOND THE SITE BOUNDARY TO THE MAXIMUM EXTENT FEASIBLE. METHODS WILL INCLUDE SCHEDULING, DUST CONTROL, REVEGETATION, CONTAINMENT, ETC. 2. ALL UTILITIES WILL BE UNDERGROUND 3. ALL CURBS 6" HIGH AND 6" WIDE UNLESS OTHERWISE NOTED

4. DUST CONTROL MEASURES WILL BE OUTLINED IN THE CONSTRUCTION DOCUMENTS THAT WILL BE SUBMITTED TO THE BUILDING DEPARTMENT TO BE REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO ISSUING A PERMIT, AND WILL FOLLOW THE GUIDELINES STATED IN THE SPECIAL CONDITION MEMO PREPARED BY PUBLIC WORKS DATED 12/9/20.



ARCHITECT OF RECORD: BRR ARCHITECTURE 8131 METCALF AVE SUITE 300 **OVERLAND PARK, KS 66204**

> www.brrarch.com TEL: 913-262-9095 FAX: 913-262-9044

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CONSULTANT

ISSUE BLOCK NO. DATE DESCRIPTION

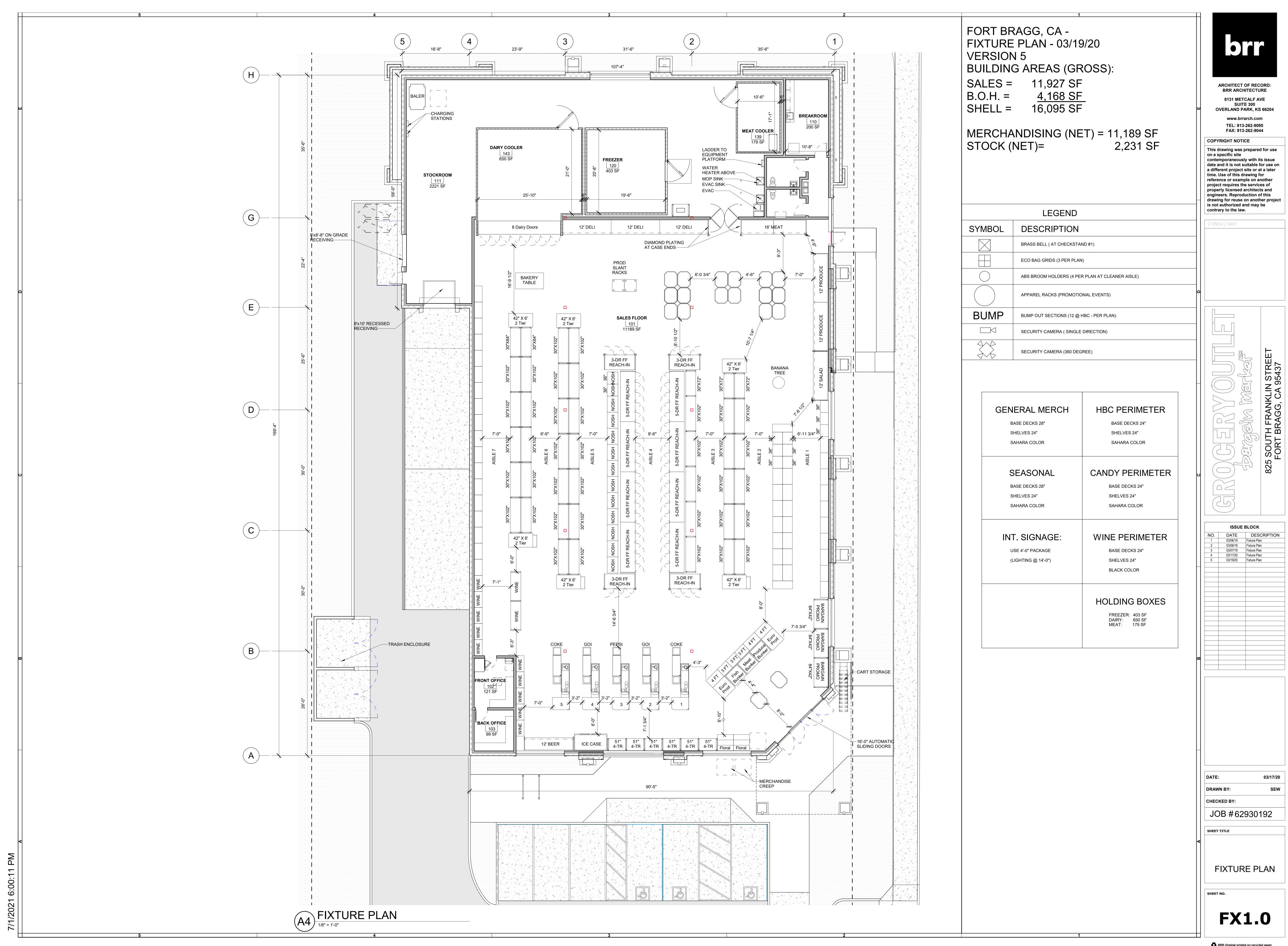
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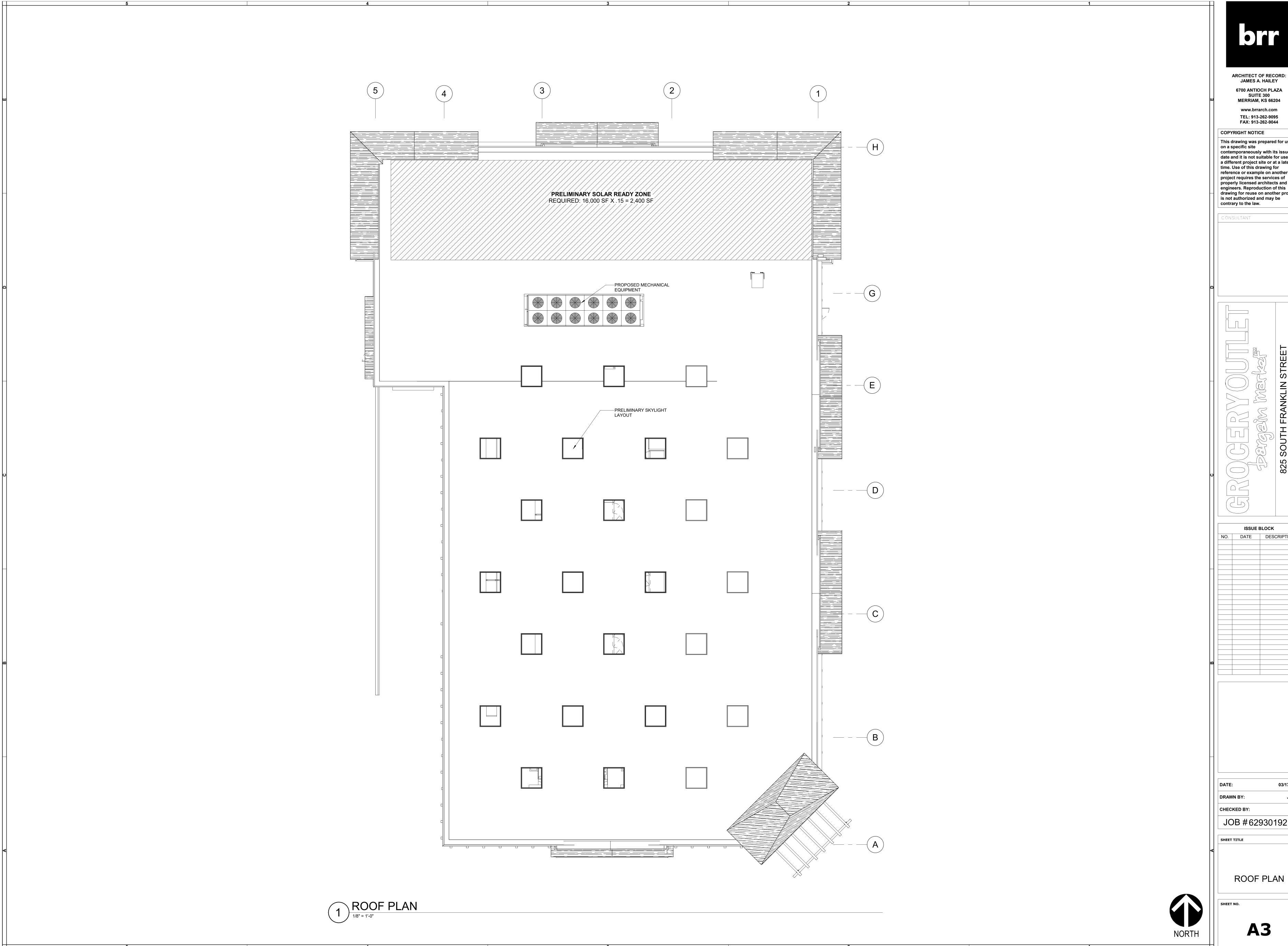
JOB #62930192

SHEET TITLE

SITE PLAN

SP1





ARCHITECT OF RECORD: JAMES A. HAILEY 6700 ANTIOCH PLAZA SUITE 300 MERRIAM, KS 66204

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A3



drawing for reuse on another project



C5 SOUTH ST CORNER PERSPECTIVE





A5 ENTRANCE PERSPECTIVE

A3 PARKING LOT PERSPECTIVE



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CONSULTANT

825 SOUTH FRANKLIN STREET
FORT REAGE CA 95/137

ISSUE BLOCK

NO. DATE DESCRIPTI

DATE: 03/17/20
DRAWN BY: JRZ
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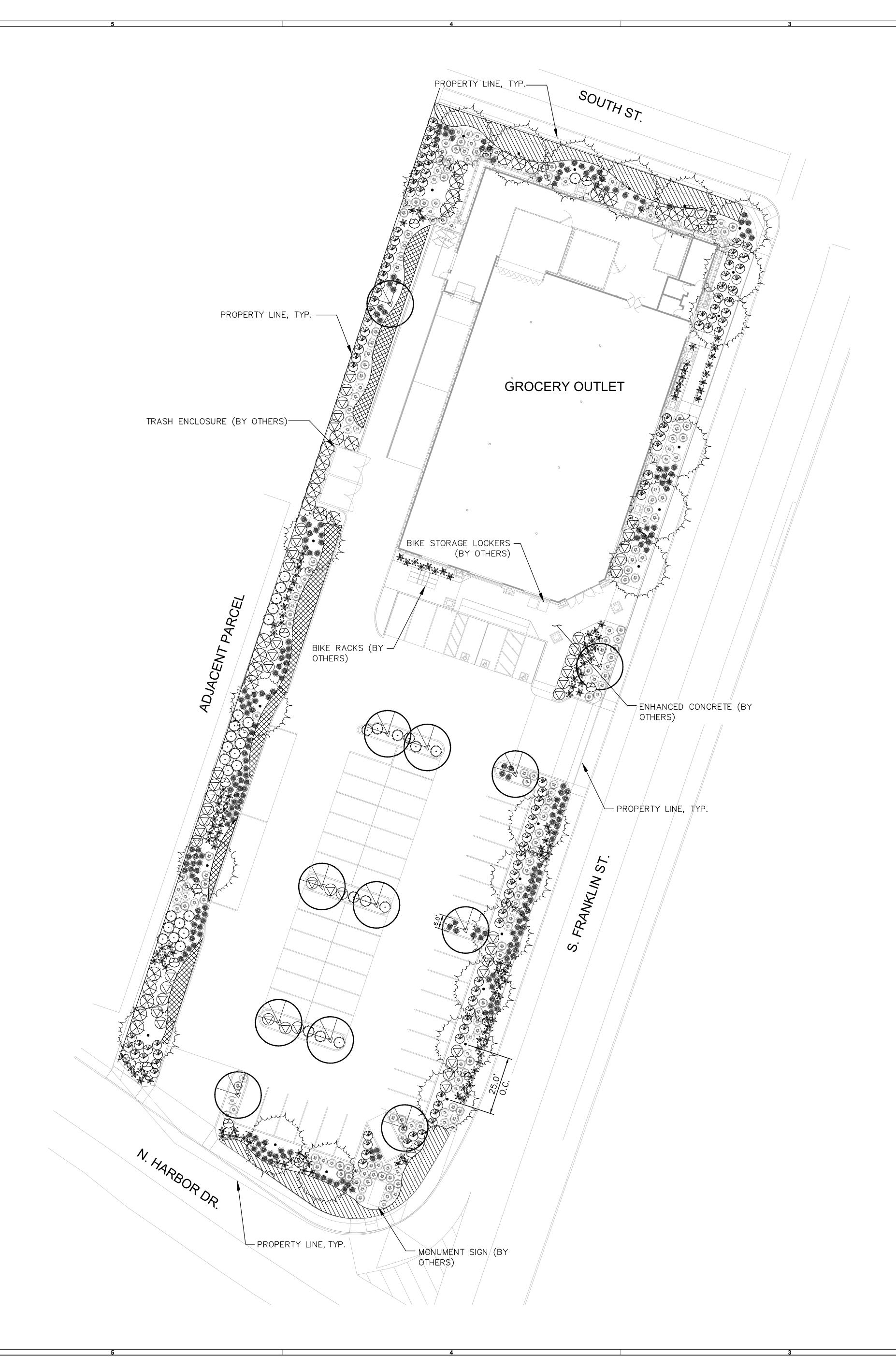
JOB #62930192

SHEET TITLE

PERSPECTIVES

HEET NO.

A2.0A



12/10/2018 4:03:00 PM

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	HEIGHT/SPREAD	<u>WUCOLS</u>
o de	24	CUPRESSUS MACROCARPA / MONTEREY CYPRESS	24" BOX	7'-9' HT. X 3'-5' SPR.	MODERATE
	12	PRUNUS CERASIFERA / PURPLE LEAF PLUM	24" BOX	9'-11' HT. X 3'-4' SPR.	LOW
<u>SHRUBS</u>	QTY	BOTANICAL / COMMON NAME	CONT.	<u>SPACING</u>	<u>WUCOLS</u>
	103	BERBERIS AQUIFOLIUM / COMMON BARBERRY	5 GAL.	4' O.C.	LOW
*	238	MUHLENBERGIA DUBIA / PINE MUHLY	5 GAL.	3' O.C.	LOW
\bigotimes	30	OLEA EUROPAEA 'LITTLE OLLIE' / LITTLE OLLIE OLIVE	5 GAL.	4' O.C.	LOW
\divideontimes	141	PHORMIUM TENAX 'DARK DELIGHT' / DARK DELIGHT FLAX	5 GAL.	3' O.C.	LOW
	52	PITTOSPORUM TOBIRA 'COMPACTUM' / COMPACT PITTOSPORUM	5 GAL.	5' O.C.	LOW
O	37	RHAPHIOLEPIS INDICA / INDIAN HAWTHORN	5 GAL.	5' O.C.	LOW
1000 E	185	ROSMARINUS OFFICINALIS / ROSEMARY	5 GAL.	4' O.C.	LOW
INERT MATERIAL	QTY	BOTANICAL / COMMON NAME	CONT.	<u>SPACING</u>	<u>WUCOLS</u>
\bigcirc	12	ROCK BOULDERS / 4' X 4' X 4' / LOCALLY SOURCED	_	_	_
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT.	<u>SPACING</u>	<u>WUCOLS</u>
	318	FESTUCA RUBRA / RED FESCUE	N/A	2.5° O.C.	LOW
	155	MYOPORUM PARVIFOLIUM / TRAILING MYOPORUM	N/A	3' O.C.	LOW

LANDSCAPE NOTE:

THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. ALL PLANTING AREAS SHALL BE PREPARED WITH APPROPRIATE SOIL AMENDMENTS, FERTILIZERS AND APPROPRIATE SUPPLEMENTS BASED UPON A SOILS REPORT FROM AN AGRICULTURAL SUITABILITY SOIL SAMPLE TAKEN FROM THE SITE. DECOMPOSED GRANITE SHALL FILL IN BETWEEN SHRUBS TO SHIELD THE SOIL FROM THE SUN, EVAPOTRANSPIRATION, AND RUN-OFF. ALL SHRUB BEDS SHALL BE MULCHED TO A 3" DEPTH TO HELP CONSERVE WATER, LOWER SOIL TEMPERATURE, AND REDUCE WEED GROWTH. THE SHRUBS SHALL BE ALLOWED TO GROW IN THEIR NATURAL FORMS. ALL LANDSCAPE IMPROVEMENTS SHALL FOLLOW THE GUIDELINES SET FORTH BY THE CITY OF FORT BRAGG MUNICIPAL

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I HAVE COMPLIED WITH THE CRITERIA OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE AND IRRIGATION DESIGN PLAN.

Muhal P. Macher

MICHAEL P. MADSEN, LLA 5798

CODE INFORMATION TABLE	REQUIRED	PROVIDED
PERIMETER TREES PLANTED AT 25' O.C	25' O.C.	YES
MINIMUM LANDSCAPE AREA WIDTH	7'	YES
MINIMUM PERIMETER OF LANDSCAPE STRIP	5'	YES
PARKING LOT LANDSCAPE AREA	10% (775 SQFT)	(17.3%) 1,345 SQFT



ARCHITECT OF RECORD:
JAMES A. HAILEY

6700 ANTIOCH PLAZA
SUITE 300
MERRIAM, KS 66204
www.brrarch.com

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Kimley» Horn

401 B STREET, SUITE 600
SAN DIEGO, CA 92101
619-234-9411

BEST DEVELOPMENT

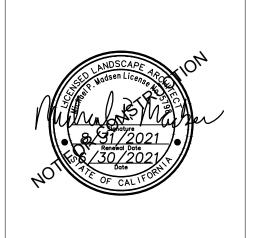
GROUP

2580 SIERRA BLVD., SUITE #E SACRAMENTO, CA 95825

GROCERY OUTLET

> APN: 018-120-47-00 FORT BRAGG, CA 95437

> > **ISSUE BLOCK**



DATE:	06/30/2
DRAWN BY:	JMS
CHECKED BY:	LD
JOB #62930	192

SHEET TITLE

PRELIMINARY LANDSCAPE PLAN

SHEET NO.

L1.0

PRELIMINARY SEWER & WATER PLAN BEST DEVELOPMENT GROUP GROCERY OUTLET

825, 845, 851 SOUTH FRANKLIIN STREET FORT BRAGG, CA

S18*24'50"W 422.99'

(E) LOT LINE SHALL BE MERGED

N18°14'00"E 442.00'

/RK/PARKING

013-130-43 11010 11317 1119

-BACKFLOW

FIRE SERVICE

DOMESTIC WATER POC

DOMESTIC METER & BACKFLOW

EX. TRANSFORMER

-SANITARY SEWER (TYP)

NOTE: (E) 4" SEWER LATERAL TO BE REMOVED & REPLACED WITH 6" SEWER LATERAL

SEWER POC

(WASTE)

GROCERY OUTLET

16,157 SQFT

FF=121.25

ailneymyn nyngl i lle

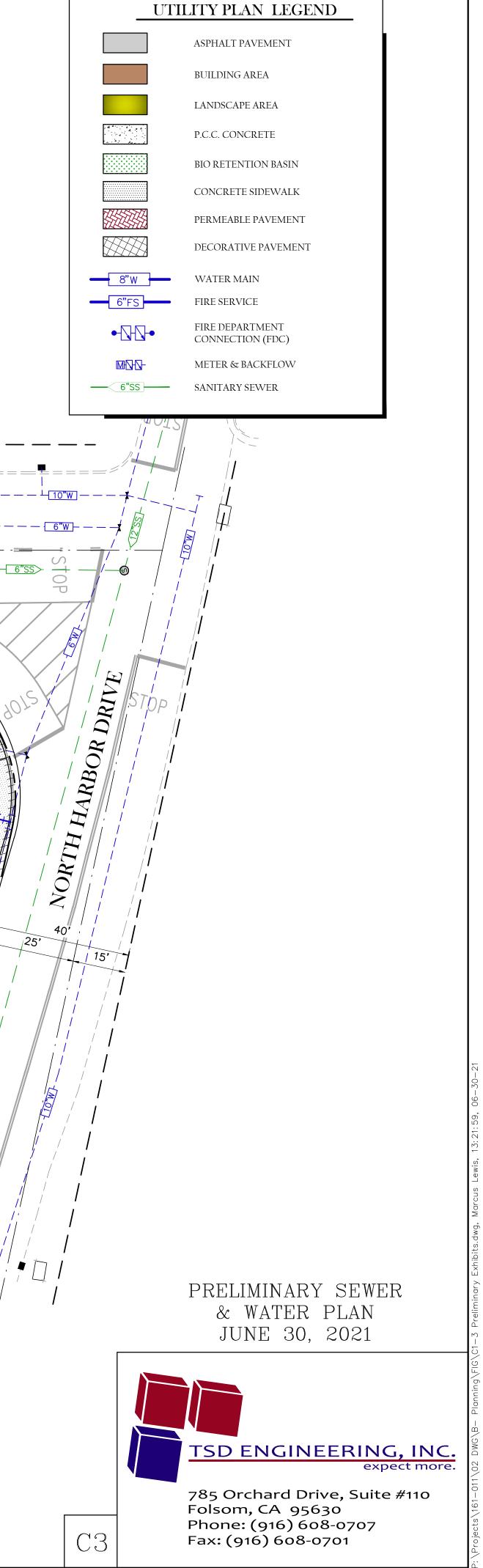
013-120-43

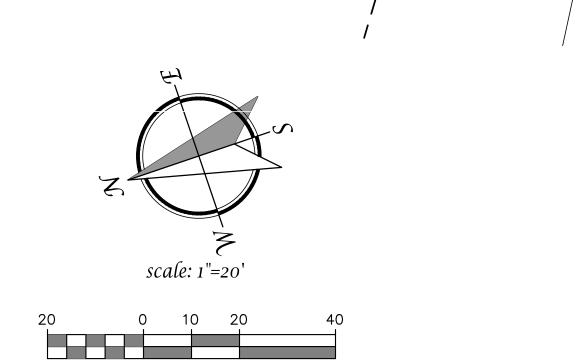
25'

HLOS-

EXIST WATER— MAIN (TYP) IRR METER &-

BACKFLOW





(E) LOT LINE SHALL BE MERGED

RX RARKING

BEST DEVELOPMENT GROUP

NE CORNER OF SOUTH ST. AND S. FRANKLIN ST. FORT BRAGG, CA 95437

VICINITY MAP



PROJECT DESCRIPTION

NEW GROCERY STORE BUILDING - INCLUDING, BUT NOT LIMITED TO, RACKING, REFRIGERATED CASES, COOLERS, FREEZER, AND ASSOCIATED EQUIPMENT AND SITE IMPROVEMENTS.

GENERAL SCOPE OF WORK

- WOOD TRUSS AND GLULAM STRUCTURE WITH PLYWOOD DECK
- OFFICE AND BREAKROOM
- STOCKROOM EXTERIOR BUILDING SIGNAGE (UNDER SEPARATE PERMIT)
- ON AND OFF SITE IMPROVEMENTS GRADING + DRAINAGÉ, UTILITIES AND LANDSCAPING

CODE SUMMARY

APPLICABLE CODES

	
BUILDING CODE:	2016 CALIFORNIA BUILDING CODE (CBC)
MECHANICAL CODE:	2016 CALIFORNIA MECHANICAL CODE (CMC)
PLUMBING CODE:	2016 CALIFORNIA PLUMBING CODE (CPC)
ELECTRIC CODE:	2016 CALIFORNIA ELECTRIC CODE (CEC)
ACCESSIBILITY CODE:	2016 CALIFORNIA BUILDING CODE CHAPTER 11B
ENERGY CODE:	2016 STATE OF CALIFORNIA ENERGY CODE
FIRE CODE:	2016 CALIFORNIA FIRE CODE (CFC)

BUILDING CODE ANALYSIS

HEE CROUP

M-MERCANTILE
S1-STORAGE
16,688 SF
FULLY SPRINKLERED
336-012-43

CONSTRUCTION TYPE

CONSTRUCTION TYPE:	III-B
	FULLY SPRINKLED



JAMES A. HAILEY 6700 ANTIOCH PLAZA SUITE 300 MERRIAM, KS 66204

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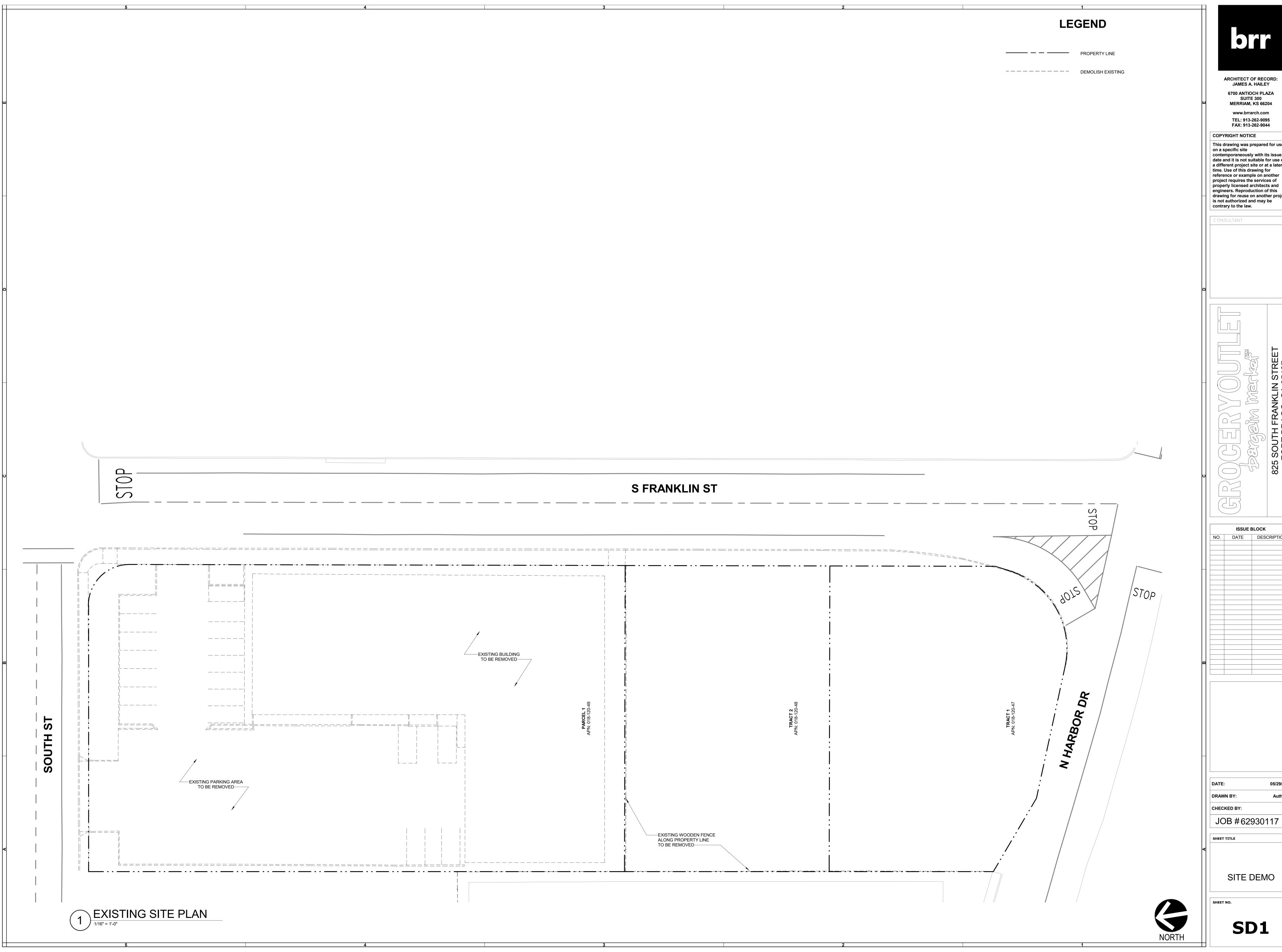
ISSUE BLOCK NO. DATE DESCRIPTION

CHECKED BY: JOB #62930117

SHEET TITLE

COVER SHEET

G1



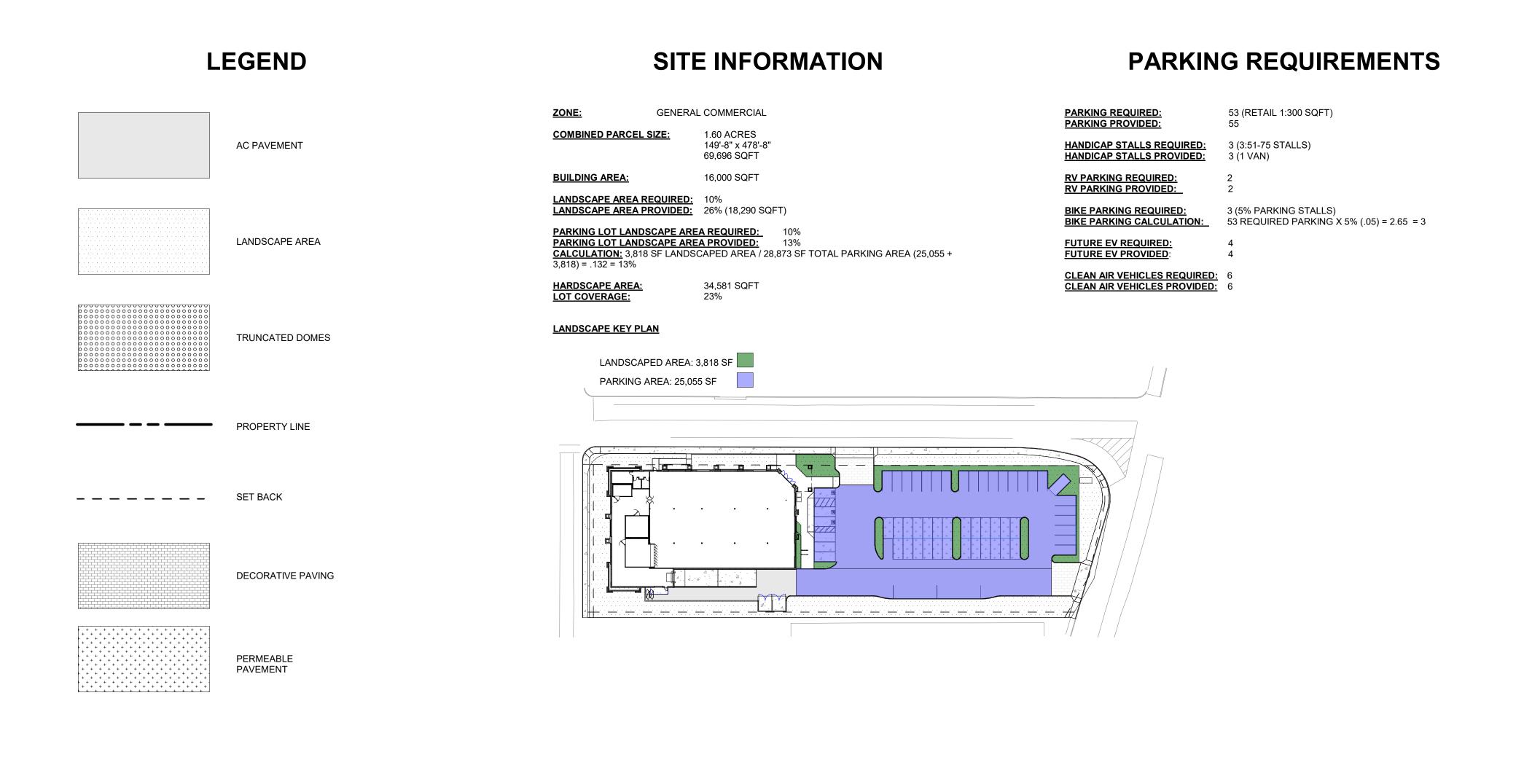


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SITE PLAN NOTES

LIGHTING

1. OUTDOOR LIGHT FIXTURES SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 18' AND WILL UTILIZE ENERGY-EFFICIENT FIXTURES AND LAMPS

2. LIGHTING FIXTURES WILL BE SHIELDED OR RECESSED TO REDUCE LIGHT BLEED TO ADJOINING PROPERTIES BY ENSURING THAT THE LIGHT SOURCE IS NOT VISIBLE FROM OFF SITE AND CONFINING GLARE AND REFLECTIONS WITHIN THE BOUNDARIES OF THE SITE TO THE MAXIMUM EXTENT FEASIBLE.

3. EACH LIGHT FIXTURE SHALL BE DIRECTED DOWNWARD AND AWAY FROM ADJOINING PROPERTIES AND PUBLIC RIGHT-OF-WAY, SO THAT NO ON-SITE LIGHT FIXTURE DIRECTLY ILLUMINATES AN AREA OFF THE SITE.

4. NO PERMANENTLY INSTALLED LIGHTING SHALL BLINK, FLASH, OR BE OF UNUSUALLY HIGH INTENSITY OR BRIGHTNESS, AS DETERMINED BY THE DIRECTOR.

LANDSCAPING

1. REFER TO LANDSCAPE PLAN FOR ENTIRE LIST OF SPECIES AND DESIGN

2. VEGETATION PROPOSED WITHIN THE TRAFFIC VISIBILITY AREA WILL NOT EXCEED A HEIGHT OF 42"

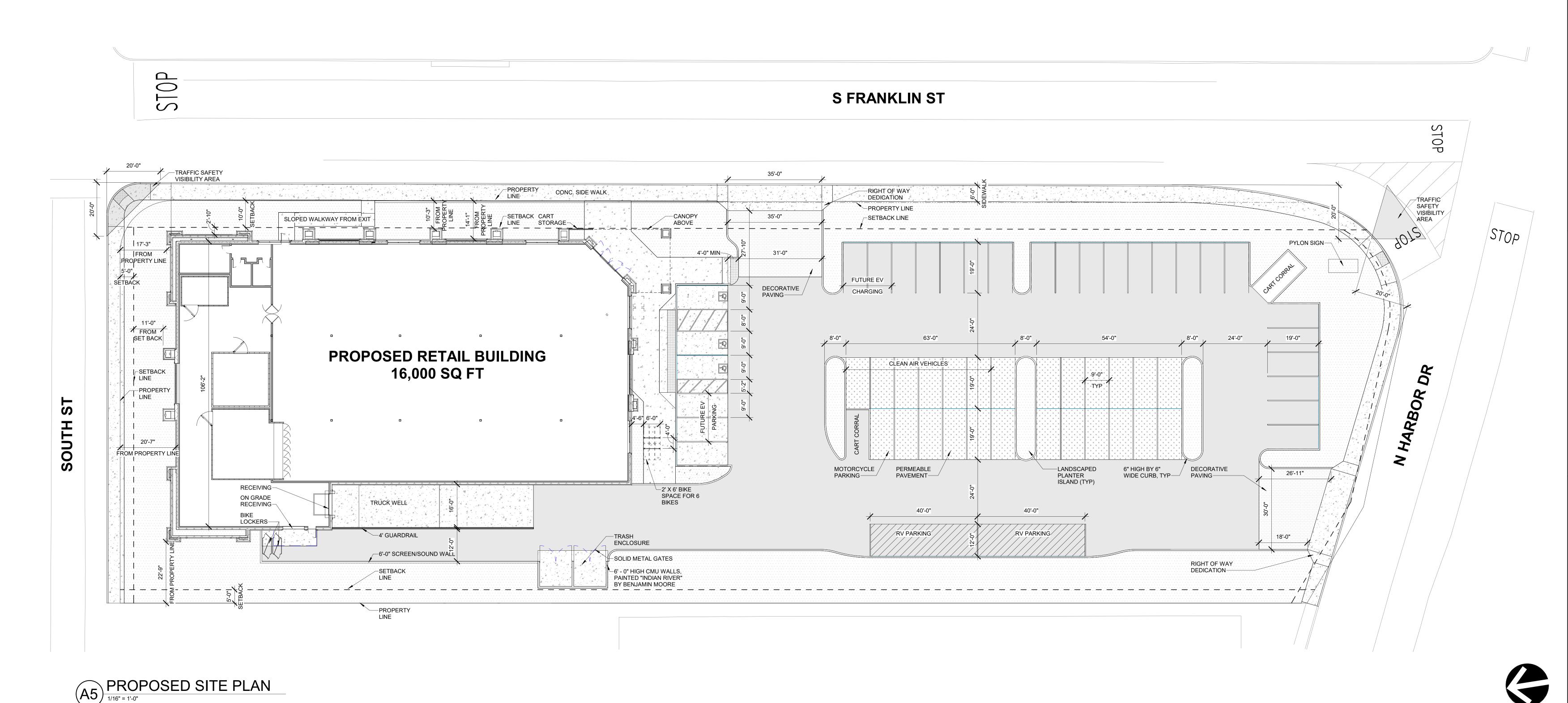
GENERAL

1. ALL ACTIVITIES THAT MAY GENERATE DUST EMISSIONS SHALL BE CONDUCTED TO LIMIT THE EMISSIONS BEYOND THE SITE BOUNDARY TO THE MAXIMUM EXTENT FEASIBLE. METHODS WILL INCLUDE SCHEDULING, DUST CONTROL, REVEGETATION, CONTAINMENT, ETC.

2. ALL UTILITIES WILL BE UNDERGROUND

3. ALL CURBS 6" HIGH AND 6" WIDE UNLESS OTHERWISE NOTED

4. DUST CONTROL MEASURES WILL BE OUTLINED IN THE CONSTRUCTION DOCUMENTS THAT WILL BE SUBMITTED TO THE BUILDING DEPARTMENT TO BE REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO ISSUING A PERMIT, AND WILL FOLLOW THE GUIDELINES STATED IN THE SPECIAL CONDITION MEMO PREPARED BY PUBLIC WORKS DATED 12/9/20.



brr

ARCHITECT OF RECORD:
BRR ARCHITECTURE

8131 METCALF AVE
SUITE 300

OVERLAND PARK, KS 66204

TEL: 913-262-9095 FAX: 913-262-9044

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S25 SOUTH FRANKLIN STREET
FORT BRAGG CA 95437

NO. DATE DESCRIPTION

DATE: 03/2
DRAWN BY:
CHECKED BY:

JOB #62930192

SHEET TITLE

SITE PLAN

SHEET NO.

SP1



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825 SOUTH FRANKL FORT BRAGG, C.

03/17/20

ELEVATIONS









A5 ENTRANCE PERSPECTIVE

A3 PARKING LOT PERSPECTIVE



ARCHITECT OF RECORD: JAMES A. HAILEY 6700 ANTIOCH PLAZA SUITE 300 MERRIAM, KS 66204

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SSE SOUTH FRANKLIN STREET
FORT REACG. CA 05/137

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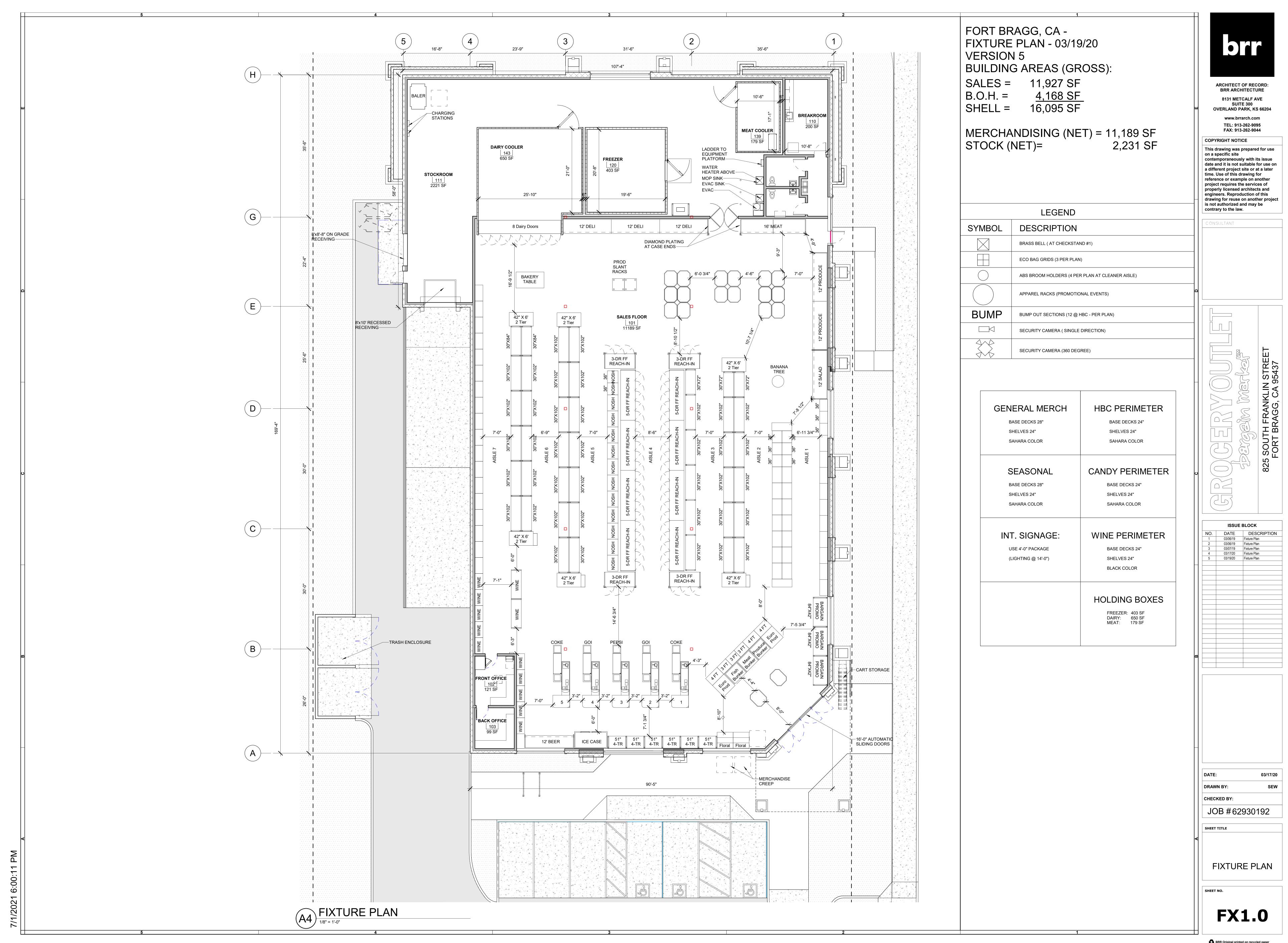
DATE: 03/17/20
DRAWN BY: JRZ
CHECKED BY:

JOB # 62930192

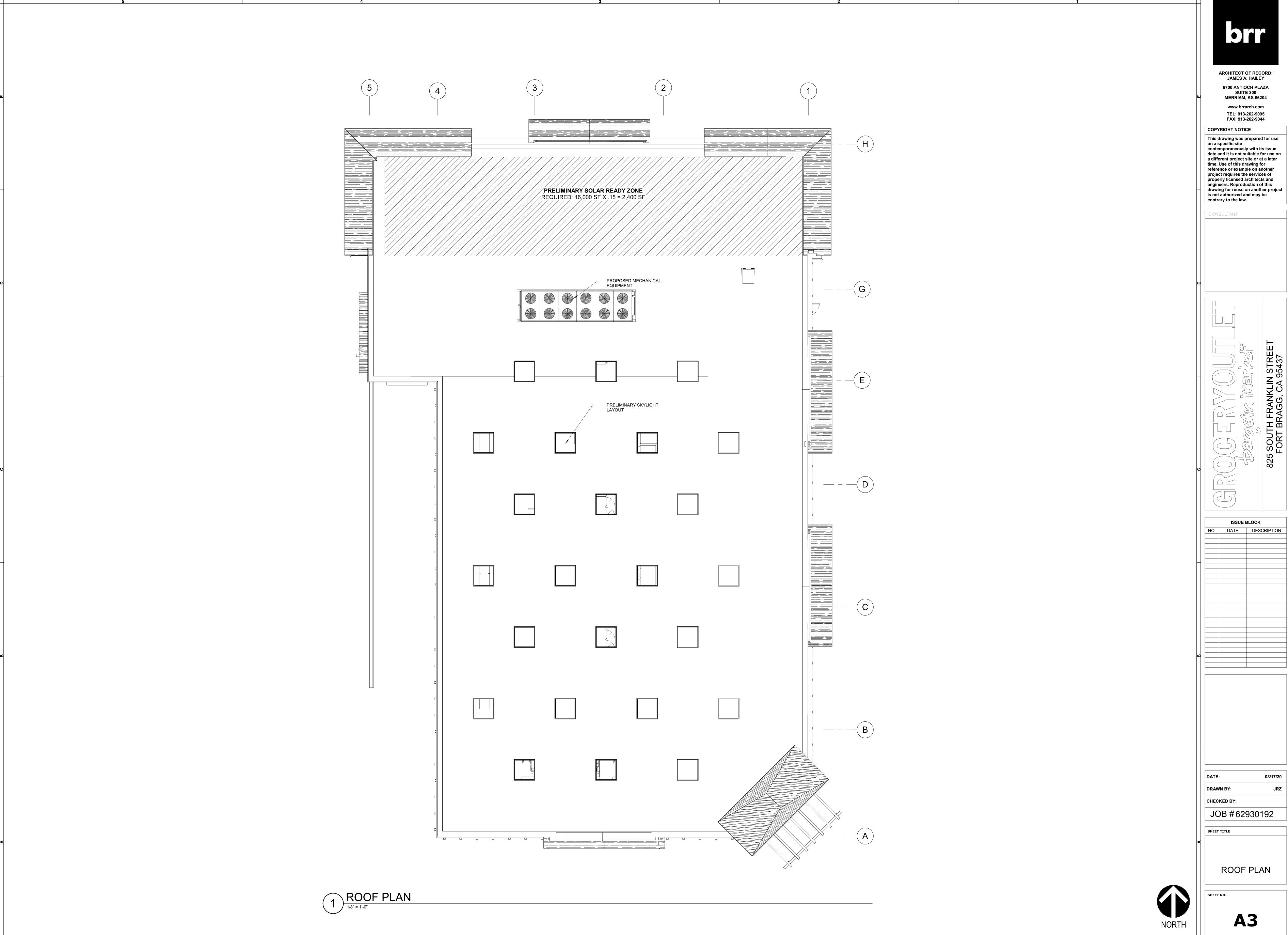
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PERSPECTIVES

A2.0A



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6700 ANTIOCH PLAZA SUITE 300 MERRIAM, KS 66204

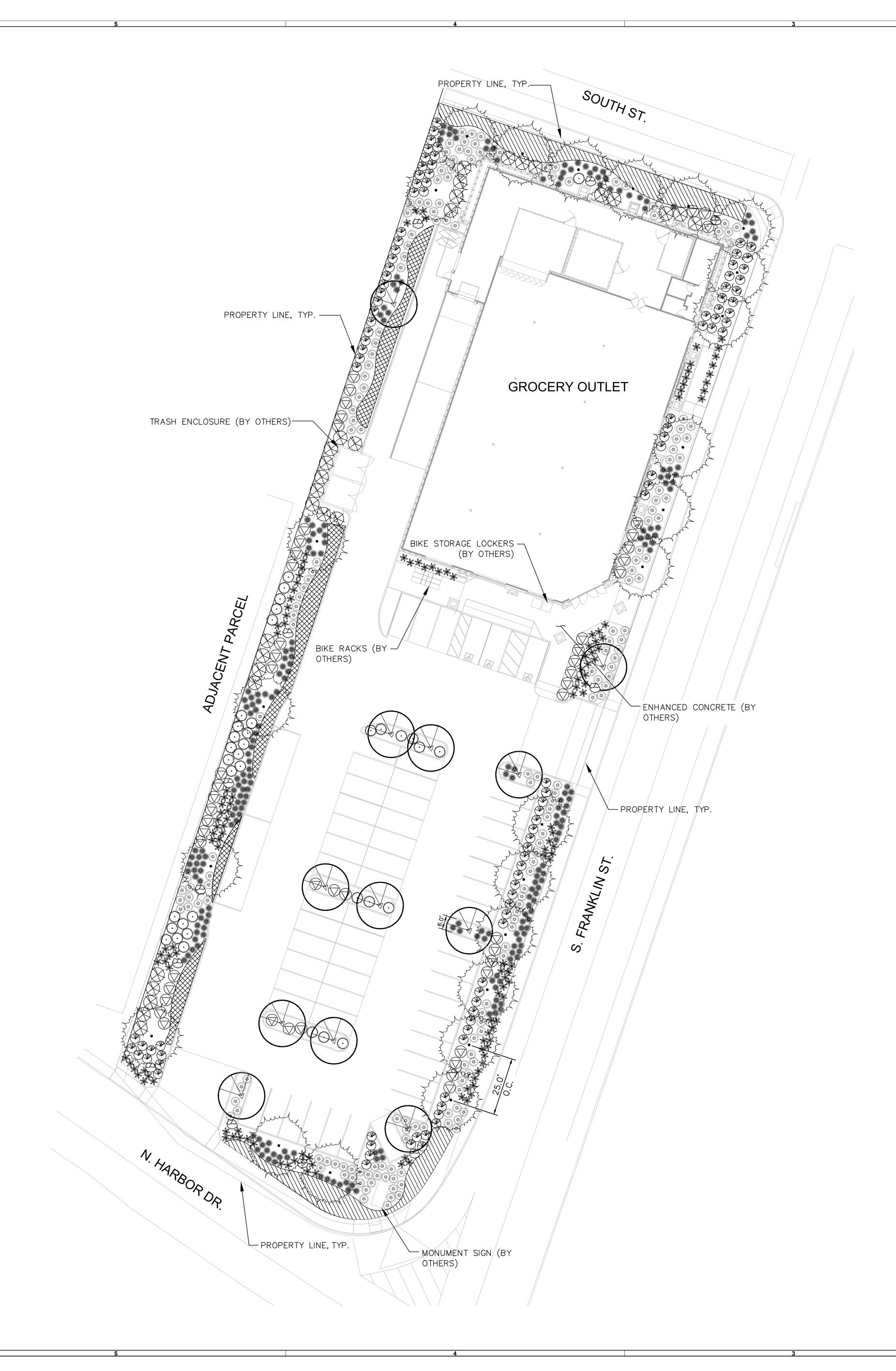
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DATE:	03/17/20
DRAWN BY:	JRZ
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JOB #62930192



12/10/2018 4:03:00 PM

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	HEIGHT/SPREAD	<u>WUCOLS</u>
o de	24	CUPRESSUS MACROCARPA / MONTEREY CYPRESS	24" BOX	7'-9' HT. X 3'-5' SPR.	MODERATE
	12	PRUNUS CERASIFERA / PURPLE LEAF PLUM	24" BOX	9'-11' HT. X 3'-4' SPR.	LOW
<u>SHRUBS</u>	QTY	BOTANICAL / COMMON NAME	CONT.	<u>SPACING</u>	<u>WUCOLS</u>
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	52	PITTOSPORUM TOBIRA 'COMPACTUM' / COMPACT PITTOSPORUM	5 GAL.	5' O.C.	LOW
O	37	RHAPHIOLEPIS INDICA / INDIAN HAWTHORN	5 GAL.	5' O.C.	LOW
1000 E	185	ROSMARINUS OFFICINALIS / ROSEMARY	5 GAL.	4' O.C.	LOW
INERT MATERIAL	QTY	BOTANICAL / COMMON NAME	CONT.	<u>SPACING</u>	<u>WUCOLS</u>
\bigcirc	12	ROCK BOULDERS / 4' X 4' X 4' / LOCALLY SOURCED	_	_	_
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT.	<u>SPACING</u>	<u>WUCOLS</u>
	318	FESTUCA RUBRA / RED FESCUE	N/A	2.5° O.C.	LOW
	155	MYOPORUM PARVIFOLIUM / TRAILING MYOPORUM	N/A	3' O.C.	LOW

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Muhal P. Machen

MICHAEL P. MADSEN, LLA 5798

CODE INFORMATION TABLE	REQUIRED	PROVIDED
PERIMETER TREES PLANTED AT 25' O.C	25' O.C.	YES
MINIMUM LANDSCAPE AREA WIDTH	7'	YES
MINIMUM PERIMETER OF LANDSCAPE STRIP	5'	YES
PARKING LOT LANDSCAPE AREA	10% (775 SQFT)	(17.3%) 1,345 SQFT



ARCHITECT OF RECORD: JAMES A. HAILEY 6700 ANTIOCH PLAZA SUITE 300 MERRIAM, KS 66204

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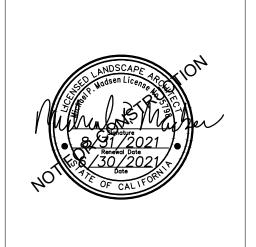
BEST
DEVELOPMENT
GROUP

2580 SIERRA BLVD., SUITE #E SACRAMENTO, CA 95825

GROCERY OUTLET

> APN: 018-120-47-00 FORT BRAGG, CA 95437

> > **ISSUE BLOCK**



	DATE:	06/30/
	DRAWN BY:	JM
	CHECKED BY:	LD
	JOB #62930	0192

SHEET TITLE

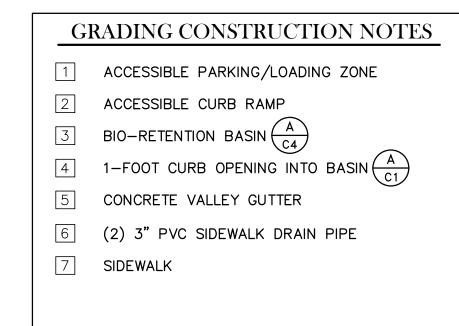
PRELIMINARY LANDSCAPE PLAN

SHEET NO.

L1.0

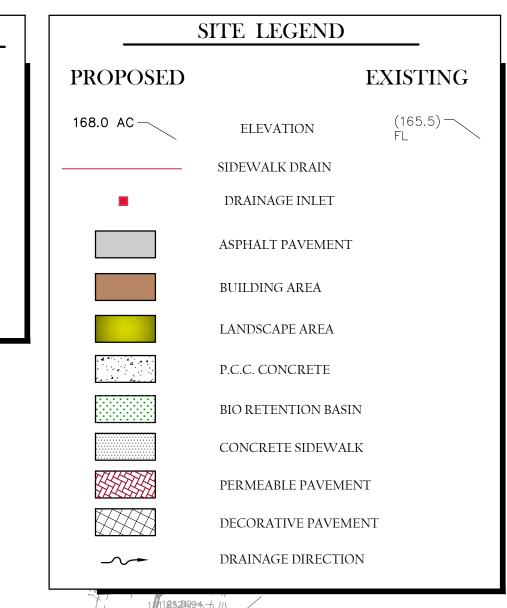
PRELIMINARY GRADING & DRAINAGE PLAN BEST DEVELOPMENT GROUP GROCERY OUTLET

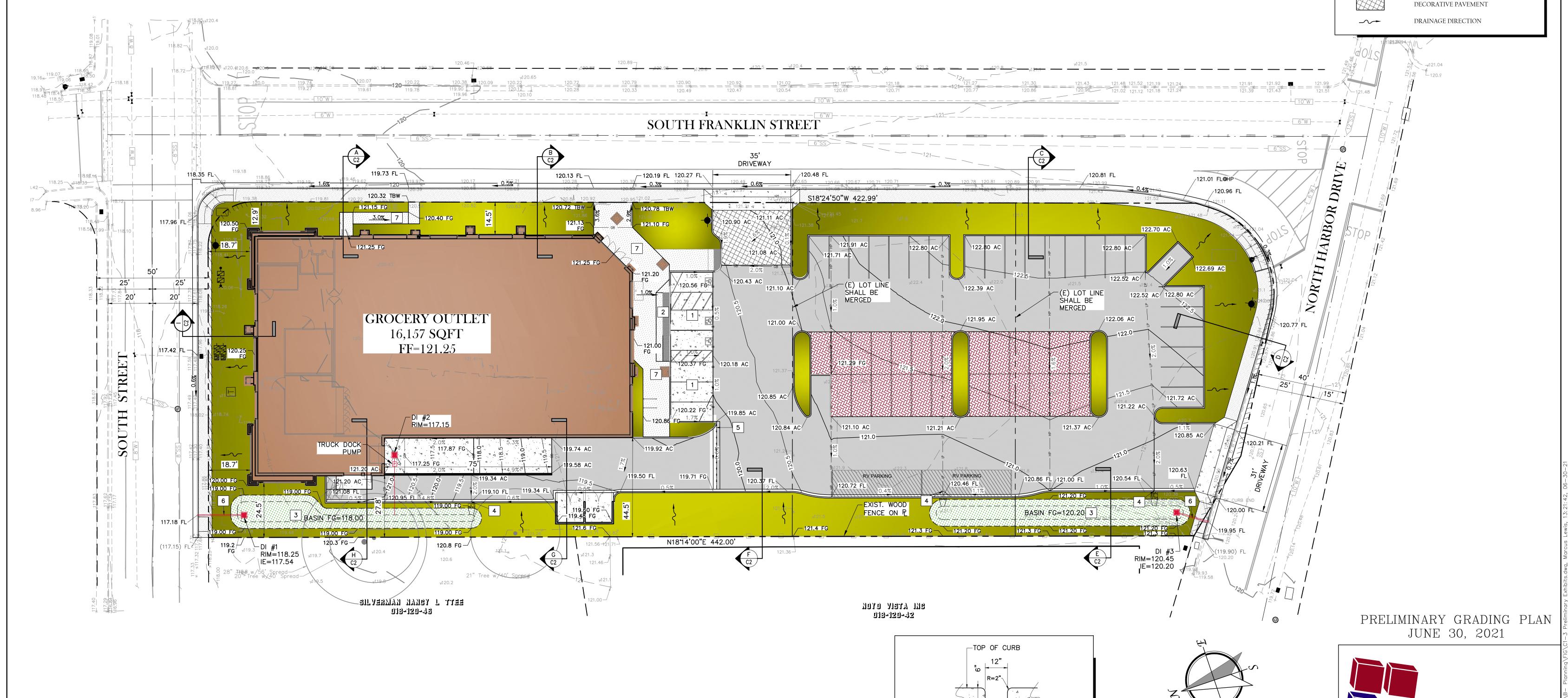
825, 845, 851 SOUTH FRANKLIIN STREET FORT BRAGG, CA



scale: 1"=20'

A CURB OPENING DETAIL





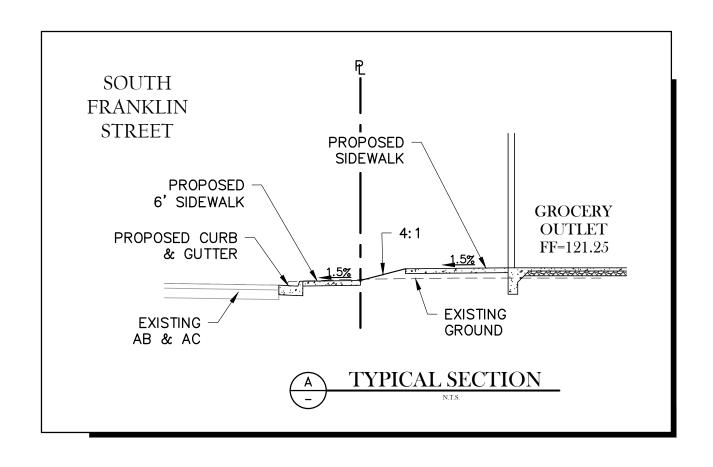
TSD ENGINEERING, INC. expect more.

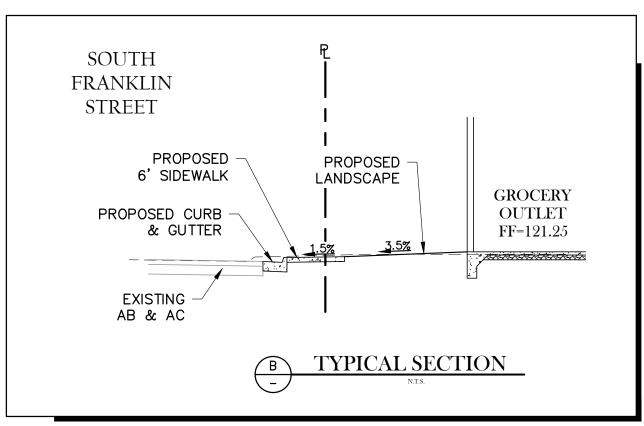
785 Orchard Drive, Suite #110 Folsom, CA 95630 Phone: (916) 608-0707 Fax: (916) 608-0701

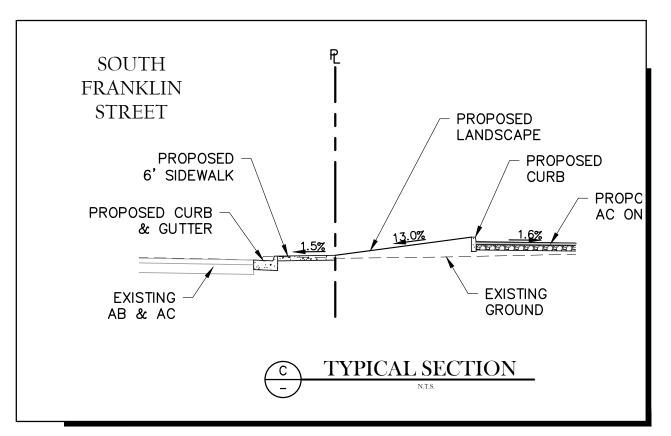
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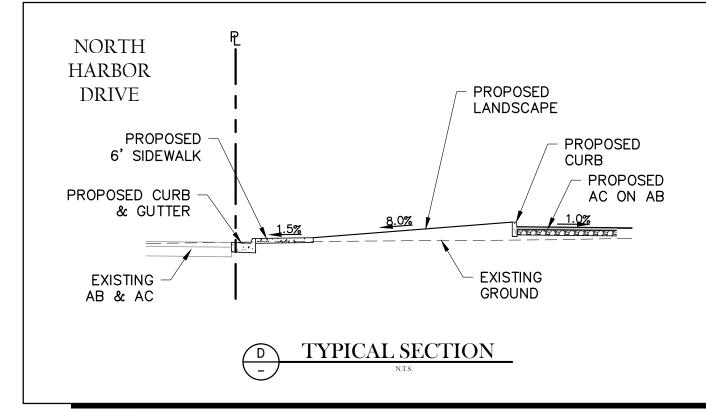
BEST DEVELOPMENT GROUP GROCERY OUTLET

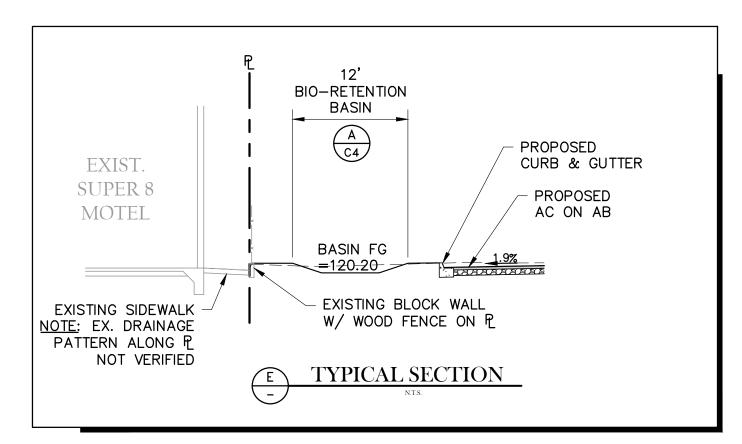
825, 845, 851 SOUTH FRANKLIIN STREET FORT BRAGG, CA

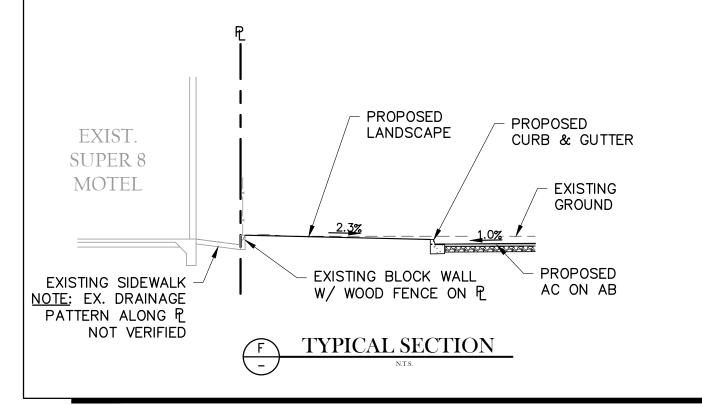


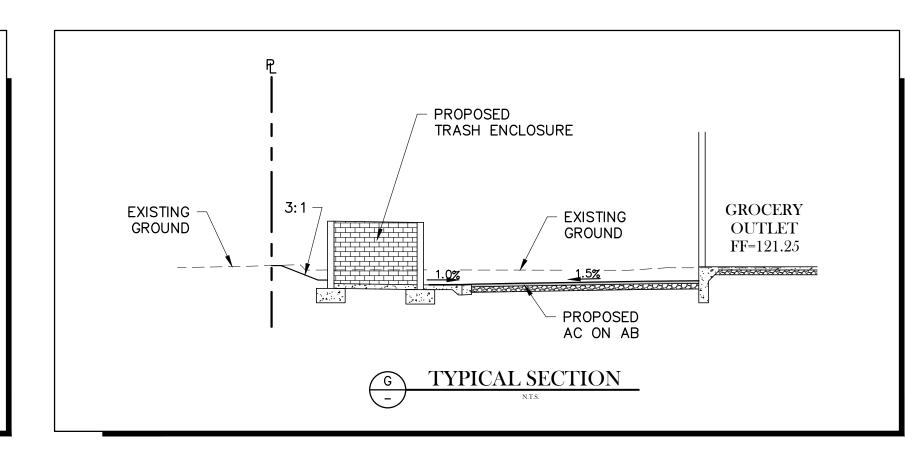


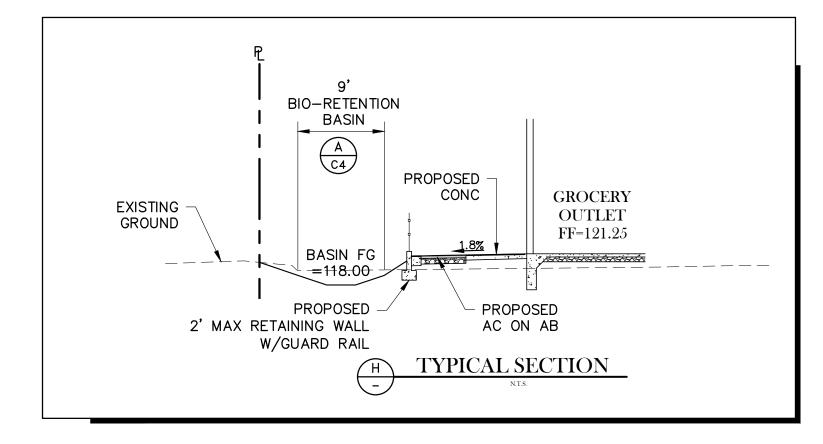


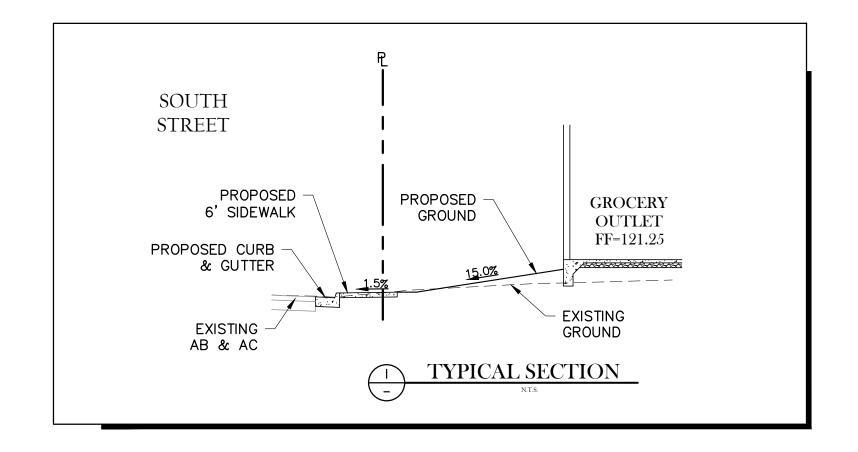




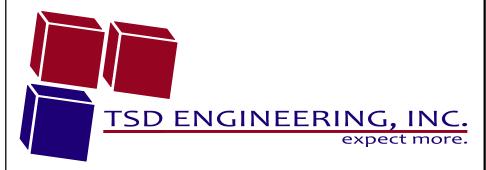








PRELIMINARY SECTIONS
JUNE 30, 2021



785 Orchard Drive, Suite #110 Folsom, CA 95630 Phone: (916) 608-0707 Fax: (916) 608-0701

PRELIMINARY SEWER & WATER PLAN BEST DEVELOPMENT GROUP GROCERY OUTLET

825, 845, 851 SOUTH FRANKLIIN STREET FORT BRAGG, CA

S18*24'50"W 422.99'

(E) LOT LINE SHALL BE MERGED

N18°14'00"E 442.00'

/RK/PARKING

013-130-43 11010 11317 1119

-BACKFLOW

FIRE SERVICE

DOMESTIC WATER POC

DOMESTIC METER & BACKFLOW

EX. TRANSFORMER

-SANITARY SEWER (TYP)

NOTE: (E) 4" SEWER LATERAL TO BE REMOVED & REPLACED WITH 6" SEWER LATERAL

SEWER POC

(WASTE)

GROCERY OUTLET

16,157 SQFT

FF=121.25

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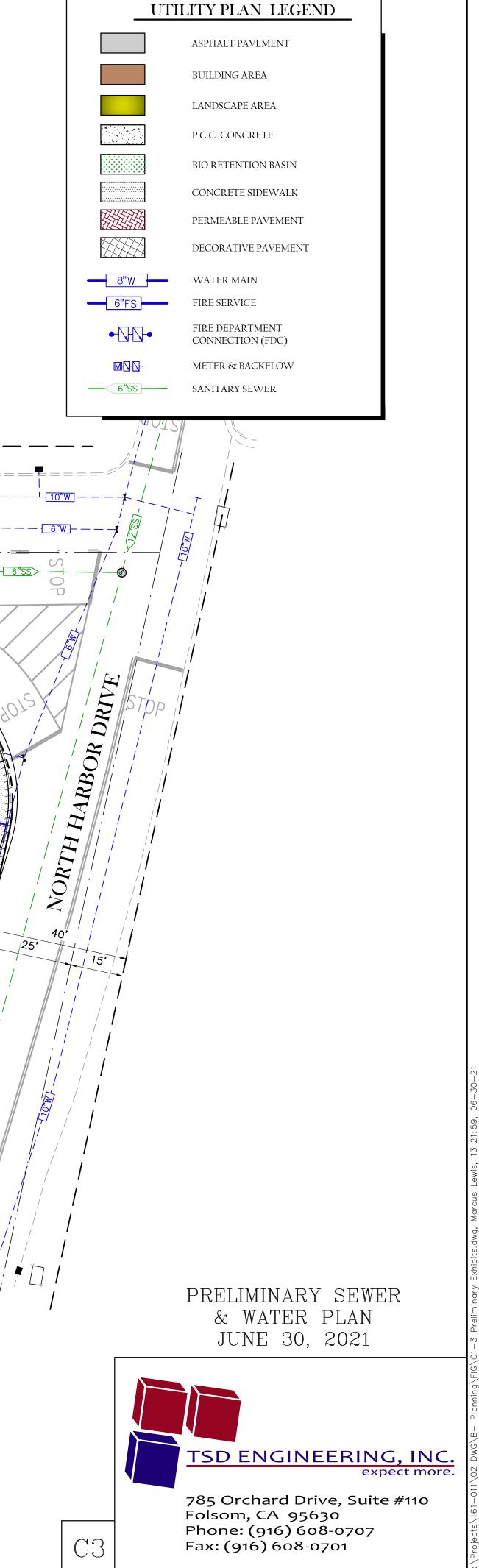
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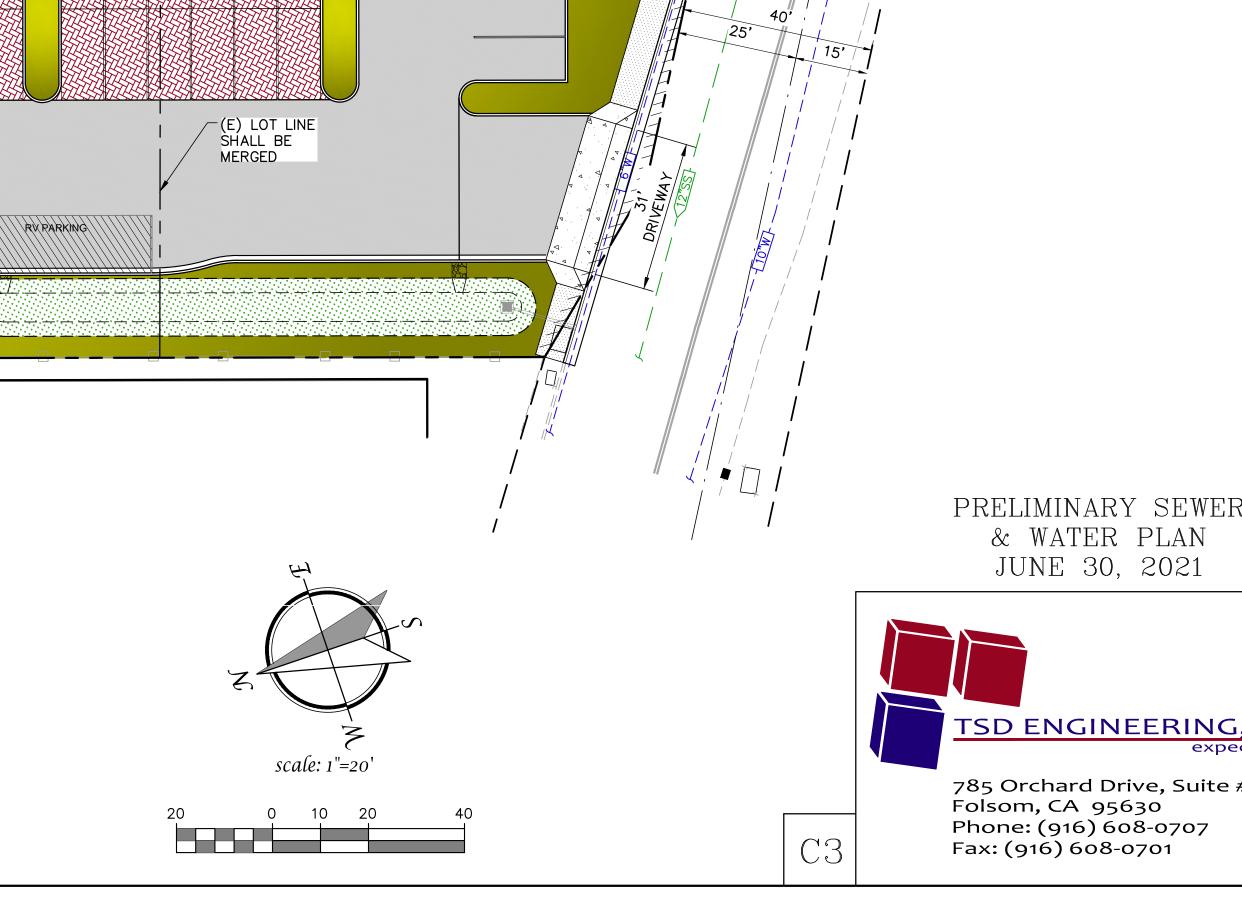
25'

HLOS-

EXIST WATER— MAIN (TYP) IRR METER &-

BACKFLOW

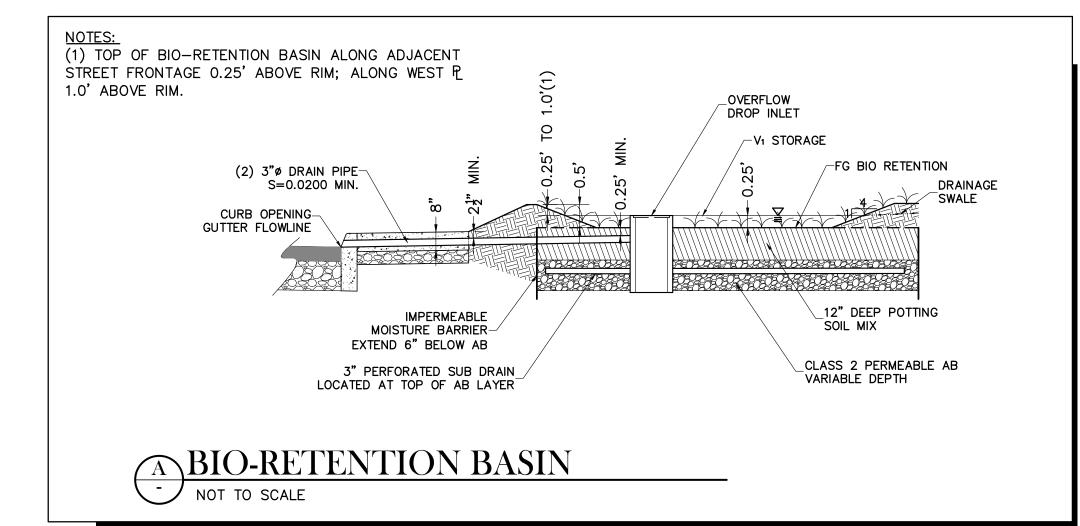


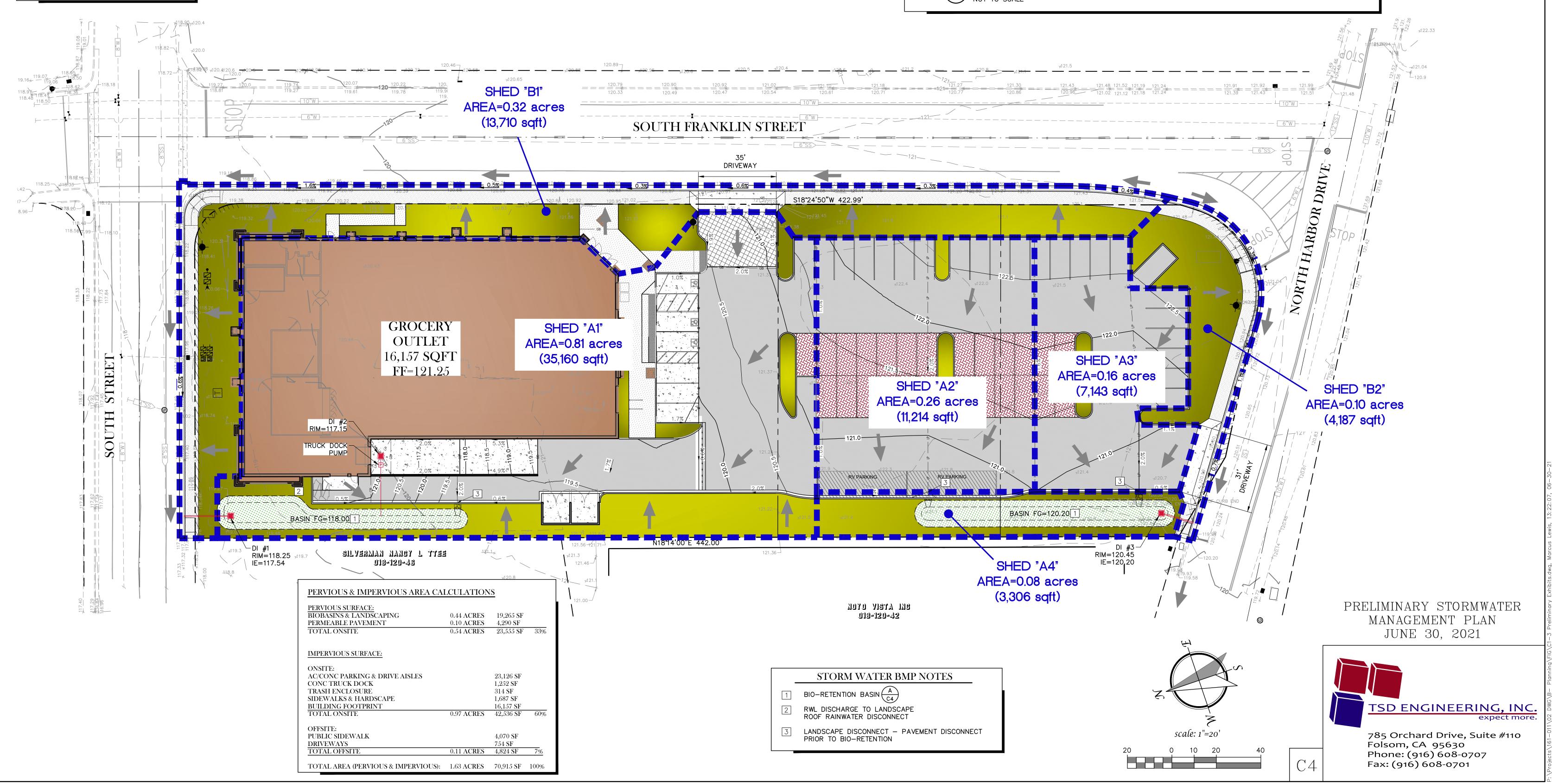


SITE LEGEND DRAINAGE INLET ASPHALT PAVEMENT BUILDING AREA LANDSCAPE AREA P.C.C. CONCRETE BIO RETENTION BASIN CONCRETE SIDEWALK PERMEABLE PAVEMENT DECORATIVE PAVEMENT OVERLAND RELEASE

PRELIMINARY STORM WATER MANAGEMENT PLAN BEST DEVELOPMENT GROUP GROCERY OUTLET

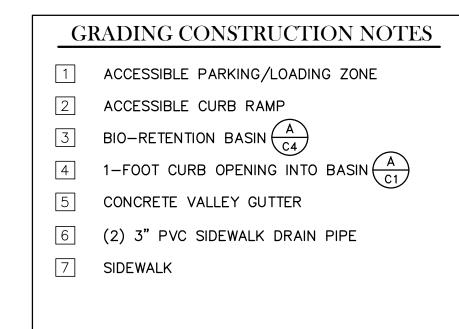
825, 845, 851 SOUTH FRANKLIIN STREET FORT BRAGG, CA





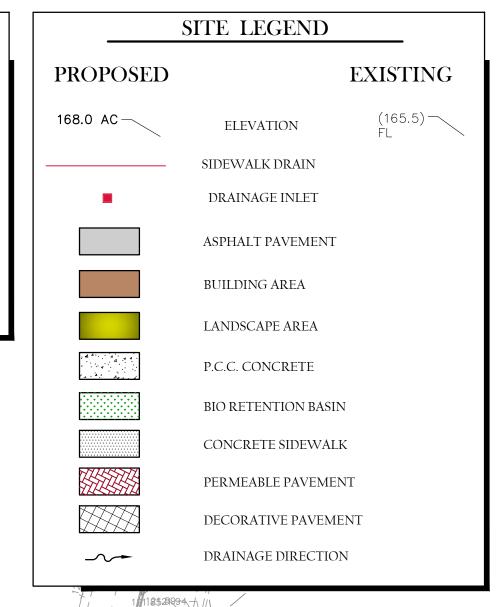
PRELIMINARY GRADING & DRAINAGE PLAN BEST DEVELOPMENT GROUP GROCERY OUTLET

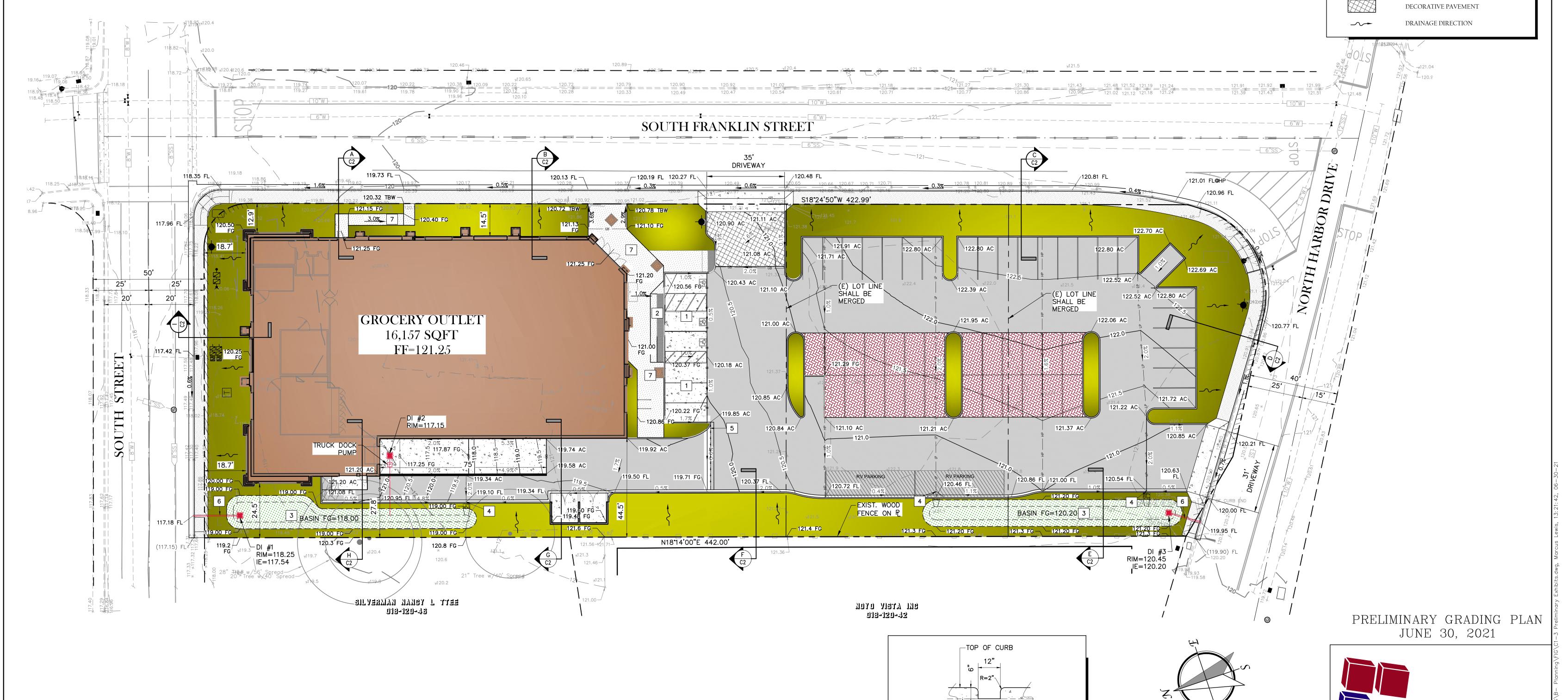
825, 845, 851 SOUTH FRANKLIIN STREET FORT BRAGG, CA



scale: 1"=20'

A CURB OPENING DETAIL



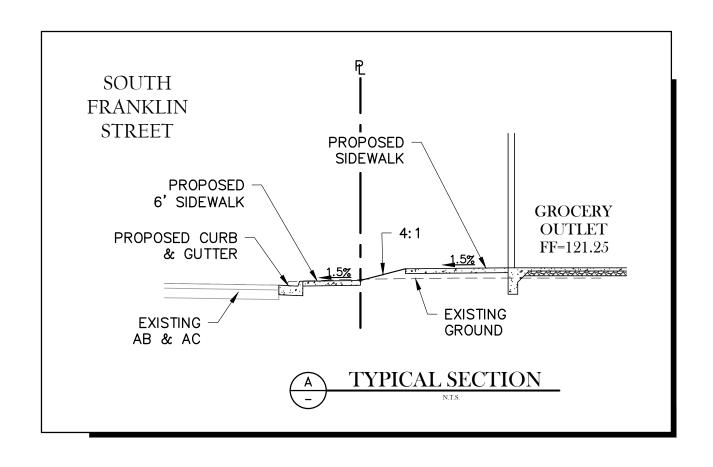


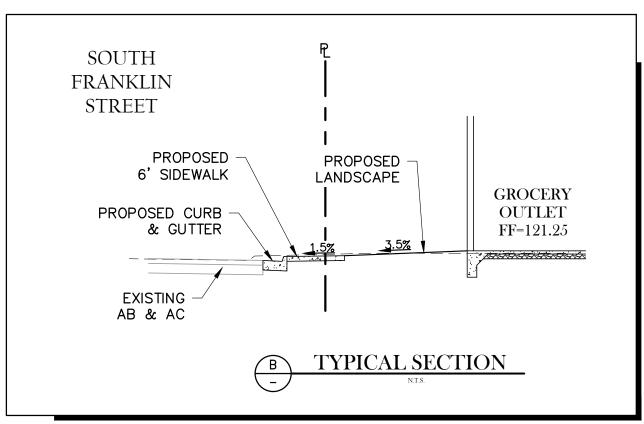
785 Orchard Drive, Suite #110 Folsom, CA 95630 Phone: (916) 608-0707 Fax: (916) 608-0701

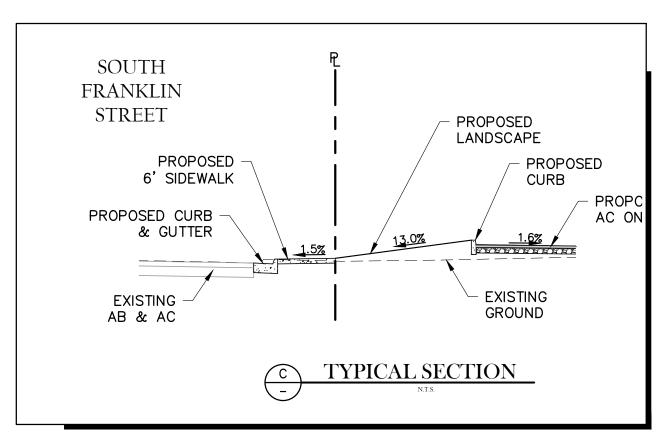
PRELIMINARY GRADING SECTIONS

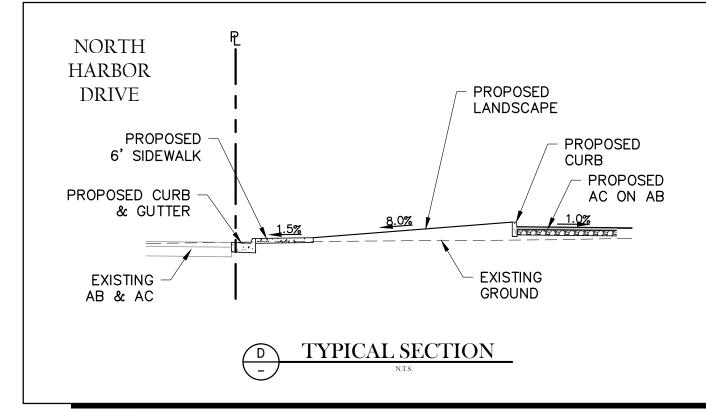
BEST DEVELOPMENT GROUP GROCERY OUTLET

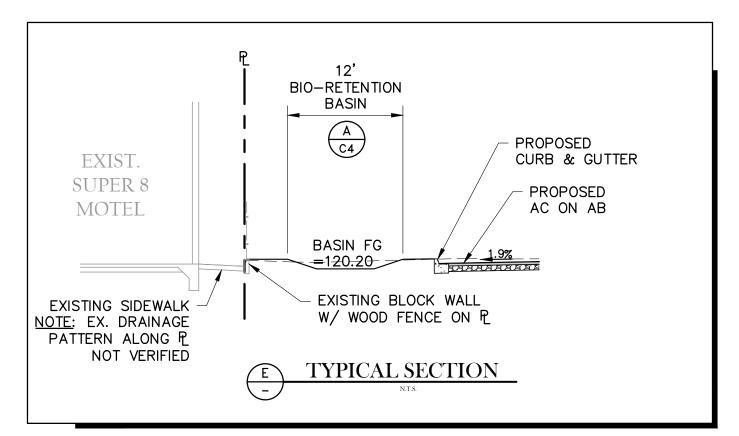
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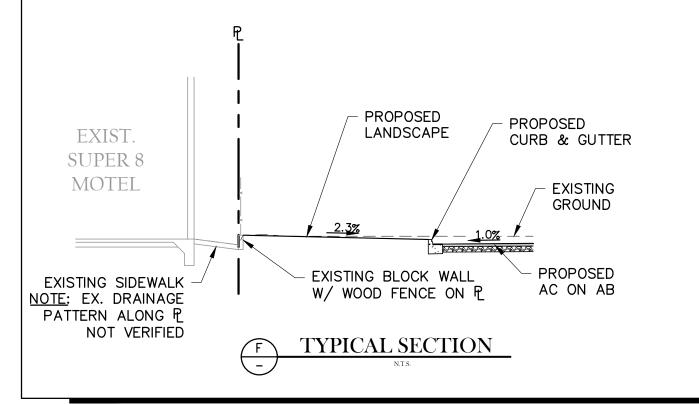


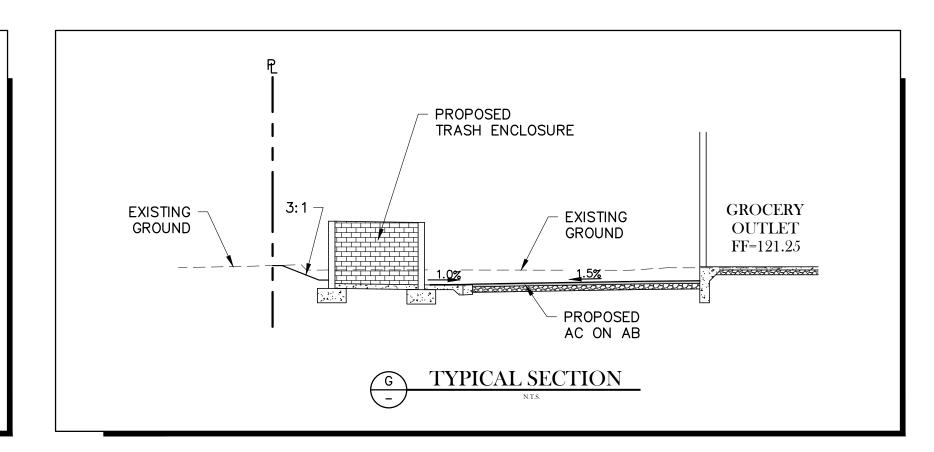


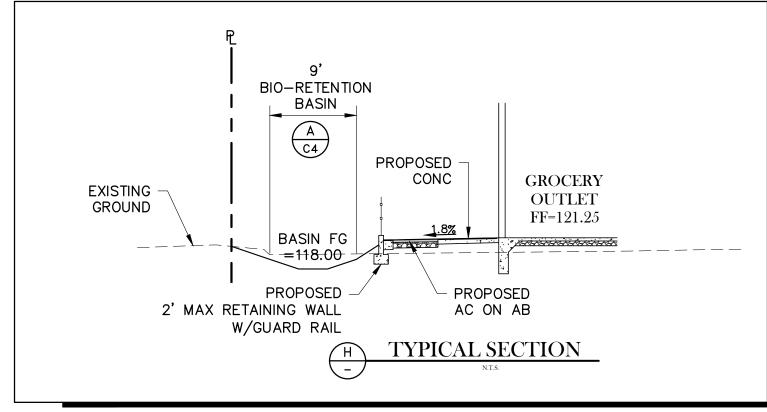


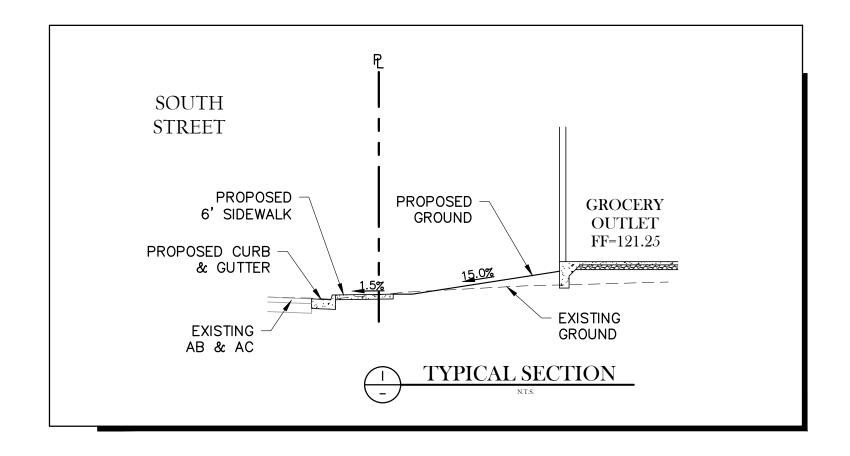




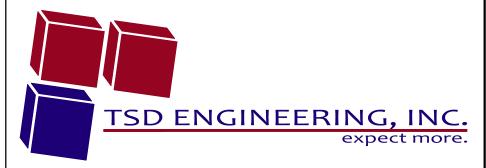








PRELIMINARY SECTIONS JUNE 30, 2021



785 Orchard Drive, Suite #110 Folsom, CA 95630 Phone: (916) 608-0707 Fax: (916) 608-0701

PRELIMINARY SEWER & WATER PLAN BEST DEVELOPMENT GROUP GROCERY OUTLET

825, 845, 851 SOUTH FRANKLIIN STREET FORT BRAGG, CA

S18*24'50"W 422.99'

(E) LOT LINE SHALL BE MERGED

N18°14'00"E 442.00'

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013-130-43 11010 11317 1119

-BACKFLOW

FIRE SERVICE

DOMESTIC WATER POC

DOMESTIC METER & BACKFLOW

EX. TRANSFORMER

-SANITARY SEWER (TYP)

NOTE: (E) 4" SEWER LATERAL TO BE REMOVED & REPLACED WITH 6" SEWER LATERAL

SEWER POC

(WASTE)

GROCERY OUTLET

16,157 SQFT

FF=121.25

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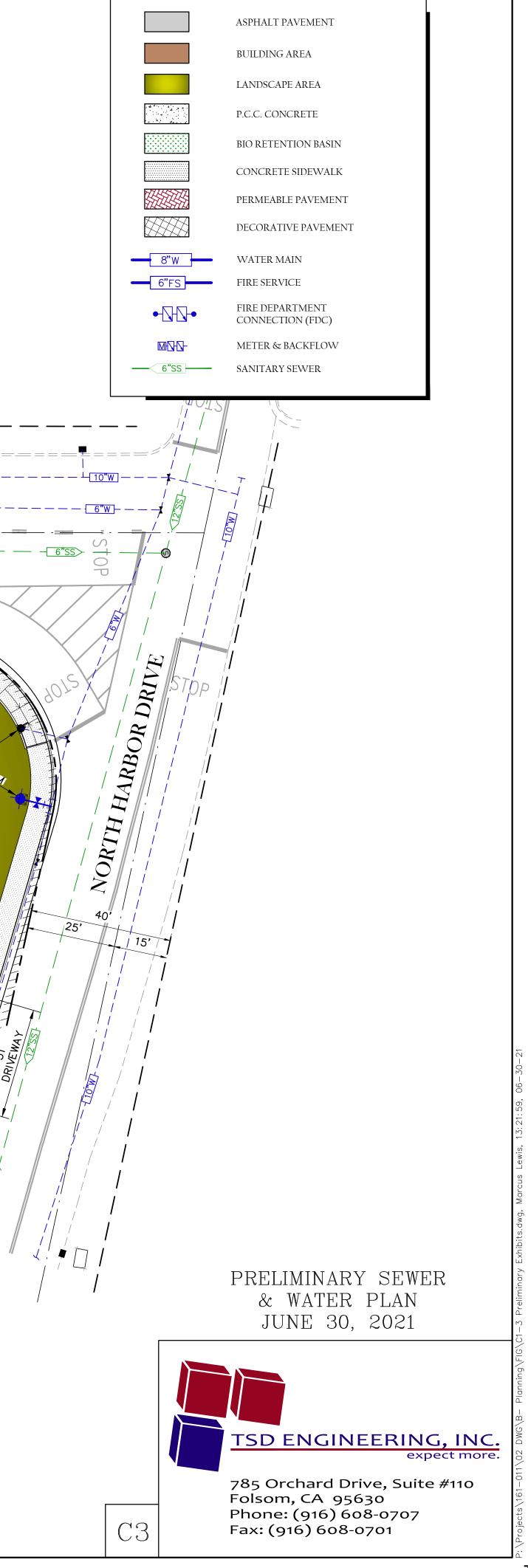
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25'

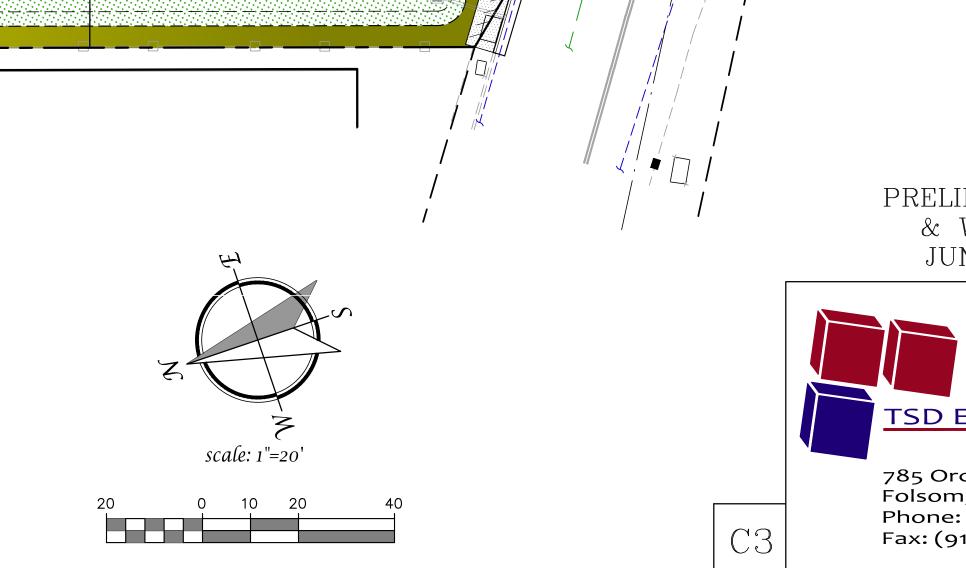
HLOS-

EXIST WATER— MAIN (TYP) IRR METER &-

BACKFLOW



UTILITY PLAN LEGEND



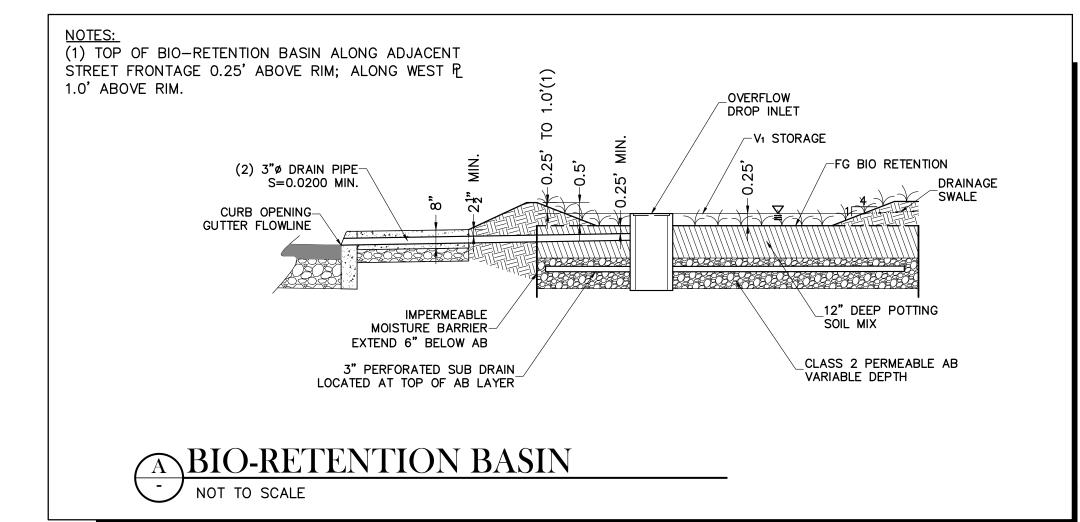
(E) LOT LINE SHALL BE MERGED

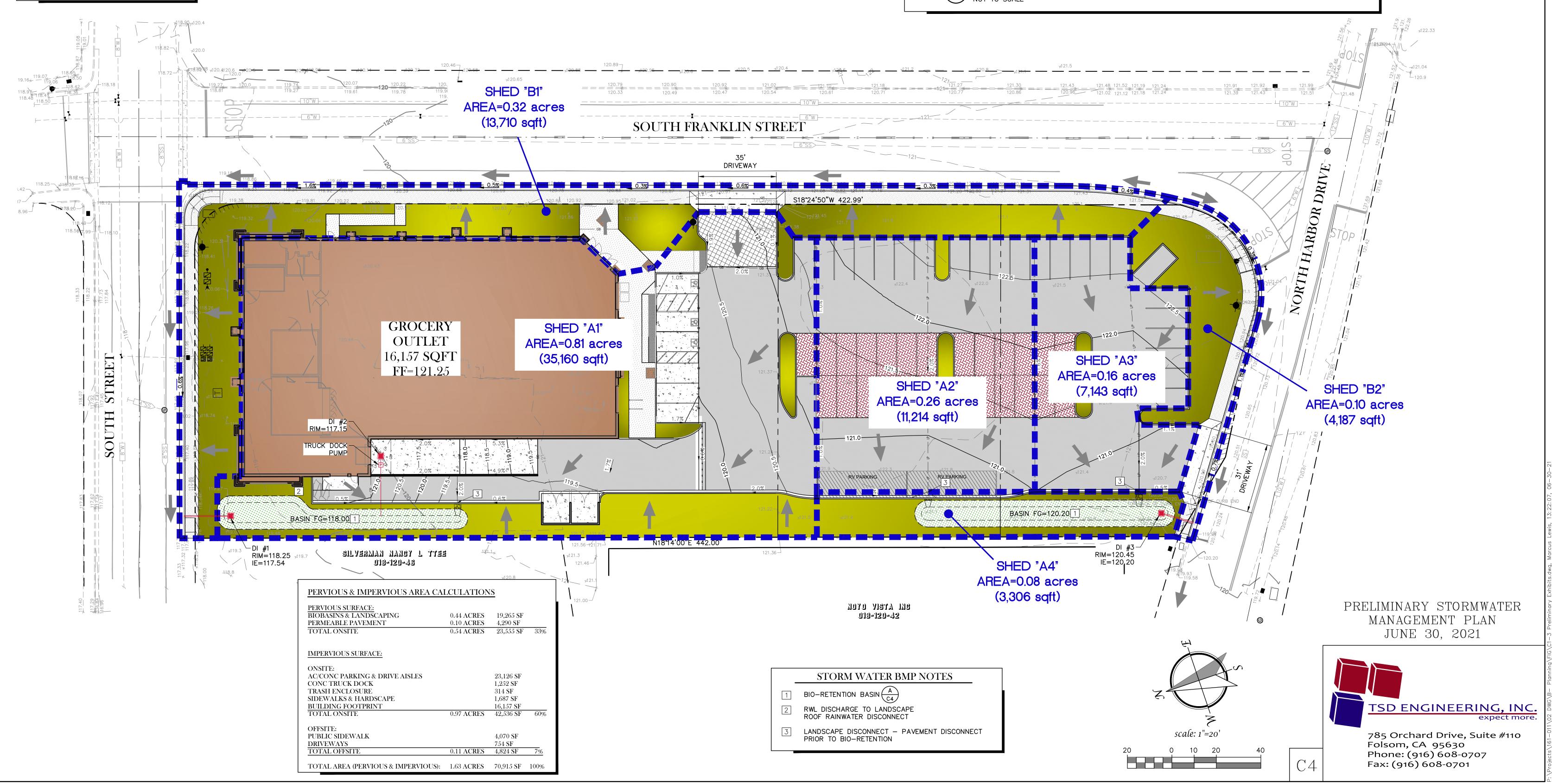
RX RARKING

DRAINAGE INLET ASPHALT PAVEMENT BUILDING AREA LANDSCAPE AREA P.C.C. CONCRETE BIO RETENTION BASIN CONCRETE SIDEWALK PERMEABLE PAVEMENT DECORATIVE PAVEMENT OVERLAND RELEASE

PRELIMINARY STORM WATER MANAGEMENT PLAN BEST DEVELOPMENT GROUP GROCERY OUTLET

825, 845, 851 SOUTH FRANKLIIN STREET FORT BRAGG, CA





VISUAL ANALYSIS

Prepared by Carl M. Maxey, Architect July 19, 2002

THE PROPOSED PROJECT AND CONTEXT

The Fort Bragg Grocery Outlet is a proposed new construction 16,157 square foot retail grocery market to be located in the City of Fort Bragg, California one block East of California Highway 1 near the mouth of the Noyo River.

This site is bounded to the South by North Harbor Drive, to the East by South Franklin Street, to the North by South Street, and to the West by the Super 8 Motel and Chevron gas station. The parcel is mostly flat but slopes down slightly at the North end.

The market's public entrance would face South Franklin Street mid-block. The proposed building parapet height would be approximately 24 feet above sidewalk level on the South side and a little over 25 feet at the North side due to the lower sidewalk elevation there. The proposed building setback from South Street is 18'-7" from the property line, 15'-7" more than the require setback. The proposed building setback from South Franklin Street is 10'-0". The West side of the building adjacent to the motel would be setback 24'-1"; in excess of the required 20 feet setback.

A mature cypress tree along the West site boundary would be protected during construction and retained. There are currently vacant parcels across the street to the North and the East.

The surrounding neighborhood land uses include Highway Visitor Commercial to the West and South, General Commercial to the North and East, and Office Commercial to the Northeast. One block further to the East is Low Density Residential and there exists High Density Residential uses four blocks to the East.

WHAT IS VISUAL SIMULATION

Visual simulations are a standardized representation of proposed projects shown in context of the surroundings. The purpose of these simulations is to provide the community and decision makers an impartial visual representation of the proposed grocery store in neighborhood context alongside a photo of existing conditions.

How These Visual Simulation Views Were Created

The simulations were prepared by Carl Maxey, a certified planner and LEED AP + ND professional. The visual simulations were created by photo collage method that combines a rendered scale model view of the proposed housing facility with a photograph of the site and context.

A normal (50mm planar) lens is used to photograph the site from several vantage points and the same angle of view and eye height was used in the model to create the renderings. Several ground and aerial references were placed in the scene for position and height accuracy verification.

Four simulations were created and shown on the attached exhibits.

VISUAL ANALYSIS OF THE SIMULATIONS

This analysis focuses on urban design considerations from the community's viewpoint. CEQA Visual Resources evaluation is addressed separately by others.

There exist several established design criteria for evaluating buildings in neighborhoods. The most fundamental visual considerations are what the project would present to the community from a visual and social perspective-how the proposed design address community interests and mitigates neighborhood concerns.

Specific design elements and the general design approach appear to shape the market to fit this neighborhood environment. The building envelope would be set back from the sidewalks with a softscape interface. The building would be setback further than required by zoning constraints.

Pedestrian scale appropriate for the area would be established with the combination of building articulation, varied roof heights, application of contrasting wood siding, wood shingles, colored concrete unit masonry and stone exterior finish materials, fenestration (doors and windows) pattern and scale and the use of a wood trellis at the market entry.

It is desirable for buildings to face the street, and for building architecture and streetscape improvements to establish clear visual definition of the public right of way.

The immediate neighborhood is zoned for commercial uses consistent with the general plan and is likely to be developed at a similar height over time. Similar size buildings could be developed across South Street and South Franklin Street in the future that would balance the building massing along the streets. This would have the effect of giving stronger visual definition to the street and the intersection.

Street aspect ratio, the height of buildings or street trees compared with the distance between buildings or street trees across the street, is a measure of a sense of visual enclosure and public space delineation. Although subjective and without empirical basis, LEED for Neighborhood Development uses 1:3 ratio at the lower end of effective for desirable visual definition. A ratio of 1:1 is considered by some the lower end of urban character streets.

The existing aspect ratio across South Franklin Street is considerably less than 1:3 for a short section of the block, even less for the majority of frontage due to vacant lots and roofs that slope down toward the street. If buildings on both sides of South Franklin Avenue were developed to a height of 25 feet, the aspect ratio would be about 1:3 (it is about 75 to 80 feet between building fronts), a ratio that could give clear visual definition to South Franklin Street.

Buildings fronting the adjacent streets may not be developed in the near future to give much visual definition to the street. Planting street trees at regular intervals on both sides of the streets is a visually and cost effective intervention. Street trees that are spaced regularly on both sides of the street increasingly contribute to the sense of visual enclosure and affect the aspect ratio and visual definition

as they mature.

The Grocery Outlet building would provide architectural interest at street level and would not present blank facades to any public way. The market has architectural design elements that wrap around the building on four sides, a positive design quality sometimes referred to as "turning the corner".

There would be strong visual connection between private and public space because of the placement of large windows whether true or faux, landscaping design, trellis at the entry and building entrance facing the street with good pedestrian access from the sidewalk. Generally, windows, false windows and balconies on facades facing the public way help create the perception that someone could appear to look out on the street and support a perceived sense of "eyes on the street" increasing a feeling of security in the neighborhood.

Vehicular access to parking would be via driveways placed the maximum distance from the intersection.

Pedestrian access from the street is only a few feet from the sidewalk and bicycle racks are shown in front of the store. It would be optimal if the racks were located closer to the entrance.

THE FOUR SELECTED VIEWS FOR SIMULATION

We studied the proposed project and neighborhood context with the goal of representing typical daytime visual experiences of neighbors, community members and visitors to the area. Nine camera locations were photographed, considered and narrowed down to the best four views from which to create the visual simulations. These are shown on the key maps on the attached exhibits.

View A

View A was photographed from in front of the Harbor Lite Lodge looking North.

The building would be set quite far back from North Harbor Drive, further even than the existing structure. The parking lot would be visually prominent. The specific landscaping shown is assumed, and placed in areas designated as landscaped on the site plan. A continuous hedge is shown as a parking lot screen. Pylon signage, typical for Grocery Outlet, is absent in the design to respect local preferences.

The building entry would easy to identify because of the hip roof, the trellis, and the fact that it would be angled to the street. Building articulation on the South and East facades helps to establish human scale appropriate for Fort Bragg.

View B

The View B camera position is from in front of the County Social Services site as shown on the key map on the exhibit. Façade articulation establishes a human scale and visual interest at pedestrian level. Specific design elements employed to accomplish this include wall articulation, varied roof heights, lower gable roofs and pilasters, varied finish materials, and large divided lite windows. The increased setbacks that would be softscaped from the back of sidewalk to the building help reduce perceived building scale and help the neighborhood transition to single family homes.

View C

The View C camera position is located in front of the motel sign on South Street. This view was chosen to show the relationship with the residential neighborhood a block away. The design elements used on the South Franklin Street frontage including softscaping would be continued along South Street and even wrap around the West side of the building to the screened loading area. Setbacks along this street that serves as an entry to the residential area would be greater than on South Franklin Street.

View D

The View D camera position is located across the street from the existing driveway on South Franklin Street. This view was chosen to show the visibility of the horizon over the ocean when viewed across the existing onsite parking area and the Chevron site looking West. The simulation was done at a 5.5 ft. eye height. The horizon over the ocean is just visible between the existing building and the cypress tree just above the distant fence line.

ADDITIONAL CONSIDERATIONS

Proposed lighting is not evaluated because information on exterior lighting fixtures and lamping was not provided. Lighting fixtures that are shielded to prevent direct light from the site to project beyond the property would be desirable. Ambient light from the building interior and patio area should be enough when combined with the municipal streetlights to provide most of the street side illumination of the public way. Broad spectral distribution and color rendition of warm tone lighting could provide good visibility at lower light levels than higher levels of cool tone lighting with narrow spectral distribution and color rendition.

Conclusions

Clear design effort was made to minimize the visual impact of a 16,000 square foot building in this setting through the use of exterior materials variation, large windows on three sides, significant use of architectural detail and building envelope articulation, and the absence of large scale signage. Future development across South Franklin and South Street at a similar scale can be expected and would help establish clearer visual definition of the streets. Site organization would place the most active sides of the market furthest from the residential areas. The building would direct sounds from the loading area toward Highway 1 and away from residential uses.





View B Visual Simulation

Fort Bragg Grocery Outlet

Field of View: 46 degrees (Zeiss 50/f1.4 Planar lens)
View Origin and Direction shown below
Shadows: 2:00 PM 23 June 2022









View A Visual Simulation

Fort Bragg Grocery Outlet

Field of View: 46 degrees (Zeiss 50/f1.4 Planar lens)
View Origin and Direction shown below
Shadows: 2:15 PM 23 June 2022









View C

Visual Simulation

Fort Bragg Grocery Outlet

Field of View: 46 degrees (Zeiss 50/f1.4 Planar lens)
View Origin and Direction shown below
Shadows: 2:30 PM 23 June 2022









View D Visual Simulation

Fort Bragg Grocery Outlet

Field of View: 46 degrees (Zeiss 50/f1.4 Planar lens) View Origin and Direction shown below Shadows: 1:00 PM 18 July 2022 5.5 Ft. Eye Height above Sidewalk







GROCERY OUTLET

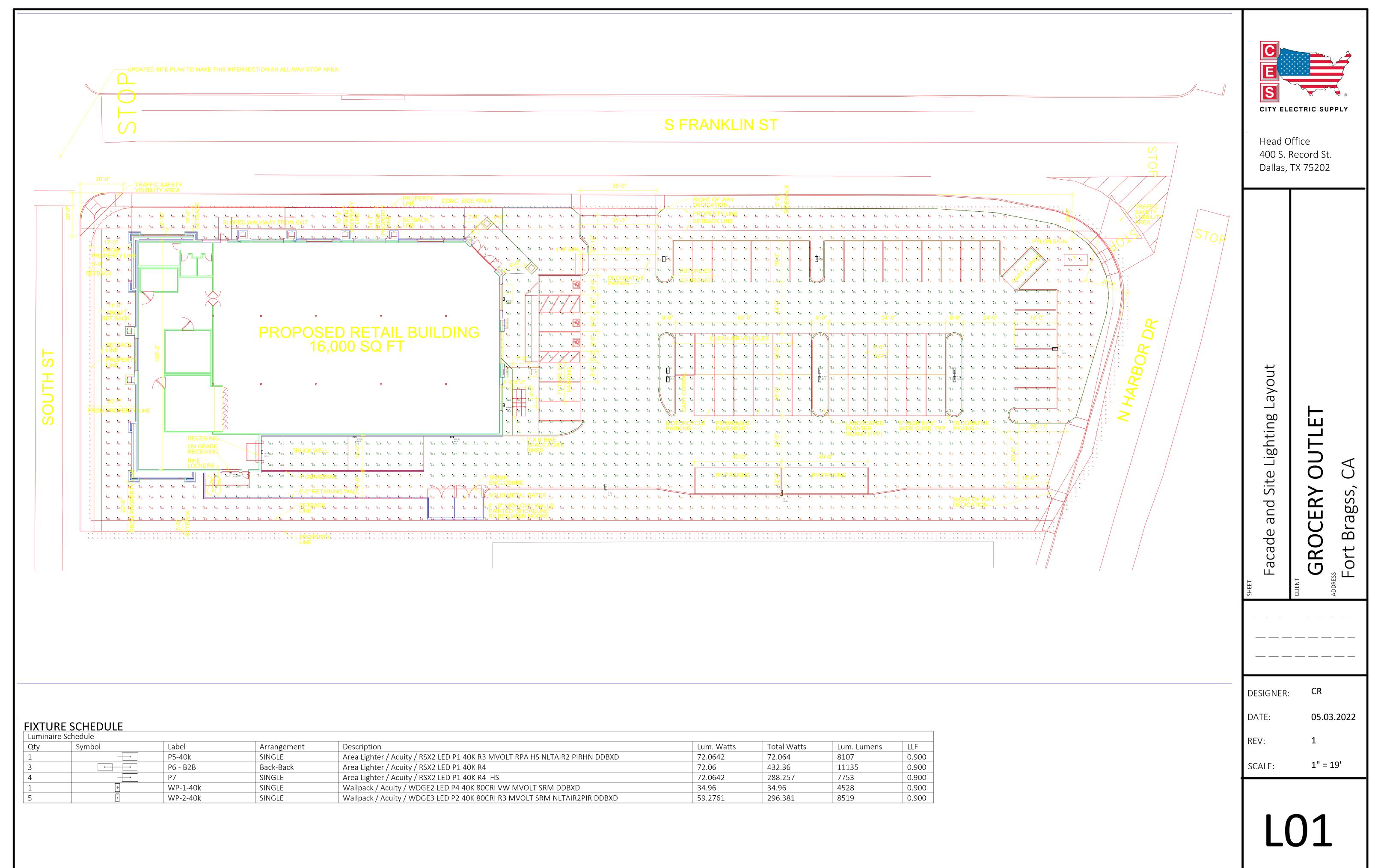
Proposed Lighting Layout

SHEET LO1: LIGHTING SCHEDULE

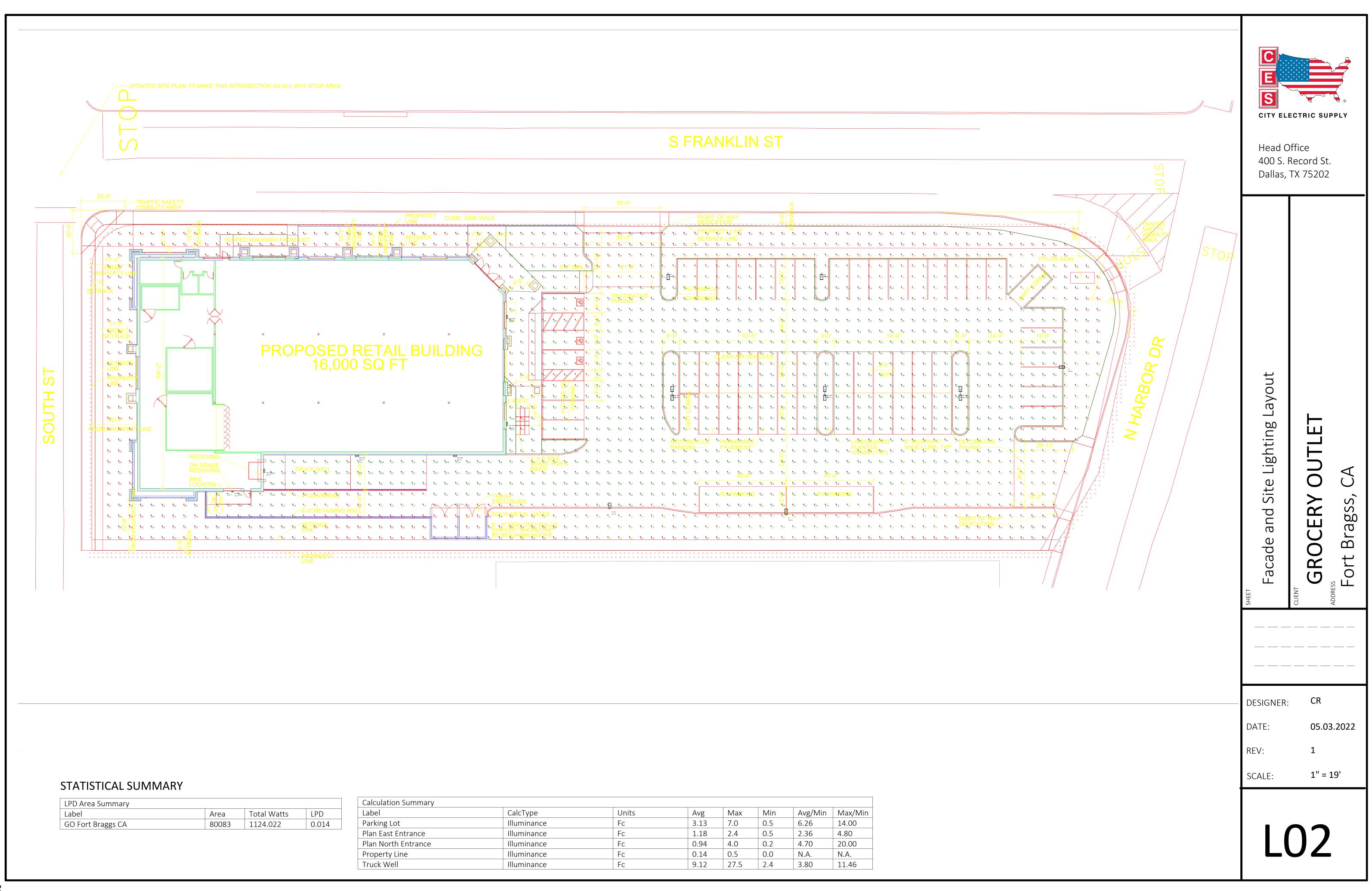
SHEET LO2: PHOTOTMETRIC STUDY

SHEET LO3: SUMMARY PAGE



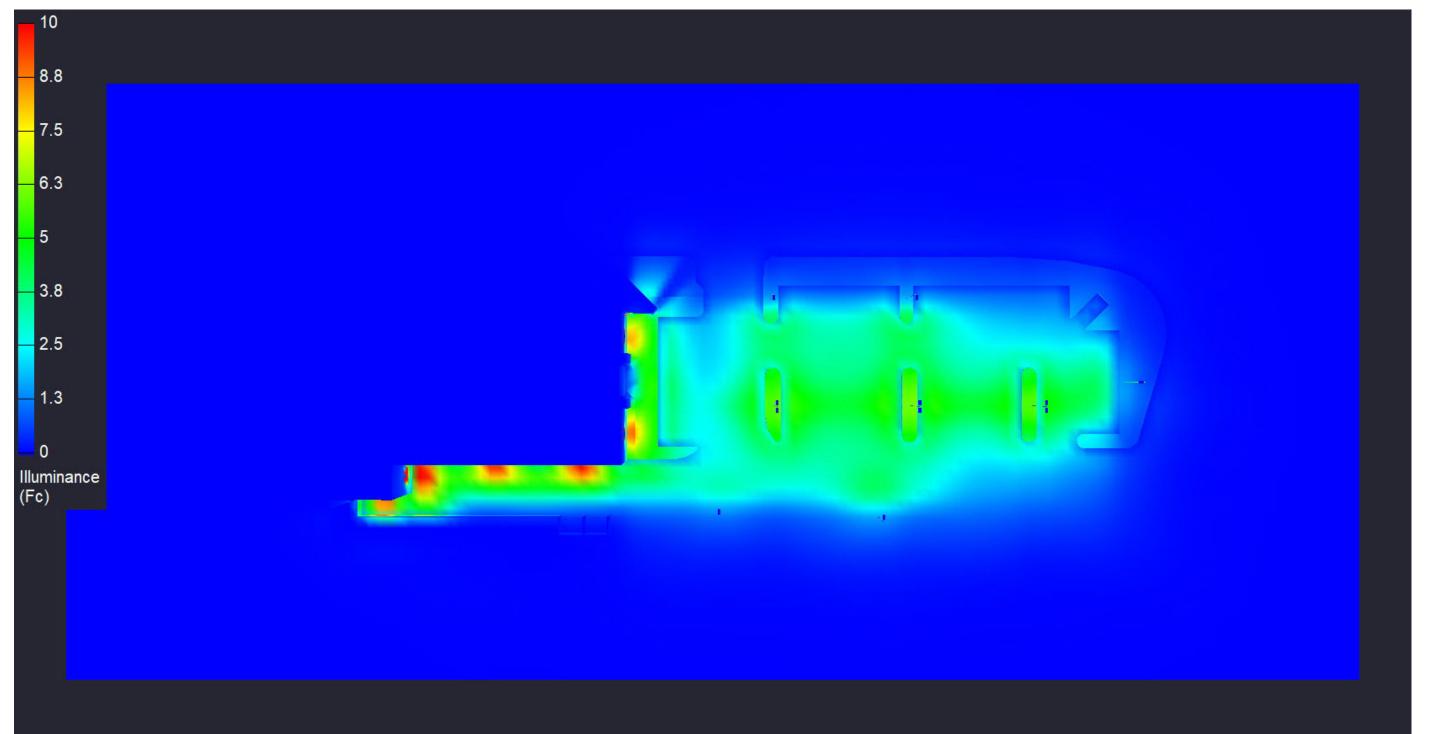


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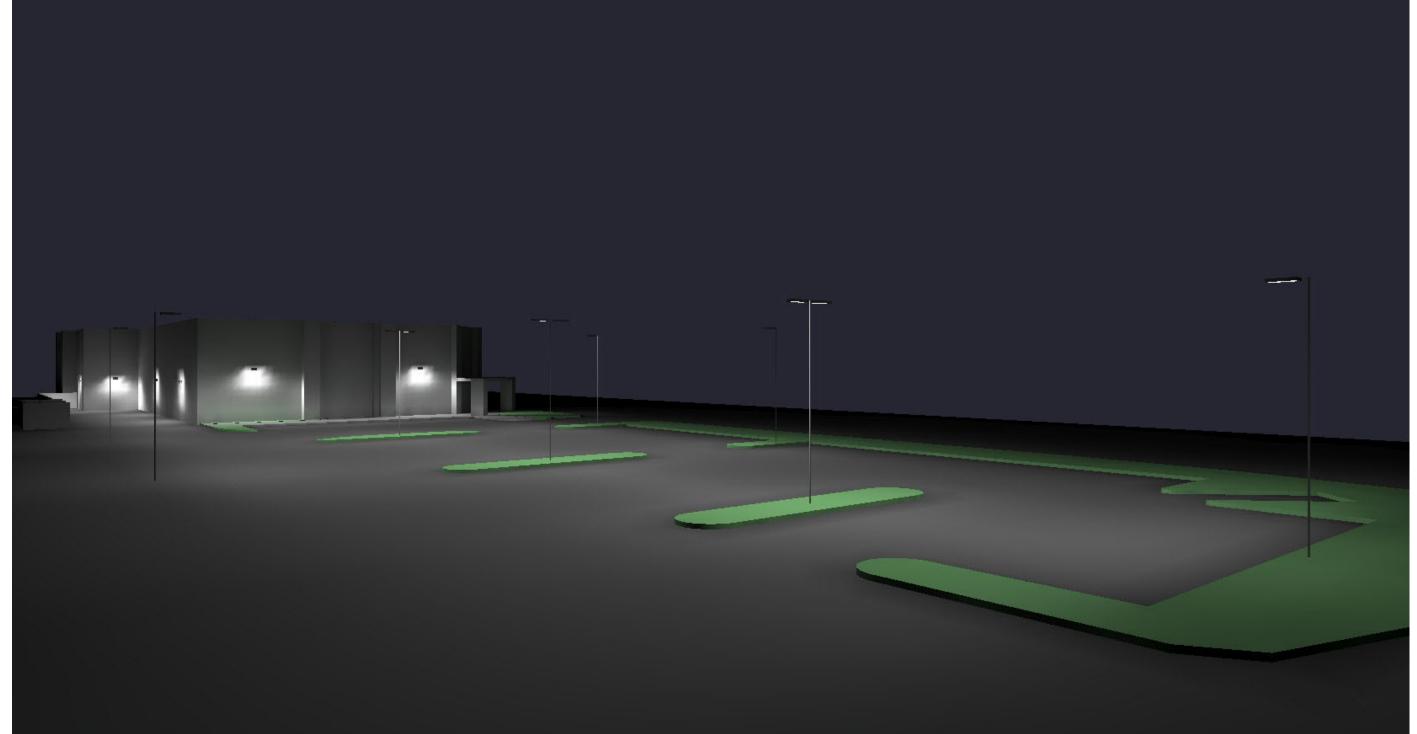


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Plan View Pseudo Plan View Grayscale



Side View

FIXTURE SCHEDULE

Luminaire	Schedule							
Qty	Symbol	Label	Arrangement	Description	Lum. Watts	Total Watts	Lum. Lumens	LLF
1		P5-40k	SINGLE	Area Lighter / Acuity / RSX2 LED P1 40K R3 MVOLT	72.0642	72.064	8107	0.900
				RPA HS NLTAIR2 PIRHN DDBXD				
3		P6 - B2B	Back-Back	Area Lighter / Acuity / RSX2 LED P1 40K R4	72.06	432.36	11135	0.900
4	——————————————————————————————————————	P7	SINGLE	Area Lighter / Acuity / RSX2 LED P1 40K R4 HS	72.0642	288.257	7753	0.900
1	+	WP-1-40k	SINGLE	Wallpack / Acuity / WDGE2 LED P4 40K 80CRI VW	34.96	34.96	4528	0.900
				MVOLT SRM DDBXD				
5	•	WP-2-40k	SINGLE	Wallpack / Acuity / WDGE3 LED P2 40K 80CRI R3	59.2761	296.381	8519	0.900
				MVOLT SRM NLTAIR2PIR DDBXD				

STATISTICAL SUMMARY

Label	Area	Total Watts	LPD
GO Fort Braggs CA	80083	1124.022	0.014

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Parking Lot	Illuminance	Fc	3.13	7.0	0.5	6.26	14.00
Plan East Entrance	Illuminance	Fc	1.18	2.4	0.5	2.36	4.80
Plan North Entrance	Illuminance	Fc	0.94	4.0	0.2	4.70	20.00
Property Line	Illuminance	Fc	0.14	0.5	0.0	N.A.	N.A.
Truck Well	Illuminance	Fc	9.12	27.5	2.4	3.80	11.46



Head Office 400 S. Record St. Dallas, TX 75202

Site Lighting Layout Bragss, GROCERY DESIGNER:

05.03.2022

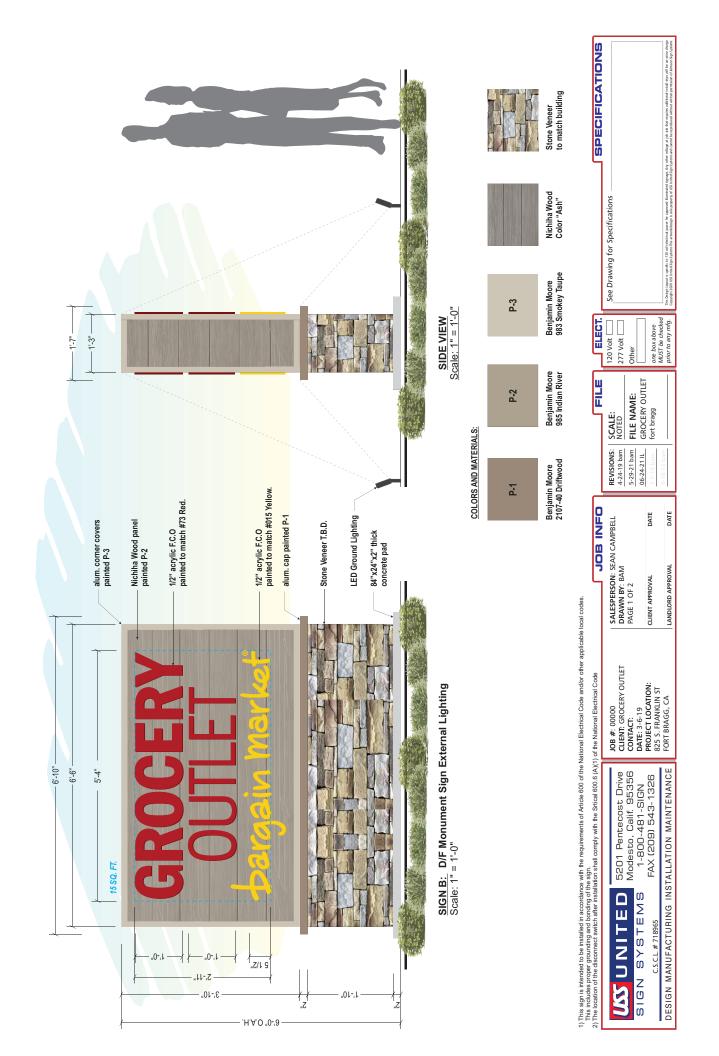
1" = 14'

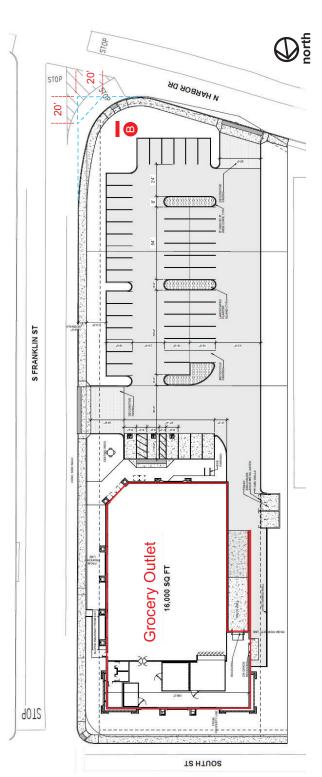
Facade

DATE:

REV:

SCALE:

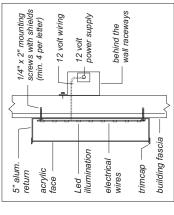




SITE PLAN

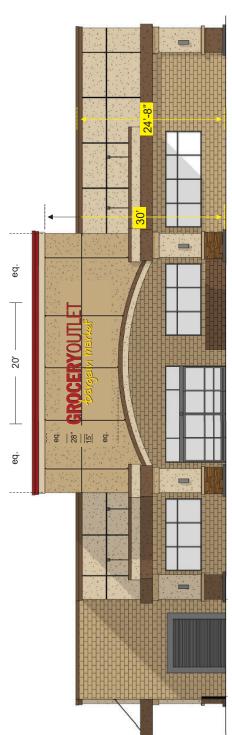






Led P/C Letter Mount Detail

Sign A: Led Illuminated Pan Channel Sign Scale 1/2"=1'-0" clear acrylic letter faces with 2nd surface vinyl decoration; white, golden yellow #3630-125, 5" deep black returns with black 1" trimcap. ul approved white Led illumination.



Building Front Elevation / Scale 3/32"=1'-0"

5201 Pentecost Drive Modesto, Calif. 95356 1-800-481-SIGN FAX (209) 543-1326 DESIGN MANUFACTURING INSTALLATION MAINTENANCE **ISSUNITED** SIGN SYSTEMS

SALESPERSON: SEAN CAMPBELL DRAWN BY: BAM PAGE 1 OF 3 LANDLORD APPROVAL CLIENT APPROVAL JOB #: 00000
CLINTI: GROCERY OUTLET
CONTACT:
DATE: 3-6-19
RYOJECT LOCATION:
825 S. FRANKLIN ST
FORT BRAGG, CA

SPECIFICATIONS See Drawing for Specifications one box above MUST be checked prior to any mfg. ELECT. 120 Volt [_____ 277 Volt [_____] Other

FILE NAME: GROCERY OUTLET fort bragg

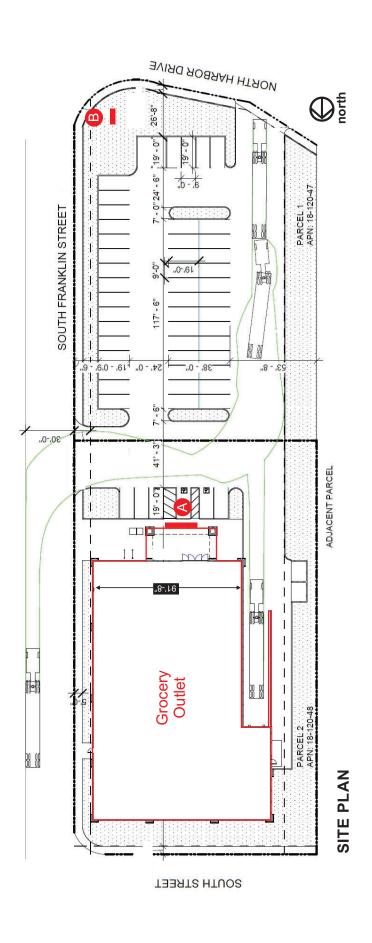
DATE DATE

FILE

JOB INFO

SCALE: NOTED

REVISIONS: 4-24-19 bam



SPECIFICATIONS See Drawing for Specifications one box above MUST be checked prior to any mfg. ELECT. 120 Volt _____ 277 Volt _____ Other FILE NAME: GROCERY OUTLET fort bragg FILE SCALE: NOTED REVISIONS: 4-24-19 bam DATE DATE SALESPERSON: SEAN CAMPBELL DRAWN BY: BAM PAGE 3 OF 3 JOB INFO LANDLORD APPROVAL CLIENT APPROVAL JOB #: 00000
CLINT: GROCERY OUTLET
CONTACT:
DATE: 3-6-19
RYOJECT LOCATION:
825 S. FRANKLIN ST
FORT BRAGG, CA 5201 Pentecost Drive Modesto, Calif. 95356 1-800-481-SIGN FAX (209) 543-1326 DESIGN MANUFACTURING INSTALLATION MAINTENANCE ISS UNITED SYSTEMS 20 0 0

EXHIBIT "A" RESULTANT PARCEL A

All that real property situate in the City of Fort Bragg, County of Mendocino, State of California, being a portion of Section 18, Township 18 North, Range 17 West, M.D.M., described as follows:

All of Tracts One and Two described in Grant Deed recorded in Book 2458, Page 701, and all of Parcel 1 described in Grant Deed recorded in Book 2379, Page 263, Official Records of Mendocino County, more particularly described as follows:

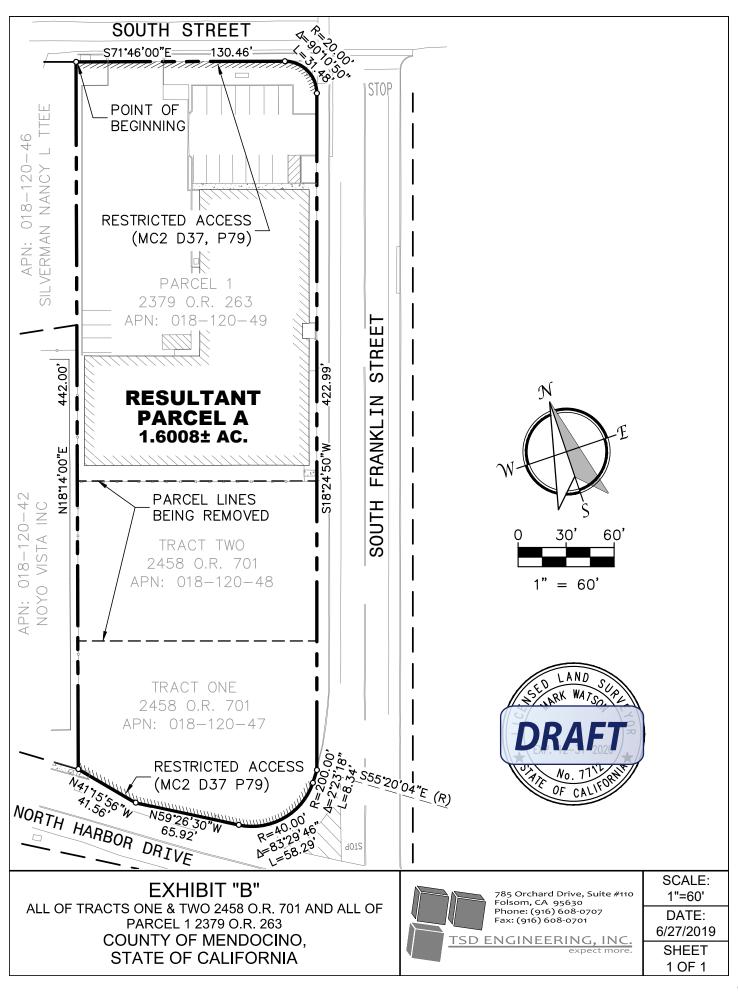
BEGINNING at the northwest corner of said Parcel 1; thence along the boundary line of said parcel 1 and said Tracts One and Two the following eight (8) courses:

- 1. South 71°46'00" East 130.46 feet to a tangent curve to the right, having a radius of 20.00 feet
- 2. Along said curve, through a central angle of 90°10'50", an arc distance of 31.48 feet
- 3. South 18°24'50" West 422.99 feet to a point on a non-tangent curve to the right, having a radius of 200.00 feet, a radial line through said point bearing South 55°20'04" East
- 4. Along said curve, through a central angle of 2°23'18", an arc distance of 8.34 feet to a tangent curve to the right, having a radius of 40.00 feet
- 5. Along said curve, through a central angle of 83°29'46", an arc distance of 58.29 feet
- 6. North 59°26'30" West 65.92 feet
- 7. North 41°15'56" West 41.56 feet
- 8. North 18°14'00" East 442.00 feet to the **POINT OF BEGINNING**

Containing 69,733 square feet, more or less.

End of description.





(Rev. 11/06)

Order Number: 3427-5831251

Page Number: 1



First American Title Company

3001 I Street, Suite 100 Sacramento, CA 95816

Escrow Officer:

Phone:

(916)490-4512
Fax No.:

(714)689-5184

E-Mail: LKaufman@firstam.com

E-Mail Loan Documents to: MidtowneDocs@firstam.com

Buyer: Best Development Group, LLC

Property: 851, 845 and 825, South Franklin Street

Fort Bragg, CA 95437

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Order Number: **3427-5831251**Page Number: 2

Dated as of November 15, 2018 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

To Be Determined

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

Dominic J. Affinito and Juliette C. Affinito, husband and wife, as Community Property

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

- 1. Detailed tax information to be provided under separate cover.
- 2. The following matters shown or disclosed by the filed or recorded map referred to in the legal description: Various Notes And Recitals
- 3. Abutter's rights of ingress and egress to or from South Street and South Franklin Street and North Harbor Drive, have been dedicated or relinquished on the filed Map.
- 4. Intentionally Deleted
- 5. A Deed of Trust to secure an original indebtedness of \$3,500,000.00 recorded August 6, 2010 as Instrument No. 2010-10989 of Official Records.

Dated: July 28, 2010

Trustor: Dominic J. Affinito and Juliette C. Affinito, husband and wife as

community property

Trustee: StoneTree Financial, Inc. a California corporation

Beneficiary: David Pick Family Partnership, L.P.

Page Number: 3

Notes:

a. If this deed of trust is to be eliminated in the policy or policies contemplated by this report/commitment, we will require all of the following prior to the recordation of any documents or the issuance of any policy of title insurance:

- i. Original note and deed of trust.
- ii. Payoff demand statement signed by all present beneficiaries.
- iii. Request for reconveyance signed by all present beneficiaries.
- b. If the payoff demand statement or the request for reconveyance is to be signed by a servicer, we will also require a full copy of the loan servicing agreement executed by all present beneficiaries.
- c. If any of the beneficial interest is presently held by trustees under a trust agreement, we will require a certification pursuant to Section 18100.5 of the California Probate Code in a form satisfactory to the Company

The above deed of trust states that it secures an equity line/revolving line of credit.

- 6. The fact that the land lies within the boundaries of the The Fort Bragg Redevelopment Project Area, as disclosed by various documents of record.
- 7. Water rights, claims or title to water, whether or not shown by the public records.

(Affects Parcels One and Two)

8. Rights of parties in possession.

Page Number: 4

INFORMATIONAL NOTES

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. The property covered by this report is vacant land.

(Affects PARCELS ONE AND TWO)

2. According to the latest available equalized assessment roll in the office of the county tax assessor, there is located on the land a(n) Commercial Structure known as 825 South Franklin Street, Fort Bragg, California.

(Affects PARCEL THREE)

3. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

Page Number: 5

LEGAL DESCRIPTION

Real property in the City of Fort Bragg, County of Mendocino, State of California, described as follows:

PARCEL ONE: (APN: 018-120-47-00)

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF FORT BRAGG, COUNTY OF MENDOCINO, STATE OF CALIFORNIA AND BEING A PORTION OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 17 WEST, M.D.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS USED IN THIS DESCRIPTION ARE IN TERMS OF THE CALIFORNIA STATE GRID ZONE II.

COMMENCING AT THE NORTHWEST CORNER OF PARCEL 1, AS DELINEATED UPON THAT CERTAIN PARCEL MAP FILED IN MAP CASE 2, DRAWER 37, PAGE 79, MENDOCINO COUNTY RECORDS; SAID POINT ALSO BEING IN THE SOUTHERLY RIGHT OF WAY OF SOUTH STREET; THENCE FROM SAID POINT OF COMMENCEMENT AND ALONG THE WESTERLY BOUNDARY OF SAID PARCELS 1, 2 AND 3, SOUTH 18° 14' 00" WEST, 361.81 FEET, TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, SOUTH 71° 35' 10" EAST, 149.38 FEET, TO A POINT IN THE WESTERLY RIGHT OF WAY OF FRANKLIN STREET; THENCE ALONG SAID RIGHT OF WAY OF FRANKLIN STREET, SOUTH 18° 24' 50" WEST, 80.77 FEET; THENCE ALONG A CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 2° 23' 17" A RADIUS OF 206.00 FEET, AN ARC LENGTH OF 8.34 FEET, TO A POINT OF COMPOUND CURVE, ALSO BEING CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 83° 29' 46", A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 58.92 FEET TO A POINT IN THE NORTHERLY RIGHT OF WAY OF NORTH HARBOR DRIVE; THENCE ALONG SAID NORTHERLY RIGHT OR WAY, NORTH 59° 26' 30" WEST, 65.92 FEET; THENCE NORTH 41° 15' 56" WEST 41.56 FEET TO A POINT IN THE WESTERLY BOUNDARY OF SAID PROPERTY; THENCE LEAVING SAID RIGHT OR WAY OF NORTH HARBOR DRIVE, AND ALONG SAID WESTERLY PROPERTY BOUNDARY, NORTH 18° 14' 00" EAST, 80.19 FEET TO THE POINT OF BEGINNING.

PARCEL TWO: (APN: 018-120-48-00)

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF FORT BRAGG, COUNTY OF MENDOCINO, STATE OF CALIFORNIA AND BEING A PORTION OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 17 WEST, M.D.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS USED IN THIS DESCRIPTION ARE IN TERMS OF THE CALIFORNIA STATE GRID ZONE II.

COMMENCING AT THE NORTHWEST CORNER OF PARCEL 1, AS DELINEATED UPON THAT CERTAIN PARCEL MAP FILED IN MAP CASE 2, DRAWER 37, PAGE 79, MENDOCINO COUNTY RECORDS; SAID POINT ALSO BEING IN THE SOUTHERLY RIGHT OF WAY OF SOUTH STREET; THENCE FROM SAID POINT OF COMMENCEMENT AND ALONG THE WESTERLY BOUNDARY OF SAID PARCELS 1 AND 2, SOUTH 18° 14' 00" WEST, 261.81 FEET, TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, SOUTH 71° 35' 10" EAST, 149.69 FEET, TO A POINT IN THE WESTERLY RIGHT OF WAY OF FRANKLIN STREET; THENCE ALONG SAID RIGHT OF WAY OF FRANKLIN STREET, SOUTH 18° 24' 50" WEST, 100.00 FEET; THENCE LEAVING SAID RIGHT OF WAY OF FRANKLIN STREET, NORTH 71° 35' 10" WEST, 149.38 FEET; TO A POINT IN THE WESTERLY BOUNDARY OF SAID PROPERTY; THENCE ALONG SAID WESTERLY BOUNDARY, NORTH 18° 14' 00" EAST, 100.00 FEET, TO THE POINT OF BEGINNING.

PARCEL THREE: (APN: 018-120-49-00)

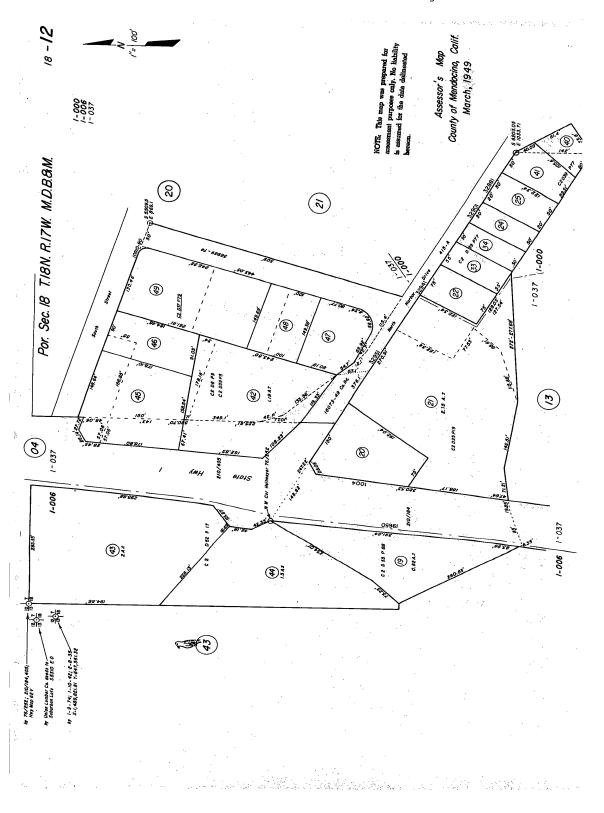
BEING A PORTION OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 17 WEST, M.D.N., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1 AS DELINEATED UPON THAT CERTAIN PARCEL MAP FILED IN MAP CASE 2, DRAWER 37, PAGE 79, MENDOCINO COUNTY RECORDS; SAID POINT ALSO

Page Number: 6

BEING IN THE SOUTHERLY RIGHT OF WAY OF SOUTH STREET; THENCE FROM SAID POINT OF BEGINNING AND ALONG SAID RIGHT OF WAY, SOUTH 71° 46' 00" EAST, 130.46 FEET; THENCE ALONG A TANGENT CURVE CONCAVE TO THE SOUTHWEST, HAVING A CENTRAL ANGLE OF 90° 10' 50", A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.48 FEET, TO A POINT IN THE WESTERLY RIGHT OF WAY OF FRANKLIN STREET; THENCE ALONG SAID RIGHT OF WAY OF FRANKLIN STREET, SOUTH 18° 24' 50" WEST, 242.22 FEET; THENCE LEAVING SAID RIGHT OF WAY OF FRANKLIN STREET, NORTH 71° 35' 10" WEST, 149.69 FEET TO THE WESTERLY LINE OF PARCEL 2 AS DELINEATED UPON ABOVE SAID MAP; THENCE ALONG THE WESTERLY BOUNDARY OF SAID PARCELS 2 AND 1, NORTH 18° 14' 00" EAST, 261.81 FEET TO THE POINT OF BEGINNING.

Order Number: **3427-5831251**Page Number: 7



Page Number: 8

NOTICE

Section 12413.1 of the California Insurance Code, effective January 1, 1990, requires that any title insurance company, underwritten title company, or controlled escrow company handling funds in an escrow or sub-escrow capacity, wait a specified number of days after depositing funds, before recording any documents in connection with the transaction or disbursing funds. This statute allows for funds deposited by wire transfer to be disbursed the same day as deposit. In the case of cashier's checks or certified checks, funds may be disbursed the next day after deposit. In order to avoid unnecessary delays of three to seven days, or more, please use wire transfer, cashier's checks, or certified checks whenever possible.

Page Number: 9

EXHIBIT A LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS (BY POLICY TYPE)

CLTA STANDARD COVERAGE POLICY - 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 - (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- 2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- 3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant:
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy:
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
- 4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
- 5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
- 6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
 - Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public, records.
- 2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
- 3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
- 6. Any lien or right to a lien for services, labor or material not shown by the public records.

CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

- 1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;

Page Number: 10

- d. improvements on the Land;
- e. land division; and
- f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

- 2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
- 3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
- 4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
- 5. Failure to pay value for Your Title.
- Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.
 - This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
- 7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
- 8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
- 9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows: For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A. The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less)	\$10,000
Covered Risk 18:	1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less)	\$25,000
Covered Risk 19:	1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less)	\$25,000
Covered Risk 21:	1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less)	\$5,000

2006 ALTA LOAN POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

- (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- 2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- 3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

Page Number: 11

- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- 4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
- 5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
- 6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
- 7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

[Except as provided in Schedule B - Part II,[t[or T]his policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

[PART I

[The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

- 1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
- 3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
- 4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
- 6. Any lien or right to a lien for services, labor or material not shown by the public records.

PART II

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:]

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

- 1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- 2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- 3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

Page Number: 12

- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 or 10): or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- 4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
- 5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of: [The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

- 1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
- 3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
- 4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
- 6. Any lien or right to a lien for services, labor or material not shown by the Public Records.
- 7. [Variable exceptions such as taxes, easements, CC&R's, etc. shown here.]

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

- (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- 2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- 3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- 4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
- 5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
- 6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the

Page Number: 13

Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.

- 7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
- 8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
- 9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
- 10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
- 11 Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

Page Number: 14



Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

Information we receive from you on applications, forms and in other communications to us, whether in writing, in the communications to us, whether in writing in the communications to us, whether in writing in the communications to us, whether in writing in the communication where the communication is the communication of the communication where the communication is the communication of the communication of the communication where the communication is the communication of the communication o

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means; Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First

American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

Form 50-PRIVACY (9/1/10)

Page 1 of 1

Privacy Information (2001-2010 First American Financial Corporation)

Prelim Parcel Three APN 18-120-49

Order No. Escrow No. Loan No.

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WHEN RECORDED MAIL TO:

DOMINIC J. AFFINITO JULIETTE C. AFFINITO 400 S. MAIN STREET FORT BRAGG, CA 95437 00019757
Recorded at the request of
FIRST AMERICAN TITLE CO
Book 2379 Page 263
12/06/1996 11:04A
Fee: \$10.00 No of Pages:2

OFFICIAL RECORDS
MENDOCINO COUNTY CALIF
MARSHA A. YOUNG, RECORDER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$_ NONE

Computed on the consideration or value of property conveyed, OR

Computed on the consideration or value less liens or encumbrances remaining at time of sale.

As declared by the undersigned Grantor

Signature of Declarant or Agent determining tax - Firm Name

APN #18-120-36,37

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, CITY OF FORT BRAGG, a Municipal Corporation

hereby GRANT(S) to DOMINIC J. AFFINITO and JULIETTE C. AFFINITO, husband and wife, as Community Property

the real property in the City of Fort Bragg, County of Mendocino

, State of California, described

See DESCRIPTION attached hereto and made a part hereof

Dated 1	November 12, 1996.	
STATE OF	CALIFORNIA F Mendocino	} }ss. }
On Nov	vember 14, 1996 R. Burlesci	
before me.	R. Burlesci	, personally
appeared _	Patricia A. Campbell	

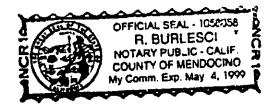
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

CITY OF FORT BRAGG, a Municipal Corporation

Patricia A. Campbell, Mayor



(This area for official notanal seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1002-SM (1/94)

Parcel 1

DESCRIPTION

All that real property situate in the City of Fort Bragg, County of Mendocino, State of California and being a portion of Section 18, Township 18 North, Range 17 West, M.D.M. more particularly described as follows:

All bearings used in this description are in terms of the California State Grid Zone II.

Beginning at the northwest corner of Parcel 1 as delineated upon that certain Parcel Map filed in Map Case 2, Drawer 37, Page 79, Mendocino County Records; said point also being in the southerly Right of Way of South Street; thence from said point of beginning and along said Right of Way, South 71° 46' 00" East, 130.46 feet; thence along a tangent curve concave to the southwest, having a central angle of 90° 10' 50", a radius of 20.00 feet, an arc length of 31.48 feet, to a point in the westerly Right of Way of Franklin Street; thence along said right of way of Franklin Street, South 18° 24' 50" West, 242.22 feet; thence leaving said right of way of Franklin Street, North 71° 35' 10" West, 149.69 feet to the westerly line of Parcel 2 as delineated upon above said map; thence along the westerly boundary of said Parcels 2 & 1, North 18° 14' 00" East, 261.81 feet to the point of beginning.

Containing 39,249.67 sq. ft. (.90 Acres) more or less

A.P. #'s 18-12-36 and x37



Order No.

Escrow No.

170305

Loan No.

WHEN RECORDED MAIL TO:

Dominic J. Affinito Juliette C. Affinito 400 S. Main Street Fort Bragg, CA 95437 00019086 Recorded at the request of FIRST AMERICAN TITLE CO Book 2458 Page 701 11/18/1997 10:38A No of Pages:3 Fee: \$13.00

> OFFICIAL RECORDS
> MENDOCINO COUNTY CALIF MARSHA A. YOUNG, RECORDER

275.00 DOCUMENTARY TRANSFER TAX \$

XX Computed on the consideration or value of property conveyed; OR

____Computed on the consideration or value less liens or encumbrances remaining at time of sale.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

As declared by the undersigned Grantor Signature of Declarant or Agent determining tax - Firm Name

18-120-47

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

City of Fort Bragg, a Municipal Corporation

hereby GRANT(S) to

\$20,00 | PAID PCO FILED Exempt

Dominic J. Affinito and Juliette C. Affinito, husband and wife, as Community Property

the real property in the City of County of

Fort Bragg Mendocino

, State of California, described as

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

September 10, 1997 Dated **}ss**. STATE OF CALIFORNIA COUNTY OF _ Mendocino October 29, 1997 before me, Marilyn Canclini Lindy Peters personally appeared __

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal

Signature

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

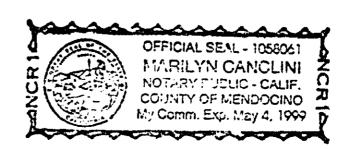
City of Fort Bragg, a Municipal Corporation By: Peters, Mayor

DeeLynh R. Carpenter,

City Clerk

(This area for official notarial seal)

1002-SM (1/94)



LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Mendocino, City of Fort Bragg and is described as follows:

TRACT ONE: Prelim Parcel One APN 18-120-47

All that real property situate in the City of Fort Bragg, County of Mendocino, State of California and being a portion of Section 18, Township 18 North, Range 17 West, M.D.M., more particularly described as follows:

All bearings used in this description are in terms of the California State Grid Zone II.

Commencing at the Northwest corner of Parcel 1, as delineated upon that certain Parcel Map filed in Map Case 2, Drawer 37, page 79, Mendocino County Records; said point also being in the Southerly Right of Way of South Street; thence from said point of commencement and along the Westerly boundary of said Parcels 1, 2 and 3, South 18°14'00" West, 361.81 feet, to the point of beginning; thence from said point of beginning, South 71°35'10" East, 149.38 feet, to a point in the Westerly Right of Way of Franklin Street; thence along said right of way of Franklin Street, South 18°24'50" West, 80.77 feet; thence along a curve concave to the Northwest, having a central angle of 2°23'17" a radius of 200.00 feet, an arc length of 8.34 feet, to a point of compound curve, also being concave to the Northwest, having a central angle of 83°29'46", a radius of 40.00 feet, an arc length of 58.29 feet to a point in the Northerly right of way of North Harbor Drive; thence along said Northerly right or way, North 59°26'30" West, 65.92 feet; thence North 41°15'56" West 41.56 feet to a point in the Westerly boundary of said property; thence leaving said right or way of North Harbor Drive, and along said Westerly property boundary, North 18°14'00" East, 80.19 feet to the point of beginning.

APN 18-120-47

TRACT TWO Prelim Parcel 2
APN 18-120-48

All that real property situate in the City of Fort Bragg, County of Mendocino, State of California and being a portion of Section 18, Township 18, North, Range 17 West, M.D.M., more particularly described as follows:

All bearings used in this description are in terms of the California State® Grid Zone II.

Commencing at the Northwest corner of Parcel 1, as delineated upon that certain Parcel Map filed in Map Case 2, Drawer 37, page 79, Mendocino County Records; said point also being in the Southerly Right of Way of South Street; thence from said point of commencement and along the Westerly boundary of

.... CONTINUED

said Parcels 1 and 2, South 18°14′00" West, 261.81 feet, to the point of beginning; thence from said point of beginning, South 71°35′10" East, 149.69 feet, to a point in the Westerly Right of Way of Franklin Street; thence along said right of way of Franklin Street, South 18°24′50" West, 100.00 feet; thence leaving said right of way of Franklin Street, North 71°35′10" West, 149.38 feet; to a point in the Westerly boundary of said property; thence along said Westerly boundary, North 18°14′00" East, 100.00 feet, to the point of beginning.

APN 18-120-48

* * *

Page:

RESOLUTION NO. PCXX-2023

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.

WHEREAS, Best Development ("Applicant"), submitted an applicant for: Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-22 (MGR 1-22) to construct a Grocery Outlet Market (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 53-space parking lot and associated improvements and infrastructure; 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; 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. The CEQA document consists of an Initial Study dated May 19, 2022, a Draft EIR and all technical appendices, September 2022 ("Draft EIR") and a Final EIR ("Final EIR") dated April 2023 (collectively, "EIR"); and

WHEREAS, a Notice of Preparation for the EIR ("NOP") was prepared by the City and circulated on September 15, 2022 to provide interested agencies and the general public an opportunity to express their concerns regarding the potential environmental effects of the Project. The NOP was received by the State Clearinghouse and circulated for 45 days, as mandated by CEQA; and

WHEREAS, the Draft EIR (State Clearinghouse No. 2022050308) was prepared by De Novo under contract to the City and circulated for more than a 45 day public review and comment period, beginning on September 15, 2022 and ending on October 31, 2022. During this period, on October 11, 2022, a public hearing was held by the City Council to receive comments on the Draft EIR. 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 related to including 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 provided public notice regarding the availability of the Final EIR and circulated the proposed responses to comments to public agencies which had submitted comments on the Draft EIR; and

WHEREAS, on May 10, 2023, at a regularly scheduled meeting, the Planning Commission held a public hearing on the proposed Project and considered all information related to the EIR, including the Draft 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, and the Final EIR;

NOW, THEREFORE, BE IT RESOLVED, that the Fort Bragg Planning Commission does recommend to the City Council, that the City Council can find, determine, and certify as follows:

- 1. The above recitals are true and correct and are incorporated herein by reference.
- The EIR for the Project consists of the Draft EIR dated September, 2022 and all technical appendices; and the Final EIR dated April XX, 2023 (collectively, the "EIR").
- 3. The EIR was prepared in compliance with the requirements of CEQA.
- 4. The changes set forth in the FEIR, including the additional revisions made on April 26, 2023 do not require recirculation of the EIR. The changes do not disclose any new or increased significant impacts. The changes merely clarify information contained in the EIR.
- 5. The Planning Commission recommends that the City Council should adopt the Findings of Fact in the attached Exhibit A, incorporated herein by reference, which contains all of the required CEQA findings.
- 6. After mitigation, all project impacts are less than significant.

BE IT FURTHER RESOLVED, that the Mitigation Monitoring and Reporting Program ("MMRP") set forth in Exhibit B and incorporated herein by reference should be adopted by the City Council to ensure that all mitigation measures relied on in the findings are fully implemented. Compliance with the MMRP shall be a condition of any Project approval.

immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by Commissioner _______, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of May 2023, by the following vote:

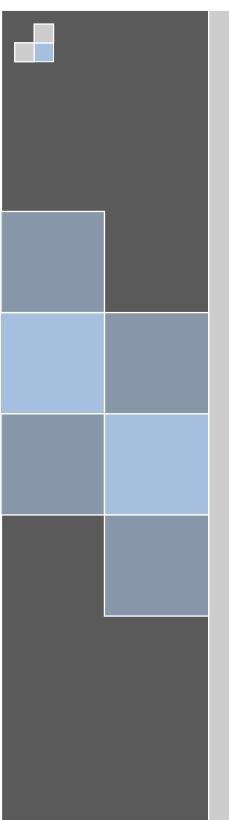
AYES:

NOES:
ABSENT:
ABSTAIN:
RECUSE:

Jeremy Logan, Chair

Humberto Arellano, Administrative Assistant

BE IT FURTHER RESOLVED that this Resolution shall become effective



FINDINGS OF FACT

FOR THE

BEST DEVELOPMENT GROCERY OUTLET (SCH: 2022050308)

APRIL 2023

Prepared for:

City of Fort Bragg Community Development Department 416 N. Franklin Street Fort Bragg, CA 95437

Prepared by:

De Novo Planning Group 1020 Suncast Lane, Suite 106 El Dorado Hills, CA 95762 (916) 580-9818

De Novo Planning Group

FINDINGS OF FACT

FOR THE

BEST DEVELOPMENT GROCERY OUTLET (SCH: 2022050308)

APRIL 2023

Prepared for:

City of Fort Bragg Community Development Department 416 N. Franklin Street Fort Bragg, CA 95437

Prepared by:

De Novo Planning Group 1020 Suncast Lane, Suite 106 El Dorado Hills, CA 95762 (916) 580-9818

FINDINGS OF FACT

Section Pa		Page Number
l.	Introduction	1
II.	General Findings and Overview	2
III.	Findings and Recommendations Regarding Significant Impacts Which Are Mitigated to	
	a Less than Significant Level	6
IV.	Findings and Recommendations Regarding Those Impacts Which are Le	ess Than
	Significant or Less Than Cumulatively Considerable	10
V.	Project Alternatives	12

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FINDINGS FOR THE

BEST DEVELOPMENT GROCERY OUTLET

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code, § 21000 et seq.)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Fort Bragg (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.) Because the

This document explains the City's findings regarding the potentially significant impacts identified in the environmental impact report (EIR) prepared for the Best Development Grocery Outlet Project (Project). As all potentially significant impacts can be mitigated below a level of significance, the City is not required to make findings regarding the feasibility of alternatives. (CEQA Guidelines § 15091.) Nevertheless, this document makes findings regarding the feasibility of the project alternatives considered in the EIR for the decision makers' consideration. There is no statement of overriding considerations because the Project would not result in any significant and unavoidable impacts. All impacts were determined to have no impact, a less than significant impact, or a less than significant impact with implementation of the mitigation measures included in the EIR for the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the Final EIR reflect the City's independent judgment.

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined the proposed Project and three alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Building Reuse Alternative; and (3) Decreased Density Alternative.

The Findings are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis, substantial evidence, and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project.

II. GENERAL FINDINGS AND OVERVIEW

Project Overview

The Project site is located at 825, 845, and 851 S. Franklin Street in the City of Fort Bragg, Mendocino County, California. The northern portion of the Project site contains an existing structure and pavement and the southern portion of the site is vacant with a dirt driveway. A 16,436 square-foot (sf) vacant former office building and associated 47-space parking lot are located in the northern half of the site. The building, locally referred to as the "Old Social Services Building", has not been leased since 2010 but has been used as storage since then. Wooden fencing is currently located along the western property line and adjacent to the south side of the building. Shrubs and trees are located in the northern portion of the site. The southern-most lot is vacant with one-third bare soil and two-thirds covered with annual grasses and forbs with scattered shrubs.

The proposed Project includes demolition of the existing 16,436-sf vacant former office building and parking area and subsequent development and operation of a 16,157-sf Grocery Outlet (retail grocery store) with associated improvements on the Project site. Grocery Outlet is a value grocer, meaning that it sells brand name products at bargain prices due to their opportunity buying style. Associated improvements include a parking lot, loading dock and trash enclosure, circulation and access improvements, and utility infrastructure.

The Project would also include a merger of three existing parcels (lots) to create one 71,002 sf (1.63 acres) parcel to accommodate the footprint of the proposed retail store within the resulting parcel.

The underlying purpose of the proposed Project is to construct and operate a Grocery Outlet retail store at a location within the City of Fort Bragg on which the existing General Plan and zoning designations allow for such a use.

Refer to EIR Chapter 2.0, Project Description, for a more complete description of the details of the proposed Project.

PROCEDURAL BACKGROUND

Notice of Preparation Public Circulation: 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).

Notice of Availability and Draft EIR: 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.

Final EIR: 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.

RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6(e).

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Fort Bragg, 416 N. Franklin Street, Fort Bragg, CA 95437, or online at:

CEQA FINDINGS

https://www.city.fortbragg.com/departments/community-development/active-planning-reports-and-studies

FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Further, the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (*Id.*) Section 21002 also provides that "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. (Emphasis added.) The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final FIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1)

[determining the feasibility of alternatives].) Feasibility is a two-stage process; what is feasible to be included in an EIR for an alternatives analysis is not necessarily the same as being feasible for adoption. At this second stage, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a "reduced herd" alternative to a proposed dairy as infeasible because the alternative failed to meet the "fundamental objective" of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors" (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *see also California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002) and weighing the alternatives along with legal and policy considerations (Kostka & Zischke, Practice under the Cal. Environmental Quality Act (Cont.EdBar 2d ed. 2009, Updated March 2022) § 15.09.)

MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and, if the Project is approved, will be adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures. The applicant has agreed to all mitigation measures.

CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. BIOLOGICAL RESOURCES

- 1. IMPACT 3.3-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES, INCLUDING THROUGH THE SUBSTANTIAL REDUCTION OF HABITAT OR RANGE RESTRICTION FOR BIRD SPECIES, RESULTING IN A BIRD SPECIES POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, OR THREATENING TO ELIMINATE A BIRD COMMUNITY.
 - (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status bird species, including through the substantial reduction of habitat or range restriction for bird species, resulting in a bird species population to drop below self-sustaining levels, or threatening to eliminate a bird community is discussed on page 3.3-26 and 3.3-27 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1.
 - (c) Findings. As shown in Table 3.3-3in Section 3.3 of the Draft EIR, habitat for the aforementioned special-status bird species is not available on-site. These special-status birds have not been documented on the Project site. No special-status birds were observed within the Project site during field surveys and none are expected to be affected by the proposed Project based on the lack of appropriate habitat. Great blue herons have been identified on the properties to the north and northwest of the Project site, but not the Project site itself.

Although not high quality, potential nesting habitat is potentially present in the larger trees located within the Project site and in the vicinity. Although on-site vegetation is limited, there is also the potential for other birds that do not nest in this region and represent migrants or winter visitants to forage on the Project site. Additionally, common raptors may nest in or adjacent to the Project site.

New sources of noise and light during the construction and operational phases of the project could adversely affect nesters if they located adjacent to the Project site in any given year. Additionally, the proposed Project would eliminate the disturbed grass areas on the southern portion of the Project site, which serve as potential low-quality foraging habitat for birds throughout the year. Mitigation Measure 3.3-1 requires preconstruction surveys for active nests should any nests be found on-site or within 500 feet of Project disturbance.

In accordance with Public Resources Code, § 21081 and CEQA Guideline 15091, Mitigation Measure 3.3-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status bird species, including through the substantial reduction of habitat or range restriction for bird species, resulting in a bird species population to drop below self-sustaining levels, or threatening to eliminate a bird community will be mitigated to a less than significant level.

- 2. IMPACT 3.3-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES, INCLUDING THROUGH THE SUBSTANTIAL REDUCTION OF HABITAT OR RANGE RESTRICTION FOR MAMMAL SPECIES, RESULTING IN A MAMMAL SPECIES POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, OR THREATENING TO ELIMINATE A MAMMAL COMMUNITY.
 - (a) Potential Impact. The potential to result in direct or indirect effects on special-status mammal species, including through the substantial reduction of habitat or range restriction for mammal species, resulting in a mammal species population to drop below self-sustaining levels, or threatening to eliminate a mammal community is discussed on pages 3.3-28 and 3.3-29 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-2.
 - (c) Findings. The Project site is located within a built-up, urban environment and is comprised of an existing building, paved parking lot, and annual grasses and forbs with scattered shrubs. The Project site does not provide suitable habitat for the above-listed species, with the exception of bats. These special-status have not been documented on the Project site. No special-status species were observed within the Project site during field surveys and none would be affected by the proposed Project based on the lack of appropriate habitat.

There is a possibility that bats can be present in abandoned building as several members of the species are known to use similar structures for roosting. The surveys performed by De Novo Planning Group on March 29th and April 20th were a daytime habitat assessment to determine if the Project site, including the building to be removed and any vegetation present, has a potential to provide bat roosting habitat, and to determine if bats are present. All buildings and trees with a potential to provide significant bat roosting habitat were inspected with binoculars, a spotlight, a "peeper" mirror, and a borescope to look for indications of use such as guano, staining, bat smells or sounds, or visual confirmation of active occupancy. No evidence of bat roosting on the Project site was present.

CEQA FINDINGS

Regardless of the absence of bats, or evidence of bats, on the Project site during the survey, there remains a possibility that bats could establish a roost in the abandoned building in the future. Mitigation Measure 3.3-2 would require a preconstruction bat survey.

In accordance with Public Resources Code, § 21081 and CEQA Guidelines § 15091, Mitigation Measure 3.3-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in direct or indirect effects on special-status mammal species, including through the substantial reduction of habitat or range restriction for mammal species, resulting in a mammal species population to drop below self-sustaining levels, or threatening to eliminate a mammal community will be mitigated to a less than significant level.

B. Noise

- 1. IMPACT 3.6-1: THE PROPOSED PROJECT WOULD NOT GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.
 - (a) Potential Impact. The potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies is discussed on pages 3.6-9 through 3.6-16 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
 - (c) Findings. Table 3.6-8 in Section 3.6 of the Draft EIR shows predicted construction noise levels for each of the project construction phases. Based upon the Table 3.6-8 data, the loudest phase of demolition, with an average noise exposure of 85 dBA Leq at 50 feet, would occur during foundation demolition activities. The complete demolition and haul off of all the debris would take five days. There would be one concrete saw, one excavator with a clam shell and three trucks that will haul off the debris. The procedure is that the excavator clam shell would dismantle the building and place the material directly into the trucks. The debris would be trucked to Willits as the closest receiving station. The building demolition would take two days. The concrete foundation would require the concrete saw for one day, and the debris would also be trucked to Willits and would take three days because the weight of the concrete is greater than the building debris.

The loudest phase of construction would be grading at 86 dBA Leq at 50 feet. Saxelby Acoustics used the SoundPLAN noise model to calculate noise levels at the nearest sensitive receptors in terms of the City's daytime (Leq) noise level criterion. The results of the construction noise analysis are shown graphically on Figure 3.6-6 (demolition) and Figure 3.6-7 (grading). A summary of the noise prediction results for each phase of construction are shown in Table 3.6-9. Receptor locations are shown on Figure 3.6-6. The construction noise modeling includes an 8-foot-tall temporary sound barrier around the construction area.

Compliance with the City's permissible hours of construction, as well as implementing the best management noise reduction techniques and practices (both outlined in Mitigation Measure 3.6-1), would help to ensure that noise levels stay below the 12 dBA threshold. Based upon the Table 3.6-9 data, construction noise levels are not predicted to exceed the 12 dBA test of significance.

In accordance with Public Resources Code, § 21081 and CEQA Guidelines § 15091, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be mitigated to a less than significant level.

- 2. IMPACT 3.6-2: THE PROPOSED PROJECT WOULD NOT GENERATE EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.
 - (a) Potential Impact. The potential for the Project to generate excessive groundborne vibration or groundborne noise levels is discussed on pages 3.6-17 and 3.6-18 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
 - (c) Findings. Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural damage. The primary vibration-generating activities would be grading, utilities placement, and parking lot construction. Table 3.6-10 in Section 3.6 of the Draft EIR shows the typical vibration levels produced by construction equipment.

With the exception of vibratory compactors, Table 3.6-10 data indicates that construction vibration levels anticipated for the proposed Project are less than the 0.2

in/sec threshold at a distance of 25 feet. Use of vibratory compactors within 26 feet of the adjacent buildings could cause vibrations in excess of 0.2 in/sec. Structures which could be impacted by construction-related vibrations, especially vibratory compactors/rollers, are located less than 26 feet from the Project site. Therefore, this is a potentially significant impact and mitigation measures would be required.

Mitigation Measure 3.6-2 requires that any compaction less than 26 feet from an adjacent residential structure be accomplished using static drum rollers. As an alternative to this requirement, pre-construction crack documentation and construction vibration monitoring could be conducted to ensure that construction vibrations do not cause damage to any adjacent structures. With this mitigation measure.

In accordance with Public Resources Code, § 21081 and CEQA Guidelines § 15091, Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be mitigated to a less than significant level.

IV. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

- **Aesthetics and Visual Resources:** The following specific impacts were found to be less than significant: 3.1-1, 3.1-2. 3.1-3, and 3.1-4.
- **Air Quality:** The following specific impacts were found to be less than significant: 3.2-1, 3.2-2, 3.2-3, 3.2-4, and 3.2-5.
- **Biological Resources:** The following specific impacts were found to be less than significant: 3.3-1, 3.3-4, 3.3-5, 3.3-6, and 3.3-7.
- **Greenhouse Gases, Climate Change, and Energy:** The following specific impacts were found to be less than significant: 3.4-1 and 3.4-2.
- **Land Use:** The following specific impacts were found to be less than significant: 3.5-1 and 3.5-2, and 3.10-3.

- **Transportation and Circulation:** The following specific impacts were found to be less than significant: 3.7-1, 3.7-2, 3.7-3, and 3.7-4.
- **Utilities:** The following specific impacts were found to be less than significant: 3.8-1, 3.8-2 3.8-3, 3.8-4, 3.8-5, 3.8-6, and 3.8-7.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

- **Aesthetics and Visual Resources:** The following specific impact was found to be less than cumulatively considerable: 4.1.
- **Agricultural Resources:** The following specific impact was found to be less than cumulatively considerable: 4.2.
- **Air Quality:** The following specific impact was found to be less than cumulatively considerable: 4.3.
- **Biological Resources:** The following specific impact was found to be less than cumulatively considerable: 4.4.
- **Cultural and Tribal Cultural Resources:** The following specific impact was found to be less than cumulatively considerable: 4.5.
- **Geology and Soils:** The following specific impact was found to be less than cumulatively considerable: 4.6.
- **Greenhouse Gas Emissions:** The following specific impact was found to be less than cumulatively considerable: 4.7.
- **Hazards and Hazardous Materials:** The following specific impact was found to be less than cumulatively considerable: 4.8.
- **Hydrology and Water Quality:** The following specific impact was found to be less than cumulatively considerable: 4.9.
- **Land Use:** The following specific impact was found to be less than cumulatively considerable: 4.10.
- **Mineral Resources:** The following specific impact was found to be less than cumulatively considerable: 4.11.
- **Noise:** The following specific impact was found to be less than cumulatively considerable: 4.12.
- **Population and Housing:** The following specific impact was found to be less than cumulatively considerable: 4.13.

CEQA FINDINGS

Public Services and Recreation: The following specific impact was found to be less than cumulatively considerable: 4.14.

Transportation and Circulation: The following specific impacts were found to be less than cumulatively considerable: 4.15 and 4.16.

Utilities: The following specific impacts were found to be less than cumulatively considerable: 4.17, 4.18, 4.19, and 4.20.

Wildfire: The following specific impact was found to be less than cumulatively considerable: 4.21.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

V. PROJECT ALTERNATIVES

A. IDENTIFICATION OF PROJECT OBJECTIVES

An EIR is required to identify a range of reasonable alternatives to the project. The "range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects." (CEQA Guidelines Section 15126.6(c).) "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)." (CEQA Guidelines Section 15126.6(f)(1).)

The underlying purpose of the proposed Project is to construct and operate a Grocery Outlet retail store at a location within the City of Fort Bragg on which the existing General Plan and zoning designations allow for such a use.

Consistent with this underlying purpose, the proposed Project seeks to attain the following project objectives:

- Develop a grocery store that provides its customers with comparatively affordable groceries at a convenient location for their shopping needs.
- Develop a grocery store that would generate additional revenues to the City in the form of increased sales and property tax revenues.
- Develop a grocery store that would create new jobs in the City.

- Develop an aesthetically attractive grocery store and landscaping on an infill site.
- Design a site plan that minimizes circulation conflicts between automobiles and pedestrians.

B. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included in Chapter 5.0. When all impacts have been mitigated below a level of significance, findings are not required regarding feasibility of alternatives and the City Council is not required to choose the most environmentally friendly alternative. Nevertheless, the following findings are included for the City Council's adoption.

1. No Project (No Build) Alternative:

The **No Project (No Build) Alternative** is discussed on pages 5.0-3, and 5.0-4 through 5.0-8 of the Draft EIR. Under the No Project (No Build) Alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition. The northern portion of the Project site contains existing development and the southern portion of the site is vacant with a dirt driveway. An unoccupied 16,436 square-foot (sf) vacant former office building and associated 47-space parking lot are located in the northern half of the site. The building, locally referred to as the "Old Social Services Building", has not been leased since 2010 but has been used as storage since then. Wooden fencing is currently located along the western property line and adjacent to the south side of the building. Shrubs and trees are located in the northern portion of the site. The southernmost lot is vacant with one-third bare soil and two-thirds covered with annual grasses and forbs with scattered shrubs. All existing conditions would remain intact. It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives identified by the City of Fort Bragg.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Air Quality, Biological Resources, Greenhouse Gases, Climate Change and Energy, Land Use, Noise, and Utilities. Two impacts related to Transportation and Circulation would be increased under this alternative while the two remaining impacts related to Transportation and Circulation would be decreased.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not: develop a grocery store that provides its customers with comparatively affordable groceries at a convenient location for their shopping needs; develop a grocery store that would generate additional revenues to the City in the form of increased sales and property tax revenues; develop a grocery store that would create new jobs in the City; develop an aesthetically attractive grocery store and landscaping on an infill site; or design a site plan that minimizes circulation conflicts between automobiles and pedestrians.

Additionally, this alternative would not realize the project benefits of increased food supplies within the City, additional employment opportunities, or new tax revenue. For

all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

2. BUILDING REUSE ALTERNATIVE:

The **Building Reuse Alternative** is discussed on pages 5.0-3, and 5.0-8 through 5.0-12 of the Draft EIR. Under the Building Reuse Alternative, the proposed Project would be developed with the same uses as described in the Project Description, but the existing vacant former office building would be renovated and reused for the proposed grocery store use. Under the Building Reuse Alternative, the existing 16,436 sf vacant former office building would be converted to a grocery store use. In order to provide adequate facilities for the grocery store use, the office building would be substantially renovated, consistent with the current California Building Code. Additionally, the asbestos containing materials would have to be removed under this alternative. The building size and footprint of the existing building would not change. Further, similar to the proposed Project, the southern portion of the site would be developed with a parking area and associated landscaping and stormwater improvements. The existing parking area in the northern portion of the site would also be improved consistent with the proposed southern parking area.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of three out of five impacts related to Air Quality, one out of two impacts related to Noise, and one impact out of seven related to Utilities would also be reduced. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. For example, the Building Reuse Alternative would partially meet Objective #4 (develop an aesthetically attractive grocery store and landscaping on an infill site) because although a grocery store would be developed on-site, the existing building would remain in place. But the existing structure would be retained rather than replaced with a more attractive structure, which will reflect compliance with applicable design requirements and the outcome of the formal design review process.

It is also noted that a feasibility assessment of the Building Reuse Alternative was prepared by Thomas Jones, former Vice President of Hilbers Inc., a national contracting and engineering firm specializing in office, commercial, and grocery store development. He has 34 years' construction experience and has worked on more than twenty Grocery Outlet stores. For reasons set forth in detail, Mr. Jones explained why the Reuse Alternative is infeasible. The Jones feasibility analysis concluded that the existing building on the Project site has several structural and logistical issues and ultimately "has no reuse value for a Grocery Outlet...." Specifically, the analysis explains that the building "fails to meet current building codes," is "practically inaccessible for those with disabilities," and would require a "major seismic upgrade" to meet current codes. The

structure is "extremely energy inefficient," "has insufficient and outdated electrical services," and has a "roof structure that will not allow any additional mechanical loads or modifications," such additional heating or air conditioning. The building also has asbestos that further limits modifications. Furthermore, the existing structure has inadequate storage for a grocery store and floors insufficient to support the forklifts needed for stocking a grocery store. The analysis then accurately concluded that use of the existing building under the Building Reuse Alternative is entirely infeasible.

Moreover, in testimony before the City Council on July 26, 2021, Terry Johnson of the Best Development Group testified that the existing building cannot be feasibly reused, as it has mold and asbestos and does not meet current codes. Similarly, under this alternative, due to the current layout of the existing office building, paired with the divided parking areas that would be provided in the southern and northern portions of the site, substantial improvements would be required to ensure that site circulation and pedestrian access is safe and adequately provided. Therefore, this alternative would meet Objective #5 (design a site plan that minimizes circulation conflicts between automobiles and pedestrians), but to a lesser extent than the proposed Project and the Decreased Density Alternative. On balance, the minor environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

3. Decreased Density Alternative:

The **Decreased Density Alternative** is discussed on pages 5.0-3, and 5.0-13 through 5.0-17 of the Draft EIR. Under the Decreased Density Alternative, the proposed Project would be developed with the same components as described in the Project Description, but the size of the grocery store building and parking lot would be reduced, resulting in an increase of undeveloped land. The grocery store would be located in the northern portion of the site, similar to the Project. The grocery store would be reduced by approximately 30 percent from 16,157 sf to 11,310 square feet. The parking lot would be reduced by approximately 30 percent from 51,650 sf (1.18 acres) to 36,155 sf (0.083 acres). The total acreage dedicated to the proposed Project would be reduced by approximately 30 percent. The total acreage developed would be 1.14 acres, with 0.49 acres remaining in its current state. The 0.49 acres that would remain undeveloped would be located in the southern portion of the site.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Greenhouse Gases, Climate Change and Energy, Noise, Transportation and Circulation, or Utilities. Three of the five impacts related to Air Quality and one out of seven impacts related to Biological Resources would also be reduced. The remaining resources areas would have equal or similar impacts to the Project.

CEQA FINDINGS

On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. This alternative would not achieve all of the Project objectives. The Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. Additionally, this alternative would provide a 30 percent reduction in grocery store area, which would result in fewer job opportunities for Fort Bragg residents and less shelf space for grocery items. This would also reduce the property tax and sales tax revenue generation as compared to the Project. On balance, the minor environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

4. Environmentally Superior Alternative:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-1 of the Draft EIR (on pages 5.0-18 and 5.0-19), a comparison of alternatives is presented. No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Building Reuse Alternative and Decreased Density Alternative both rank higher than the proposed Project. Comparatively, the Decreased Density Alternative would result in less impact than the Building Reuse Alternative because it provides the greatest reduction of potential impacts in comparison to the proposed Project. However, neither the Decreased Density Alternative nor the Building Reuse Alternative fully meet all of the Project objectives. While the City recognizes the environmental benefits of both alternatives, these alternatives are determined to be infeasible and rejected.

RESOLUTION NO. PC XX-2023

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.

WHEREAS, Best Development ("Applicant"), submitted an applicant for: Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-22 (MGR 1-22) to construct a Grocery Outlet Market (retail store). The proposed project includes the demolition of an existing 16,436 SF vacant former office building and associated 53-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 53-space parking lot and associated improvements and infrastructure; and

WHEREAS, 825 845, 851 South Franklin Street, Fort Bragg, California (Assessor Parcel Numbers: 018-120-49, 018-120-48, 018-120-47) is in the Highway Visitor Commercial (CH) zone, Coastal Zone and no changes to the site's current zoning designation are proposed under the Project; and

WHEREAS, the Project is subject to the Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

WHEREAS, the Planning Commission held a public meeting on May 10, 2023, to consider the Project, accept public testimony and consider making a recommendation to City Council; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") pursuant to Section 15074 of the CEQA Guidelines, an Environmental Impact Report (EIR) was prepared for the Coastal Development Permit, Design Review Permit and Parcel Merger to construct a Grocery Outlet Market on Assessor Parcel Numbers: 018-120-49, 018-120-48, 018-120-47; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project applications; all site plans, and all reports and public testimony submitted as part of the Planning Commission meeting of May 10, 2023 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg hereby find and recommend to the City Council as follows:

A. General Findings

- 1. The foregoing recitals are true and correct and made a part of this Resolution;
- 2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;

3. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general.

The proposed project, as conditioned, would be consistent with the relevant policies of the Coastal General Plan and applicable provisions of the Coastal Land Use Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg Planning Commission makes the following recommendations regarding the required findings and determinations for Coastal Development Permit 2-22 to allow for the development and operation of the Grocery Outlet at 825 845, 851 South Franklin Street

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

The environmental impacts of the proposed project have been analyzed through an Environmental Impact Report and all mitigation measures have been incorporated into the project through the adoption of Special Condition 18.

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

The proposed project is a permitted use by right in the Highway Commercial zoning district.

3. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan.

The proposed project, as conditioned, would be consistent with the relevant policies of the Coastal General Plan and applicable provisions of the Coastal Land Use Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

4. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed project, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, per analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development.

The proposed project, as conditioned, would be adequately served by water supply, sewer supply, solid waste disposal, and roadway capacity per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023 and the project EIR.

NOW, THEREFORE, BE IT Further RESOLVED that the Fort Bragg Planning Commission makes the following recommendations to City Council regarding the required findings and determinations for the Design Review Permit 2-22 for this project:

1. Complies with the purpose and requirements of this Section (Design Review in the CLUDC).

The proposed project, as conditioned, would meet the purpose of design review per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023 and the project EIR.

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

The proposed project, as conditioned, provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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.

The proposed project, as conditioned, provides attractive and desirable site layout and design per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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

The proposed project, as conditioned, provides efficient and safe public access, circulation, and parking per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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

The proposed project, as conditioned, provides appropriate open space and landscaping, including the use of water efficient landscaping, and

parking per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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

The proposed project, as conditioned, is consistent with the Coastal General Plan and the certified Local Coastal Program per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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

The proposed project, as conditioned, is consistent with the City's Design Guidelines per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

NOW, THEREFORE, BE IT Further RESOLVED that the Fort Bragg Planning Commission makes the following recommendations to City Council regarding the required findings and determinations regarding the Sign Review Permit 2-22 for this project per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023:

- 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;
- 2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;
- 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;
- 4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties;
- 5. The placement and size of the sign will not impair pedestrian or vehicular safety;
- 6. The design, height, location, and size of the signs are visually complementary and compatible with the scale, and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
- 7. The proposed signs are in substantial conformance with the design criteria in Subsection 17.38.060.F (Design criteria for signs).

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council approve Coastal Development Permit 2-22 (CDP 2-22), Design Review Permit 7-22 (DR 7-22) and Parcel Merger 1-22 (MGR 1-22) to construct a Grocery Outlet Market (retail store) subject to the following standard and

special conditions:

SPECIAL CONDITIONS

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

- a) Delete the two parking spaces on the southwest corner of the parking lot and replace this area with landscaping.
- b) Eliminate the excess RV parking space, and to the degree feasible replace a portion of it with landscaping.
- c) Contain drought tolerant native species;
- d) Replace the Monterey Cypress Trees with locally native tree species.
- e) Comply with the California Model Water Efficient Landscape Ordinance (MWELO).

Special Condition 2: The applicant shall construct 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.

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.

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 North Harbor Drive to the intersection of North Harbor Drive and S. Main St.

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

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.

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 Municipal Code 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 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 the City of Fort Bragg Grading Ordinance; Land Use Code Chapter 17.60-17.64 – Grading and Stormwater Runoff Requirements and Procedures. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.

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

Special Condition 13: In order to minimize dust and keep dust 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 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 dustgenerating 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 months shall be seeded and watered
 until grass cover is grown and maintained.

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/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 North Harbor Drive, and the southerly portion of South Franklin that is not improved. Public improvements shall be designed by a licensed Civil Engineer, and include pavement as needed for road widening, curb, gutter and sidewalk, per City of Fort Bragg Construction Standards. 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.

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.

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.

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

Optional Special Condition 20: The building permit application plans shall include solar panels on the roof.

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

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.

Optional Special Condition 23: The windows on the south side of the building shall not

be obscured for more than 20% of total window area with murals or other films or coverings that limit passive solar gain.

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

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

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

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.

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.

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.

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.

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.

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 018-120-48. 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.

STANDARD CONDITIONS

- 1. This action shall become final on the 11th day following the City Council decision.
- 2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC.
- 3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an

amendment has been approved by the City.

- 4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
- 5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
- 6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.
- 7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
- 8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B).
- **BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by Commissioner
seconded by Commissioner, and passed and adopted at
a regular meeting of the Planning Commission of the City of Fort Bragg held on the
10 th day of May 2023, by the following vote:
AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

ATTEST:	Jeremy Logan, Chair
Humberto Arellano, Administrative Assistant	

From: Lawrence Bullock <lcbullock@gmail.com>
Sent: Wednesday, April 19, 2023 8:56 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

I am writing to express my SUPPORT for the proposed Grocery Outlet in Fort Bragg.

I have lived here in the Fort Bragg/ Mendocino area for 40 years and would appreciate not having to drive all the way to Ukiah to shop at the GO there.

Thank you for your time.

Lawrence Bullock

From: City of Fort Bragg <helpdesk@fortbragg.com>

Sent: Wednesday, April 19, 2023 9:23 PM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Completed

Message submitted from the <Fort Bragg, CA> website.

Site Visitor Name: Sherry Fischer

Site Visitor Email: feathersprings@comcast.net

I support a Grocery outlet in Fort Bragg

From: Joy <lokistof@yahoo.com>
Sent: Thursday, April 20, 2023 1:16 PM

To: cdd

Subject: In favor of Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

As a Fort Bragg resident living in walking distance to the proposed Grocery Outlet, I am strongly in favor of the proposed location. We need local lower priced food options, and it will prevent me from having to drive to Willits to shop at the GO there. To those who are concerned that Safeway or Purity or Harvest will go out of business if we add a GO to Fort Bragg, all it means is that those of us (and there are many) who go to Willits or Ukiah to shop at Grocery Outlet can now do it locally. As for additional traffic and/or concerns about RVs, Safeway manages, and overflow for Starbucks parks along Franklin or Walnut, and the same will happen with GO. In fact, they will probably park in the same locations, get a latte, grab their burgers from Safeway and walk to get their brews from Grocery Outlet and then continue on their merry way to the campground of their choice as they do now...

Joy Korstjens

From: lstanton61 <lstanton61@gmail.com>
Sent: Thursday, April 20, 2023 2:14 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Please allow Grocery Outlet. It is clear Fort Bragg needs an affordable alternative to Safeway and Harvest. Most of the population is low income and needs this. The available space is perfect as there are several low income and senior apartments nearby. Also, moderate income folks shop at Grocery Outlet and find it to be a clean and well run store.

Let Fort Bragg grow or it will stagnate.

Linda Stanton

Sent from my Galaxy

From: Munoz, Cristal

Sent: Friday, April 21, 2023 11:53 AM

To: cdd

Subject: FW: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

From: Norvell, Bernie

bnorvell2@fortbragg.com>

Sent: Friday, April 21, 2023 11:40 AM

To: Munoz, Cristal <cmunoz@fortbragg.com>

Subject: Fwd: Grocery Outlet

Bernie Norvell Mayor City of Fort Bragg

Begin forwarded message:

From: Kate Erickson kmaryerickson@gmail.com

Date: April 21, 2023 at 11:30:18 AM PDT

Subject: Grocery Outlet

Dear Bernie,

I am in favor of letting the Grocery Outlet project move forward. We need more affordable food choices along our coast.

Thank you for your consideration, Kate Erickson

From: Kate Erickson < kmaryerickson@gmail.com>

Sent: Friday, April 21, 2023 11:30 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

I am in favor of letting the Grocery Outlet project move forward. We need more affordable food choices along our coast.

Thank you for your consideration, Kate Erickson

From: Sarah W <redwoodsinger@yahoo.com>

Sent: Friday, April 21, 2023 10:38 AM

To: cdd

Subject: Recommend YES on Grocery Outlet commment

Follow Up Flag: Follow up Flag Status: Completed

Writing to recommend Grocery outlet! I have lived here since 2006 and my patients and mom who are on fixed incomes (and everyone else) deserves lower cost food options! Buying a home here costs an exorbitant amount so anyone (like ourselves) trying to live and work on the coast need this choice and service!

Sarah Wagner Flaim Sent from my iPhone

From: Ed Burke <edburke@mcn.org>
Sent: Tuesday, April 25, 2023 2:30 PM

To: cdd

Subject: Grocery Outlet

We need the presence of grocery outlet in Fort Bragg.

Edward Burke.

Sent from my iPhone

Sent: Tuesday, April 25, 2023 9:26 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Flagged

I'm writing the email to show my support of having a Grocery Outlet Store in our town, Fort Bragg, California. We need this store in our town to keep our tax dollars in our city instead of people driving over the hill to go to their grocery outlet store. There are so many Senior Citizens and families that need to be able to shop discounts. They can't afford to pay tourist prices at the other two groceries stores. It will not put the current grocery stores out of business. People should have choices and go to the store they can afford. Plus it will provide more jobs for kids going to College or wanting to stay here after high school.

Hope you consider approving the Grocery Outlet store to open a store here in the old social service building. In my opinion it isn't a problem at that location.

Sincerely

Patti Cervelli Schumacher Sent from my iPad

From: Kathe Todd <kathe@pacific.net>
Sent: Tuesday, April 25, 2023 1:26 PM

To: cdd

Subject: Grocery Outlet

Please allow the Grocery Outlet to come to Fort Bragg!

Kathe Todd 44690 Larkin Road Mendocino



Virus-free.www.avg.com

From: Beverlee Younger < beverleeyounger@gmail.com>

Sent: Tuesday, April 25, 2023 12:09 PM

To: cdd

Subject: Grocery Outlet

Hello!

Please allow the Grocery Outlet to come to Fort Bragg.

Beverlee Younger

From: Wendy Younger <wyounger@hotmail.com>

Sent: Wednesday, April 26, 2023 1:40 PM

To: cdd

Subject: Grocery Outlet

Importance: High

Follow Up Flag: Follow up Flag Status: Follow Up

For Pete's sake, here is yet another letter of support, from me, regarding the Grocery Outlet. We need this option for affordable groceries. You must have information about the percentage of citizens living in Fort Bragg at or below the poverty line. Seniors and low income residents should not have to buy garbage food items from the dollar store to try to exist on. Grocery Outlets, which are family owned and run, offer produce and food items (name brand and organic specialties), at very affordable prices. A wonderful alternative for healthier food options, this store would be such a boon to our community. Reasonably priced groceries, family owned, no need to drive to Willits to shop a Grocery Outlet store.... I cannot understand any argument opposing the project. If perhaps somebody who say, owned a local grocery store, believed that the addition of Grocery Outlet to our community threatens them financially, then perhaps they would be in opposition and come up with numerous reasons to try to keep this from happening. I believe however, that there is enough to go around and that the corporate stores, and little local stores will be fine. Loyal customers who buy convenience items from the "shop around the corner" or niche/specialty items from the ginormous high end grocery store at town's edge, will continue to shop for the specific things they can find at those stores alone.

In closing, please approve it already!

Thank you,

Wendy Younger 164 Hocker Lane Fort Bragg, CA 95437

From: Auntie B <1ladybrett1@gmail.com>
Sent: Thursday, April 27, 2023 11:53 AM

To: cdd

Subject: Grocery Outlet please!!!

[&]quot;Please allow the Grocery Outlet to come to Fort Bragg"

From: Apryl Bonham <akbonham@mcn.org>
Sent: Thursday, April 27, 2023 10:10 AM

To: cdd

Subject: Grocery Outlet

I am a resident of the Mendocino coast and very much in favor of the Grocery Outlet project in Fort Bragg.

Sent from my iPhone

From: Dean Cornwall <deancornwall36@gmail.com>

Sent: Thursday, April 27, 2023 1:49 PM

To: cdd

Subject: YES to Grocery Outlet

I would like to add my comment of support for the grocery outlet planning permit. The current lot is under used, and it is a perfect location for the proposed grocery outlet. It is located close to Highway 20, so the trucks don't need to drive too much through town, and is convenient for Fort Bragg residence along with, the greater micropolitan area. I fully support this application and I hope it passes through. Thank you.

From: dawnjf@mcn.org

Sent: Thursday, April 27, 2023 9:31 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow Up

My name is Dawn Ferreira. I am a registered voter un the city of Fort Bragg.

I believe the Grocery Outlet should be allowed in Fort Bragg at the address on South Franklin St.It is a good place for it and The Grocery Outlet is a necessity to Fort Bragg with the cost of living here.

Thank you Dawn Ferreira 320 N Mcpherson St Fort Bragg,CA 95437 7079629492

From: Auntie B <1ladybrett1@gmail.com>
Sent: Thursday, April 27, 2023 11:58 AM

To: cdd

Dear City of Fort Bragg

"Please allow the Grocery Outlet to come to Fort Bragg"

Brett McClain 23161 CA-1, Fort Bragg, CA 95437 707-964-6865

Thank you very much!!

From: Beverlee Younger <beverleeyounger@gmail.com>

Sent: Thursday, April 27, 2023 12:16 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Hi there!

Please allow the Grocery Outlet to come to Fort Bragg.

I sent this message yesterday, but forgot to mention that I am a long time resident of Mendocino.

Beverlee Younger

Larkin Road

Mendocino

From: Marilyn Stubbs <stubbsmm@gmail.com>

Sent: Friday, April 28, 2023 3:51 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

I am very much in favor of Grocery Outlet and the location. They provide many products that are not sold in Fort Bragg and their prices are so much better than what we have to pay currently.

We, on the north coast, deal with very high prices for our groceries. We end up driving over the hill to Ukiah or Willits in order to save money. The cities of Ukiah and Willits win and Fort Bragg loses! And, we all get to pay the high price for fuel to get over there!

I'm disgusted that Harvest Market and others have caused delays in this project trying to protect their profits. Please allow this store to come into our community. It is very much needed by all of us!! And, just maybe the current stores will become more competitive!

Thank you,

Mrs. M. Stubbs Comptche

From: R. Sutherland < sutherlandr51@gmail.com>

Sent: Friday, April 28, 2023 2:35 AM

To: cdd

Subject: Grocery outlet

To whom it mat concern

And a resident of Fort Bragg who was born here I would like to voice my support for a grocery outlet store. Grocery outlet provides a number of products as well as food at a discounted price. The cost of living here has doubled if not tripled in the time I raised my children. I truly don't understand how new families are making ends meet.

A grocery outlet would also provide cheaper food for our seniors. Who are also seeing increased cost of living with no raise in they're social security.

I voice my support loud for a fort bragg grocery outlet. As I local food bank worker I have seen the increase in the number of people needing our services. Discounted food would allow them to stretch their good bugjet a bit farther.

Thank you

From: Lea Hartsock <caspartech@comcast.net>

Sent: Saturday, April 29, 2023 6:16 PM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Completed

Sending this letter in support of grocery outlet. Everybody needs another option for grocery selection. It would help Fort Bragg bring in extra jobs and another option for shoppers. Please don't pass this opportunity up.

thank you lea hartsock 7073570160

From: Kate Hee <katehee57@gmail.com>
Sent: Saturday, April 29, 2023 9:17 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

To whom it may concern,

I am in favor of having a Grocery Outlet on the coast for several reasons.

I was born and raised in Fort Bragg. I shop for groceries at Mendosas in Mendocino, Harvest Market, Purity, the farmers markets, local farms, B&C grocery, Corners of the Mouth, and reluctantly at Safeway. I am a senior citizen on a fixed income. I'm still able to drive out of town to buy affordable groceries at Grocery Outlet, and I make a trip over to Ukiah about once a month. The cost of living on the coast is extremely high. We need a local, affordable Grocery store on the coast. This is so important for so many low income people. I will continue to shop at all the other stores I listed for certain things. Having a Grocery outlet won't really impact the other Grocery stores, but not having a Grocery Outlet certainly hurts the lower income people on the coast who can't afford to purchase quality food at a decent price.

I encourage you to move forward and approve a Grocery Outlet for our community.

Regards,

Kathryn Hee

From: Pamela Merritt <pamela.merritt@gmail.com>

Sent: Saturday, April 29, 2023 8:53 AM

To: cdd

Follow Up Flag: Follow up Flag Status: Completed

I am in favor of a Grocery Outlet in Fort Bragg. We need to be able to have an alternative to the extremely high prices in our home town. I was born and raised here and find it very frustrating that I can barely afford to shop here.

Pam Merritt

From: Kathy Orsi <korsi@mcn.org>
Sent: Saturday, April 29, 2023 7:04 AM

To: cdd

Subject: In Favor of Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

April 29, 2023

Dear Planning Commissioners,

Thank you for coming to the meeting with a clear slate and an open mind to hear public opinion on the Grocery Outlet's application.

I continually express my views on Facebook when given the opportunity supporting Grocery Outlet coming to Fort Bragg. A store on the outskirts of town, will bring value to residents, particularly those on a budget. Young families and the elderly need more shopping choices. Young families are already going out of town to shop at Grocery Outlet so they can make ends meet, most living pay check to pay check. That gas money should stay in their wallets and their grocery money should stay on the Coast! In addition, the jobs this store will create will help so many in our community.

I hear great things about Grocery Outlet stores in other areas....always supporting and donating to the Community.

Your sincere and thoughtful objectivity is most appreciated when considering Grocery Outlet's application.

I ask you to recommend to approve their application. I guarantee our lovely Harvest Market will continue to do fine. I will continue to shop at all the stores, as each meet different needs.

Sincerely,

Kathy Orsi Lifelong Fort Bragg Resident

From: Susan Romander <skrrda@gmail.com>
Sent: Saturday, April 29, 2023 7:33 AM

To: cdd

Subject: Supporting Grocery Outlet ≒

Follow Up Flag: Follow up Flag Status: Follow Up

There are people that will still shop Harvest, Safeway or Purity, but it's good for a rural community to have choices. I support Grocery Outlet for our community.

Thank you, Susan Romander

--

https://linktr.ee/susanromander

From: vanette <vanette@mcn.org>
Sent: Saturday, April 29, 2023 8:08 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

I want to add my name to those supporting the Grocery Outlet in Fort Bragg. As a retired senior citizen and a fourth generation Fort Bragger, I applaud any action taken to lighten the financial hardships of people trying to make ends meet in these troubled times.

Sincerely,

Vanette (Thurman) St John

From: Peggy Brown <peggyibrown76@gmail.com>

Sent: Sunday, April 30, 2023 2:18 PM

To: cdd

Subject: Grocery outlet

Grocery outlet would be a plus for Fort Bragg and sorrounding area. Even tourist's might benefit. Please vote yes for the store

From: Jo ann Grant <jgomesgrant@yahoo.com>

Sent: Sunday, April 30, 2023 7:06 PM

To: cdd

Subject: GROCERY OUT- LET

Please, PLEASE, help us on the coast, we need some food with better prices. In my 70's have lived here all my life, now on SS and need choices here, pretty soon I'll be to old to get over that hill for food. Very expensive area to live in now. Help us please. Just do it.

From: Kathy Larkin <ktlarkin45@gmail.com>
Sent: Sunday, April 30, 2023 8:35 AM

To: cdd

Subject: Grocery Outlet

We are writing to support the building of the new Grocery Outlet in Fort Bragg. We have routinely shopped at the Grocery Outlets over the hill for the last 10 years and will continue to do so if the current project on the coast is not approved.

Kathy & David Larkin 30550 Simpson Lane Fort Bragg, CA 95437

Sent from Mail for Windows



Virus-free.www.avg.com

From: John <jruczak@comcast.net>
Sent: Sunday, April 30, 2023 9:14 AM

To: cdd Cc: 'John'

Subject: Grocery Outlet Store Project.

Follow Up Flag: Follow up Flag Status: Completed

4-30-2023

Hello...I would like to voice my opinion in favor of the store project.

Many people are unable to drive to Willits or Ukiah to visit those stores.

Also during this time of increased inflation many people are experiencing food budget problems due to higher energy costs, etc.

In my case I am 75 years old and my wife is 76. We have a smaller income than we used to during our more productive years.

So we vote YES!! on the project.

Thank you, John Ruczak, and Veronica Taylor.

We are local residents.

From: J. L.K. <eyelandgirlazul@gmail.com>
Sent: Monday, May 1, 2023 4:34 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Flagged

I support the Grocery Outlet project.

Variety... lower prices... competition... an abundance of supplies for our community during an emergency are all good things.

Please let the Grocery Outlet building begin!

Thank you

Homeowner in Fort Bragg

JLKD

From: JULIE MCHENRY < juliemchenry@comcast.net>

Sent: Monday, May 1, 2023 4:24 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Flagged

Dear Fort Bragg Planning Commission,

Once again I am writing in Support of The Grocery Outlet it is mind boggling that our town would deny a grocery store which is badly needed for the members of our community that are on a fixed income or the working poor families . I really feel this has been a class issue all along. Fort Bragg needs to provide for all citizens.

Thank you,

Julie A. McHenry

See you at the meeting.

From: tboyd@mcn.org

Sent: Wednesday, May 3, 2023 7:17 AM

To: cdd

Subject: I support grocery outlet

Follow Up Flag: Follow up Flag Status: Flagged

I support the grocery outlet project. Food is exorbitantly expensive on the Mendocino Coast. I see young mothers shopping for food at the dollar store trying to stretch their food dollars. We need alternative food options for lower income families.

Loyal shoppers of Purity, Harvest Market and Down Home Foods are not going to change their shopping habits.

thank you,

Cathleen Boyd Fort Bragg, CA

From: No One <one989335@gmail.com>
Sent: Wednesday, May 3, 2023 9:17 PM

To: cdd

Subject: Citizen of Fort Bragg

In favor of Grocery Outlet

From: Marilyn <redandm@mcn.org>
Sent: Thursday, May 4, 2023 6:35 PM

To: cdd

Subject: comments on Grocery Outlet EIR before May 10 2023 Hearing

Follow Up Flag: Follow up Flag Status: Completed

To: Community Development Department, Fort Bragg CA

Fort Bragg Planning Commissioners

I am writing with comments regarding the review of the EIR for the Grocery Outlet project proposed for the corner and South & Franklin Sts Fort Bragg.

First, I would like all the city planning to work to retain the districts and small town facilities we already have in Fort Bragg. This location was used by County Social Services and is not directly adjacent to other high traffic retail, and it is quite a distance from the Central Business District. It will increase vehicle and foot traffic greatly in that area. That is a major impact.

Starting wages will be low for all except upper management. However, that is true for all the retail businesses as far as I know.

The irony is that I have not heard from <u>any</u> Fort Bragg resident who is working and low income that is not delighted at the idea of Grocery Outlet opening in Fort Bragg, no matter where we would put it. The Grocery Outlet in Willits is well regarded in that community and many of our residents shop there.

Not only should we consider the changes this would entail in our town, but there are other environmental impacts further afield - perhaps less trips to Willits and Ukiah from here to get less expensive goods?

Thank you for considering all the factors.

Marilyn Boese

Fort Bragg

From: Greg Burke <greg@mendosir.com>
Sent: Thursday, May 4, 2023 12:31 PM

To: cdd

Subject: Grocery Outlet

Dear Planning Commission Members,

Please vote for approval of the Grocery Outlet project.

As affordable housing demands continue to grow in our community, affordable living options need to follow. With the cost of everything going up, a large percentage of our coastal population could benefit from a discount grocery store. Typically the silent majority, those in favor, will not attend the meeting or even write a letter, but someone needs to be able to speak up for their interests.

Thank you for your consideration,

Greg Burke

MAY 0 4 2023

May 20, 3023

CDP 2-22

DR 7-22 GROCERY OUTLET PROJECT

MGR 1-22

3.7 Transportation and circulation

- Provides additional shopping options within walking distance of the new Plateau residences, the Moura Senior Housing and the numerous apartments in that
 - Decreases traffic on they 20 from those travelling over the hill to stretch their food budget.

3.1 Aesthetics

- Removes a slowly decaying long vacant building along south Franklim Street.

- Consistent with the existing visual character of other commercial development within the block.

Karen Calvert
P.O. Box 70
Albion CA 95410-0070

From: Derek <helios@saber.net>
Sent: Thursday, May 4, 2023 3:21 PM

To: cdd

Subject: Please Approve the Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Greetings Commissioners,

As a long time low income citizen of Fort Bragg, and former Planning Commissioner, I'd like to add my Support to Approve the Grocery Outlet.

It would add value to our community by allowing lower income families to afford higher quality food items.

The location is quite suitable, as it served many clients daily when it was County offices, without any traffic or other neighborhood issues.

As it is now, that vacant building is a blight upon our community, attracting vandalism and bringing down property values due to that.

Please consider voting "YES" to approve it.

Thank you,

Derek Hoyle -

From: pdlit@yahoo.com

Sent: Thursday, May 4, 2023 7:06 PM

To: cdd

Cc:aweibel@mcn.orgSubject:Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Planning Commissioners:

i live between Elk and Philo, 30995 Philo Greenwood Rd. Although the proposed Grocery Outlet might save me money on some products, there are many grocery outlets in Fort Bragg currently and these kind of chains take money out of Fort Bragg and Mendocino County while adding very little in the way of jobs, which are lost at other grocery outlets, or beauty. They are simply one more step, one more degradation, to the beauty, the ambiance and energy that brought many of the residents to this area.

We don't need more chains, more duplicative commerce; we need housing. The forces represented by this type of project do NOTHING to enhance our area. How long will we allow commercial interests to destroy this coastal area?

Please, at a minimum, require a meaningful EIR that considers the needs of the people, not business. Truthfully, i believe the hand-in-hand lockstep of government and business, which values business more than county residents, is destroying our County and our Country.

Peter D. Lit

a senior voter

From: Spirit <spiritway02@yahoo.com>
Sent: Thursday, May 4, 2023 6:00 PM

To: cdd

Subject: RE: No grocery outlet

We want structures that bring the people UP...like beauty. Working together on projects that beautify. .that reduces pollution. Scarcity. Competition...start w name change of ft bragg. .ugh...name means everything

On Thu, May 4, 2023 at 2:48 PM, cdd <cdd@fortbragg.com> wrote:

Good Afternoon -

Your public comment has been received. Thank you.

Sincerely,

Community Development Department

Phone: (707) 961-2827



From: Spirit <spiritway02@yahoo.com> Sent: Thursday, May 4, 2023 2:04 PM

To: cdd <cdd@fortbragg.com> **Subject:** No grocery outlet

Environmental impacts too costly to town. To planet...

Selling fresh organic food is needed fo	or town's prosperity.	Healthy people create h	ealthy lives created and
sustained by healthy food and water.	Upward!!		

Think health equals wealth...

From: Spirit <spiritway02@yahoo.com>
Sent: Thursday, May 4, 2023 2:04 PM

To: cdd

Subject: No grocery outlet

Follow Up Flag: Follow up Flag Status: Follow up

Environmental impacts too costly to town. To planet...

Selling fresh organic food is needed for town's prosperity. Healthy people create healthy lives created and sustained by healthy food and water. Upward!!

Think health equals wealth...

From: Ali Van Zee <yourali747@gmail.com>
Sent: Thursday, May 4, 2023 3:27 PM

To: cdd

Subject: Grocery Outlet

To whom it concerns.

My husband and I have lived in Fort Bragg for the last 5 years, but I have been coming here for over 50 years. My parents built a hole in Surfwood in the early 80's and, after my father passed away in 2000, my mom bought a little cottage here in Fort Bragg. I may not be a native, but my connection runs deep and I'm dismayed you are even considering this ill-advised plan.

This City thinks big box stores will be its salvation; that it will generate more taxes. It won't. The infrastructure required to service this store will only add to the City's expenses and be out of proportion to any income generated.

Fort Bragg and Mendocino thrive on tourism and yet our City does little to funnel tourist dollars to our dying downtown. We should be *supporting* the businesses we have by making our downtown more welcoming. We need trees and drought-resistant plants to break up the bleak, gritty streets of what is rapidly becoming a wasteland. Tourists will not be coming up here if all they see are the same sterile cookie-cutter big box stores they're trying to escape.

Fort Bragg is well served by Harvest Market, Safeway and Purity Market as well as Down Home Foods, our Farmer's Market and a number of smaller mom and pop markets. Bringing in Grocery Outlet puts all these businesses at risk ... and then you'll just go chasing more big box stores in a never-ending cycle.

You could certainly turn those empty buildings into more safe housing for the homeless, including their pets. You could turn the current parking lot into green space with fencing and picnic tables and places for the residents to enjoy. You could also turn those buildings into a cooperative or classrooms/workshops where people could learn trades or painting, sculpting etc.

There are any number of uses for the existing buildings that would enhance life here rather than drown us in more trash and unrecyclable plastic that will inevitably end up on our streets and ocean from Grocery Outlet.

Do BETTER!

Ali Van Zee

~We survive together, or not at all~

From: montanagrl < montanagrl54@gmail.com>

Sent: Thursday, May 4, 2023 3:13 PM

To: cdd

Subject: Grocery Outlet

To whom it may concern:

I am in full support of Fort Bragg allowing the building of the Grocery Outlet store. We need this store since it will provide additional options for the residents and visitors to our town. It will also provide more employment to our community, which is definitely needed.

Please approve Grocery Outlet coming to Fort Bragg.

Linda Williams 16700 Pearl Ranch Rd Fort Bragg, CA 95437

From: Cheryl Schuessler < luckycheryl@comcast.net>

Sent: Friday, May 5, 2023 9:38 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

I am writing in support of the Grocery Outlet in Fort Bragg. People should have the choice, given the opportunity, to spend their grocery dollars where they want. More access to affordable food is critical now adays, especially for retired people or others living on fixed incomes.

Please carefully consider how the G.O. will **positively** impact the citizens of City of Fort Bragg by providing an alternative grocery shopping option. Not only will your decision impact the City, but all of the communities up and down the coast who come to Fort Bragg to shop.

Thank you for your time and consideration. Cheryl Schuessler

Sent from Mail for Windows

From: NormaLee Andres <normalee@mcn.org>

Sent: Friday, May 5, 2023 10:41 PM

To: cdd

Subject: I just wish to voice my support of GROCERY OUTLET project/development

Follow Up Flag: Follow up Flag Status: Completed

I know the folks who have single family homes in the area are not happy about the project, but for the good of the community at large, I think the positives outweigh the negatives.

Norma Andres 16401 Pine Dr Fort Bragg, CA

From: Janet Kabel <jmkabel@sbcglobal.net>
Sent: Saturday, May 6, 2023 8:51 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Completed

Dear Planning Commission and City Council Members:

I am writing you to urge the prompt approval of Grocery Outlet's EIR and related permits. Grocery Outlet has bent over backwards to address the concerns of a few individuals who feel that any development threatens "the environment". This project is going into a previously developed parcel in a commercially zoned area. It should have never required the added expense of an EIR and to add even more burdens on the developer might prevent them from ever building a needed lower cost option for shopping on the coast.

The current proposal and its special conditions more than address any realistic concern that a reasonable person might have. Yes there will be increased traffic and noise but surely that level of noise is to be expected along a commercial corridor. Yes some other stores might lose business but isn't competition a fact of business?

More good than harm will come from the approval of the project than its denial. Residents will have an option for lower cost groceries locally rather than driving over the hill. New jobs will be created. For those opposed to the project, nothing will force them to patronize Grocery Outlet.

Please do not let a well funded minority deny the benefits that Grocery Outlet will provide to the many.

Sincerely,

Janet Kabel 309 E Bush Fort Bragg

From: Judith Valadao <j.valadao@sbcglobal.net>

Sent: Saturday, May 6, 2023 10:57 AM

To: cdd

Subject:Support Grocery OutletAttachments:In favor of petition.pdf

Follow Up Flag: Follow up Flag Status: Follow up

Planning Commissioners,

Please add my name as well as the names of those included in the attached petition in favor of Grocery Outlet.

Many people in our area are living at or below poverty level and need lower priced foods in order to get by from

day to day. Many of these people are families with children.

During emergencies such as the fires and Covid pandemic our grocery store shelves were down to near empty. Having

an additional food source would help with the many shoppers along the coast.

My shopping habits will not change...Purity Market is my go to place and that will not change. Those who are in desperate need

of more affordable food have to travel out of town to get their needs met. Not having to travel would mean more money to spend on food locally.

I for one, am sick of the same group coming out once more to oppose most everything trying to be done for the local community.

I would hope that you, as Planning Commissioners would find this an opportunity to do something positive for the community that needs it the most.

Please find attached the petition in favor of Grocery Outlet to be located on South Franklin Street in Fort Bragg.

Thank you for your time,

Judy Valadao

change.org

Recipient: Fort Bragg City Council

Letter: Greetings,

Raise awareness that many locals want grocery outlet

Signatures

Name	Location	Date
Ryan Bushnell	Fort Bragg, CA	2021-04-09
Rick Jeffery	Fort Bragg, CA	2021-04-09
Judith Valadao	Fort Bragg, CA	2021-04-09
Susan Bushnell	Clarksville, TN	2021-04-09
Evelyn Anderson	Mendocino, CA	2021-04-09
carrie engle	Fort Bragg, CA	2021-04-09
Kristine Gilmore	Fort Bragg, CA	2021-04-09
Patricia Peeler	Fort Bragg, CA	2021-04-09
Brittaney Dondanville	Fort Bragg, CA	2021-04-09
Joseph Kreisel	Brentwood, CA	2021-04-09
Mike Tubbs	Redwood valley, CA	2021-04-09
Janet Nylund	Fort Bragg, CA	2021-04-09
Tammy Lowe	Fort Bragg, CA	2021-04-09
Richard Millis, II	Fort Bragg, CA	2021-04-09
Gary Koski	Fort Bragg, CA	2021-04-09
Laurie Koski	Fort Bragg, CA	2021-04-09
Bruce Koski	Fort Bragg, CA	2021-04-09
Marcie Lazarus	Fort Bragg, CA	2021-04-09
Naomi Mannonen	Fort bragg, CA	2021-04-09
Ronald Valadao	Fort Bragg, CA	2021-04-09

Name	Location	Date
Kimberly Gillette	Fort Bragg, CA	2021-04-09
Tina Rose	Fort Bragg, CA	2021-04-09
Kim Taylor	Fort Bragg, CA	2021-04-09
Ashley Vance	Fort Bragg, CA	2021-04-09
Sarita Colberg	Fort Bragg, CA	2021-04-09
Julie McHenry	Fort Bragg, CA	2021-04-09
Jennifer Clark	Fort Bragg, CA	2021-04-09
Jessica Turner garcia	Fort Bragg, CA	2021-04-09
Charles A Peavey	Fort Bragg, CA	2021-04-09
sandy ellingwood	Fort Bragg, CA	2021-04-09
Robin Scaramella	Fort Bragg, CA	2021-04-09
Janelle Fraser	Fort Bragg, CA	2021-04-09
Fred Zatkoff	San, CA	2021-04-09
Alyssa Babcock	Fort Bragg, CA	2021-04-09
Donald Anderson	Fort Bragg, CA	2021-04-09
Carrie Hull	Fort Bragg, CA	2021-04-09
Michele Anderson	Fort Bragg, CA	2021-04-09
Kim Evans	Fort Bragg, CA	2021-04-09
Marilyn Costa	Fort Bragg, CA	2021-04-09
Jimmie Teem	Myrtle creek, OR	2021-04-09
Sandra Jones	Mendocino, CA	2021-04-09
Paula Deeter	Medford, OR	2021-04-09

Name	Location	Date
Crystal Rowley	Fort Bragg, CA	2021-04-09
Kelly Wooden	Fort Bragg, CA	2021-04-09
Nathan Strouth	Federal Way, WA	2021-04-09
Evelyn Hautala	Fort Bragg, CA	2021-04-09
Cheri Maas	Fort Bragg, CA	2021-04-09
Crystal Porcayo	Yakima, WA	2021-04-09
Kelly Mehtlan	Ukiah, CA	2021-04-09
Mike and sherrie White	Fort Bragg, CA	2021-04-09
Morgan Davenport	Fort Bragg, OR	2021-04-09
Pat Collins	Fort Bragg, CA	2021-04-09
Judy Bremer	Fort Bragg, CA	2021-04-09
Cathy Perkins	Fort Bragg, CA	2021-04-09
Pam West	Fort Bragg, CA	2021-04-09
Stacey Anderson	Fort Bragg, CA	2021-04-09
Angel Serrano	Fort Bragg, CA	2021-04-09
Ervin Spowehn	Fort Bragg, US	2021-04-09
Polly Bishop	Fort Bragg, CA	2021-04-09
Linda Rambo	Fort Bragg, CA	2021-04-09
James Mallory	Fort Bragg, CA	2021-04-09
Dawn Ferreira	Fort Bragg, CA	2021-04-09
Lisa Davenport	Fort Bragg, CA	2021-04-09
Johanna Maxey	Mendocino, CA	2021-04-09

Name	Location	Date
Richard Daniels	Fort Bragg, CA	2021-04-09
Brian Hurley	fort bragg, CA	2021-04-09
Jane Woodward	Fort Bragg, CA	2021-04-09
Michael Ferguson	Fort Bragg, CA	2021-04-09
Debra Bryant	Willits, CA	2021-04-09
Susan Owens	Fort Bragg, CA	2021-04-09
Tyler Allen	Fort Bragg, CA	2021-04-09
cheryl schuessler	Fort Bragg, CA	2021-04-09
David Schuessler	Fort Bragg, CA	2021-04-09
Mandi Waymire	Fort Bragg, CA	2021-04-09
Gina Balassi	Fort Bragg, CA	2021-04-09
Karen Norton	Fort Bragg, CA	2021-04-09
David Howe	Fort Bragg, CA	2021-04-09
Peter Robblee	Fort Bragg, CA	2021-04-09
Glenda Holloway	Fort Bragg, CA	2021-04-09
Sarah Van Horn	Fort Bragg, CA	2021-04-09
Nancy James	Fort Bragg, CA	2021-04-09
Karen Knoebber	Fort Bragg, CA	2021-04-09
Traci Kelley	Fort Bragg, CA	2021-04-09
Sue Spowehn	Fort Bragg, CA	2021-04-09
Laura Rogers	Fort Bragg, CA	2021-04-09
Eric Martin	Fortuna, CA	2021-04-09

Name	Location	Date
Lara Nielsen	Fort Bragg, CA	2021-04-09
REBECCAH Kinney	Fort Bragg, CA	2021-04-09
Russell Jewett	Fremont, CA	2021-04-09
Ryan Ferguson	Fort bragg, CA	2021-04-09
Marilla Peeler	Fort Bragg, CA	2021-04-09
Marleigh Caparros	Swedesboro, US	2021-04-09
JON INWOOD	Brooklyn, NY	2021-04-09
Franco Carlo	New York	2021-04-09
Sean Patrick	Fort Bragg, CA	2021-04-09
Patty Stuckey	Fort Bragg, CA	2021-04-09
Terri Russ	Fort Bragg, CA	2021-04-09
Mike Peat	Fort Bragg, CA	2021-04-09
Brenda Sallinen	Fort Bragg, CA	2021-04-09
kirbo good	Centreville, US	2021-04-09
Cora Stone	Medford, OR	2021-04-09
Brenda Choi	Los Angeles, CA	2021-04-10
Kasey Hockett	Fort Bragg, US	2021-04-10
Donna Winkler	Fort Bragg, CA	2021-04-10
Marian Holmes	Fort Bragg, CA	2021-04-10
Deanna Lawrason	Fort Bragg, CA	2021-04-10
Hannah Hiatt	Phoenix, US	2021-04-10
Fran Nelson	Fort Bragg, CA	2021-04-10

Name	Location	Date
Vanette St John	Fort Bragg, CA	2021-04-10
Jeanne Kinney	Fort Bragg, CA	2021-04-10
Josie Drake	Fort Bragg, CA	2021-04-10
Donna Niemeyer	Pasco, WA	2021-04-10
Jessica Dias	Fort Bragg, CA	2021-04-10
Laurel Hosford	Mendocino, CA	2021-04-10
Zena Coughlin	Redwood Valley, CA	2021-04-10
Shirley Graves	US	2021-04-10
Traci Colbert	Willits, CA	2021-04-10
Jonna Mabery	Fort Bragg, CA	2021-04-10
Monica Hernandes	Newark, US	2021-04-10
Dawn Messex	Fort Bragg, CA	2021-04-10
Martin Scribner	Fort Bragg, CA	2021-04-10
Diane Lionberger	Fort Bragg, CA	2021-04-10
Wilma Woods	Fort Bragg, CA	2021-04-10
Lynn Stampfli	Mendocino, CA	2021-04-10
Rantala Roy	Fort Bragg, CA	2021-04-10
Brenda Perkins	Yoder, CO	2021-04-10
Carrie Sallinen	Fort Bragg, CA	2021-04-10
Jerry Ball	Fort bragg, CA	2021-04-10
Linda Muncy Bishop	Fort Bragg, CA	2021-04-10
Carol Sisco	Dayton, NV	2021-04-10

Name	Location	Date
Kari Shelley	Eureka, CA	2021-04-10
Erin Grant	Eureka, CA	2021-04-10
Jen Souza	Fort Bragg, CA	2021-04-10
Colleen Pierce	Aberdeen, WA	2021-04-10
Darlene Glenn	Santa Rosa, CA	2021-04-10
James Mullen	North Versailles, US	2021-04-10
Atanacio Cha'vez Johnson	Santa Rosa, CA	2021-04-10
Cynthia Manzano	Fort Bragg, CA	2021-04-10
debbie adamczak	Fort Bragg, CA	2021-04-10
Debra Bryant	FORT BRAGG,CA, CA	2021-04-10
Janice Harrison	Fort Bragg, CA	2021-04-10
Sherry Fischer	Fort Bragg, CA	2021-04-11
Dawn Ciro	Fort Bragg, CA	2021-04-11
Ann Meadlin	Fort Bragg, CA	2021-04-11
Jesieka Grover Silva	Fort Bragg, CA	2021-04-11
James Bugenstien	US	2021-04-11
Linda Reeder	Los Angeles, CA	2021-04-11
John Graves	Boonsboro, MD	2021-04-11
Julia Seaholm	Fort Bragg, CA	2021-04-11
Lorie Reynolds	Fort Bragg, CA	2021-04-11
Tracie Smith	Fort Bragg, CA	2021-04-11
Mark Fish	Albion, CA	2021-04-11

Name	Location	Date
Roxanne Rohe	Fort bragg, CA	2021-04-11
Orsi Hannah	Fort Bragg, CA	2021-04-11
Marc Dallaire	Bel Air, MD	2021-04-11
Katie Exline	Grants Pass, OR	2021-04-11
Sarah Bushnell	Fort Bragg, CA	2021-04-11
Rusty Sherry Bell	Casper, CA	2021-04-11
Kathryn McCully Mccully	Henderson, NV	2021-04-11
Leti Soria	Fort Bragg, CA	2021-04-12
Eric Nylund	Fort Bragg, CA	2021-04-12
Anna Shaw	Fort Bragg, CA	2021-04-12
Sharon Lee	Fort Bragg, CA	2021-04-12
Danae Waugh	Fort Bragg, CA	2021-04-12
Renee Haas	Ukiah, CA	2021-04-12
Judy Dawley	Fort Bragg, CA	2021-04-12
Rachel Miskelly	Fort Bragg, CA	2021-04-12
Eggy Preuss	Fort Bragg, CA	2021-04-12
Michael Johnson	Santa Rosa, CA	2021-04-12
Dina Gregory	Mendocino, CA	2021-04-12
Sonny Simpson	Fort Bragg, CA	2021-04-12
David Thorpe	Little River, CA	2021-04-12
Karen Parker r	Fort Bragg, CA	2021-04-12
Christopher Hodges	Plymouth Meeting, US	2021-04-12

Name	Location	Date
Adrian Navarro	Tracy, US	2021-04-12
Artemis LoPriore	US	2021-04-12
Kassandra Evans	Fort Bragg, CA	2021-04-12
Will Lee	Fort Bragg, CA	2021-04-12
Daniel Ferguson	Fort bragg, CA	2021-04-12
Kelly Forward	Sturgis, SD	2021-04-12
Diana Welch	Ukiah, CA	2021-04-12
Emily Pendergrass	Fort Bragg, CA	2021-04-12
Melissa Jensen	Sandpoint, ID	2021-04-12
Debbie Wisniewski	Las vegas, NV	2021-04-12
Paul House	Fort Bragg, CA	2021-04-12
Dera Miller	Fort Bragg, CA	2021-04-12
carolyn leason	malden, US	2021-04-12
tess tickle	NYC, US	2021-04-12
Apryl Bonham	Fort Bragg, CA	2021-04-12
sean davies	Washington, US	2021-04-12
Stella Dragness	Fort Bragg, CA	2021-04-12
Brian Yanez	San Francisco, US	2021-04-12
Patti Schumacher	Fort Bragg, CA	2021-04-12
Jonna Mathews	Fort Bragg, CA	2021-04-12
Lorraine Williams	Fort Bragg, CA	2021-04-12
ANTHONY VEEDMONT	El Paso, US	2021-04-12

Name	Location	Date
Janet Figueiredo	Fort Bragg, CA	2021-04-12
Tamara H	US	2021-04-12
Greg Ward	Fort Bragg, CA	2021-04-13
Andres Ogando	Hialeah, US	2021-04-13
Kathryn Hee	Fort Bragg, CA	2021-04-13
Amani Hamilton	Minneapolis, US	2021-04-13
LARRY BUNNER	Pahrump, NV	2021-04-13
Susan Hee	Fort Bragg, CA	2021-04-13
Olivia Reynolds	Fort bragg, CA	2021-04-13
Eva Chilton	Fort Bragg, CA	2021-04-13
Kari Paoli	Fort Bragg, CA	2021-04-13
Isabel Rogerson	Fort Bragg, CA	2021-04-13
Lynn Chastain	Victoria, VA	2021-04-13
dana carr	Estacada, OR	2021-04-13
Joshua MARGERISON	Fort Bragg, CA	2021-04-13
Judy Filmer	Vallejo, CA	2021-04-13
Austin Ward	Corvallis, OR	2021-04-13
Marcia Mollett	Fort Bragg, CA	2021-04-13
Nicole Clark	Fort Bragg, CA	2021-04-13
Claire Normoyle	Mckinleyville, CA	2021-04-13
Anna Smith	Killeen, US	2021-04-13
Ahtziri Barrios	Porterville, US	2021-04-13

Name	Location	Date
Paula Christensen	Fort Bragg, CA	2021-04-13
Jevaughn Cassanova	Philadelphia, US	2021-04-13
larry cote	Fort Bragg, CA	2021-04-13
Deborah Kinney	Fort Bragg, CA	2021-04-13
Ed Ratliff	Santa Rosa, CA	2021-04-13
Stephanie Bishop	Fort Bragg, CA	2021-04-13
Maria Mello	Fort Bragg, CA	2021-04-13
Stephanie Berry	Fort Bragg, CA	2021-04-13
Grace Tubbs	Fort Bragg, CA	2021-04-13
Brittany Yates-Tuomala	Santa Rosa, CA	2021-04-13
Liza Daniel	Fort Bragg, CA	2021-04-13
Michelle Matson	Fort Bragg, CA	2021-04-13
Diane Butterfield	Ukiah, CA	2021-04-13
Michael Renzi	Fort Bragg, CA	2021-04-13
Thurman Atkinson	Saint John, US	2021-04-13
Elleanna Kendrick	Fleming Island, US	2021-04-13
Ed English	Fort Bragg, CA	2021-04-13
Sheila English	Fort Bragg, CA	2021-04-13
Lynnett Cooper	Fort Bragg, CA	2021-04-13
Lisa Green	Fort Bragg, CA	2021-04-13
Rachel Schnars	Erie, US	2021-04-13
Jerry Grogan	Lincoln, US	2021-04-13

Name	Location	Date
Guilherme Renault	Astoria, US	2021-04-13
Carley Brennfleck-Miller	Fort Bragg, CA	2021-04-13
jayleigh ritenour	Turtle Creek, US	2021-04-13
lynn mayhew	Fort Bragg, CA	2021-04-13
Colton Goodenow	Bellevue, US	2021-04-13
Garth Hagerman	Mendocino, CA	2021-04-14
Daniel Robinson	Pepperell, US	2021-04-14
Lynn Wegiel	US	2021-04-14
Blake Martinez	Mesquite, US	2021-04-14
Patricia Androff	Fort Bragg, CA	2021-04-14
keeley Oberheim	Abingdon, US	2021-04-14
Agim Demirovski	Staten island, US	2021-04-14
Carlos Felix	Oak Grove, US	2021-04-14
Jason Grayson	San Francisco, US	2021-04-14
Dan Ahmad	Greensboro, US	2021-04-14
Dan Butterfield	fort bragg, CA	2021-04-14
Antonio Arizmendi	Bellflower, US	2021-04-14
Tayler Darden	Manteca, US	2021-04-14
kylisha davis	Manteca, US	2021-04-14
Rose Matson	Fort Bragg, CA	2021-04-14
Morgan Cooper	Santa Rosa, CA	2021-04-14
Virginia Raper	Fort Worth, TX	2021-04-14

Name	Location	Date
Dianna Mertle	Fort Bragg, CA	2021-04-14
alma murrieta	Douglas, US	2021-04-14
Michele Nhothibouth	Fresno, US	2021-04-14
Karmah Mendez	Fort Bragg, CA	2021-04-14
Sarah Mechling	Fort Bragg, CA	2021-04-14
Tyler Wilhelm	Clinton, US	2021-04-14
Joy De Lara	San Rafael, CA	2021-04-14
Grace Cochran	California	2021-04-14
Tommy Jet	US	2021-04-14
Marjie Beckman	Fort Bragg, CA	2021-04-14
paul meyers	Akron, US	2021-04-14
Maryam Bijvand	Los Angeles, US	2021-04-14
Jacqueline Bazor	Fort Bragg, CA	2021-04-14
Nabiha Ahmed	Alexandria, US	2021-04-14
Shay Ashford	Atlanta, US	2021-04-14
Noelle Wooden	San Francisco, CA	2021-04-14
James Gregg	Indianapolis, US	2021-04-14
Jesse Ruiz	Tulare, US	2021-04-14
Maja Kendl	US	2021-04-14
Michele Smith	Fort Bragg, CA	2021-04-14
Okuyasu Nijimura	Erie, US	2021-04-14
Sharon Harrelson	Clovis, US	2021-04-14

Name	Location	Date
Cassie Bass	mullins, US	2021-04-14
Debra Dutra	Fort Bragg, CA	2021-04-15
James Taylor	Anaheim, US	2021-04-15
Sukie Shagame	US	2021-04-15
Stacy Weeks	Fort Bragg, CA	2021-04-15
Aimee Pricer	Fort Bragg, CA	2021-04-15
Jessica Latner	Fort Bragg, CA	2021-04-15
Lucy bowles	Fort Bragg, CA	2021-04-15
Mimi Hershenson	Carlsbad, US	2021-04-15
Jolene Hernandez	Placentia, US	2021-04-15
b b	Las Vegas, US	2021-04-15
Nicolas Klassen santiago	Fort George G Meade, US	2021-04-15
Kennedy Thomas	Atlanta, US	2021-04-15
karen partida	Chula Vista, US	2021-04-15
Shawn Mersing	Philadelphia, PA	2021-04-15
Marie Samson	Manteca, US	2021-04-15
Churros Loser	Pomona, US	2021-04-15
lorilie morey	rohnert park, US	2021-04-15
Shanda Lanser	Fort Bragg, CA	2021-04-15
Julia Lanser	Fort Bragg, CA	2021-04-15
Jesse Taylor	Knoxville, US	2021-04-15
Jared Peterson	Anaheim, US	2021-04-15

Name	Location	Date
Mortada Abdulradha	Pompano Beach, US	2021-04-15
Ella Ogg	Minneapolis, US	2021-04-16
Koda Turner	Chico, US	2021-04-16
John Whitney	Fort Bragg, CA	2021-04-16
reuel brundage	willits, CA	2021-04-16
Isabell Burns	Fort Bragg, CA	2021-04-16
Carol Millsap	Fort Bragg, CA	2021-04-17
Benjamin Mitchell	Pittsfield, US	2021-04-17
Melisa c Rosales	Lodi, US	2021-04-17
Brennen Wells	Byron center, US	2021-04-17
michael Fobbs	Pittsburg, US	2021-04-17
Yusra Sartaj	US	2021-04-17
Peyton Schobelock	Lewis Center, US	2021-04-17
Zane Grey	Hillsborough, US	2021-04-17
Susanna Chu	Lancaster, US	2021-04-18
Troy Sanchez	Lake Orion, US	2021-04-18
Naomi Mendez	Merced, US	2021-04-18
Brianna Olsen	Sparta, US	2021-04-18
Danny Lanser	Fort Bragg, CA	2021-04-20
Brad Clark	Dallas, TX	2021-04-21
Liz Smethurst	Fort Bragg, CA	2021-04-27
Barbara Van De Walker	Fort Bragg, CA	2021-04-28

Name	Location	Date
Dawn Motherwell	Fort Bragg, CA	2021-04-29
Christine Churchill	Fort Bragg, CA	2021-05-01
Carol Robinson	Fort Bragg, CA	2021-05-01
charles jenkins	Atlanta, US	2021-05-04
Tranna Washington	Atlanta, US	2021-05-04
V Foster	Atlanta, US	2021-05-04
Cody Burris	Williamsburg, US	2021-05-09
Anita Galli baez	Fort Bragg, CA	2021-05-11
Robert Gordon	Mendocino, CA	2021-05-14
Linda Bishop	Fort Bragg, CA	2021-05-19
Alyse Wooden	Mendocino, CA	2021-05-21
Michele Pense	San Francisco, CA	2021-05-21
Felicia Holmes	Ukiah, CA	2021-05-21
Kathy Shafsky	Fort Bragg, CA	2021-05-21
Joe Braga	Fort Bragg, CA	2021-05-21
Sandra Liljeberg	Fort Bragg, CA	2021-05-21
Laura Rogers	Fort Bragg, CA	2021-05-21
Betty Peterson	Fernley, NV	2021-05-21
Tammy Johnston	Fort Bragg, CA	2021-05-21
Kathy Orsi	Fort Bragg, CA	2021-05-21
Robin Vargas	Fort Bragg, CA	2021-05-21
John Redding	Fort Bragg, CA	2021-05-21

Name	Location	Date
Teena Zatkoff	Caldwell, ID	2021-05-21
Lynn Orsi	Ukiah, CA	2021-05-21
Sherry Friscia	Fort Bragg, CA	2021-05-21
Sandra Bradford	Weaverville, CA	2021-05-21
Deanne Thomas	Fort Bragg, CA	2021-05-21
Jesus Campos	Egg Harbor Township, US	2021-05-21
Sara Noonan	Albion, CA	2021-05-21
Tara Mcgregor	Fort Bragg, CA	2021-05-21
Mark Vollmer	Fort Bragg, CA	2021-05-21
Elizabeth Paoli	Fort Bragg, CA	2021-05-21
Tammy Liwe	Fort Bragg, CA	2021-05-21
Janelle Fraser	Fort Bragg, CA	2021-05-21
michele mehtlan	Fort Bragg, CA	2021-05-21
Dan Raymann	San Jose, CA	2021-05-21
Lisa Walker	Fort Bragg, CA	2021-05-21
Nick Plaskon	Macomb, MI	2021-05-21
Alice Welsh	Ukiah, CA	2021-05-21
Lucinda Maulsby maulsby	Decatur, TX	2021-05-21
Nancy Philips	Fort Bragg, CA	2021-05-21
Tabetha Connell	Fort Bragg, CA	2021-05-21
Gina Balassi	Fort Bragg, CA	2021-05-21
Cindy Olvera	Fort Bragg, CA	2021-05-21

Name	Location	Date
Elaine Tavelli	Fort Bragg, CA	2021-05-21
Lena Gentile	Fort Bragg, CA	2021-05-21
Jennifer Ornelas	Fort Bragg, CA	2021-05-21
Robert Taylor	Fort bragg, CA	2021-05-21
Douna Scramaglia	Fort Bragg, CA	2021-05-21
Lanette Gordon	Fort Bragg, CA	2021-05-21
Evan Anderson	Lake Stevens, WA	2021-05-21
Heather Baird	Fort bragg, CA	2021-05-21
Erica Zissa	Mendocino, CA	2021-05-21
Allisson Amaya	Fort Bragg, CA	2021-05-21
Daniela Wilkens	Fort Bragg, CA	2021-05-21
Jessica Fitch	Fort Bragg, CA	2021-05-21
JACLYN CAINE	Fort Bragg, CA	2021-05-21
Deborah Hughes	Fort Bragg, CA	2021-05-21
Ginny Munoz	Fort Bragg, OR	2021-05-21
Tyler G	Fort Bragg, CA	2021-05-21
Lesley Bryant	Fort Bragg, CA	2021-05-21
Martha Rayon	MOUNT VERNON, MO	2021-05-21
Gabe San	Fort Bragg, CA	2021-05-21
Luz Delgado	Fort Bragg, CA	2021-05-21
Hailee Kelley	Fort Bragg, CA	2021-05-21
Ariane Casey	Fort Bragg, CA	2021-05-21

Name	Location	Date
Michael Hilburn	Fort Bragg, CA	2021-05-21
Diana Berry	Fort Bragg, CA	2021-05-21
Alaina Zimmerman	Fort Bragg, CA	2021-05-21
Sharon Smith	Fort Bragg, CA	2021-05-21
Kenzie Bowman	Fort Bragg, CA	2021-05-21
Sophie Vieira	Fort Bragg, CA	2021-05-21
Becky Munoz	Fort Bragg, CA	2021-05-21
Jacob Campa	San Antonio, US	2021-05-21
Janet Phenix	Fort Bragg, CA	2021-05-21
Rosalie Taylor	Burney, CA	2021-05-21
Sherie Mottlow	Fort Bragg, CA	2021-05-21
Kayla Sanchez	Fort Bragg, CA	2021-05-21
Gary McCray	Fort Bragg, CA	2021-05-21
Ava Pjerrou	Fort Bragg, CA	2021-05-21
Sharon Cottrell	Fort Bragg, CA	2021-05-21
James Godwin	Fort Bragg, CA	2021-05-21
Tamara Baxman	Fort Bragg, CA	2021-05-21
Regina Smith	Fort Bragg, CA	2021-05-21
Lisa Manzano	Fort Bragg, CA	2021-05-21
Linda Stanton	Fort Bragg, CA	2021-05-21
Janice Schultz	Lakeport, CA	2021-05-21
Alicia Cruttenden	Everett, WA	2021-05-21

Name	Location	Date
Sarah Flowers	Fort bragg, CA	2021-05-21
Kylara Shealor	Fort Bragg, CA	2021-05-21
Ronalie Silveira	Fort Bragg, CA	2021-05-21
Marilyn Costa	Fort Bragg, CA	2021-05-21
Jennifer Ellis	Fort Bragg, CA	2021-05-21
Elizabeth Canady	Albion, CA	2021-05-21
amanda baer	Point Arena, CA	2021-05-21
Christina Wideman	Marysville, CA	2021-05-21
Madeline Maxi	Olivehurst, CA	2021-05-21
Sarah Custer	Fort Bragg, CA	2021-05-21
LARRY MASTERSON	San Francisco, CA	2021-05-21
Martha Harbour	Fort Bragg, CA	2021-05-21
Olivia Bruchler	Berkeley, US	2021-05-22
Bonnie Lifvendahl	Fort Bragg, CA	2021-05-22
Linda Hilliard/Thurman	Fort Bragg, CA	2021-05-22
Kathy Larkin	Fort Bragg, CA	2021-05-22
Darnell Michlig	Westport, CA	2021-05-22
Laurie Garrison	Santa Rosa, CA	2021-05-22
Debbie Jones	Fort Bragg, CA	2021-05-22
Donna Norvell	Fort Bragg, CA	2021-05-22
Adriana Santana	Point Arena, CA	2021-05-22
Jeff Costa	Clarkston, WA	2021-05-22

Name	Location	Date
Linda Lowery	OCEAN SPRINGS, US	2021-05-22

From: Gale Beauchamp <gbrealty@mcn.org>

Sent: Sunday, May 7, 2023 1:24 PM

To: cdd

Cc: Gale Beauchamp **Subject:** Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Dear Planning Commissioners,

We urge you to approve the Grocery Outlet project without delay.

Our community deserves an additional food shopping option that promises bargain pricing. The location is ideal to serve many of our subsidized residents, especially those who may not have vehicles.

The other obvious plus to this project is the replacement of an eyesore property that is in great disrepair and inviting overnight occupation.

Clearly, their business model is a good fit with our challenged coastal economy. The jobs and city revenue alone make the project even more attractive. Additionally the information provided describing their modest trash/refuse production was impressive.

Please support this very positive development within our city.

Best regards, Daryl and Gale Beauchamp 20515 Nottingham Ct. Fort Bragg

From: Sarita Colberg <srcolberg@sbcglobal.net>

Sent: Sunday, May 7, 2023 10:39 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Completed

To all it may concern,

We own a family childcare here in Fort Bragg which has been open for 23 years now. We currently feed our family and the children of 15 low income families. All 16 of our families support the Grocery Outlet and many of us already shop at the Willits store with the time and expense of traveling.

All of our families are working and receive no or little assistance in the way of food from Social Services. We were lucky to receive a lot food assistance through our local Food Bank during covid, but what is provided to us and our families is now minimal. I only shop sales to keep cupboards, fridge and freezer stocked, often ordering online and traveling to Willits to Grocery Outlet. My local shopping is done at Safeway for sale products only unless we run out of milk or other products like eggs which are never cheap. I spend a ton of money making sure all the children have healthy real food to eat.

Please to not let those who do not need an affordable grocery option sway your perception away from how many do need it. Those who prefer to and can afford to shop at other local stores will still do so and they may just ignore the Grocery Outlet's existence. Additionally, please realize how many opposing this project do not live in Fort Bragg or our surrounding community; living in Caspar and south your objection should hold no bearing on this decision.

Our final comment on the opposition has to do with location; a more desirable location was attempted at length and received the same push back. No location will be prefect and the current one does have the added benefit of being within walking distance to a concentrated population of low income residents. Those who live across the street knew the zoning before the bought property there and do not have the right to tell property owners they can not use their property out of inconvenience. If you have ever been to the property or even driven past you know that claims of it being a wetland or any other natural aspects which need to be preserved are false and simply grasping at straws trying to stop the project.

Please approve the Grocery Outlet project because our community is largely low income and even middle income residents live in poverty due to housing and utility costs which, like everything else, continue to rise.

Thank you, Sarita Colberg and Sean Patrick Sarita's Childcare 334 N Corry St. Fort Bragg, CA 95437

From: Daniel Ferguson < TheifAssassin@hotmail.com>

Sent: Sunday, May 7, 2023 8:26 PM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Follow up

We want a grocery outlet !! Get Outlook for iOS

From: Daniel Ferguson <iacton@att.net>
Sent: Sunday, May 7, 2023 8:25 PM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Follow up

We want a grocery outlet Get <u>Outlook for iOS</u>

From: Janet <jnlady49@yahoo.com>
Sent: Sunday, May 7, 2023 6:26 AM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Completed

We really need and want a grocery outlet in Fort Bragg. Please make this happen groceries are getting so expensive.

Thank you, Janet Nylund 30153 Sherwood rd Fort Bragg, CA

Sent from my iPad

From: Kim <kimmer@mcn.org>
Sent: Sunday, May 7, 2023 8:58 AM

To: cdd

Subject: Yes Please We Want a Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

To Whom it May Concern:

We grew up and still live, and shop, in Fort Bragg; and believe that a new grocery store in Fort Bragg is way overdue. We haven't had a new place to shop for food since the 1980's. It is essential that locals have an affordable option. Please let us have a Grocery Outlet.

Thank you for your time,

Kim Taylor Chuck Chernow

Sent from my iPhone

From: Rebecca Thurman < bthurman95437@gmail.com>

Sent: Sunday, May 7, 2023 8:04 AM

To: cdd

Subject: Grocery Outlet store.

Follow Up Flag: Follow up Flag Status: Follow up

Please approve the Grocery Outlet for Fort Bragg. This community is in great need of it. The people who shop at Harvest and Safeway will continue to shop there but there is a great amount of us who cannot afford those high prices and are forced to go out of town to Willits and Ukiah. The grocery Outlet will also be providing jobs for our community. It's a win win. Please let them in. Thank you.

Sent from my iPhone

From: robsuey <robsuey@mcn.org>
Sent: sunday, May 7, 2023 9:44 PM

To: cdd

Subject: Yes we want a Grocery Outlet!

Follow Up Flag: Follow up Flag Status: Follow up

Sent from my Verizon, Samsung Galaxy tablet

Yes we want a Grocery Outlet

From: Carrie Durkee <cdurkee@mcn.org>
Sent: Monday, May 8, 2023 9:24 AM

To: cdd

Subject: Grocery Outlet.

Follow Up Flag: Follow up Flag Status: Follow Up

Greetings Planning Commissioners:

We do not want another chain in Fort Bragg. The money leaves town. Profit is the motive.
Where is the building for the future?

We could use support instead for co-ops for local people. Help make the path smoother for cooperative endeavors.

Thank you for the work that you do. Sincerely,

Carrie Durkee

From: dawnjf@mcn.org

Sent: Monday, May 8, 2023 11:58 AM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Completed

I support the Grocery Outlet coming to Fort Bragg at the old Social Service building on S Franklin St.

Thank you Dawn Ferreira 320 N Mcpherson St. Fort Bragg, CA 95437

From: Steph Panis <nativelove1989@gmail.com>

Sent: Monday, May 8, 2023 8:06 AM

To: cdd

Follow Up Flag: Follow up Flag Status: Completed

YES WE NEED A GROCERY OUTLET

From: sandra sawyer

To:

Subject:

Cdd Yes to Grocery Outlet Monday, May 8, 2023 10:57:15 PM Date:

Yes to Grocery Outlet. We need cheaper food options.

Thanks

Sandra Sawyer

Comptche

Sent from my iPhone

From: Robin Scaramella < robinscaramella25@gmail.com>

Sent: Monday, May 8, 2023 12:10 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

I'm 100% for this store, as it will not only help me but also families, seniors and low income families.

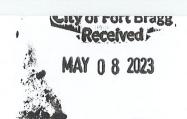
I've shopped at the store in Willits dozens of times. I rarely can afford to shop at Costco, and with gas prices so high I'm unable to go to the Willits store.

Many say Purity will lose business. I will never quit shopping there and go there every Wednesday for their produce and meat.

Other items I purchase at Safeway, because Harvest is way out of my price range. With a Grocery Outlet I would save a considerable amount of money!

Please take into consideration for the people of Fort Bragg and approve the store.

Thank you



May 8, 2023

en Fort Bragg at Sabwey, Purity and Jearnest Market when I goont of town I shop at Costeo and Grocery Dutlet Shopsping at Grocery Outlet and Coster money. I would rather spend my money at home does help to save money for ather things. Maybe the check out line at Safuray would not be so long. if Grocery Detlet was in Fart Bragg. I say yes to having Grocery Outlet being in Fort Bragg. Fart Bragg Ca. 95437

Mountain Mikes

Date: May 5 2023 Re: For the Grocery Outlet hearing

Dear Planning Commissioners and City Council members,

I am the owner of Mountain Mikes Pizza. We are happy to be serving quality pizza made by our local staff.

I did write a letter two years ago. Sadly, I thought this was going to be already built. As you know my business is close in vicinity to where the Grocery Outlet will be built. It would greatly enhance this area, and our city.

Being on Main Street, I catch wind of everything. The reason I am writing today, there are people who may not appreciate a "familiar" sign or a larger named restaurant. However, please remember, there are locals who run and work in these businesses. We live here. We are part of the community. We provide jobs, pay taxes, make tasty food for my customers, and so much more. We bring people together under our roof. This is one business, who sees how beneficial a Grocery Outlet will serve this community.

When I hear comments regarding how traffic will change for the worse, being on the corner of Hwy 1 and N. Harbor, I just don't see it. I think this is slightly exaggerated. Even the few emergency vehicles will have a clear path to the hospital for example.

People want their dollars to go farther. They want diversity in their stores. If we do not try to grow our city a little bit, the job base will shrink, as is what is happening now. It's a known fact, the city loses its young to outside opportunities and more affordable options once they turn 18 plus. Let's work hard to make it a place for the young, old and in-between.

Planning Commissioners, please vote yes for a Grocery Outlet.

Thank you.

Rohit Kumar

898 S Main Street, Fort bragg, CA 95437

From: Mike stephens <strix@mcn.org>
Sent: Tuesday, May 9, 2023 4:07 PM

To: cdd

Subject: Grocery Outlet Support

Follow Up Flag: Follow up Completed

Hello,

My name is Mike Stephens I live and own property within the city limits of Fort Bragg. I am writing to the Fort Bragg planning commission to encourage them to please approve the project to bring a Grocery Outlet store to our city. Aside from the benefits it will bring to coastal residents, I understand that your primary concern at the moment is whether to require a EIR for project approval or accept the negative declaration that there won't be any adverse environmental impacts from this project. I do not see a need for such a study rather I see this as another effort to stymie the project or cause further delays. I am concerned about the prospect of no out-of -town business ever coming to Fort Bragg. It's a discount grocery store, something we can all benefit from.

Thank you for your consideration.

Sincerely,

Mike Stephens

From: Jo ann Grant <jgomesgrant@yahoo.com>
Sent: Wednesday, May 10, 2023 6:53 AM

To: cdd

Subject: Grocery Out Let

Follow Up Flag: Follow up Flag Status: Follow up

Yes, please my husband and I would love to see Grocery outlet in Fort Bragg, please let this happen, thank you. My daughter that lives in Annapolis, cal would love it too, it would help their family a lot, if good money and has and time. Please, please. Fort Bragg is the only town on the coast that can grow, please let it grow in the right direction, please give us a grocery outlet. We're just regular working people that have lived here all our lives. 73 years.

From: Kate Hee <katehee57@gmail.com>
Sent: Wednesday, May 10, 2023 8:01 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Good morning,

I won't be able to attend the meeting tonight, but wanted to express my opinion regarding the Grocery Outlet. My husband and I are strongly in favor of having a Grocery Outlet in Fort Bragg.

It is much needed in this community.

Please allow this project to move forward.

Regards,

Kathryn and Wesley Hee

From: Craig Johnson <seajay24@yahoo.com>
Sent: Wednesday, May 10, 2023 11:09 AM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Follow up

Being on a fixed retirement income, I now get per month, what I made in a week while working, I strongly encourage you to approve the grocery outlet project, I and many others need this store.

Thank you,

Craig Johnson.

Sent from my iPhone

From: Cyrus Kroninger <cykroninger@gmail.com>

Sent: Wednesday, May 10, 2023 10:03 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

To Whom it may concern,

As a lifelong resident of the Mendocino Coast, I have always had an interest in increasing economic opportunities for residents.

While I understand the desire to keep Fort Bragg's character as a small town, there needs to be growth and opportunity for all residents. As a staple product, wide ranging food availability is severely lacking in Fort Bragg. There is a serious need for competition with the largest grocery store in the area, Safeway. Grocery Outlet offers exactly that competition while offering different products and increased availability.

I urge you to please approve the Grocery Outlet permit.

Thank you,

Cyrus Kroninger

From: Jim Moose <JMoose@rmmenvirolaw.com>

Sent: Wednesday, May 10, 2023 9:58 AM

To: cdd

Cc: Terry Johnson (Terry@bestprop.net); Marie Jones (marie@mariejonesconsulting.com);

Lisa Kranitz (lkranitzlaw@gmail.com)

Subject: letters relevant to Planning Commission meeting tonight -- in favor of Grocery Outlet

project

Attachments: Letter supporting Grocery Outlet from Windows Done Right (00671273xB0A85).pdf;

Auburn Chamber of Commerce letter supporting Grocery Outlet (00671277xB0A85).pdf

Follow Up Flag: Follow up Flag Status: Completed

Sir or Madam,

Please be so kind as to forward the two attached letters to the members of the Planning Commission. The letters are in favor of the proposed Grocery Outlet project, for which the Commission will be conducting a public hearing. The first letter is from Fort Bragg businessman Ryan McLaughlin of Windows Done Right. He talks about his 10-year relationship with a Grocery Outlet owner/operator who has helped him with his business and talked about how he (the operator) and his partner have approach the operation of their Grocery Outlet and how engaged they are in their own community. The second letter is from Jackie Weston is from the Auburn Chamber of Commerce. It talks about what a great addition a Grocery Outlet has been to the Auburn community.

Thank you,

Jim Moose Attorney



REMY | MOOSE | MANLEY LLP

555 Capitol Mall, Suite 800 | Sacramento, CA 95814 P (916) 443-2745 x 225 | F (916) 443-9017 | moose@rmmenvirolaw.com | www.rmmenvirolaw.com

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Please consider the environment before printing this email.

Windows Done Right Ryan McLaughlin Fort Bragg, CA 95437 wdrcleaning@gmail.com (530)514-1385

May 9, 2023

To whom it may concern,

It is with great pleasure to recommend Grocery Outlet Bargain Market to become a part of this beautiful town's history, prosperity, and community.

I have known a Grocery Outlet Owner/Operator personally for over a decade. He has also worked with me here in Fort Bragg over the years, helping my business grow and always showed excitement in helping this wonderful town sparkle.

During that time, he would talk to me about what he and his business partner were doing within Grocery Outlet. Not only do they bring in an opportunistic buying model which allows them to sell name brand products at a discounted price, they also are heavily engaged within the community helping wherever they can, giving thousands of their hard-earned dollars each year to the community.

I am confident and without reservation that a Grocery Outlet Bargain Market would greatly be appreciated and accepted her in this historic town, willing to serve and give back to those in need. Thank you very much for your time and consideration.

Sincerely,

Ryan McLaughlin

Windows Done Right

From: Tina Rose <trose502@gmail.com>
Sent: Wednesday, May 10, 2023 7:35 AM

To: cdd

Subject: Support of Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Please note that this family is in support of approving a Grocery Outlet to Fort Bragg.

Please approve the proposal.

Thank you,

The Rose Family

From: Meli Treichler <meli.treichler@gmail.com>

Sent: Wednesday, May 10, 2023 9:10 AM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Dear Planning Commission,

Please consider allowing a Grocery Outlet to be built in Fort Bragg. I live in Point Arena. I actually work in town at the local Co-op. I see on a daily how expensive groceries are. As part of my duties, I change the price tags on the shelves. Food costs are still rising. For example; a small head of cauliflower is currently \$10.79 at the co-op. I travel to Ukiah or Willits every other week for groceries. Cauliflower At Grocery Outlet is around \$3 for a large head. I will also stop by a Safeway in ether of those towns to finish up what I couldn't find at G.O.

If you allow this store to come to Fort Bragg. I believe it'll bring way more business to the whole town. I would also go to Safeway, Starbucks, gas station, Walgreens, and get lunch at a local restaurant. Since I work at a town's center, I know there would be HUNDREDS more community members that would do the same. Mountain View Road and highway 20 are pretty dizzying roads to travel over. Please please make the decision to add this store to Fort Bragg. We would all benefit.

Sincerely,

Melanie Treichler

From: Thomas Tuffin <arabesque77@gmail.com>
Sent: Wednesday, May 10, 2023 10:51 AM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Follow up

Yes on Grocery Outlet....jobs, variety, friendly competition...all of the above. Send your local money over the hill or keep it in our own community.

From: stellawells1950 < stellawells1950@gmail.com>

Sent: Wednesday, May 10, 2023 8:02 AM

To: cdd

Subject: Please make the grocery outlet store in fort bragg.open here. .much needed

here.stoo taking money over the hill.

Follow Up Flag: Follow up Flag Status: Completed

Sent from my U.S.Cellular© Smartphone

From: Jim Moose <JMoose@rmmenvirolaw.com>

Sent: Wednesday, May 10, 2023 9:58 AM

To: cdd

Cc: Terry Johnson (Terry@bestprop.net); Marie Jones (marie@mariejonesconsulting.com);

Lisa Kranitz (lkranitzlaw@gmail.com)

Subject: letters relevant to Planning Commission meeting tonight -- in favor of Grocery Outlet

project

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Auburn Chamber of Commerce letter supporting Grocery Outlet (00671277xB0A85).pdf

Follow Up Flag: Follow up Flag Status: Follow up

Sir or Madam,

Please be so kind as to forward the two attached letters to the members of the Planning Commission. The letters are in favor of the proposed Grocery Outlet project, for which the Commission will be conducting a public hearing. The first letter is from Fort Bragg businessman Ryan McLaughlin of Windows Done Right. He talks about his 10-year relationship with a Grocery Outlet owner/operator who has helped him with his business and talked about how he (the operator) and his partner have approach the operation of their Grocery Outlet and how engaged they are in their own community. The second letter is from Jackie Weston is from the Auburn Chamber of Commerce. It talks about what a great addition a Grocery Outlet has been to the Auburn community.

Thank you,

Jim Moose Attorney



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Auburn Chamber of Commerce

Serving Auburn since 1906

2023 Officers & Directors

May 9, 2023

Peggy Seitzinger President Roper's Jewelers

Josh Hanosh President-Elect Dedicated Designs

Gary Gilligan *Vice President*Mountain Mandarin
Festival

Monique Hall *Treasurer* River Valley Bank

Scott McCallum Past-President CAC Fit

Board of Directors

Manouch Shirvanioun ARD

Candace Hile Umpqua Bank

Eric Chun Creative Music Services

Cynthia Haynes Veterans Day Parade

Garrett Konrad IFC Insurance Marketing

Natalie Litchfield IFC Insurance Marketing

Nalesh Chandra Tabu Ohana

Chamber Staff

Jackie Weston CEO

Rebecca Niehaus Administration

Rosie Joe Herrnberger Bookkeeper

To whom it may concern:

My name is Jackie Weston and I am the CEO of the Auburn Chamber of Commerce in Auburn California. We are a small/medium-sized Chamber with over 500 members. I cannot begin to explain all of the benefits of having Grocery Outlet in our community. The development of all the Grocery Outlets in our area over the past few years has been incredible. I found when our Grocery Outlet was recently purchased (during the pandemic) it completely changed for our community. The store is now busier than our big chain grocery stores and the employees there are far more energetic and caring than at any other store. Walking into the Grocery Outlet is like an episode of Cheers where everyone knows your name and are willing to go to any length to find you what you need or get it ordered.

Our current owners of our Grocery Outlet are incredible people. I have never had a member of the Chamber so willing to jump in to sponsor events, donate food or drink for any event we need as well as put together incredible raffle prizes for any need that may come. I thought I was incredibly lucky until I looked around at the other non-profits around our area and realized they are doing it for everyone. I don't think they tell any organization or non-profit no. I am so incredibly grateful to have such a wonderful store, organization and ownership in our town and couldn't be more thankful for their generosity.

Sincerely,

Jackie Weston

Auburn Chamber of Commerce CEO

1103 High Street, Suite 100 ~ Auburn, CA 95603 ~ (530) 885-5616 Tax ID# 94-1021496

From: Mark Wolfe <mrw@mrwolfeassociates.com>

Sent: Wednesday, May 10, 2023 5:23 AM

To: cdd; Lemos, June

Subject: Letter to Planning Commission for May 10, 2023 Meeting

Attachments: FBLBM Ltr to Plng Commn_5-10-23.pdf

Dear Madam Clerk:

Attached in PDF format please find correspondence addressed to the Planning Commission concerning the proposed Best Development/Grocery Outlet project, currently set for public hearing on May 10, 2023 as Item No. 6.A on the meeting agenda. Please distribute to Planning Commissioners in advance of the public hearing.

I would be grateful if you could acknowledge receipt of this email and the attachment.

Thank you very much.

Mark R. Wolfe
M. R. Wolfe & Associates, P.C. | Attorneys
Land Use | Environmental Law | Elections

580 California Street | Suite 1200 | San Francisco, CA 94104 415.369.9400 | Fax: 415.369.9405 | www.mrwolfeassociates.com

The information in this e-mail may contain information that is confidential and/or subject to the attorney-client privilege. If you have received it in error, please delete and contact the sender immediately. Thank you.



May 10, 2023

By E-Mail

Planning Commission City of Fort Bragg c/o City Clerk 416 N. Franklin Street Fort Bragg, CA 95437 cdd@fortbragg.com jlemos@fortbragg.com

Re: Proposed Grocery Outlet at 825, 845, 851 South Franklin Street [Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-2022 (MGR 1-22)]

Dear Planning Commissioners:

On behalf of Fort Bragg Local Business Matters (FBLBM), this is to request that the Planning Commission decline to recommend that the City Council certify the Final EIR and approve the above-referenced Grocery Outlet project (Project) at this time. The Final EIR does not meet CEQA's requirements for good-faith, reasoned responses to public comments timely submitted on the Draft EIR, and also includes significant new information that CEQA requires be circulated for public review and comment before it can be certified as complete. As a result, and as explained further below, the Final EIR does not adequately disclose, evaluate, or mitigate all of the Project's potentially significant impacts.

Air Quality/Health Risk Assessment

In comments on the Draft EIR submitted on behalf of FBLBM, we sought further information and analysis concerning the potential health impacts of diesel particulate matter (DPM) emissions on residents living immediately adjacent to the Project site from heavy-truck deliveries occurring over the lifetime of the Project. We

noted that the Draft EIR reported 8 heavy-duty diesel truck deliveries per week, and 4 to 5 medium-duty diesel truck deliveries per day, with many of these trucks with top-mounted refrigeration units that also generate DPM emissions. We also noted that the Draft EIR had acknowledged existing DPM emissions from trucks traveling on Highway 1 near the site, but had not provided any detail on this topic. Given that DPM has been listed by the California Air Resources Board as a known carcinogenic toxic air contaminant (TAC), is important that the health risks to residential receptors living very close to the Project site from even a comparatively small number of diesel truck trips per week be quantified and evaluated.

Responding to these comments, the Final EIR declines to provide any further details relating to existing and potential future risks from cumulative exposure to DPM emissions from the Project. Instead of preparing a health risk assessment, it doubles down on the Draft EIR's unsupported assertion that the number of truck trips is too small to represent a significant health risk form TAC exposure. This response does not meet the standards of adequacy under CEQA for good faith, reasoned analysis in response to substantive public comments. (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1371.) Under CEQA, lead agencies have to "receive and evaluate public reactions to environmental issues related to the agency's activities." (Guidelines, § 15201, emphasis added.) This means that a lead agency has to provide "a good faith reasoned analysis in response[]" to every public comment received and cannot simply dismiss concerns raised by the public. (*Santa Clarita Org. for Planning v. County of L.A.* (2003) 106 Cal.App.4th 715, 723.)

The Planning Commission should direct staff to undertake a meaningful assessment of cumulative health risks result from exposure to the Project's DPM emissions in combination with existing emissions from truck traffic on Highway 1.

Noise Impacts

In our earlier comments, we observed that the Draft EIR had omitted consideration of receptors at the Super 8 Motel immediately adjacent to the Project site to the west, and that the noise contours in Figures 3.5-1 through 7 of the Draft EIR suggest that Project-related noise levels exceeding applicable significance thresholds at this location. In response, the Final EIR asserts that the City's General Plan's indoor and outdoor residential noise standards of 45 Ldn and 60 Ldn

respectively apply to hotels and motels, and that "these thresholds and standards were used to analyze Project impacts to the Super 8 Motel."

This response fails to show how these standards were applied to the Motel. The noise contour figures in the Draft EIR indicate that the Super 8 Motel was actually excluded from this analysis., as were portions of the Seabird Lodge and Harbor Lite Lodge to the north and south. The comment response again fails to meet CEQA's standards of good faith, reasoned analysis in response to substantive public comments.

Traffic

Several commenters raised significant, material concerns regarding the Draft EIR's analysis of traffic impacts, emergency vehicle response impacts, and pedestrian safety. The Final EIR's responses to many of these comments consist of references to the same discussions in the Draft EIR that the commenters had questioned, with no new analysis provided. Such responses also do not meet CEQA's standards for good faith, reasoned analysis in response to public comment.

Urban Decay

In response to our comments on the Draft EIR requesting an urban decay analysis, the City to its credit undertook to prepare one. The result, which concludes the Project will have no urban decay impacts resulting from closures of competing retailers in the market area, is appended to the Final EIR as a new appendix. Unfortunately, this new urban decay study has not been circulated for review and comment and accordingly has not been subjected to public scrutiny as required by CEQA.

An agency must recirculate a revised draft EIR for public comment whenever "significant new information" is added after public notice is given of the availability of the draft EIR for public review but before certification. (CEQA Guidelines, § 15088.5(a).) "Significant new information" requiring recirculation includes information showing that the draft EIR was "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (Guidelines, § 15088.5(a)(4).) The purpose of recirculation is to subject the new information "to the same critical evaluation that occurs in the draft

stage," so that "the public is not denied an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." (*Laurel Heights Improvement Association v. U.C. Regents* (1993) 6 Cal.4th 1112, 1132.). This purpose has not been fulfilled with respect to the urban decay study prepared for this Project.

For the above reasons, the Planning Commission should decline to certify the Final EIR as adequate under CEQA at this time, and should instead direct staff to prepare a revised EIR that corrects the deficiencies discussed above, and to circulate it together with the new urban decay study for public review and comment.

Thank you for your consideration of these concerns.

Most sincerely,

M. R. WOLFE & ASSOCIATES, P.C

Mark R. Wolfe

On behalf of Fort Bragg Local Business Matters

MRW:

From: KEITH FULLER < ktf6847@aol.com>
Sent: Wednesday, May 10, 2023 1:00 PM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Follow Up

We are In Support of Grocery outlet in Port Bragg Keith and Joan Fuller

Sent from my iPhone

From: Munoz, Cristal

Sent: Wednesday, May 10, 2023 1:32 PM

To: cdd

Subject: FW: Planning Commsision Meeting tonight.

Follow Up Flag: Follow up Flag Status: Completed

----Original Message----

From: jay@mcn.org <jay@mcn.org>

Sent: Wednesday, May 10, 2023 12:51 PM

To: Lemos, June <jlemos@fortbragg.com>; Ducey, Peggy <PDucey@fortbragg.com>; Munoz, Cristal

<cmunoz@fortbragg.com>

Subject: Planning Commsision Meeting tonight.

Dear Chair Deitz,

Public Comment on non agenda items perhaps.

Regarding tonight's meeting.

It would be nice if you could alternate speakers by allowing one in person followed by one on Zoom etc until all have spoken.

I understand it may be up to your discretion but those on Zoom are always penalized by having to sit close to their computers and or on their phones and can't do much else and if their phone battery dies can't speak at all.

I would appreciate you considering my recommendation.

Kind Regards,

Jay

From: Kimber McCandless <kimberkgm@yahoo.com>

Sent: Wednesday, May 10, 2023 11:49 AM

To: cdd

Subject: Grocery Outlet Fort Bragg Ca

Follow Up Flag: Follow up Flag Status: Follow up

Yes, yes and yes to building a GO in Fort Bragg. Why would you not want to make the people of the community happy with another option?

You can find items at GO that you can not find in other stores and it's a kick to shop there, AND of course the prices are are way lower. Again, making the community happy.

Sincerely

KGM

Sent from my iPad

From: Munoz, Cristal

Sent: Wednesday, May 10, 2023 1:32 PM

To: cdd

Subject: FW: Public Comment Planning Commissin

Follow Up Flag: Follow up Flag Status: Follow up

----Original Message-----

From: jay@mcn.org <jay@mcn.org>

Sent: Wednesday, May 10, 2023 12:55 PM

To: Munoz, Cristal <cmunoz@fortbragg.com>; Ducey, Peggy <PDucey@fortbragg.com>

Subject: Public Comment Planning Commissin

I would like to see more parking and less landscaping..

Parking is more important than landscaping that requires extra maintenance, water, pruning etc.

The EIR does not address what type of additional landscaping would replace the much needed parking especially for the second RV spot.

Kid regards,

Jay McMartin

Arellano, Humberto Jr.

From: Maddy Hirshfield <mhirshfield_nblc@att.net>

Sent: Wednesday, May 10, 2023 12:44 PM

To: cdd Cc: City Clerk

Subject:Letter opposing new grocery storeAttachments:Fort Bragg Planning Comm.pdf

Follow Up Flag: Follow up Flag Status: Completed

Please find attached letter.

Maddy Hirshfield
Political Director
North Bay Labor Council
1371 Neotomas Avenue
Santa Rosa, CA 95405
707-545-6970 (office)
707-570-6180 (cell)



May 10, 2023

City of Fort Bragg Planning Commission c/o Community Development Department 416 N. Franklin Street, Fort Bragg, CA 95437 cdd@fortbragg.com

Dear Honorable Planning Commission:

We are writing on behalf of North Bay Labor Council which proudly represents over 70,000 hard working union members throughout Northern California, including almost 600 members and working families in the general Fort Bragg area.

We are concerned about a Sacramento based developer's plan to build a new discount grocery store at 851 S. Franklin Street and the possible negative impact it will have on our members and existing businesses in your community. These are businesses that currently provide good, livable wages and benefits to their employees.

The proposed Grocery Outlet is a national discount grocery chain that does not provide most of their employees with the dignity of livable wages or affordable medical benefits and does not live up to industry standards. Our mission is, in part, to ensure that working families have the opportunity to make a family sustaining wage and benefits allowing them to live and thrive in the communities where they work.

Not only will this Grocery Outlet make it harder for other businesses that provide good wages and benefits in your community to compete, it will also likely result in the loss of several better paying positions for our members. A net loss of these better paying positions will directly impact other surrounding businesses as workers will have fewer resources to invest back into the community.

We understand and respect that competition can be healthy and that growth is inevitable. That said, we ask you to consider the bigger and longer-term negative impacts that this proposed Grocery Outlet will have on working families. This is to say nothing of the impact on traffic, emergency response and commute times, pollution (air, noise, light).

We respectfully ask that the Planning Commission not recommend approval of this project and Final Environmental Impact Report (FEIR), as submitted, to the Fort Bragg City Council. The FEIR fails to both adequately address the many concerns that residents raised at the public scoping hearing, about project impacts. As well, it does not provide proper mitigations to offset these many impacts to neighbors, residents, and existing businesses in Fort Bragg.,

Respectfully,

Jack Buckhorn
Executive Director

Maddy Hirshfield Political Director

Madely Hist field

Cc: Fort Bragg City Council

c/o City Clerk

cityclerk@fortbragg.com.

Arellano, Humberto Jr.

From: Jacob Patterson < jacob.patterson.esq@gmail.com>

Sent: Wednesday, May 10, 2023 1:21 PM

To: cd

Subject: Public Comment -- 5/10/2023 PC Mtg., Item No. 6A

Follow Up Flag: Follow up Flag Status: Completed

Planning Commission,

Please incorporate the documents found at the following links as part of this public comment for your public hearing on the Grocery Outlet project proposed for S. Franklin Street tonight. Rather than downloading and resubmitting the PDF files that the City already has for these prior relevant records, I am providing the file download links to the City's agenda materials for the relevant meetings where the complete files are available and can be viewed or downloaded at the following links. The linked files should be incorporated into this comment by reference as if set forth in full herein and the Planning Commission should consider them as you make your recommendations. The linked files are the public comments to the Planning Commission and City Council and an appeal document from the prior version of this project that was approved but later rescinded at the request of the applicant. The linked prior comments raise many issues that remain relevant and applicable to the identical project that is being reviewed using an EIR rather than an MND and I hereby renew any and all objections to the proposed Grocery Outlet project that were raised during the entitlement review for the same project that was processed with an MND rather than the newer EIR.

From 5/26/2021 PC Hearing (11 files):

 $\underline{\text{https://cityfortbragg.legistar.com/View.ashx?M=F\&ID=9466720\&GUID=3D43F433-3637-421F-93FE-F79ED9011493}$

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9467062&GUID=F96AE27E-756E-48FB-9F42-83E171241E07

 $\underline{\text{https://cityfortbragg.legistar.com/View.ashx?M=F\&ID=9467196\&GUID=B8731001-AB77-4F6D-9D14-CFA48A1B3755}$

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9467203&GUID=C23AAC6D-BC12-40D2-BB77-612ECCB1BB37

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9467214&GUID=F893EB8C-217A-411A-9840-591C35201D3A

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9466722&GUID=D5C9E262-FE89-4F24-BC8B-AE24237C7E33

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9466804&GUID=37C73306-089E-49D0-A88F-E73FBBFEC530

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9466805&GUID=32C2E3D1-D7D9-4AFB-87A2-EBCD2E722F96

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9466806&GUID=3B8649F9-9A00-4454-B657-5322EA5C6831

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9466807&GUID=1FD39D36-1CB5-4E56-8F5B-FEF7AF85D3E4

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9466808&GUID=4C4148CA-1074-4E63-AC75-8039D6CBDF87

From 6/9/2021 PC Hearing (1 file):

https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9478896&GUID=F9C10D72-3363-4BFC-8B12-4DD20AFF41FE

From 7/12/2021 CC Hearing (1 file):

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https://cityfortbragg.legistar.com/View.ashx?M=F&ID=9630418&GUID=31EF40E5-0E45-4B78-9695-B3C74556AF12 [Note: This is Kashiwada's appeal document rather than a comment]

Regards,

--Jacob

Arellano, Humberto Jr.

From: Jacob Patterson < jacob.patterson.esq@gmail.com>

Sent: Wednesday, May 10, 2023 1:55 PM

To: cdd

Subject: Public Comment -- 5/10/2023 PC Mtg., Item No. 6A, Views to Ocean

Attachments: 09252019 Staff Report - AutoZone.pdf

Follow Up Flag: Follow up Flag Status: Completed

Planning Commission,

Contrary to assertions otherwise, the City has local precedent about how we analyze and apply the Coastal General Plan Policy that protects views along and TO the ocean through the project site. The EIR and the materials assert (incorrectly) that the City ignores views to the ocean when future intervening development could block the existing views that are not currently blocked by existing development on the parcels that are between the project site and the ocean. The Auto Zone proposal for Todd's point illustrates the City's actua; past practices, which is to evaluate and protect views TO the ocean through the project site. In the past, the site design was adjusted to make the projects consistent with this policy, which requires the views to be protected to the maximum extent feasible. This has even been done through recorded view easements.

As applied to this project, the existing views to the ocean through the developed site where Chevron is located should similarly be protected or we would be using a "novel" interpretation and application of this policy that is inconsistent with past practices. That would be arbitrary and capricious and demonstrate that the applicant's preferred interpretation of the relevant policy language is novel and unprecedented. The EIR should be revised to reflect reality rather than the current inaccurate and unfounded assertion that protecting these views TO the ocean, which is the explicit language of the policy, would present a "novel" interpretation of this policy. In fact, the opposite is true and ignoring the existing views by completely blocking the existing views to the ocean due to the proposed site layout is contrary to our local interpretive precedent and application of this policy to past projects and presents a direct inconsistency with the requirement to protect existing views along and to the ocean to the maximum extent feasible. Moreover, it is feasible to protect these views by shifting the proposed building to the south and retaining some of the parking areas to the north of the site, which still meets ALL project objectives.

[CDD staff, please confirm receipt of this comment prior to the 2 PM online publication deadline.]

Regards,

--Jacob

MEETING DATE: September 25, 2019

PREPARED BY: S McCormick
PRESENTED BY: S McCormick

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit 9-18 (CDP 9-18)

Design Review 3-18 (DR 3-18) Minor Subdivision 1-18 (DIV 1-18)

OWNER: Wayne Mayhew

APPLICANT: AutoZone Parts, Inc. – Mitch Bramlitt

AGENT: LACO Associates

PROJECT: Coastal Development Permit, Design Review, and Minor Subdivision to

construct a 7,500 SF AutoZone retail store with 26-space parking lot and associated improvements and infrastructure. The existing 2.5-acre parcel is vacant and the proposed subdivision would create two lots. Lot 1 on the northern portion of the site would be the site of the proposed retail store.

No development is proposed for the southernmost lot at this time.

LOCATION: 1151 S Main Street, Fort Bragg

APN: 018-440-58

LOT SIZE: 2.5-acres

ACTION: The Planning Commission will consider adoption of the project Mitigated

Negative Declaration; and approval of Coastal Development Permit (CDP 9-18), Design Review (DR 3-18), and Minor Subdivision 1-18 (DIV 1-18)

ZONING: Highway Visitor Commercial (CH) in the Coastal Zone

ENVIRONMENTAL

DETERMINATION: A Mitigated Negative Declaration has been prepared for the project. See

Attachment 1.

SURROUNDING

LAND USES: NORTH: General Retail / Auto Repair Service

EAST: CA Hwy 1 / Vacant Lot / Drive-thru Restaurant

SOUTH: Lodging-Motel

WEST: Vacant Lot / Mendocino County Single Family Residential

APPEALABLE PROJECT: \square Can be appealed to City Council

□ Can be appealed to Coastal Commission

STAFF RECOMMENDATION

Staff recommends that the Planning Commission: 1) receive staff report; 2) open the public hearing; 3) take testimony from the public and the applicant; 4) close the public hearing and deliberate; and

- 5a) direct staff to prepare a resolution with findings for approval based on the project's consistency with the City's Coastal General Plan and Coastal Land Use and Development Code as discussed and mitigated in the MND, and analyzed and conditioned in the staff report; **or**
- 5b) direct staff to prepare a resolution with findings for denial based on Planning Commission's determination that the project is inconsistent with either: a) Policy LU-4.1, (appearance/small town character); b) CLUDC 17.50.070 (sited and designed to protect views to and along the ocean and scenic coastal areas); and/or c) insufficient findings regarding Design Review Permit; and

Further, staff recommends the Planning Commission continue the public hearing to the next regularly scheduled meeting of Planning Commission on October 9, 2019, in order to provide staff an opportunity to develop a resolution for the selected Planning Commission action.

PROJECT DESCRIPTION

The applicant is seeking a Coastal Development Permit, Design Review and Minor Subdivision to create two parcels and construct a 7,500 SF AutoZone retail store. The retail store would include a 26-space parking lot, roadway improvements to the unnamed frontage road, pedestrian improvements, a bio retention pond, landscaping and signage. The minor-subdivision would create two lots from an existing 2.5-acre parcel; Lot 1 on the northern portion of the site would be the location of proposed AutoZone retail store; no development is proposed for the southernmost lot (Lot 2) at this time (Attachment 2 – Site Plan).



Map 1: Project Location - 1151 S Main Street

CONSISTENCY WITH COASTAL GENERAL PLAN AND COASTAL LAND USE & DEVELOPMENT CODE

The following analysis summarizes the proposed project's compliance with development standards and relevant Coastal General Plan policies that have a bearing on the project. Special conditions are recommended where necessary, to bring the project into conformance with the City's Local Coastal Program.

LAND USE

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

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

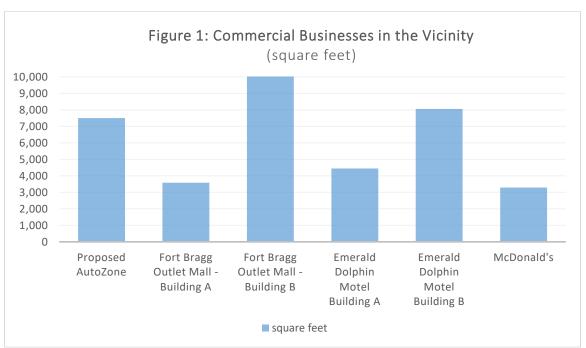
Formula businesses are permitted in Fort Bragg, and compliance with Policy LU-4.1 is intended to ensure that their location, scale and appearance do not detract from the economic vitality of established commercial businesses.

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

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

<u>Location:</u> The zoning designation, Highway Visitor Commercial, is applied to sites along CA Hwy 1 and is generally vehicle oriented. As most visitors to Fort Bragg arrive by motor vehicle, a retail store providing items to maintain vehicles is a vehicle oriented business. Land uses in the immediate vicinity of the project site include lodging, restaurant, café, retail and auto repair. Both the proposed project (retail) and adjacent existing businesses are permitted land uses by right, adhering to the intent of the CH zoning district, and thus would not detract from the economic vitality of established commercial businesses.

<u>Scale:</u> New development is comparable in scale with existing buildings and streetscape. Figure 1 depicts the scale of the proposed retail store, relative to established businesses in the vicinity. As shown, the size of the proposed retail store is comparable with other buildings in the immediate vicinity and would not detract from the economic vitality of established commercial businesses.



Appearance: Staff required the applicant to modify and revise the initial project design to better comply the Citywide Design Guidelines. Architectural features such as transom windows were added to the southern façade, awnings were included to create more articulation and the color palette changed from dark greys to earth-toned browns. In addition, a corner gable architectural element was removed because it made the building taller and landscaping was identified and further refined to improve the overall appearance. The Design Review Permit process gives the Planning Commission an opportunity to further evaluate the proposed design and, if desired, to further modify the design in order to ensure the appearance does not detract from the economic vitality of established commercial businesses. Design Review is discussed in detail further in the staff report. The following images represent the appearance of established commercial businesses in the area to provide context of the proposed project within the existing streetscape.



Image 1: Emerald Dolphin Motel Building A (right), Building B (left)



Image 2 : Fort Bragg Outlet Building A (right) and Building B (left)



Image 3: McDonald's



Image 4: Proposed AutoZone

The benefit of an auto parts retail establishment is to offer visitors and residents supplies to repair and maintain motor vehicles. This do-it-yourself approach to auto care could be interpreted as supportive of our community's small town rural character. On the other hand, one might interpret the arrival of a third auto parts retail store to threaten the economic vitality of existing auto parts retail stores, Napa and O'Reilly's.

The Planning Commission determine whether the project is consistent with the small town rural character of Fort Bragg and Policy LU-4.1. The mission of the City's General Plan is to "preserve and enhance the small town character and natural beauty that make the City a place where people want to live and visit, and to improve the economic diversity of the City to ensure that it has a strong and resilient economy which supports its residents." Several statements are listed to affirm this mission and statements relevant to this discussion are listed below:

- A friendly city with a small town character and a strong sense of community.
- A city which strives to create an environment where business and commerce can grow and flourish.
- A city that embraces its role as the primary commercial and service center on the Mendocino coast.
- A city which promotes itself as a tourist destination and which provides the necessary infrastructure and services to support a growing population of transient visitors.
- A city that supports efforts to preserve and strengthen the vitality of commerce in its central business district.
- A city that fosters a business climate which sustains and nourishes the growth and expansion of local businesses and cottage industries."

<u>Development Standards</u> - Site development zoning standards for the Highway Visitor Commercial (CH) zoning district and the proposed project's compliance with these standards is analyzed in Table 1:

Table 1: Zoning Standards for Highway Visitor Commercial (CH)				
Development Standards	CLUDC Requirements	Proposed Project	Compliance	
Front Setback	15 feet	15 feet	Yes	
Side Setback (north)	none	43 feet	Yes	
Side Setback (south)	none	88 feet	Yes	
Rear Setback	15 feet	78 feet	Yes	
Height Limit	35 feet	26 feet	Yes	
Lot Coverage	no limitation		Yes	

As noted above, the project complies with the Development Standards for CH Zoning District.

<u>Parking</u> - CLUDC 17.26 regulates parking and loading requirements for developments. Off-street parking is required for all retail trade at a ratio of one (1) space for each 300 SF of floor area. In addition, one parking space for disabled persons is required within a parking lot with less than 26

spaces. Bicycle parking is required equal to a minimum of five percent (5%) of required vehicle parking. The proposed retail store at 7,500 SF requires 25 parking spaces, one (1) of which should be an ADA accessible parking space and parking for at least two bicycles. The proposed parking lot contains 26 parking spaces, two (2) ADA accessible spaces and parking for four (4) bicycles. In an effort to utilize land efficiently, CLUDC 17.36.040(f) discourages excessive parking:

- i. The City discourages a land use being provided more off-street parking spaces than required by this Chapter, in order to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff from paved surfaces.
- ii. The provision of off-street parking spaces in excess of the requirements in Table 3-7 is allowed only with Minor Use Permit approval in compliance with Section 17.71.060, and only when additional landscaping, pedestrian amenities and necessary storm drain improvements are provided to the satisfaction of the review authority.

In order to approve the proposed project, Planning Commission would need to include Special Condition 1 or provide direction regarding additional landscaping, pedestrian amenities and storm drain improvements that the Planning Commission would require in order to maintain the current number of parking stalls.

Special Condition 1: Prior to issuance of building permit, applicant will either a) adjust site design to reflect the removal of two (2) parking space for a total of 25 parking spaces. The space to be removed shall be those located nearest to the unnamed frontage road; or b) provide additional landscaping, pedestrian amenities and storm drain improvements as directed by the Planning Commission.

Additional development standards with regards to parking and the projects compliance with these standards are represented in Table 2:

Table 2: Parking Lot Development Standards			
Development Standards	Requirements	Proposal	Compliance
Parking Stall Dimensions	90-degree angle parking should have a minimum space width of 9 feet and a minimum space depth of 18 feet.	The proposed parking lot offers space width of 9 feet and a space depth of 18 feet	Yes
Driveway Width	The minimum two-way driveway width is 22 feet	28 feet at entrance; 24 feet interior dimension	Yes
Surfacing	asphalt, concrete pavement or comparable material	heavy duty asphalt driveway, regular and heavy duty concrete parking stalls	Yes

Fencing - CLUDC Section 17.30.050 establishes standards for fences, walls and screening. Fencing is required between different land uses and therefore would be required to separate the proposed project from adjacent residential land uses; specifically, a decorative, solid wall of masonry. During consultation with the California Coastal Commission staff, the question of fencing versus retaining the open space character and blue water views of the site was discussed.

Through this conversation it was determined that split rail fencing and native vegetation would have the least impact on visual resources on the site. Coastal General Plan Policy 1-2 states:

Policy 1-2: Where policies in the Coastal General Plan overlap or conflict, the policy which is the most protective of coastal resources shall take precedence.

The split rail fencing and native vegetation is reflected on the project site plan and preliminary landscape plan. Further analysis of the impact the proposed project would have on existing blue water views will be discussed later in the staff report as part of the Coastal Development Permit analysis on visual resources.

<u>Landscaping</u> - CLUDC Chapter 17.34 establishes requirements for landscaping. Landscaping is a vital component of development, as it enhances the appearance, controls soil erosion and improves air quality. A Preliminary Landscape Plan is required as part of an application for new development (Attachment 3 – Preliminary Landscape Plan). A Final Landscape Plan is required after planning permit approval and prior to issuance of building permit.

Maintenance of all landscaped areas is a requirement of CLUDC 17.34.070 and the applicant would be required to enter into a Landscape Maintenance Agreement with the City to guarantee proper maintenance of landscaping.

Special Condition 2: Prior to building permit approval, a Final Landscape plan shall be prepared by a qualified professional in accordance with CLUDC 17.34 and approved by the Community Development Department.

Special Condition 3: Prior to final building inspection or the issuance of a certificate of occupancy, and prior to the recordation of a final subdivision map, the applicant shall enter into a landscape maintenance agreement with the City to guarantee proper maintenance in compliance with CLUDC 17.34.070(A). The form and content of the agreement shall be approved by the City Attorney and the Community Development Director or designee.

The proposed projects conformance with landscaping requirements is analyzed in Table 3:

Table 3: Landscape Development Standards				
Development Standards	Requirements	Proposal	Compliance	
Parking lot screening	Landscaping must screen cars from view from the street to a minimum height of 36 inches.	Landscaping includes a variety of native and drought tolerant landscaping comprised of plants 1-8 feet tall	Yes	
Adjacent to structures	Eight feet of landscaping between parking areas and buildings, exclusive of sidewalks	The proposed project includes eight feet of landscaping between sidewalk and building	Yes	
Adjacent to side property line	Minimum of eight feet landscaping where parking meets side property line	The proposed project includes eight feet of landscaping	Yes	

Adjacent to street	15 foot setback required	32 foot setback (possibly more with implementation of Special Condition 1)	Yes
Location of interior landscaping	Shall be located so pedestrians are not required to cross unpaved areas to reach building.	Landscaping is proposed between sidewalk and building and as located, will not obstruct pedestrian travel	Yes
Stormwater Management	Landscaping shall be designed for infiltration and retention of stormwater.	The project plans include the required design for infiltration and retention of stormwater from the parking lot surface.	Yes
Trees	see discussion below		

The proposed project includes the removal of six (6) mature coniferous trees (Bishop pine, Monterey pine and Douglas fir). These conifers are scattered individuals and are not considered a forest community or special habitat, per California Department of Fish and Wildlife (CDFW) staff. Mitigation Measure ASETH-3 and AESTH-4 from the MND included provisions to ensure the establishment of replacement trees:

ASETH-3: Prior to issuance of Building Permit, a Final Landscaping Plan shall be submitted, in accordance with CLUDC Chapter 17.34. The plan shall utilize attractive native and drought tolerant plants and shall depict the location of six native trees to be planted to replace the six conifers removed as part of the project. Tree placement shall take scenic areas into consideration and shall not block views.

ASETH-4: A Tree Mitigation Monitoring Plan shall be submitted along with the Final Landscaping Plan demonstrating a 10-year plan to: 1) prevent net loss of canopy; 2) maintain aesthetics associated with existing trees; 3) maintain habitat value. If tree(s) perish during this monitoring period, new tree(s) will be planted as replacement and with a new 10-year monitoring plan timeline.

In addition, mitigation measure BIO-3 is included to enhance and protect vegetation on site:

BIO-3: Plant species listed as invasive (High, Moderate, or Limited) on the California Invasive Plant Inventory (Cal-IPC Inventory) shall not be installed anywhere in the project area as they pose a risk to the surrounding plant communities. Existing invasive scotch broom and pampas grass shall be removed from the site, and the site shall be kept free of these invasive plants into the future.

The City's Coastal General Plan contains several policies to protect and enhance existing trees and vegetation that are relevant to this project:

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

Policy OS-5.2: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Policy OS-5.4 Condition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampass grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.

Policy OS-11.8: Landscape with Native Plant Species. The City shall encourage development to use drought-resistant native plant species for landscaping, to reduce the need for irrigation and landscaping chemicals Policy OS-14.3: Minimize Disturbance of Natural Vegetation. Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which are important for preventing erosion and sedimentation.

Policy CD-1.11: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

Planning Commission could consider mitigation measures AESTH-3, AESTH-4 and BIO-3 adequate and conclude that the project complies with the above policies.

<u>Lighting.</u> The applicant submitted a lighting plan (Attachment 4 - Photometric Plan), which illustrate ten (10) wall mounted LED lights around the exterior of the building and two (2)16-foot tall LED light poles. All lighting is shown to be recessed and downcast, which complies with City regulations regarding outdoor lighting.

<u>Solid Waste/Recyclable Materials Storage</u> - Project plans illustrate a trash/recyclable storage area located in the northwest corner adjacent to the parking lot. CLUDC 17.30.110 requires that such storage areas be fully enclosed and that landscaping be provided to soften and screen the enclosures. The proposed project complies with these standards.

<u>Signage</u> – The placement, type, size and number of signs are regulated by CLUDC 17.38. The proposed AutoZone signage would include two signs: 1) a monument sign near the entrance to parking lot; and 2) channel lettering signs above the entrance on the south elevation. Compliance with development standards for signage is illustrated in Table 4:

Table 4: Signage Development Standards			
Development Standards	Requirement	Proposal	Compliance
Number of Signs Allowed	(3) Three	(2) Two	Yes
Maximum Sign Area	86 SF total	wall mounted: 48.5 SF monument: 28.8 SF TOTAL: 77.3 SF	Yes
Wall Mounted Sign	Below the roof	above entrance on southern façade, below the roof	Yes
Freestanding Monument Sign	Maximum of 6 feet in height	6 feet in height	Yes
Address	Must include an illuminated street address of six inches in height	Proposed monument signs includes street address of six inches in height	Yes

Based on the following findings, the proposed sign plan may be approved:

- The two proposed signs: 1) freestanding monument; and 2) wall mounted channel lettering comply with height limits, maximum sign area allowed. The address number is 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;
- 2. With the inclusion of Special Condition 4, the placement of the sign on the site is appropriate for the height and area of a freestanding sign, as it is within the six maximum height limit, 86 SF maximum sign area, and would not obstruct visibility;
- 3. The flush, wall mounted sign relates to the architectural design of the structure. Signs do not cover windows, or spill over natural boundaries, and/or cover architectural features;
- 4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties, as the proposed southern lot is vacant and the adjacent business has a wall mounted sign on the eastern façade;
- 5. With the inclusion of Special Condition 4, the placement and size of the freestanding monument sign will be outside of traffic visibility area and not impair pedestrian or vehicular safety:
- The design, height, location, and size of the signs are visually complementary and compatible with the scale, and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
- 7. The proposed signs are in substantial conformance with the design criteria in Subsection 17.38.060.F (Design criteria for signs), as the design of the signage is trademarked and the sign plans are developed and will be constructed by professionals Attachment (5 Sign Plan).

Special Condition 4: The proposed monument sign shall be relocated outside of the traffic visibility area (setback 15 feet from the driveway).

SUBDIVISION ANALYSIS

CLUDC Chapter 17.88 establishes the standards for the design and layout of subdivisions. All improvements, dedications and easements associated with the proposed subdivision must comply with the requirements of the City Engineer in compliance with the City's Local Coastal Program and California Map Act. Additionally, Policy CD-1.10 requires that future potential development of newly created parcels resulting from divisions of land are also analyzed.

Policy CD-1.10: All proposed divisions of land and boundary line adjustments shall be analyzed for consistency of potential future development with the visual resource protection policies of the LCP, and no division of land or boundary line adjustment shall be approved if development of resulting parcel(s) would be inconsistent with these policies.

The City of Fort Bragg Public Works Department analyzed the proposed subdivision to ensure the site: 1) is physically suitable for the proposed density of development; 2) will not conflict with existing easements; 3) the soil conditions, as outlined in the preliminary soils report would

accommodate the development; 4) that the City's sewer and water system would accommodate the increased impact; and 5) and that the type and design of improvements would facilitate safe access to site.

Table 5: Subdivision Design and Development Standards				
Development Standards	Requirement	Proposal	Compliance	
Street Improvements	Widen Street to full width	Widen the unnamed frontage road to City standards	Yes see Special Condition 5	
Frontage Improvements	Pedestrian walkways	Sidewalk, curb and gutter would be installed along unnamed frontage road the length of parcel	Yes see Special Condition 5 and 6	
Parcel Design	Minimum Width: 50 feet Minimum Length: none	Lot 1 Min. Width: +/- 196 feet Min. Length: +/- 250 feet Lot 2 Min. Width: +/- 200 feet Min. Length:=/- 205 feet	Yes	
Driveway Standards	Subdivision of larger parcels designed with single, or limited access points for safety	A shared driveway will access the proposed project and potential future development of Lot 1	Yes see Special Condition 7	
Site Preparation	Grading and Sediment Control Plan	A final grading plan will be submitted prior to issuance of building permit	Yes see Mitigation Measures: AIR-1, BIO-2, HYDRO-1, HYDRO-2	

Frontage improvements along the unnamed frontage road include widening the street to full width with full width sidewalk, curb and gutter on the west side of the parcel. Future frontage improvements along Harbor Drive will be required at the time of future development of Lot 1. This complies with several policies in the Circulation Element of the Coastal General Plan, and specifics of the proposed project are outlined in Special Condition 5 and Special Condition 6.

Policy C-9.1: Provide Continuous Sidewalks: Provide a continuous system of sidewalks throughout the City.

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-9.3: Where feasible, incorporate pedestrian facilities into the design and construction of all road improvements. Program C-9.3.1: Incorporate additional sidewalks from the Noyo Bridge to Ocean View Drive in the Capital Improvement Program.

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

Policy C-2.4 Roadway Standards: Continue to provide consistent standards for the City's street system.

Special Condition 5: Improvements to the unnamed frontage road along the entire parcel (Lot 1 and Lot 2) that include widening street to full width, sidewalk, curb and gutter on the west side.

- The developer shall submit to the City Engineer for review and approval improvement drawings drawn by and bearing the seal of a licensed Civil Engineer for the required improvements to unnamed Frontage Road.
- Frontage Road improvements shall be completed prior to final inspection of building permit for development of Lot 1. All frontage and utility improvements (ADA compliant driveway aprons, corner ramps, sidewalk, curb, gutter, conform paving, etc.) shall be implemented according to current City Standards.

Special Condition 6: Improvements to Harbor Avenue the entire road length from Ocean View Drive to the north end of Lot 2 include widening street to full width.

- The developer shall submit to the City Engineer for review and approval improvement drawings drawn by and bearing the seal of a licensed Civil Engineer for the required improvements to Harbor Avenue.
- Harbor Avenue improvement plans and improvements shall be completed prior to final inspection of building permit for development of Lot 2. All street improvements shall be implemented according to current City Standards.

In addition, to frontage improvements, the applicant shall provide plats and legal descriptions for the proposed subdivision, which include several permanent access and utility easements as stated in Special Condition 7 below:

Special Condition 7: Plats and legal descriptions of the proposed parcels, created by a licensed Land Surveyor or authorized Civil Engineer shall be submitted to the Public Works Director for approval prior to issuance of building permit. The surveyor shall provide the lot calculations for the existing and proposed lot configurations, in addition to:

- The plat(s) and legal description(s) shall convey permanent access and utility (water, storm drainage, circulation, access, etc.) easements. The following easements shall be Included:
 - i. A shared driveway located on Lot 1 shall be utilized to access Lot 1 and Lot 2. A private, non-exclusive, joint access easement for the benefit of Lot 2 over Lot 1 shall be created. This shared driveway requires a maintenance agreement between the two parcels. This agreement to be recorded with minor subdivision.
 - ii. Abutters rights of access along the public street frontage of Lot 1 and Lot 2 (excepting joint-use driveway) shall be dedicated to the City of Fort Bragg.

- iii. The existing 10' public road embankment slope construction easement shall be perpetuated (Book 1904, Page 446).
- iv. A 15' private utility easement for the proposed water line shall be created across Lot 2 benefiting Lot 1.
- v. A private drainage easement shall be created on Lot 2 for the benefit of Lot 1 for overflow from Lot 1 during storm events that exceed the design storm of 85th-Percentile 24-hour storm.
- vi. Demarcation of a visual easement, clearly illustrated on the plat, to be recoded as a deed restriction and as a permanent exhibit to the deeds for the new parcels as illustrated in Attachment 5. View blocking development is not permitted within the visual easement; and
- vii. All maintenance agreements, map notes, deed restrictions, easements, and lot calculations shall be submitted to Public Works Director for review and approval prior to recordation of Final Map.
- b) The proposed development shall have a maintenance agreement between the parcels providing for the upkeep of the jointly-used private facilities within the minor subdivision (shared driveway, drainage, oil and grease separator, etc.). A draft of the agreement shall be submitted prior to issuance of the Coastal Development Permit. The minor subdivision will not be finalized until the maintenance agreement has been formalized.

Policy CD-1.10: All proposed divisions of land and boundary line adjustments shall be analyzed for consistency of potential future development with the visual resource protection policies of the LCP, and no division of land or boundary line adjustment shall be approved if development of resulting parcel(s) would be inconsistent with these policies.

In order to analyze whether the project complies with the above policy, the following additional visual resource policies from the Coastal General Plan and mitigation measure AESTH-3, LAND-1 and LAND-2 from the MND should be considered:

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-1.5: All new development shall be sited and designed to minimize alteration of natural landforms by: 1) Conforming to the natural topography; 2) Preventing substantial grading or reconfiguration of the project site; 3) Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs; 4) Requiring that man-made contours mimic the natural contours; 5) Ensuring that graded slopes blend with the existing terrain of the site and surrounding area; 6) Minimizing grading permitted outside of the building footprint; 7) Clustering structures to minimize site disturbance and to minimize development area; 8) Minimizing height and length of cut and fill slopes; 9) Minimizing the height and length of retaining walls.

Policy CD-1.6: Fences, walls, and landscaping shall minimize blockage of scenic areas from roads, parks, beaches, and other public viewing areas.

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

Policy CD-1.11: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

The following Mitigation Measures are proposed in the MND in order for the proposed project to achieve compliance with the above Coastal General Plan policies. Staff discussed these proposed mitigation measures with Coastal Commission staff who indicated that they would be adequate to achieve compliance with the above policies

ASETH-3: Prior to issuance of Building Permit, a detailed Landscaping Plan shall be submitted, in accordance with CLUDC Chapter 17.34. The plan shall utilize attractive native and drought tolerant plants and shall depict the location of six native trees to be planted to replace the six conifers removed as part of the project. <u>Tree placement shall take scenic areas into consideration</u> and shall not block views.

LAND-1: Wooden fencing, such as split rail fencing, with a maximum height of 48 inches and native and drought tolerant landscaping shall be installed along the entire western length of the property. The fencing and landscaping shall be included as part of the final Landscaping Plan to be approved by the Community Development Department, prior to issuance of building permit.

LAND-2: Demarcation of a visual easement, clearly illustrated on plat(s) for proposed subdivision shall be recoded as a deed restriction and as a permanent exhibit to the deeds for the new parcels. The view easement shall be 50 feet wide at widest measurement on the northwest corner of Lot 1 and 24 feet wide at the narrowest point on the southeast corner or Lot 2, as illustrated in Image 5 and Image 6. View blocking development is not permitted within the visual easement, excluding split rail fencing along western property line, driveways and low-lying landscape vegetation (<4 ft.); no trees shall be planted within the view easement.

The proposed project complies with visual resource policies as discussed and conditioned in this staff report, and as discussed and mitigated in the project MND. Should Planning Commission decide the removal of trees and the proposed siting of the structure conflicts with these policies, this could form the basis for developing findings for denial.

DESIGN REVIEW ANALYSIS

As stated previously, the applicant revised and modified the design twice to include architectural and design elements required by Fort Bragg's Citywide Design Guidelines. These guidelines are intended to support positive design characteristics and are provided to assist decision makers through the design review process. All projects that receive Design Review approval from the

Planning Commission must be found to be consistent with the **Project Review Criteria** of Section 17.71.050E as listed below.

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

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

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

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

Please see discussion regarding Policy LU-4.1 (pages 4-6) for the projects compatibility in terms of scale and massing with the surroundings and the community for project compliance with these terms.

To determine the appropriateness of the design, staff analyzed the project's conformance with Chapter 2.3: General Commercial Design Guidelines of Fort Bragg's Citywide Design Guidelines. Table 6 below analyzes the project's conformance with the required design guidelines.

Table 6: General Commercial Design Guidelines			
General Commercial Design Guidelines	Proposed Project Compliance	Conformance with Guideline	
Site Planning			
Building Siting: 1) strip-type	1) No parking is proposed in front of		
development is to be avoided in favor	the building. Parking is oriented on		
of more pedestrian oriented configurations; 2) view corridors that offer unobstructed views of the shoreline and/or sea from the public right-of-way should be provided; and 3) cluster development to avoid blocking viewsheds to the maximum extent possible.	the south and rear, semi street adjacent; 2) a view corridor easement shall be recorded as part of the subdivision, see Special Condition 7; and 3) development is clustered to the north adjacent to an existing retail store, Fort Bragg Outlet.	Yes Special Condition 7	
	the bioretention area to infiltrate stormwater from the site is located.		
Residential Interface: 1) commercial development should be buffered from residential uses as much as possible; 2)	along the rear of parcel, buffering residential zoning. Fencing with	Yes	
commercial development should not directly face single family residential streets; 3) development on parcel	landscaping will be installed as stated in mitigation measure LAND-2; 2) the development would directly face the unnamed frontage road;	Mitigation Measure: LAND-2	

should be located as far as possible from adjacent residential properties.	and 3) the bioretention area to infiltrate stormwater from the site is located along the rear of parcel, buffering residential zoning	
Open Space, Courtyards, Plazas and Pedestrian Areas: 1) development should provide site amenities and other design features that encourage pedestrian utilization, including benches, seating areas, public art, bicycle racks and lighting; and 2) pedestrian activity areas should provide a sufficient level of wind and rain protection for pedestrians.	1) the project includes bicycle racks; and 2) canopies are provided on the exterior of building as pedestrians walk to entrance.	Yes Planning Commission may wish to condition additional site amenities
Architecture	1) and discussion regarding	
Architectural Form and Detail: 1) architectural styles should be compatible with surrounding character, including style, form, size, materials, roofline; 2) long, blank unarticulated walls over 100 feet are discouraged; 3) design features should be consistent on all elevations of a structure; 4) the size and location of various building elements should not be exaggerated to provide additional height for signs; 5) roofs should include two or more roof planes; 6) size and location of doors/windows should relate to scale and proportions of structure; 7) street facing façade should have a public entrance; 8) primary building entries should include features such as, overhangs, peaked roof forms, arches, columns, towers, etc.; 9) windows should be provided at storefront locations; and 10) the use of standardized "corporate franchise" architectural styles is strongly discouraged.	• •	Yes Planning Commission may wish to require additional windows on the northern elevation
Materials and Colors: 1) exterior materials such as fake stone veneer, plastic or corrugated metal siding and heavily troweled finishes should be avoided; 2) materials should be varied to provide architectural interest, however, the number of materials and colors should be limited and not exceed what is required; and 3) Florescent, garish colors should be avoided.	1) the building includes HardiPlank siding and stucco finish; 2) building materials demonstrate a clear separation between the base, midsection and upper section, with roof corbels; 3) the color palette is muted brown earth tones.	Yes

Architectural Details: 1) when appropriate, incorporate design elements and features from the historic architectural styles of the Central Business District; 2) use of awning, canopies, recesses and arcades is encouraged to provide protection for pedestrians and add interest and color to buildings; 3) exterior lighting should be designed as part of the overall architectural style of the building and shielded to avoid spillover to adjacent properties. Full lighting of building façade is strongly discouraged; and 4) the use of security grills on windows is discouraged.	1) the composition of building (base, midline, roof, transom windows are architectural elements of structures in the Central Business District; 2) the structure includes metal awnings near at the entrance and rear of south elevation; 3) wall mounted light fixtures are downcast and Final Landscape Plan will include additional lighting for pedestrian paths and driveway in conformance with CLUDC; 4) no security grills on windows are proposed.	Yes
Parking and Circulation		
Site Access and Circulation: 1) the number of access driveways should be minimized and located as far from possible from street intersections; 2) parking lots should be accessed from commercially developed streets; 3) ensure visibility for vehicles entering and exiting parking lot.	1) A shared driveway will serve the proposed development and potential future development on Lot 2; 2) the project will be accessed by the unnamed frontage road; and 3) the proposed development adheres to setback requirements and with Special Condition 4, the proposed monument sign will be located outside the traffic visibility area.	Yes with inclusion of Special Condition 4
Parking Lot Design: 1) the use of common or shared driveways is strongly encouraged between adjacent uses; 2) dead end drive aisles are strongly discouraged; and 3) use continuous curbs around perimeter of parking areas.	1) A shared driveway will serve the proposed development and potential future development on Lot 2; 2) there are no dead end driveway aisles; and 3) the parking area has curbs around the perimeter with curb cuts to allow stormwater to infiltrate into landscaped areas.	Yes
Pedestrian Circulation: 1) clearly define	1) The proposed project includes	Yes
pedestrian walkways so persons will not have to cross parking aisles and landscape islands; and 2) raised walkways, decorative paving, landscaping, and/or bollards should be used to separate pedestrians from vehicular circulation to maximum extent possible.	painted pedestrian crosswalk, however Planning Commission may wish to include a Special Condition for the walkway to be raised; and 2) sidewalks, crosswalks and landscaping are proposed to separate pedestrians from vehicular circulation.	Planning Commission may wish to require parking lot pedestrian crossing to be raised
Loading and Delivery: 1) loading and delivery should be designed to minimize visibility, circulation conflicts and adverse noise; 2) loading and delivery areas should be screened with portions of the building, walls, landscape planting; 3) when adjacent to residential properties, loading areas should be	1) The loading zone is a designated space located in the least visible location on the north west portion of building; 2) the loading zone is tucked along the rear drive of building, screened by the building and trash enclosure; 3) the loading zone is located on the side; and 4)	Yes

	,	,
located on the side; and 4) colors, materials, appearance of walls/fences	colors of materials are earth toned brown and compatible with the	
should be compatible with landscaping	landscaping.	
used to soften appearances.		
Landscaping and Amenities		
<u>Landscape Design:</u> 1) landscaping should enhance development by	1) landscaping would buffer the front of development from the road,	
softening appearances, screening,	surrounding building and in parking	
buffering incompatible uses and providing sun/wind protection; 2)	lot, and separating commercial from residential land uses; 2) the	Yes
plantings should utilize three tier system (ground cover, shrubs, trees); 3) landscaping strip should be used to separate parking lots and along buildings; 4) planters and pots are encouraged to provide visual interest, color and texture; 5) native planting materials, which are drought tolerant are preferred.	preliminary landscape plan demonstrates a multi-tier system; 3) a landscaping strip surrounds the structure and parking lot; 4) no planters and/or pots are proposed to provide visual interest; 5) preliminary landscape plan shows native and drought tolerant plants.	Planning Commission may wish to require planters and/or pots
Site Elements and Amenities: 1) outdoor furniture and fixtures such as lighting, trellises, raised planters benches, etc., should be selected as part of design; 2) Decorative paving, such as stamped concrete, stone, brick, pavers colored concrete, etc., should be incorporated into pedestrian areas; 3) light fixtures should be architecturally compatible and used to illuminate entries, walkways, driveways; 4) trash enclosures and mechanical devices should be located in least visible area and screened from public view.	1) outdoor lighting was selected as part of the design; 2) decorative paving is not included as part of the project; 3) photometric plan shows adequate lighting and is architecturally compatible with structure; 4) trash enclosure is located in the northwest portion of the parking lot.	Yes Planning Commission may wish to require decorative paving in pedestrian areas

The project significantly conforms with the Citywide Design Guidelines. However, if the Planning Commission would like to include additional site amenities, staff recommends including a Special Condition to this effect and encourages the Planning Commission to consider what additional site amenities would be beneficial.

Special Condition 8: Applicant shall revise site plan to include the following: a) ____; b) ____; c) ____; and d)___ in order to bring the project more into compliance with the Citywide Design Guidelines.

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.

As conditioned, and as previously analyzed in this staff report, the project provides attractive site layout and design.

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

As conditioned, and as previously analyzed in this staff report, the project provides safe and efficient access, circulation and parking.

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

As conditioned, the project provides appropriate open space, landscaping and use of water efficient landscaping.

6. Is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone.

As conditioned, and as noted previously in this report, the project conforms with policies and programs of the Coastal General Plan and the Certified LCP. The Planning Commission may agree that the project's impact on Visual Resources, as conditioned and mitigated, conforms with visual resource policies or Planning Commission may determine the project does not comply with visual resource policies. Staff is seeking direction regarding this issue, in order to develop findings for approval or denial of the proposed project.

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

As conditioned the project complies with the City's Design Guidelines. Please see Table 8 above for the complete analysis.

COASTAL DEVELMENT ANALYSIS

<u>Cultural Resources</u> - The site was surveyed for cultural resources and none were found. Sherwood Valley Band of Pomo has requested that tribal monitors be on site during all ground disturbing activities in the event that cultural resources are discovered. The MND analyzed this issue and identified mitigation measures TRIBAL-1, TRIBAL-2 and TRIBAL-3 to address tribal cultural resource concerns. Staff recommends Special Condition 8 to ensure the applicant is aware that they are required by law to implement these and all MND mitigation measures for this project.

Special Condition 8: The applicant shall implement all Mitigation Measures identified in the MND for this project as required pursuant to the California Environmental Quality Act (CEQA).

<u>Plant and Animal Species</u> - A biological survey was conducted by a Senior Environmental Scientist at LACO Associates and a technical memorandum was prepared for the proposed site. The report indicates that the project has no potential impact on special status plants, fish, wetlands or wildlife, because no special status plants, wetlands, fish or wildlife were found or known to exist on the site. A constructed earthen berm with several native species of coastal scrub vegetation is located in the southwest corner of parcel, however these are not special status species. The grassland habitat is dominated by non-native grasses with widely scattered non-native and native

perennials. Tree species include Bishop pine, Monterey pine and Douglas fir. These conifers are scattered individuals and are not considered a forest community or special habitat, per California Department of Fish and Wildlife (CDFW) staff.

Although the site is not habitat to any botanical or animal resources protected by the Coastal Act, the proposed development would involve the removal of six mature conifers. The mature trees provide nesting habitat for a variety of common bird species and mitigation measure BIO-1 has been drafted to avoid the breeding season. Additionally, mitigation measure AESTH-3 and AESTH-4 require that all six trees identified for removal as part of the project, be replaced and a Tree Mitigation Monitoring Plan be submitted with the final landscape plan to ensure the replacement trees grow to maturity.

Several policies within the Coastal General Plan, specifically, CD-1.11, OS-5.1 and OS-5.2 require that existing native trees and vegetation should be preserved and protected, as feasible.

Policy CD-1.11: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

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

Policy OS-5.2: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Furthermore, the MND included mitigation measure BIO-3 which requires the removal of existing invasive species on site, such as pampass grass and scotch broom.

<u>Public Access</u> - The project applicant will include pedestrian improvements along the entire parcel fronting the unnamed frontage road as part of the minor subdivision process. As such, the project would likely increase pedestrian activity in the area and additional use of Noyo Headlands Trail and Pomo Bluffs. The project would not interfere with public coastal access.

<u>Geologic, Flood, and Fire Hazard</u> - The proposed development would require grading for the foundation of a 7,500 SF structure, parking lot, driveway, sidewalk/curb and gutter and related infrastructure. Salem Engineering Group, Inc. prepared *Geotechnical Engineering Investigation*, March 6, 2018 for the proposed project. This geotechnical report describes the site conditions, geologic and seismic setting of the site vicinity and subsurface soil and groundwater conditions encountered at the exploration locations. Development of the proposed project at the site shall comply with the recommendations and expertise provided in the report, *Geotechnical Engineering Investigation* by Salem Engineering Group, Inc. (March 6, 2018) and design standards included in the latest version of the California Building Code (CBC).

The proposed development is not located in an area subject to tsunami inundation according to maps provided by the California Department of Conservation. According to Federal Emergency Management Agency (FEMA) flood insurance maps, the project site is located outside the 500-year flood plains associated with the Noyo River and Pudding Creek. No flooding concerns are raised relative to the project. Any hazards associated with earthquakes will be addressed by the building permit process under the authority of the California Building Code.

Staff consulted with City of Fort Bragg Fire Department regarding the proposed project. No special concerns related to the project were identified, as there is adequate circulation for emergency vehicles, and the building would include automatic sprinklers as required by the California Building Code. The project could result in additional calls for service, however the site can be adequately served by existing fire stations and no new facilities are required.

The project was also referred to the Fort Bragg Police Department and no specific concerns were identified by the police. The project design includes sufficient lighting to enable effective law enforcement in the evening. The proposed project may result in an increase in calls for service related to expansion of commercial uses at the site, however it would not result in any increased need for additional police stations.

<u>Traffic</u> – New development is not permitted that would result in the exceedance of roadway and intersection Levels of Service standards. In accordance with Policy C-2.6 the traffic study included: 1) the amount of traffic to be added to the street system by the proposed development; 2) other known and foreseeable projects and their effects on the street system; 3) the direct, indirect, and cumulative adverse impacts of project traffic on the street system operations, safety and public access to the coast; 4) mitigation measures as necessary to provide for project traffic while maintaining City Level of Service standards; 6) the responsibility of the developer to provide improvements; and 7) the timing of all improvements (Attachment 1 – AutoZone MND and Attachments).

The Traffic Impact Analysis prepared by LACO and Associates on behalf of the applicant, and the project MND identified the following mitigations measures, so the project would not exceed roadway Levels of Service:

TRANS-1: CA Hwy 1 / Ocean View Drive (Intersection 2) and Ocean View Drive / unnamed frontage road (Intersection 5) - The project must include installation of appropriate Keep Clear signage and street markings at the intersection of Ocean View Drive and the unnamed frontage road. This will allow southbound traffic on the frontage road to merge with eastbound traffic on Ocean View Drive, without impacting the operations of the traffic signal at Highway 1 and Ocean View Drive. There is sufficient additional stacking room between the Ocean View/Frontage Road intersection and the Ocean View/Harbor Avenue intersection to the west to accommodate the anticipated additional queue length for eastbound left and eastbound through traffic.

TRANS-2: CA Hwy 1 / CA Hwy 20 (Intersection 3) - As conditions warrant and concurrent with regular maintenance, the westbound north lane striping could be extended by approximately 100 feet to provide an earlier separation between left turning and right turning traffic.

Special Condition 9: Prior to any construction activities in the City's public right of way, the applicant is required to obtain a City encroachment permit.

<u>Water Supply, Sewage Disposal, Solid Waste</u> – Several policies in the City's Coastal General Plan regulate new development to ensure adequate public services and infrastructure are available to serve the proposed new development and ensure adequate capacity to serve future priority uses.

Policy PF-1.1: All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.

Policy PF-1.2: Ensure Adequate Services and Infrastructure for New Development. No permit for development shall be approved unless it can be demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal; as applicable to the proposed development.

- a) Demonstration of adequate water and sewer facilities shall include evidence that adequate capacity will be available within the system to serve the development and all other known and foreseeable development the system is committed to serving, and that the municipal system will provide such service for the development;
- b) Demonstration of adequate road facilities shall include information demonstrating that: (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies; and (ii) that the traffic generated by the proposed development, and all other known and foreseeable development, will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS standards contained in Policy C-1.1 of the Circulation Element of the Coastal General Plan.

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

- a) New development that increases demand for new services by more than one equivalent dwelling unit (EDU) shall only be permitted in the Coastal Zone if: 1) Adequate services do or will exist to serve the proposed development upon completion of the proposed development, and 2) Adequate services capacity would be retained to accommodate existing, authorized, and probable priority uses upon completion. Such priority uses include, but are not limited to, coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational uses in commercial, industrial, parks and recreation, and public facilities districts. Probable priority uses are those that do not require an LCP amendment or zoning variance in the Coastal Zone.
- b) Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing, authorized, and probable priority uses identified above.

Policy PF-2.2: Potable Water Capacity: Develop long-term solutions regarding the supply, storage, and distribution of potable water and develop additional supplies. In addition to providing capacity for potential build-out under the City General Plan outside the coastal zone, any expansion of capacity of water facilities shall be designed to serve no more than the maximum level of development in the coastal zone allowed by the certified LCP that is consistent with all other policies of the LCP and Coastal General Plan. The City shall identify and implement water system improvements or changes in service areas that are designed to ensure adequate service capacity to accommodate existing, authorized, and projected probable future coastal dependent priority uses. Such uses include, but are not limited to, industrial (including commercial fishing facilities), visitor serving, and

recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts.

Policy PF-2.5: Wastewater Capacity: Review wastewater capacity and expansion plans as needed

when regulations change and as the treatment and disposal facility nears capacity. In addition to

providing capacity for potential build-out under the City General Plan outside the coastal zone, any

expansion of capacity of wastewater facilities shall be designed to serve no more than the maximum level of development in the coastal zone allowed by the certified LCP that is consistent with all other policies of the LCP and Coastal General Plan. The City shall identify and implement wastewater system improvements or changes in service area that are designed to ensure adequate service capacity to accommodate existing, authorized, and probable future priority uses. Such uses include, but are not limited to, industrial (including commercial fishing facilities), visitor serving, and recreational priority uses in commercial, industrial, parks and recreation, and public facilities districts.

The analysis below indicates that the proposed project, as conditioned, would be in compliance with the above policies. Currently the City's wastewater treatment plant is undergoing a major upgrade and the Public Works Department has determined there is sufficient capacity to serve the proposed development as well as a significant increase of future development. The following special condition has been drafted regarding the sewer connection:

Special Condition 10: Sewer connection: 1) connection fees are due prior to issuance of building permit; 2) the sewer depth in the unnamed frontage road is approximately 10' at site. FBMC 14.28.040 states the minimum size of a sewer lateral shall be 4-inch diameter. The minimum slope of a sewer lateral shall be 2 feet per 100 feet (2% slope). Exceptions will be reviewed and approved at the discretion of the District Manager; and 3) the exact location of the utility hookup configuration in the City right of way shall be approved by the by the Public Works Director or designated staff at the time of review of the encroachment permit application.

The applicant will need to ensure that there is adequate pressure and flow to the subject site for fire suppression:

Special Condition 11: Prior to issuance of building permit, the applicant shall submit documentation to ensure adequate pressure and flow to the subject site in order 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.

With the additional water service capacity made available with Summers Lane Reservoir, the Public Works Department has determined there is adequate potable water capacity to serve the proposed development, as well as future potential development. There is one "priority use" project, the Avalon Hotel, in the permitting pipeline at this time and water service capacity would

need to be reserved for this use as required by Coastal General Plan Policy PF-1.3. The Avalon Hotel is a proposed 65-room hotel and meeting facility with a restaurant and bar at the location of the former Hi-Seas Motel site north of Pudding Creek. The City has determined there is adequate water to serve the proposed Avalon project, as well as the two proposed parcels that are part of the proposed minor subdivision.

Special Condition 12: Water Connection: 1) connection fees are due prior to issuance of building permit; 2) the water main is located in Harbor Avenue. A private utility easement benefiting Lot 1 shall be recorded on the Final Map (see Special Condition 7) for connection across Lot 2; and 3) final utility hookup configuration shall be approved by the Public Works Director or designated staff.

Stormwater - The proposed project will result in a significant increase of impervious surfaces on this undeveloped site, including 7,500 SF of building with parking lot and associated improvements. A preliminary stormwater control plan was submitted, which shows that drainage will continue to flow to the west and a 13,773 SF bio retention area has been designed to capture water onsite. In addition, there are several landscaped self-treating areas surrounding the building and in the parking lot. As the project will have over an acre of ground disturbance, the applicant is required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the California State Water Board in order to obtain a Construction General Permit. Furthermore, the City requires a Runoff Mitigation Plan to demonstrate the project meets local, state and federal regulation requirements.

Special Condition 13: Prior to issuance of building permit, a Draft Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by Public Works Department. A grading plan for the bioretention areas shall be incorporated into the SWPPP.

Special Condition 14: Prior to issuance of building permit, a Runoff Mitigation Plan (RMP) must be submitted and approved by the Public Works Department. This requirement could be fulfilled using a SWPPP. If using a SWPPP to fulfil the RMP, a draft version shall be submitted and approved prior to filing for a Notice of Intent (NOI) with the California State Water Resources Control Board.

Special Condition 15: In consideration of AutoZone's recent \$11 million settlement agreement (*The People vs AutoZone, County of Alameda*, June 17, 2019), provide evidence ensuring adequate measures in the handling and disposal of hazardous materials and their containers.

Several policies with the goal to improve water quality, through project design and implementation of Best Management Practices (BMPs), both during the construction phase and post-development. Mitigation Measures: AIR-1, BIO-2, and HYDRO-1 involve the implementation of BMPs in order for the project to comply with regulations pertaining to stormwater.

<u>Visual Resources</u> – The proposed project location is not identified as a potentially scenic view on Map CD-1 of the Coastal General Plan. However, this vacant site and the numerous vacant residential parcels in the County located west of the site, offer views to the ocean and a general

open space quality. Staff conducted a site visit with California Coastal Commission staff to determine how best to protect views to the ocean through the site. It was decided that a "View Easement" would be the best tool for protecting blue water views from the proposed development and any future potential development. The view easement would be clearly illustrated on the Plat to be recorded as a deed restriction and permanent exhibit to the deeds as a condition of the subdivision (see mitigation measure LAND-2). With mitigation incorporated, the project will have a less than significant impact on blue water visual resources.

In selecting the most protected view easement, the adjacent parcels were considered because many existing views cross through vacant lots. The aerial image below depicts several views from the unnamed frontage road. The red lines offer expansive blue water views today, however cross through vacant parcels that are zoned for residential units and will likely be developed. The white corridor crosses through the center of site and stretches toward Noyo Harbor. Although there could be additional development on these lots, they are more protected than the vacant lots.



Image 5: Aerial of View Corridor



Image 6: Perspective of view easement across lot from unnamed frontage road

In order to approve a Coastal Development Permit (CDP) for a project that is located "along Highway 20 and Highway 1 on sites with views to the ocean" CLUDC 17.50.070 requires the review authority to find that the proposed project:

- 1. Minimize the alteration of natural landforms:
- 2. Is visually compatible with the character of the surrounding area;
- 3. Is sited and designed to protect views to and along the ocean and scenic coastal areas; and
- 4. Restores and enhances visual quality in visually degraded area, where feasible.

These requirements are also illustrated with following Coastal General Plan Policies:

Policy CD-1.1: <u>Visual Resources</u>: 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.

Policy CD-1.5: All new development shall be sited and designed to minimize alteration of natural landforms by:

- 1. Conforming to the natural topography.
- 2. Preventing substantial grading or reconfiguration of the project site.
- 3. Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.
- 4. Requiring that man-made contours mimic the natural contours.
- 5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
- 6. Minimizing grading permitted outside of the building footprint.
- 7. Clustering structures to minimize site disturbance and to minimize development area.
- 8. Minimizing height and length of cut and fill slopes.
- 9. Minimizing the height and length of retaining walls.

In collaboration with Coastal Commission staff, staff proposes that an easement protecting the view associated with the white view corridor illustrated in Aerial 5, would meet these Coastal General Plan requirements, and therefore the MND includes Mitigation Measure LAND-2 to ensure preservation of this view corridor.

<u>Environmental Determination.</u> The project was analyzed in a Mitigated Negative Declaration pursuant to the CEQA. The MND identified the following mitigation measures which shall be implemented under Special Condition 8.

PLANNING COMMISSION ACTION

Staff recommends that the Planning Commission: 1) receive staff report; 2) open the public hearing; 3) take testimony from the public and the applicant; 4) close the public hearing and deliberate; and

- 5a) direct staff to prepare a resolution with findings for approval based on the project's consistency with the City's Coastal General Plan and Coastal Land Use and Development Code as discussed and mitigated in the MND, and analyzed and conditioned in the staff report; **or**
- 5b) direct staff to prepare a resolution with findings for denial based on Planning Commission's determination that the project is inconsistent with either: a) Policy LU-4.1, (appearance/small town character); b) CLUDC 17.50.070 (sited and designed to protect views to and along the ocean and scenic coastal areas); and/or c) insufficient findings regarding Design Review Permit; and

Further, staff recommends the Planning Commission continue the public hearing to the next regularly scheduled meeting of Planning Commission on October 9, 2019, in order to provide staff an opportunity to develop a resolution for the selected Planning Commission action.

ATTACHMENTS

- 1. Mitigated Negative Declaration and Attachments
- 2. Site Plan
- 3. Preliminary Landscape Plan
- 4. Photometric Plan
- 5. Sign Plan

6. Findings

NOTIFICATION

- Applicant, Mitch Bramlitt
- Planning Commission
- "Notify Me" Subscriber Lists: Current Planning Permits, Fort Bragg Downtown Businesses, Public Hearing Notices

Arellano, Humberto Jr.

From: Annemarie <aweibel@mcn.org>
Sent: Wednesday, May 10, 2023 1:45 PM

To: cdd

Subject: public comments in regards to the Grocery Outlet EIR 5-10-2023

Attachments: G O 10.pdf

Follow Up Flag: Follow up Flag Status: Completed

Esteemed Chair Logan and fellow Planning Commissioners,

Please accept my public comments in regards to the Grocery Outlet EIR.

Thanks, Annemarie Weibel

P.S.: Please confirm receipt of my comments.

Esteemed Chair Logan and fellow Planning Commissioners,

I do not envy you as you will have to decide if you can recommend this EIR for the Grocery Outlet (GO) to the City Council to approve or deny. Like the DEIR it is flawed, inadequate, and conclusory so that a meaningful public review is hindered. It still omits analysis of items that are potentially significant. You will need to address the California Environmental Quality Act (CEQA) Findings; the Mitigation Monitoring and Reporting Program; address the Coastal Development Permit 2-22 (CDP 2-22), the Design Review 7-22 (DR 7-22); and the Parcel Merger 1-2022 (MGR 1-22). Many of you have recently joined the Planning Commission and have probably not had the time to read all the documents, know when the meetings/hearings were held and by whom, and viewed all the videos.

Unfortunately the Initial Study (the terribly deficient Mitigated Negative Declaration), which forms the basis for the DEIR, was not included for people to evaluate that have not been keeping track of this project all along (not in agenda and also not on the Community Development Department's web page under Projects.

A reviewer could not find Appendix J (Urban Decay Study) mentioned on page 3.0-9 in the Revision. Where is that study? Actually it is listed as Appendix B in the Final EIR. Why was it not circulated for public review and comment? It seems hard to get a full picture if not all documents are available or are all listed in the same document, or the same web page. Also the information of the Design Review Analysis in Appendix E is different than the information in the Agenda Item Summary Report. Information from pages 28, 29, 30, 32, and 33 are missing in Appendix E.

Even if everyone tries hard to find all the information the various documents list different information like: The 2 Resolutions list different information. Attachment 12 lists a 47-space parking lot, Attachment 14 a 53-space parking lot. The Agenda Item Summary Report refers to a 55-space parking lot on pages 1 & 2. The same Report on page 1 lists only an undeveloped lot on the South Side and does not list the Harbor Lite Lodge and the Arco gas station. Also information about the Related Application on page 1 for CDP 7-96/SCR 7-96 Construction of a 16,423 SF new civic building, parking, and landscaping is not clear.

I therefore recommend that you postpone making a recommendation to the City Council until all the typos and contradictory information have been corrected.

In addition I believe that there are still issues with **traffic, pedestrian safety, and noise**, that have not been mitigated substantially so that the environmental impact would be reduced to an acceptable (or less-than-significant) level. Also, no meaningful mitigation of these impacts have been mentioned. The traffic study did not take into consideration that specially during the summer month and during busy holidays it would be hard to deal with the increased traffic on North Harbor Drive.

On page 3.0-21 of the Revisions there is a referral to an Assessment of Effects of Change in Traffic Control at SR 1/N. Harbor Drive intersection. Where can this be seen? What is the alleged source of the change in traffic control? Caltrans has not confirmed this alleged change.

The Grocery Outlet (GO) will generate hundreds of new car trips per day along S. Main Street (SR 1) and N. Harbor Drive, which means more traffic and longer commutes for residents, workers and tourists. Turning left onto SR 1 from N. Harbor Drive is not safe, especially with increased traffic.

The traffic analysis did not consider the new 68 affordable housing units and a manager's unit to house workforce families, seniors and homeless community members (Danco buildings at the Plateau) on River St. across from the hospital. Neither did it consider the new development by Parents and Friends on Cypress St., nor the Cypress Crisis Respite program on Cypress St. There is no meaningful cumulative impacts analysis.

Delivery vehicles should not drive in front of the building through the **parking lot** as it endangers shoppers. The parking lot should be separate from the loading dock.

Safety, noise, socioeconomic and visual resources are effected when the hospital's ambulances use South St. or Cypress St. to get to SR 1. With increased traffic they will have to switch on their lights and sirens several blocks earlier which will likely impact the public and neighborhood, and reduce real estate values in the adjacent neighborhood. Significant changes in the volume of traffic on South St. will negatively impact emergency response and return times for ambulance services and access to the Hospital. The police department is at the corner of Cypress St. and S. Franklin St. next to the court house and might also have to do that much sooner. The traffic analysis did not analyze that, nor is there any evidence the Ambulance Service was even consulted regarding these concerns.

Many social, mental health and health services (dentists, clinic, hospital, immediate care, eye doctors, pharmacy) are in this neighborhood. Also many elderly people live there. Lots of cars and trucks are driving through the neighborhood delivering goods now. Some **sidewalks** will be lacking for these elderly people who would want to walk to the GO. The project doesn't even address all of the missing sidewalks or safe pedestrian access to the project.

The increased **noise** from cars, RV's, and trucks from 9am to 10pm will turn this quiet neighborhood into a noisy neighborhood. I pity the owners of the 5 single- family residences and the multi-family residence, as well as the neighbors to the south (not mentioned anywhere). Not only will they have more noise, but the property value may go down.

After hearing each year that the **water** in fall/winter is restricted, I am still not convinced that we now all of a sudden have enough water. When the GO at the Hare Creek mall was discussed the City indicated that 1 % water was left to be split among the Avalon Hotel (did not happen) and the Hare Creek mall (did not happen). The City did not find any water in the wells they drilled. There is an additional storage container, but if that is empty it will not help. Additional storage containers are planned. We do need to consider that the rising sea level not only affects the Noyo River, but also other local creeks.

Why are solar panels not shown or analyzed in the design? Solar and energy systems are now required by the California Energy Commission Building Energy Efficiency Standards. The aesthetic design impacts of this equipment needs to be analyzed, but it is not. We could even place them over the parking lot and help Fort Bragg get power (utilities).

I am concerned about the **aesthetic and visual impacts** with the ugly one story building that looks like a two story building (corporate design) with many fake windows that will be used for murals of some sort. The possibility to lose the trees that took years to grow and soften the view to the Chevron gas station seems hard to accept. We all know how hard it is for trees to grow in this salty, windy

environment. I resent the wording in the Revision that mentions that there is a distant keyhole view of the ocean that is interrupted by two large trees. The view is being described as being "very small, distant and fragmented." This description makes me reflect what we heard from the City with the Hare Creek mall that the ocean could only be seen from SR 1 if one would jerk the head around while driving and even then could only see a sliver. I wonder how badly the city wants the tax money from this development and is willing to help push a project such as this forward. This project is detrimental to the public's **health, welfare, safety, and is a nuisance**.

The risk is high for residents living close by to be severely affected by the diesel emissions (air quality/greenhouse gas emissions). This has not been adequately analyzed in the EIR as discussed by other commentators.

Assessment of alternatives did not address that maybe this store should not be at this site; or a vacant building could be used to prevent increased blight in the neighborhood; or the Planning Commission could ask for a modern, less cookie cutter corporate building as we have seen in a picture from Truckee (aesthetic, visual resources). Some property owners have no money for a sprinkling system, have mold or rats in their buildings, and do not seem to be able to maintain, rent, or sell them. The City demands a very high insurance bond if someone hires a worker who has to be licensed. Both shopping centers (Boatyard & the DMV mini mall) have vacancies. Also downtown has had close to 20 vacancies for almost 10 years causing blight/urban decay.

What we need to do is invest in small businesses, fill the gaps, tap local anchors to get involved and help, and build community pride.

Even with all the legal cases supporting certain CEQA rules we forget that "Impact assessment requires projection, which by its very nature can be subjective. Even quantitative models that profess to provide definitive analytical data often have large margins of error and can be manipulated by "tweaking" the inputs to result in the desired output. Further subjectivity enters into the process in determining the significance of an impact". In other words, opinion. This is a quote from a book called "Understanding Environmental Impact Assessment, A Layperson's Guide to Environmental Impact Documents & Processes written by Grosetti Environmental Consulting".

I urge you not to recommend this project as currently proposed for approval to the City Council. It will not help Fort Bragg in the long run. It is not your job, or the City Council's job to determine if the GO is favored by people or not. Your job is to examine the potential impacts of the project according to the California Environmental Quality Act (CEQA) and whether or not they can be mitigated enough to reduce it down to an acceptable (or less-than-significant) level. The 29 Special Conditions are an indication that no matter how much lipstick you put on this pig, it is still a pig!

Sincerely, Annemarie Weibel 5-10-2023

From: ziacattalini@aol.com

Sent: Wednesday, May 10, 2023 2:05 PM

To: cdd

Cc: aweibel@mcn.org

Subject: Opposition to location of Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

Dear Planning Commissioners,

Sending acknowledgements of gratitude to the project challengers and listeners who rationally concluded that Hare Creek wasn't the place for a Grocery Outlet to sink their corporate roots.

This second proposal is an improvement to the first, it's on the east side of highway one, no natural terrain would be sacrificed, and it's re-purposing an abandoned commercial site, sounds great.

However, the commercial activities of a Grocery Outlet is far different from the business nature of a of Social Services building approved decades ago on a corner that wasn't so busy and for a population far less.

Please consider another location and thank you for your work.

-ZC

From: Carolyn Brown <cabblab@hotmail.com>
Sent: Wednesday, May 10, 2023 2:58 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

We visit Ft Bragg CA often! They need a grocery outlet there. It's a great store and will be a great addition to the area. We have them in Oregon and I love them!

Sent from my iPhone

From: Shelley Mae Green <mtn.morn@gmail.com>

Sent: Wednesday, May 10, 2023 4:18 PM

To:cdd; Lemos, JuneSubject:Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

Dear Commissioners and Council members,

If you approve the construction of Grocery Outlet at the proposed location on Franklin St., I suggest you make Cypress St. the access way from Main St. The intersection at Main and Cypress already has a traffic signal. At that signal traffic coming from either north or south on Main can turn onto Cypress safely. On Cypress St. include a left turn lane onto Franklin St., for traffic headed to Safeway. Route the right lane for both through traffic on Cypress St. and for right turns, for traffic headed to Grocery Outlet.

I know a lot of people would like to see a Grocery Outlet here. But is Grocery Outlet the only, or best, alternative? Is the proposed location the best location? Grocery Outlet will be another large employer, paying low wages, and taking profits out of our community. Will the majority of the staff be scheduled enough hours to afford to live here, let alone qualify for health insurance and other benefits? In this context, I again suggest garage conversions, aka "Community Cottages" as a low-cost, high quality, already approved, rapid way to provide integrated, non-intrusive, affordable housing for both our service based workforce and for seniors.

In summary, I suggest you, and community members, take a larger view of planning the kind and location of our long-term development. Developing and promoting our community's current economic base, Ecotourism, is fundamental. I suggest a secondary economic mainstay: senior care, from the independent living level to end-of-life care. A large proportion of our population are seniors. They are having to move elsewhere in order to receive specialized medical and residential care. Senior Care would provide semi-skilled employment that pays well, 24 hours per day, everyday of the year. The majority of the monies would stay in our community. It would attract more specialized medical professionals to our remote area. It would also bring visiting families, who would enjoy all our community businesses have to offer.

Thank you for your consideration, and dedication.

Sincerely, Shelley Green 707-813-7002

From: Jen <chitlin72@gmail.com>

Sent: Wednesday, May 10, 2023 6:24 PM

To: cdd

Subject: Grocery outlet

Follow Up Flag: Follow up Flag Status: Follow up

Good evening, I wanted to send this email to let you know I am a 5th generation Mendocino native. I would very much like to see this pass and for the grocery outlet to open in Fort Bragg. This is a much needed business for our coastal community and I sincerely hope you all take it into consideration when making your decision.

LETS BUILD IT!!!!!

Sincerely, Jenifer Holmes

Sent from my iPhone

From: Leslie Kashiwada <kashiwa@mcn.org>
Sent: Wednesday, May 10, 2023 3:50 PM

To: cdd

Cc: Lemos, June

Subject:Comments about the Grocery Outlet EIRAttachments:GroceryOutlet_FEIR_Comments.pdf

Follow Up Flag: Follow up Flag Status: Completed

Please find attached my public comments about the Grocery Outlet EIR which will be considered at tonight's Planning Commission meeting.

I would appreciate confirmation of receipt.

Thank you,

-Leslie Kashiwada

Honorable Planning Commissioners,

These comments are with regards to the application before you for a Grocery Outlet (GO) from Best Development Company in the location of the current empty Social Services Building on S. Franklin St. between N. Harbor Drive and South St.

You would think from all the glowing praises of those who support this project that Grocery Outlet is a nonprofit that distributes free food. It is not! Rather, it is a grocery store that offers somewhat cheaper food, alcohol, and other household items, many of which it obtains through opportunistic buying (for a glowing review, go to https://www.mashed.com/639091/the-untold-truth-of-grocery-outlet/?fbclid=lwAR05Jkb002c-AvupY5TPlBWOLYF0auMd iURaEp1kTAt6NRorZwpInUWZUg).

Other non-CEQA arguments in favor of the GO include increased fees and taxes to the City and increased jobs. Note that 20% of GO sales are from alcohol, which is taxed (unprepared food is not), so that might mean more income to the City, but might also increase public drinking. The jobs are non-union and likely part time. If GO takes business away from other local grocery stores, it might result in loss of better-paying full time jobs with benefits. These kinds of trade-offs must be considered, but are only somewhat addressed in the new section on Urban Decay, which was not circulated for public review and comment.

Regardless, this application isn't about popular demand. It is about a Final Environmental Impact Report (fEIR), which, according to CEQA, should examine potential impacts, using quantifiable thresholds, and suggest mitigations for any that are found to be significant, along with possible alternatives.

Because the current composition of the Planning Commission has changed significantly since this project came before it, I will give a brief history:

Initial Study (IS) produced and given to City Staff (December 2020)

Biological Review (Aug 2019 with one site visit on 8/9/2019)

Traffic Study (Oct 2019 with data collection Th 7/18/19 – Sat 7/20/2019)

City Staff prepares a Mitigated Negative Declaration (MND) based on the IS Planning Commission reviews the MND and takes public comment

This process includes a series of meetings

Planning Commission approves permit with 32 special conditions

Two appeals of the approval are filed (mid June 2021)

Application is approved by the City Council

The two appellants file a lawsuit to require preparation of an EIR (Aug 2021)

Best Development requests city vacate approval of GO permit and indicates willingness to prepare a draft EIR and re-file its application (2/28/2022)

City holds a scoping session for public comments

Best Develop submits a draft EIR (September 2022)

Public Comments are taken

Best Development submits final EIR (May 2023)

This project has been reviewed multiple times, so the process may seem complete but numerous issues still remain. When the City adopted staff recommendation to hire De Novo Planning Group to prepare the EIR, many of us expressed concern. The drastically lower bid, and existing working relationship between Best Development and De Novo led us to believe that the EIR would basically be the IS/MND information dressed up as an EIR. This turned out to be the case as very few additional studies were conducted. In addition, the special conditions placed on the project by the Planning Commission were not fully integrated into EIR, if at all.

While the draft EIR was circulated for public comment as required by law, the responses to those comments in the final EIR consist mostly of hand waving and redirection to the previous studies, not to substantially addressing those concerns.

I will bring up a few significant concerns in this letter, and will save a more detailed analysis for later.

Biological Report

I have written extensively about the deficiency of the biological and geological reports. I will not belabor those points here because I concede that this is not a special site in either regard. I suggest that City staff be more discerning when accepting biological/geological reports. I would point to the 2019 Biological Report done by William Maslach for the sewage treatment plant upgrade as an example of a well-done study. It included multiple days of survey work and correct identification of flora and fauna, as well as detailed analysis of potential impacts or lack thereof. One indication of the inadequacy of the biological study was there being only one (1) survey day and the casual identification of a raven as a crow. Despite being told that crows are not found in this area, the subsequent documents (and a follow-up 1-day study) repeated this misidentification. It does not inspire confidence in the accuracy and adequacy of the analysis.

I must also point out how the botched bat survey was never redone, even though the California Department of Fish and Wildlife requested that such a study be completed before demolishing the old building. There was no mention that this study is planned for a future date.

The mature evergreen trees on the northwest corner of the building will likely not survive the construction process given the proposed site of the new building, despite City policy to encourage existing mature trees be retained. Indeed, the landscaping plan does not include them. It will take more than 10 years for any newly planted tree to develop anything approaching the habitat currently provided by the existing trees. In addition, the landscaping plan includes multiple Monterey Cypress, which are not native to this area and are prone to dropping limbs. This is an inappropriate replacement for the existing mature trees (note, existing mature Monterey Cypress, while not native are worth saving for their habitat value). Trees are not readily take to the wind and salt in this area and most will not thrive.

I have repeatedly discussed the drainage in the low-lying western boundary of the property, but the follow-on study assiduously avoided sampling that area. The planned drainage for the project is placed in that location, which does appear to be well suited because I did not detect any standing water there during the multiple atmospheric rivers that recently dumped large amounts of water on the coast. I did, however, find large puddles of water at the southern end of the property along N. Harbor Dr.

Noise Study

The IS/MND had a woefully inadequate noise analysis using data from a different study done for another project elsewhere on Main St. While I commend the consultant for conducting a new study, impact on surrounding businesses were dismissed without using actual thresholds of significance. Response to comments about the inadequacy of the analysis were not addressed.

I want to mention that the proposed truck well is situated such that truck drivers will have to turn around to back up quite a distance into the receiving area. This means not only noise from truck engines, but also significant noise from backup signaling. I recall a recent trip to Paso Robles, where we stayed in a motel near the intersection of Hwy 101 and Hwy 46. My early morning walk took me behind a Grocery Outlet just north of the motel. A large truck loaded with collapsed cardboard was backing down a long drive, and the backup signaling was unpleasantly loud. I covered my ears and continued walking by. This area of the store is not in close proximity to any residential area, and is not directly adjacent the motel where we stayed, which is a good thing. If I had been roused from sleep by that sound, I would have not only been unhappy, I would have written an unfavorable review about the motel.

The new noise study showed significant impact on Super 8, with lesser impact on the Seabird Lodge to the north and the Harbor Lite Motel to the south. This was dismissed as insignificant because Motel 8 is visitor serving. There was no indication that any effort was made to determine if a manager resides onsite who might be impacted by the noise. This motel was recently remodeled with good recent reviews, but I can imagine visitors will not be happy about being woken up by loud backup beeping. I will discuss more about truck ingress and egress in section on alternatives below.

Utilities and Service Systems

Despite repeated requests from the public, emergency services were never consulted about potential impacts of this project on travel to and from ER. I contacted Davey Beak, the long-time manager of emergency transport at the hospital. After I provided a brief description of the project, he wrote:

"A significant change in the volume of traffic on South Street will absolutely have an effect on our response and return times.

Code 3 (lights and sirens) help but they will have an negative effect on the residential neighborhoods to the South and East of South Street.

Typically, we limit our use of lights and sirens until we are approaching the Franklin

Street intersection. With the additional traffic created by this development we will need to switch to Code 3 several blocks earlier which will likely lead to angry public and reduced real estate values in the adjacent neighborhoods. Access to our Hospital will also be negatively affected.

A street widening project along with a stop light at HWY 1 would definitely help. Please share this letter with any appropriate parties.

Thanks, Davey"

Davey Beak's response made it clear that he was never contacted for input on the project, despite repeated public comments concerning this issue. His comments should be taken under consideration and will likely require further study.

Traffic Study

The traffic study was conducted in late July 2019 with 3 days of consecutive data collection (report produced in October 2019). It is incomplete and outdated. The study should have included data collection on several school days and, as a tourist destination, the study should have included at least one holiday, like Paul Bunyan Days. In addition, while the study included projected traffic from a recently completed project across from the hospital, The Plateau, newer projects on Cypress St were not included because they weren't in the development pipeline in 2019. In addition, impact on ER response and return times were not analyzed. Now that The Plateau is ramping up for occupancy, that impact can be measured.

I was flabbergasted when the EIR foisted sidewalk and crosswalk improvements on the City even though the Planning Commission included it as one of their special conditions. The reason given was that the City had previously included sidewalk improvements (and possibly cross walks at a 4-way stop) in a list of potential future work in the area. This is disingenuous because any increase in pedestrian crossing will be directly due to this project. I recently talked to a friend who lives in senior housing near the proposed project. She did a quick mental count of all the apartment units in the neighborhood and came up with a minimum number of 350. If even a fraction of those residents walk to the project, it will vastly increase pedestrians crossing South St, which currently has no stop. If a stop is added, along with crosswalks, this will completely change the traffic flow in the area. I know CEQA has recently shifted from LOS (loss of service) evaluation to VMT (vehicle miles traveled) analysis as a measure of impact, but city policies still require LOS evaluation, and this seems more appropriate in terms of impact of quality of travel experience (and on ER response and return times).

Finally, the 2019 traffic study assumed no left turn from westbound N. Harbor Dr. onto Main St, but that signage as been removed (and even when it was there, people would just go into the gas station and turn left even closer to the bridge). It was assumed that Caltrans removed that signage, but recent communications indicate that might not be the case. The traffic study proposed a possible mitigation could be to also prohibit left turns from westbound South St onto Main St. This needs to be

clarified with Caltrans. I find people making left turns often do so unsafely, and having big trucks do so would be even more treacherous. In my thinking, the only way to prevent such turns, if Caltrans deems that an appropriate measure, would be to put up an island, or some kind of physical deterrent, because signage is not effective.

I discuss more on traffic in alternatives below.

Alternatives

Only two alternatives were proposed (reduced size and no project), and neither involved reuse of the building. There is a statement that the old building is moldy but there is no data to back up that claim. Additionally, different placement of a new building on the site was not discussed. The previous Planning Commission suggested placing the new building on the south side of the adjoined properties and a redesign of the standard GO façade. This suggestion was dismissed out of hand as impossible, but the developer admitted complying with a similar request for a project in Truckee, CA. The Planning Commission should show some resolve and demand the same if it is warranted. I think the current placement provides the best visibility from main street, which may be why the developer want to site it there, but locals will know where it is, so why is that even a consideration? The Plan Commission did constrain signage to disallow large lit signs, which is much appreciated as those signs are a visual blight.

What follows is a thought experiment about traffic flow. This may seem overly long and pedantic, but has not been explained anywhere in the EIR (or IS/MND) and is important to consider.

The current building placement requires trucks to turn right onto N. Harbor Dr. This is much tighter than a standard 90-degree turn, being about 65 degrees. The intersection has some space to accommodate wide turns, but all it takes is one miscalculation for a truck to tip over and block access to the bridge with no possibility for detours. After making that tight right turn, truck drivers will have to make a quick 70-degree left turn into the GO parking lot. I'm not sure where trucks will turn around to back into the receiving area (there are several options, none of which seem good). When the truck leaves, the driver might turn right onto N Harbor Dr. and left onto Main St (assuming it is going south) if that is allowed, but that seems problematical. Alternatively, truck drivers might exit left onto N Harbor Dr, then left onto S Franklin St and left on South St and left on Main St (or they could cross South St and continue to northbound to turn left on Cypress St, then left at the light on Main St). The travel path of delivery trucks has not been explained and seems somewhat torturous.

Siting the project building on the south end of the adjoined properties pushes all the truck traffic onto South St. This is better in terms of an easier right turn (being 80 degrees instead of 65 degrees), with a 90 degree right turn into the parking lot. How the trucks will turn around to go into the receiving area would have to be determined. Egress would either be left onto South St then left onto Main St. or right onto South St., left onto S Franklin St, left onto Cypress and left at the light onto Main St. Again,

somewhat torturous, but less so that what is being proposed. Unfortunately, it definitely increases traffic on South St, with potential impacts on vehicular flow, especially emergency vehicles.

The proposed new building could also be placed more in the middle of the property, or where the currently building is located, with employee parking on one side and customer parking on the other (note: employee parking was not addressed – will employees be encouraged to park on the street or required to park in the parking lot?). This alternative would lend itself to a flow through for trucks, entering on one street, with a short back in to receiving, then out the other way. This could provide for a better flow, but there is no avoiding the challenges of trucks needing to head south on Main St.

In conclusion, this letter only brings up the most important concerns I have about the impact of the proposed project. It is essential that the Planning Commission carefully consider these impacts and how they might be mitigated. The final EIR is not sufficient and does not provide insight into appropriate solutions. Any concerns about the delay opening a Grocery Outlet in Fort Bragg should be placed at the feet of the developer who has repeatedly tried to cut corners, and obfuscate instead of addressing significant impacts of the project in the proposed located. Please, don't rubber stamp the project because it is popular. If it deserves to be done, it deserves to be done right.

Thank you, Leslie Kashiwada kashiwa@mcn.org

P.S. Note that the IS/MND that formed the basis of this EIR is no longer available to the public, nor are the public comments about that flawed document. I want to refer you back to my appeal letter, which outlines serious issues with the IS/MND and my comments about the draft EIR as most of these concerns still apply. If you want to read those comments and aren't able to locate them, feel free to contact me at the email above and I will send them to you.

From: Siobhan Murtagh <siobhan2223@yahoo.com>

Sent: Wednesday, May 10, 2023 3:44 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Completed

Please let Fort Bragg have a Grocery Outlet! Siobhan Rodgers PO BOX 64 Mendocino, CA 95460

Sent from Yahoo Mail for iPhone

From: SUSAN OWENS <susanowens127@gmail.com>

Sent: Wednesday, May 10, 2023 3:44 PM

To: cdd

Subject: Grocery Outlet

Follow Up Flag: Follow up Flag Status: Follow up

Dear Planning Commission,

Just asking you, with due consideration, to approve the permits and plans for the new Grocery Outlet. We need this store so bad in Fort Bragg, maybe it will force Safeway and Harvest Market to drop their overly high prices. We live on a fixed income, Social Security, and I could cry every time I buy groceries. Things are so high, there is no reason groceries for 2 people should run almost \$300.00 for less than two weeks! We go to Grocery Outlet in Willits or Ukiah when it's possible, but the weather or other circumstances make it, at times, impossible. Please approve the building of Grocery Outlet and help a lot of people in Fort Bragg.

Thank you, Susan P. Owens

From: Carolyn Rissanen <c.rissanen@att.net>
Sent: Wednesday, May 10, 2023 3:03 PM

To: cdd

Subject: Public hearing comment

Follow Up Flag: Follow up Flag Status: Completed

I am writing to express my support for the Grocery Outlet project. I work at a minimum wage job in Fort Bragg and know many others who do the same. It is important to consider the needs of limited income residents who could really use a lower cost grocery store in town.

I also applaud bringing more jobs to the city, although I am concerned about housing, but that is another subject. I have not seen any description of how the construction job would be managed, but I do hope there would also be construction work for local folks as well.

I have read the Design Review analysis and I think the project will fit well in the proposed location.

Thank you, Carolyn Rissanen

Sent from my iPhone

From: cdd

To: "marie@mariejonesconsulting.com"

Subject: FW: GC

Date: Friday, May 12, 2023 8:39:00 AM

Attachments: C2-D25-P19.pdf

Hi Marie -

Please see below. Have a great weekend ☺

Sincerely,

Humberto Arellano

Phone: (707) 961-2827 ext. 111



From: Munoz, Cristal

Sent: Thursday, May 11, 2023 10:52 AM

To: cdd <cdd@fortbragg.com>

Subject: FW: GO

From: Paul Clark < <u>pclark@fortbraggrealty.co</u>>

Sent: Thursday, May 11, 2023 9:52 AM

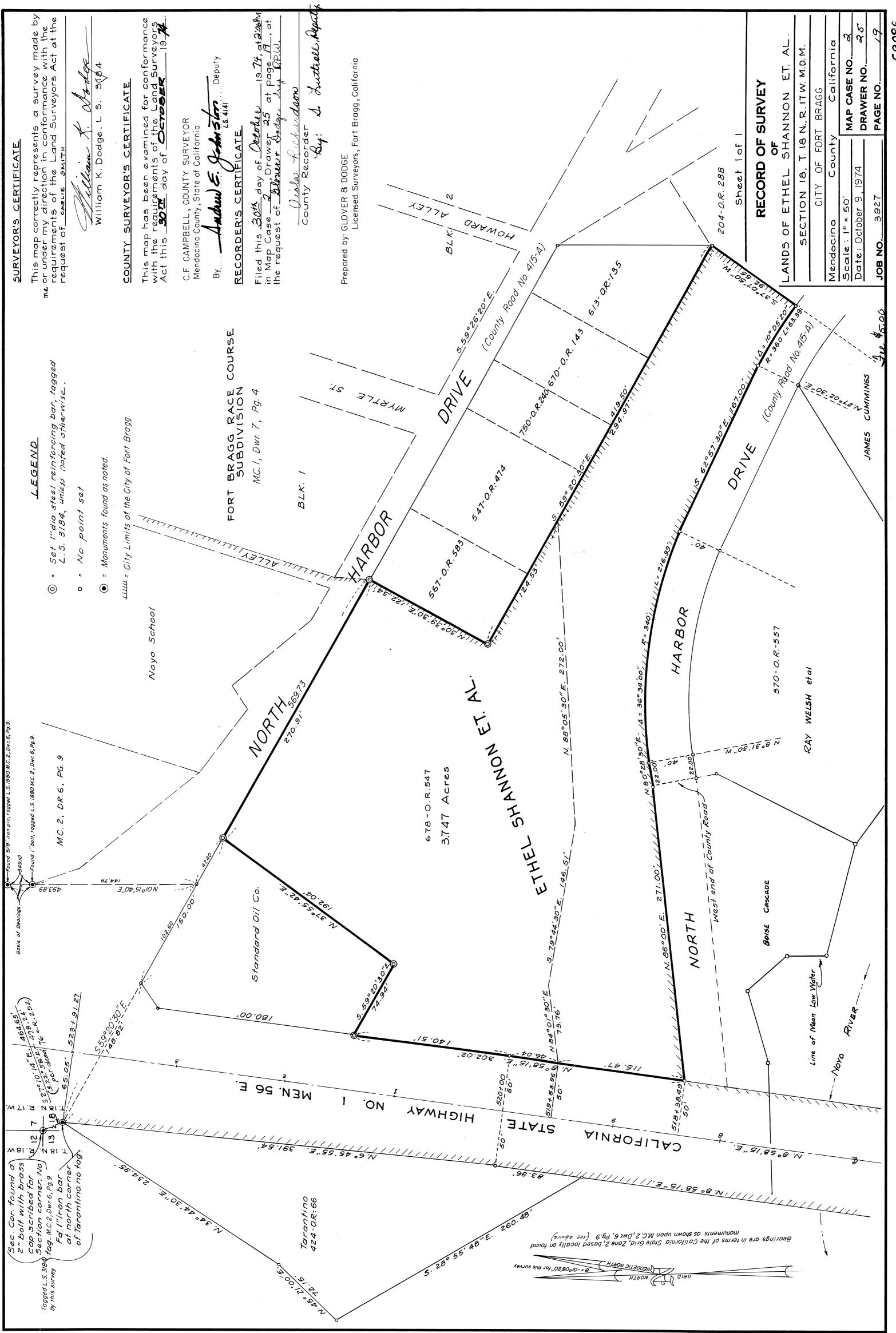
To: McCormick, Sarah <<u>smccormick@fortbragg.com</u>>; Lemos, June <<u>jlemos@fortbragg.com</u>>

Cc: Paul Clark < <u>pclark@fortbraggrealty.co</u>>

Subject: FW: GO

Missed this attachment Sarah or June can you forward to Marie Jones please it may help

Paul



Best Development Grocery Outlet EIR Planning Commission Hearing



City of Fort Bragg Town Hall 416 North Franklin Street Fort Bragg, CA 95437

May 10, 2023

De Novo Planning Group

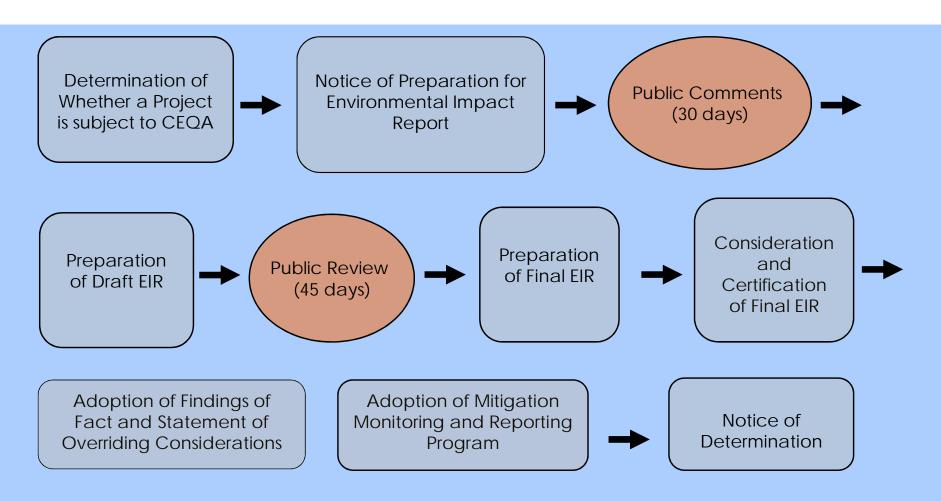
Environmental Review Process

What is an EIR?

- Adocument describing the anticipated environmental effects of implementing a project, as required by CEQA.
- A forum for public participation in the environmental review process.
- An EIR includes Mitigation Measures to reduce potential adverse environmental impacts.
- An EIR does not advocate or promote the project.
- Certification of the EIR does not determine whether or not the project will be approved.



Environmental Review Process





Environmental Review Timeline

Notice of Preparation and Initial Study: May 19, 2022

Public Scoping Meeting: June 7, 2022

Public Comment Period: May 19 - June 20, 2022

Draft EIR: September 15, 2022

Public Hearing to Receive Draft EIR comments: October 11, 2022

Public Comment Period: September 15 – October 31, 2022

Final EIR: April 24, 2023



Key Findings from Initial Study

The following issues were analyzed in the Initial Study (Appendix A of the Draft EIR) and were determined to have no change, or less-than-significant impacts:

- Agricultural Resources
- Cultural and Tribal Resources
- Geology/Soils
- Hazards/Hazardous Materials

- Hydrology/Water Quality
- Population and Housing
- Public Services/Recreation
- Wildfire

Because these issues were fully analyzed in the Initial Study, no further analysis of these issues was required.



The following issues were analyzed in the Draft EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Greenhouse Gas Emissions/ Energy

- Land Use and Planning/ Urban Decay
- Noise
- Transportation/Circulation
- Utilities and Service Systems

As discussed in the Draft EIR, no significant and unavoidable impacts would result from the Project.



The following issues were determined to have no change, or a less-than-significant impact in the Draft EIR:

- Aesthetics
- Air Quality
- Greenhouse Gas Emissions/ Energy

- Land Use and Planning/ Urban Decay
- Transportation/Circulation
- Utilities and Service Systems

The following issues were determined to have potentially significant impacts in the Draft EIR:

Biological Resources

Noise



Biological Resources: Impacts related to the following were determined to be less-than-significant:

- Special-status invertebrate, reptile, amphibian, fish, and plant species
- Wetlands
- Riparian habitat and sensitive natural communities

- Movement of wildlife
- Conflicts with local policies or ordinances protecting biological resources
- Conflicts with an adopted
 Habitat Conservation
 Plan/Natural Community Plan



Biological Resources: Impacts related to the following were determined to be potentially significant:

Special-status bird species

Special-status bat species

The Draft EIR includes mitigation measures which would reduce these potentially significant impacts to a less-than-significant level. All mitigation measures included in the Draft EIR are presented in the Executive Summary. Mitigation Measures address the following:

 Preconstruction surveys for special-status birds and special-status bats, and measures to follow should active nests/roosts or behaviors indicating that active nests/roosts are present are observed.



Noise: Impacts related to the following were determined to be potentially significant:

- Temporary increases in ambient noise levels due to construction
- Groundborne vibration levels due to construction

The Draft EIR includes mitigation measures which would reduce these potentially significant impacts to a less-than-significant level. All mitigation measures included in the Draft EIR are presented in the Executive Summary. Mitigation Measures address the following:

Measures to follow during construction to reduce construction noise and vibration, including but not limited to: limiting construction hours, locating staging areas away from residences, limiting engine idling, temporary construction sound wall, and using static drum rollers should compaction be required within 25 feet of residential structures.



De Novo Planning Group

The Final EIR includes:

- All comments received on the Draft EIR (in writing and at public hearing)
- Written responses to all comments received
- Minor changes (revisions) to the Draft EIR
- The Final Mitigation Monitoring and Reporting Program (MMRP)



The City of Fort Bragg received 29 comment letters on the Draft EIR during the public review period from local residents and the Fort Bragg Local Business Matters group. Main discussion points made by the commenters pertained to:

- Temporary and permanent increases in ambient noise levels due to construction and operation
- Increases in traffic congestion, access to Noyo Harbor, and emergency vehicle circulation
- Potential for urban decay
- Impacts related to biological resources (wetlands and species)
- The need for an affordable grocery store in Fort Bragg



The Final EIR includes revisions to the Draft EIR. The revisions address the following:

- Minor clarifications and consistency changes
- Clarifications regarding the reduction in VMT (Vehicle Miles
 Traveled) which would result from re-routing trips away from the
 Willits Grocery Outlet Store
- Incorporation of the updated traffic analysis results pertaining to LOS (Level of Service) as a result of the changes in traffic movement prohibitions which occurred after the traffic analysis was completed in 2019
- Clarifications regarding the soil test pits
- Incorporation of an Urban Decay Analysis completed for the Project
- Discussion of the effectiveness of the construction noise and vibration mitigation measures



The Final EIR includes the following Appendices:

- Appendix A: Letter from Remy, Moose and Manley to the City of Fort Bragg RE: Best Development Grocery Outlet Draft EIR (SCH # 2022050308) – Responses to legal and other issues raised in comments from Mr. Jacob Patterson
- Appendix B: Urban Decay Study
- Appendix C: Wetland Data Sheets from March 29, 2022 Field Survey
- Appendix D: Grocery Outlet Water Bills from February 2022 to October 2022
- Appendix E: Grocery Outlet Design Review



CEQA Recommendation and Next Step

Planning Commission Hearing (May 10, 2023)

Recommendation to City Council

City Council Hearing (Date TBD)

- EIR Certification
- Project Consideration

