

EIR a detailed explanation of how the document reflects particular items of input received through scoping.

**Response M-9:** The commentor provided the following comment on the Draft EIR:

008 If the City Council approves the proposed Project, that decision can be appealed to the California Coastal Commission. Similarly, if the City Council denies the proposed Project, that decision can be appealed to the California Coastal Commission. Under either such scenario, the California Coastal Commission would become the final decisionmaker on the Project.

This is not accurate because this project is not appealable to the Coastal Commission.

### 1.5 ORGANIZATION AND SCOPE

Sections 15122 through 15132 of the State CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include a description of the environmental setting, an environmental impact analysis, mitigation measures, alternatives, growth-inducing impacts, and cumulative impacts. Section 15128 provides that “[a]n EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.” This EIR satisfies section 15128 in part through reliance on a detailed Initial Study, which is included as Appendix A to this Draft EIR.

EIRs for certain kinds of projects, as set forth in CEQA Guidelines section 15127, must discuss significant irreversible environmental changes. These projects include those involving (i) the adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency, (ii) the adoption by a Local Agency Formation Commission of a resolution making determinations, or (iii) the parallel preparation of an environmental impact statement under the federal National Environmental Policy Act. Here, the proposed Project does not fall into one of those categories, meaning that this EIR is not required to address significant irreversible environmental changes. Even so, the City has opted, on a voluntary basis, to address that topic, as it may be of interest to members of the public.

Discussion of the environmental issues addressed in the Draft EIR was established through the following: review of environmental and planning documentation developed for the proposed Project prior to the original approval of the Project based on a Mitigated Negative Declaration in

The information in the Draft EIR is correct. The proposed Project is appealable to the California Coastal Commission because it is within 300 feet of what is considered a coastal bluff.

**Response M-10:** The commentor provided the following comment on the Draft EIR:

### 1.6 COMMENTS RECEIVED ON THE NOTICE OF PREPARATION

The City of Fort Bragg received six written comment letters on the NOP for the proposed Project. A copy of the letters is provided in Appendix A of this Draft EIR. The commenting agency/citizen is provided below. **Note: there were also oral comments submitted at the scoping meeting on**

**June 7, 2022, which are not reflected here. 009**

- California Department of Toxic Substances Control (June 17, 2022);
- Jacob Patterson (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).

**010 This list appears incomplete and should be updated to include submitted comments on the NOP that are not currently listed, including additional comments submitted by some of the listed parties, including but not limited to a June 8, 2022 email comment from Jacob Patterson.**

Draft Environmental Impact Report – Best Development Grocery Outlet

1.0-7

See Response M-8. Both of the commenter's letters were received and are included in Appendix A of the Draft EIR. Chapter 1.0, Introduction, of the Draft EIR was revised to include the commenter's second comment letter date.



**Response M-11:** The commentor provided the following comment on the Draft EIR:

**Building Architecture and Signage**

The proposed Project would include 51,650 sf (1.18 acres) of hardscape areas that would be covered with the proposed store, parking lot, accessways or sidewalks, and driveways. As shown in Figure 2.0-5, the retail building would be located in the northern portion of the site with parking in the south portion.

The retail grocery store would be a maximum of 28 feet tall at the top of the proposed canopy and a maximum of 23 feet tall at the top of the proposed parapet. The proposed building includes differentiated treatments along the base, mid-section, and top along the three facades facing public streets. Windows would remain clear glass for lighting a view out, and the roofline on the corner cut-off entrance is also unique to the other rooflines for additional visual interest. The building will be composed of elements and details representative of Fort Bragg's architectural heritage, as the Applicant's chosen design elements were influenced by Fort Bragg's downtown architecture. The window and door treatments give homage to the smaller shops along the main downtown street's detailing as well as the Hardie Board (wood composite) wood paneling, masonry, and providing a variety of the materials on the elevations to add visual interest. Rooflines of the building would align with buildings on adjacent properties to avoid clashes in building height. Architectural perspectives of the proposed building are shown in Figure 2.0-6.

011 This is not justified and is merely an unsupported opinion concerning how "representative" the architecture will be.

The proposed Project would include the installation of a six-foot-tall illuminated monument sign on the southeast corner of the site. The monument sign would have 15 sf of branding on each side, in addition to the unbranded base. Additionally, an 83.3-sf illuminated channel sign would be located on the sign parapet along the front elevation of the building.

All exterior lighting would be limited to a maximum height of 18 feet and utilize energy-efficient fixtures and lamps. No permanently installed lighting would blink, flash, or be of unusually high intensity or brightness. Exterior lighting would be shielded or recessed and directed downward and away from adjoining properties and public right-of-way to reduce light bleed so that no on-site light fixture directly illuminates an area off-site, in compliance with regulations set by the International Dark-Sky Association.

**Landscaping**

012 Currently, four ornamental trees are located in the northwestern portion of the Project site, and additional ornamental trees are located along the South Street frontage. It is possible that the existing

The sentence regarding architectural elements was revised in Chapter 2.0 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revision.

**Response M-12:** The commentor provided the following comment on the Draft EIR:

## 2.0 PROJECT DESCRIPTION

- 012 Tree removal is a concern and is inconsistent with the discussion during the prior related review. trees could be preserved as part of the proposed landscaping plan; however, it is likely that tree removal in some capacity would be required. Proposed landscaping includes trees and vegetation along the property boundaries within the proposed parking lot. Trees would be planted primarily along the north, south, and east boundaries, with a few along the west boundary, as well as one tree within each of the parking lot landscaping islands. Approximately 19,265 sf (0.44 acres) of the site would be landscaped and permeable to stormwater as the proposed Project would be designed to capture stormwater and pre-treat it on-site to remove dirt, oil, and heavy metals using bioretention basins located along the northwest and southwest boundaries. The proposed landscaping plan would comply with the Model Water Efficient Landscape Ordinance (MWEL). The MWEL is also referenced by Title 24, Part 11, of the CalGreen Building Code. The purpose of MWEL is not only to increase water efficiency but to improve environmental conditions in the built environment. Landscaping should be valued beyond the aesthetic because landscapes replace habitat lost to development and provide many other related benefits such as improvements to public health and quality of life, climate change mitigation, energy and materials conservation, and increased property values.

## CIRCULATION, TRANSPORTATION, AND PARKING

Currently, the site is accessed on the north end via a paved entrance to South Street. There is an existing dirt driveway that runs across the southern parcel from S. Franklin Street to N. Harbor Drive. The proposed Project includes the construction of a new, 30-foot-wide entrance on N. Harbor Drive and a 35-foot entrance on S. Franklin Street. The existing driveway on the north end of the site would be removed as part of the Project. Additionally, the proposed Project will 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 the 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.

As part of the proposed Project, a parking area with 53 parking spaces would be constructed on the south side of the Grocery Outlet building including two RV spaces on the western side of the lot and one motorcycle parking space. Four electric vehicle parking stalls will be provided with the required wiring for charging facilities to be installed in the future. Additionally, six clean air vehicle priority parking spots will be provided. Further, an internal system of walkways and crosswalks would be provided, as well as two bicycle parking racks. The site plans do not show this internal system of walkways and the proposed

013 parking area layout is inconsistent with the Citywide Design Guidelines.

With respect to tree removal, the discussion in question is accurate. Tree removal may be required in some capacity. The trees being considered for removal are “ornamental” and not protected species; therefore, their removal does not present a significant impact to biological resources under CEQA. Likewise, removal of these trees will not significantly impact aesthetics as they are “not part of the natural scenic landscape” and will be replaced “with landscaping selected for the local climate, including the planting of 37 new trees.” Notwithstanding, the Draft EIR states that it may be possible that these trees can be preserved.

With respect to the walkways and crosswalks, these features are shown in the site plan (Figure 2.0-5). The site plan shows an internal system of walkways and crosswalks.

As noted on page 2.0-6, the proposed Project will be subject to Design Review. The Design Review will include a review of the proposed site plans as they relate to the Citywide Design Guidelines requirements. As discussed in the Draft EIR, the

Project is subject to the mandatory provisions of the City's Design Guidelines. The aesthetic impacts of the proposed Project have already been analyzed in the EIR. While not a CEQA issue, City staff's analysis of the Project against the mandatory guidelines is included as new Appendix E of this Final EIR. The analysis includes conditions to ensure compliance where required.

**Response M-13:** The commentor provided the following comment on the Draft EIR:

## PROJECT DESCRIPTION

2.0

- 014 (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- Neither of these conditions appear to apply to this project so it does not appear to be appealable to the CCC.
- Although the proposed Project is subject to water quality regulations and general permits put in place by state and federal agencies, no state or federal approvals are required in order for site construction to proceed. Construction activities for the proposed Project will be subject to the requirements of General Construction Activity Stormwater Permit (Construction General Permit Order 2009-0009-DWQ, also known as the CGP), issued by the State Water Resources Control Board. This General Permit requires operators of construction sites to implement stormwater controls and develop a Stormwater Pollution

The information in the Draft EIR is correct. The proposed Project is appealable to the California Coastal Commission because it is within 300 feet of what is considered a coastal bluff.

**Response M-14:** The commentor provided the following comment on the Draft EIR:

- 015 **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.
- Yet this project is sited to block the only existing views of the ocean through the site!
- 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.

A consistency analysis with the applicable General Plan Policies is included in Table 3.5-1 in Section 3.5, Land Use, of the Draft EIR. As discussed, the proposed Project is consistent with Policy CD-1.1. The Project site is not located “along the ocean” or within a “scenic coastal area” within the meaning of Policy CD 1.1, as the site is on the landward side of Highway 1, and there is intervening commercial development between the site and Highway 1. The proposed Project is replacing an existing structure with one of approximately the same size. Current views from

the middle and southern portions of the Project site are limited by the adjacent two-story motel adjacent west of the site, which is the direction in which the Pacific Ocean and landscapes immediately adjacent to the coast are located. Although the proposed structure will block an existing view of the ocean from the far northern portion of the Project site, that view is not easily discernable by pedestrians and is interrupted by two large trees and a Chevron Station and an intervening vacant legal lot between the Project site and that Chevron Station. This vacant lot could be developed under existing conditions, and a new structure could completely block the existing interrupted view of the Chevron Station and ocean. As discussed in Section I, Aesthetics and Visual Resources, of the Initial Study, the proposed development is compatible with the character of surrounding areas. The proposed Project would include redevelopment of the Project site in order to replace a 16,436-sf vacant former office building with a 16,157-sf Grocery Outlet (retail grocery store) with associated improvements on the Project site. The retail grocery store would be a maximum of 28 feet tall at the top of the proposed canopy and a maximum of 23 feet tall at the top of the proposed parapet.



**Response M-15:** The commentor provided the following comment on the Draft EIR:

### 3.1.3 IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the proposed Project will have a significant impact on aesthetics if it will:

- Have a substantial adverse effect on a scenic vista; **How, what is the criteria for "substantial"?**
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality;
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

**None of these checklist questions serve as thresholds of significance, which are completely lacking for aesthetic impacts.**

#### IMPACTS AND MITIGATION MEASURES

##### **Impact 3.1-1: Project implementation would not result in substantial adverse effects on a scenic vista (Less than Significant)**

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".

**The northernmost portion of the project site includes views TO the ocean, which is distinct from "along"**  
The Project site is not located "along the ocean" or within a "scenic coastal area" within the meaning of Coastal General Plan Policy CD 1.1, which provides that "[p]ermitted 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." Rather, the Project site is located on the landward side of State Highway 1, and there is intervening visually obtrusive commercial development between the site and State Highway 1.

The proposed Project would replace an existing structure with one of approximately the same size. The proposed retail store would occupy a similar location to the existing structure on the northern portion of the Project site, where views looking to the west toward the Pacific Ocean are blocked by the existing Super 8 hotel, west of the Project site, which is the direction in which the Pacific Ocean and landscapes immediately adjacent to the coast are located. There are limited views of the Pacific Ocean through the Project site from S. Franklin Street along the north boundary as these views

**This is false, the new building is further to the north and thereby would block the existing views to the ocean!**

3.1-6 Draft Environmental Impact Report – Best Development Grocery Outlet

To determine whether an impact to a scenic vista will be substantial, the Draft EIR used consistency with General Plan provisions and policies related to scenic and/or protected views as criteria. This approach is common and acceptable. "An agency has considerable discretion to decide the manner of the discussion of potentially significant effects in an EIR." (Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 515 (County of Fresno).) The ultimate question is whether substantial evidence supports the analysis and conclusions reached in an EIR. (Ibid.) Here, it does, and the commenter presents no evidence to the contrary.



The Draft EIR explains in detail why the proposed Project does not conflict with these provisions and policies that the City has formally adopted for planning development in this developed area, and then reasonably interprets them for this purpose. In doing so, for the existing development on the Project site and in the vicinity of the Project site has been accounted for. The determination that aesthetic impacts will be less than significant is consistent with the general principle that the aesthetic impacts of a new “building in a highly developed area” normally should not be found to be significant. (See, e.g., *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 592.)

The Project would include redevelopment of an infill site. This physical context is an important consideration. As noted previously in Response M-5, “[a]n ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.” (Guidelines, § 15064, subd. (b)(1).) Given the infill nature of the proposed Project, an interpretation or application of CEQA leading to a reduction in proposed building intensity would be environmentally counterproductive. As noted earlier, the proposed 16,157 sf Project, if approved, would result in a net reduction of 279 square feet of physical space compared with the existing 16,436-sf structure on the site. If this net reduction in building intensity were to be characterized as resulting a significant aesthetic effect requiring feasible mitigation in the form of a reduction in size, such an outcome would undermine the City’s efforts to facilitate infill development, with its attendant long-term environmental benefits.

Here, CEQA was construed and applied in a holistic way that considered the aesthetic impact of a modest infill project on a developed site within a larger environmental context. Accordingly, the Draft EIR reasonably found this potential impact to be less than significant.

With respect to Comments 016 and 017, a recurring theme in the commenter’s comments is that the City erred in using thresholds of significance that are derived from language found in the sample Initial Study checklist found in Appendix G to the CEQA Guidelines. The commenter cites no legal support for his criticism, however, and none exists. The City acted within its discretion, and followed a very common practice, in adopting language from Appendix G for this purpose. “CEQA grants agencies discretion to develop their own thresholds of significance.” (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068 (*Save Cuyama*), citing Guidelines, § 15064, subd. (d)).)

Where an agency wants to formally adopt significance thresholds for general use, each threshold should be “an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined

to be less than significant.” (Guidelines, § 15064.7, subd. (a).) Hence, thresholds need not always be quantitative. Qualitative thresholds are perfectly proper and are commonly used by lead agencies for a variety of resource areas. Not every impact analysis (e.g., aesthetics) lends itself to quantitative analysis.

Additionally, the practice of using thresholds of significance derived from language in the Guidelines Appendix G is common and proper. The language is easily adaptable for such a purpose in that it poses questions about the nature, kind, and extent of potential impacts to various environmental resources. Further, the questions reflect the interface between CEQA and other environmental laws governing subjects such as air and water quality, biological resources, cultural resources, climate change, hazards and hazardous materials, local land use planning, housing, transportation, water supply planning, and the like. The questions also reflect input given to the California Natural Resources Agency (CNRA) from state agencies such as the Air Resources Board and the Department of Fish and Wildlife and from leading CEQA practitioners and technical experts.

Further, the CNRA has fashioned the language and questions found in Appendix G in order to focus CEQA lead agencies on particular aspects of particular topics. Thus, Appendix G itself instructs that “lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.” (Guidelines, appendix G, Evaluation of Environmental Impacts)

As stated in page 3.1-6 of Section 3.1 of the Draft EIR, the City’s Community Design Element does not define the Project site as having potential scenic views toward the ocean or the Noyo River.

With respect to the final comment, the Draft EIR states that the location of the existing and proposed structures is similar, not identical. This is true and correct.

**Response M-16:**

The commentor provided the following comment on the Draft EIR:

## AESTHETICS AND VISUAL RESOURCES

## 3.1

extend through numerous parcels, including an existing Chevron gas station and the undeveloped Mill Project site to the west of State Highway 1. **These views are interrupted by two large trees, which substantially obscure pedestrians' and drivers' views of the ocean.** The 'keyhole' view is also dependent on the future development patterns of these sites. The vacant Mill Project site could be developed under existing zoning, and a new structure could completely block the existing interrupted view of the Chevron Station and ocean.

017 **These hypothetical future view-blocking developments are too speculative and don't reflect the actual baseline conditions.**

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 just over 25 feet at the north side due to the lower sidewalk elevation on the north side. The proposed building setback from South Street is 18 feet and 7 inches from the property line. The proposed building setback from South Franklin Street is 10 feet. The West side of the building adjacent to the motel would be setback 24 feet and 1 inch, which is in excess of the required 20 feet setback. A mature cypress tree along the West site boundary would be protected during construction and retained.

018 **There is not a Taco Bell at this location.**

There are currently vacant parcels across the street to the north and the east. There is also a vacant parcel between the Chevron/**Taco Bell** and the site. 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 High Density Residential uses are located four blocks to the east.

016 **This is false, the trees only block views of the sky not views of the ocean from a pedestrian or vehicular vantage point.**

The Draft EIR determined that the proposed Project would not result in a substantial adverse impact on a coastal scenic vista because, first and foremost, the Project site is not located "along the ocean" or within a "scenic coastal area" within the meaning of Coastal General Plan Policy CD-1.1. Therefore, the proposed Project cannot have an impact on coast views. The Draft EIR then went beyond this conclusion and looked more into the proposed Project's consistency with Coastal General Plan Policy CD-1.1, which provides, in full:

Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alternation of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance views in visually degraded areas.

To further demonstrate the proposed Project's consistency with this policy, the City reasonably interpreted and applied the policy. More specifically, the City considered the facts along with the plain language in Policy CD-1.1 and reasonably determined, as mentioned above, that the Project site is "not located 'along the ocean' or within a 'scenic coastal area' within the meaning of Policy CD[-]1.1, as the site is on the landward side of Highway 1, and there is intervening commercial development between the site and Highway 1." (Draft EIR, p. 3.5-22.) Thereby, "views...along the ocean and scenic coastal areas" would not be impacted by the proposed Project. (Ibid. [quoting Policy CD-1.1].)

The City then reasonably determined that, because the proposed Project “is replacing an existing structure with one of the approximate same size,” and because other nearby structures already obstruct the ocean view from “the middle and southern portions of the project site,” these supposed views “to” the ocean would not be impacted by the proposed Project because they are already obstructed. (Draft EIR, p. 3.5-22.) The City further reasonably determined that the other “existing view of the ocean from the far northern portion of the site” would not be impacted because, for one, it “is not easily discernible by pedestrians and is interrupted by two large trees and a Chevron Station and intervening vacant lot between the Project site and Chevron Station and the ocean.” (Ibid.; see also Draft EIR, Figure 3.1-4.) This limited view is “not easily discernible,” in large part, because of the distance, development, and climate—the ocean is more than a quarter of a mile away, is continuously obstructed by layers of trees and the Chevron gas station (ibid.), and is often shrouded in marine layer (id., p. 3.2-1 – 3.2-2).

It is also a fleeting view. Currently, this view from the north of the Project site is only available to a passerby along a maximum 40-foot stretch of S. Franklin Street, through one of the existing access points. (See Draft EIR, p. 3.1-19 [Figure 3.1-4].) The remainder of any potential ocean view is nearly completely blocked by existing onsite shrubbery and development. (Ibid.) Further, a large portion of a passerby driving in a vehicle, given both the overall commercial/office development in the surrounding area and the fact that this stretch of S. Franklin connects N. Harbor Drive to South Street and to the other side of S. Franklin (both of which are commercial/office corridors), thus making that 40-foot view even more fleeting.

This specific view also is not easily discernible because, as discussed on page 3.1-7 of the Draft EIR, two large trees on the northwest border of the Project site substantially obscure pedestrians’ and drivers’ views of the ocean. The trunk of the southern-most tree directly blocks a portion of the distant ocean view from ground level. The trunk of the northern-most tree does not block as much of the distant ocean view because that supposed view is already blocked by the Chevron gas station building. These visual interferences (trees and the gas station) reduce the already fleeting view by, probably, 15 to 20 feet, making the 40-foot viewpoint along S. Franklin Street even more fleeting, at between 20 to 25 feet. This viewpoint shrinks even further when vehicles are lined up at the gas pumps and further blocking any view, which one safely assumes occurs consistently throughout the day.

The City also concluded that the vacant lot directly west, in between the Project site and the Chevron station, could be developed with a sizable commercial structure, which would then “completely block the existing interrupted view of the Chevron Station and ocean.” (Draft EIR, p. 3.1-7.) The City’s conclusion about



the development potential is reasonable and not overly speculative given the type of commercial developments immediately adjacent to this vacant parcel (gas station, motel, pizza restaurant) and given that a comparable development is allowed by-right under existing land use designation and zoning. To be sure, the City has carefully planned for this exact type of “future growth and development,” inclusive of “[c]ommercial land uses...along Franklin Street corridor[,]” in its General Plan and set its policies accordingly to “support a concentrated development pattern by encouraging infill development on vacant and underutilized sites throughout the City.” (Coastal General Plan, Element 2 - Land Use, p. 2-1 [Purpose]; see also p. 2-18 [Policy LU-1.1, “Implement the Land Use Designations Map by approving development...consistent with the land use designations”].)

Additionally, the City is entitled to deference with respect to its interpretation of its General Plan and other City enactments. “It is well settled that [an agency] is entitled to considerable deference in the interpretation of its own General Plan.” (Gray v. County of Madera (2008) 167 Cal.App.4th 1099, 1129-1130; see also Friends of Davis v. City of Davis (2000) 83 Cal.App.4th 1004, 1015 [“an agency’s view of the meaning and scope of its own ordinance is entitled to great weight”].) “A reviewing court accords ‘great deference’ to an agency’s determination that a project is consistent with its own general plan, recognizing that ‘the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity.’” (San Diego Citizenry Group v. County of San Diego (2013) 219 Cal.App.4th 1, 26; see also Pfeiffer v. City of Sunnyvale City Council (2011) 200 Cal.App.4th 1552, 1563.)

More to the point, the courts have recognized that modest degradations of the visual environment can reasonably be found to be less than significant. (See, e.g., North Coast, supra, 216 Cal.App.4th at pp. 627–628 [the fact that a large new water tank on a hillside would be visible to the public did not render the visual impact significant]; Clover Valley Foundation v. City of Rocklin (2011) 197 Cal.App.4th 200, 243-244 [visual impact was less than significant despite acknowledgement in the EIR that “the visual character of the site would undergo a ‘high level’ of change”].)

Importantly, much of the City’s analysis in this context goes to the meaning of the City’s own policies and thus has nothing to do with CEQA. CEQA principles such as “baseline” have no place in a city’s interpretation of its own general plan, which is subject to broader principles of construction that recognize the need for reviewing courts to give deference to agencies’ interpretations of their own enactments. Where general plan interpretation is concerned, the primary guiding principle is one of reasonableness. (See, e.g., No Oil, supra, 196 Cal.App.3d at p. 243.) Here, the City is assessing the consistency of the proposed Project with

Policy CD-1.1. As part of that assessment, the City has reasonably taken into account the planned development, allowed by right, of the undeveloped lot west of the Project site. There is nothing arbitrary or irrational about this approach to interpreting and applying Policy CD-1.1.

The City appropriately interpreted Policy CD-1.1, based on the policy's plain language and the specific facts associated with the proposed Project, and "in light of the [General Plan's] purposes," and ultimately concluded that the proposed Project does not conflict with this policy. (Endangered Habitats League, *supra*, 131 Cal.App.4th at p. 782.) Only if "no reasonable person could have reached the same conclusion on the evidence before it" do "an agency's factual findings of consistency" lose deference. (*Ibid.*) The City's interpretation is thoughtful and reasonable, evidenced by the fact that several reasonable and qualified City staffers and consultants reached the same conclusion.

The sentence in Section 3.1 regarding the vacant Mill Project Site is phrased in such a way that implies the site *could* be developed under existing zoning. This discussion does not speculate about development, it merely states that the current land use and zoning *could* result in development of the site. Additionally, as discussed on page 3.1-5 of Section 3.1, of the Draft EIR, in 2019, the Planning Commission considered revisions to the Citywide Design Guidelines at three public meetings related to reuse of the former Mill Site. As such, the City has discussed the potential development of the Mill Site in the recent past, and future development of the site *could* occur. Although no plans to develop the Mill Site currently exist, a new structure could completely block the existing interrupted view of the Chevron Station and ocean if the Mill Site is developed in the future. It is noted that, regardless, the conclusion does not hinge on this fact alone.

Regardless of the above, for clarification purposes, the sentences regarding Taco Bell and the two large trees in question were revised in Section 3.1 of the Draft EIR. Additionally, clarifying text regarding the Mill Site was also added. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

**Response M-17:** The commentor provided the following comment on the Draft EIR:

Consistent with the General Plan, the immediate neighborhood is zoned for commercial uses and may be developed at a similar height over time. The proposed building is slightly shorter in height than the existing building. As noted above, the proposed building parapet height would be approximately 24 feet above sidewalk level on the south side and just over 25 feet at the north side due to the lower sidewalk elevation on the north side. The buildings in the Project area are one to two stories in height. **Similar size buildings could be developed across South Street and South Franklin Street on the currently vacant lots 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. Additionally, planting street trees at regular intervals on both sides of the streets is a cost-effective visual 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. **Irrelevant: no street trees are proposed as part of this project!**

019  
This is not accurate and those vacant lots are too small to accommodate a similar sized building.

020  
The proposed 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. 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.

The proposed project and neighborhood context were studied 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 four views from which to create the visual simulations. Visual simulations of the proposed grocery store are shown in Figures 3.1-1 through 3.1-4.

**View A:** View A was photographed from in front of the Harbor Lite Lodge looking North. The building would be set back from North Harbor Drive, further than the existing structure. The parking lot would be visually prominent. A continuous hedge is shown on the site plan, which would function as a parking lot screen. Pylon signage, typical for Grocery Outlet, is absent in the design to respect local preferences. The building entry would be easy to identify because of the hip roof, the trellis, and the angled nature to the street. Building articulation on the south and east façades helps to establish human scale appropriate for Fort Bragg. **How? These conclusions are not explained.** 021

**View B:** View B was photographed 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

3.1-8 Draft Environmental Impact Report – Best Development Grocery Outlet

With respect to Comment 019 regarding the vacant lots, the Draft EIR discusses these vacant lots on South Street (north of the Project site) and S. Franklin Street (east of the Project site) in the context of the area’s zoning for commercial uses. While both vacant lots are smaller in size than the Project site and differently shaped, they could still be developed by-right with commercial structures that are similar in size as the proposed Project. For example, these vacant lots could be developed with buildings that have more than one level (such as the Seabird Lodge, located adjacent to the vacant lot on South Street), resulting in square footage comparable to that of the proposed structure. See Draft EIR, p. 3.1-8 (“buildings in the Project area are one to two stories in height”). A building need

not be the same exact dimensions as another to be considered the same overall size.

Notwithstanding, even if these lots are developable only with buildings smaller than the proposed structure, such a possibility does not undermine or alter the Draft EIR's conclusion that the proposed Project will "fit the surrounding neighborhood environment", as stated on page 3.1-7 of the Draft EIR. As is stated in the Project Description chapter, "[t]he Project site is located immediately adjacent to commercial developments to the north, south, and west, and approximately 500 feet north of the Noyo River. Current businesses adjacent to the western site boundary include Super 8, Mountain Mike's Pizza, and a Chevron station. The Seabird Lodge is across South Street to the north of the Project site, and the Harbor Lite Lodge is located across North Harbor Drive to the south of the Project site." (Id. At pp. 2.0-1 – 2.0-2.)

Regardless, the sentence regarding development of the vacant parcels to the north and east was revised in Section 3.1 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revisions.

Street trees are proposed as part of this Project. The proposed landscaping is summarized on pages 2.0-3 and 2.0-4 of Chapter 2.0, Project Description of the Draft EIR. The proposed Project will include "trees and vegetation along the property boundaries within the proposed parking lot" with trees "planted primarily along the north, south, and east boundaries, with a few along the west boundary." (Draft EIR, p. 2.0-4.) Trees planted along the north boundary will run parallel with South Street and trees planted along the east boundary will run parallel with S. Franklin Street. These trees will indeed be planted near the street and will enhance the aesthetic value of the Project site and its surrounding area. Therefore, it is relevant to discuss these trees in this context.

It is widely accepted in the planning industry that building articulations along building facades establish human scale. The City's Citywide Design Guidelines reference avoidance of boxy and monotonous facades which lack human scale dimensions and have large expanses of flat blank wall planes visible to the public.

**Response M-18:** The commentor provided the following comment on the Draft EIR:

**View D:** View D was photographed from 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 feet eye height. The horizon over the ocean is just visible between the existing building and the cypress tree just above the distant fence line. Thus the existing views to and

CONCLUSIONS

022 of the ocean are not obstructed by the existing trees in any way!

Clear design effort was made to minimize the visual impact of the proposed grocery store building in the current 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. Site organization would place the most active sides of the market furthest from the residential areas.

The proposed Project would be subject to the policies and goals of the Fort Bragg General Plan, Citywide Design Guidelines, as well as the City's Standards for all Development and Land Uses outlined in Chapter 17.30 of the Municipal Code. The Citywide Design Guidelines complement the standards contained in the City of Fort Bragg Inland Land Use and Development Code, and the Coastal Land Use and Development Code by providing good examples of appropriate design solutions, and by providing design interpretations of the various regulations. Chapter 17.30, Standards for all Development and Land Uses, of the City's Coastal Land Use and Development Code expands upon the zoning district development standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of stable and desirable character, consistent with the General Plan, Local Coastal Program, and any applicable specific plan.

While the proposed Project would permanently convert the developed site from a vacant building to a new grocery store building, the Project site is designated for and consistent with the use established by the General Plan for the site. Overall, this is considered a less than significant impact.

How is this conclusion justified? There is no threshold of significance included and no actual analysis of the potential significance of these impacts. This is mere unsupported assertion. Without applicable thresholds of significance and relevant analysis, this impact area remains potentially significant.

Draft Environmental Impact Report – Best Development Grocery Outlet

3.1-9

With respect to the View D discussion in question, the Draft EIR acknowledges that the proposed structure will block an existing view of the ocean from the far northern portion of the Project site. As discussed on page 3.5-22 of Section 3.5, Land Use, of the Draft EIR, "The Project is replacing an existing structure with one of approximately the same size. Current views from the middle and southern portions of the Project site are limited by the adjacent two-story motel adjacent west of the site, which is the direction in which the Pacific Ocean and landscapes immediately adjacent to the coast are located. Although the proposed structure will block an existing view of the ocean from the far northern portion of the Project site, that view is not easily discernable by pedestrians and is interrupted by two large trees and a Chevron Station and an intervening vacant legal lot between the Project site and that Chevron Station. This vacant lot could be developed under existing conditions, and a new structure could completely block the existing interrupted view of the Chevron Station and ocean. As discussed in



Section I, Aesthetics and Visual Resources, of the Initial Study, the proposed development is compatible with the character of surrounding areas. The proposed Project would include redevelopment of the Project site in order to replace a 16,436-sf vacant former office building with a 16,157-sf Grocery Outlet (retail grocery store) with associated improvements on the Project site. The retail grocery store would be a maximum of 28 feet tall at the top of the proposed canopy and a maximum of 23 feet tall at the top of the proposed parapet.”

The conclusion for Impact 3.1-1 is justified by the discussion on pages 3.1-6 through 3.1-9, and inclusion of the visual simulations discussed in this impact discussion.

**Response M-19:** The commentor provided the following comment on the Draft EIR:

As previously mentioned, the southern portion of the Project site is approximately one-third bare soil but is otherwise vegetated with annual grasses and forbs, with scattered shrubs. The northern portion is almost completely paved or developed with an existing structure; however, the northern property boundary has ornamental landscaping. The existing vegetation would be removed for the development of the new building, parking lot, and the Project site’s landscaping. The existing vegetation was likely planted as ornamental landscaping around the existing parking lot, and is not part of a natural scenic landscape. The replacement of the existing vegetation with landscaping selected for the local climate, including the planting of 37 new trees, would not be anticipated to damage any existing scenic resources on Project site, such as existing trees or rock outcroppings. A

**less than significant impact would occur.** How? This has the same issues as the prior impact area that also lacked applicable thresholds or any supporting analysis.

**Impact 3.1-3: Project implementation would not conflict with an applicable zoning or other regulation governing scenic quality within an urbanized area. (Less than Significant)**

The CEQA definition for an “Urbanized area” means a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. In addition, to be considered an Urbanized area according to CEQA, projects must also be within the boundary of a map prepared by the U.S. Bureau of the Census which designates the area as urbanized area. The Census Bureau identifies two types of urban areas: (1) Urbanized Areas (UAs) of 50,000 or more people; and (2) Urban Clusters (UCs) of at least 2,500 and less than 50,000 people. According to the U.S. Bureau of the Census, the City of Fort Bragg, which includes the Project site, is mapped and designated as an Urbanized Cluster. Therefore, the Project site is located in an urbanized area.

The proposed Project would replace an existing structure with one of approximately the same size. While development of the proposed Project would change and alter the existing visual character of the Project site, these changes would not degrade the visual quality of the site or the surrounding

Why not? This assertion is not supported by any analysis. Ocean views will be blocked degrading the existing aesthetics.

3.1-10 Draft Environmental Impact Report – Best Development Grocery Outlet

The first portion of the comment pertains to Impact 3.1-2: Project implementation would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. As stated on the onset of the analysis of this impact analysis, the “Project would be located on city streets and not along a highway.” (Draft EIR, p. 3.1-10.) Therefore, by definition, the proposed Project could not “substantially damage scenic resources...within a state scenic highway.” The Draft EIR goes on



to explain the Project site's distance from Highway 1 and the many structures and business that separate it from the highway, as well as the fact that neither "[n]either of the two highways near the Project site, State Highway 1 and State Highway 20, are [designated] state scenic highways." (Ibid.) As previously stated "[a]n agency has considerable discretion to decide the manner of the discussion of potentially significant effects in an EIR." (County of Fresno, *supra*, 6 Cal.5th at p. 515.) The language of Impact 3.1-2 presents a straightforward and commonplace threshold of significance (see Section I.C, *supra*) related to state scenic highways, and the Draft EIR thoroughly discusses and analyzes the potential impact, going above and beyond what is required by the threshold itself.

The second portion of the comment pertains to Impact 3.1-3. The statement in questions is supported by the discussion in Impacts 3.1-1 and 3.1-3. See also Response M-20.

**Response M-20:** The commentor provided the following comment on the Draft EIR:

## AESTHETICS AND VISUAL RESOURCES

## 3.1

areas. The proposed building incorporates a mix of materials, architectural features, varied roof lines, building recesses and articulation which provide visual interest and maintain the City's urban character.

Various temporary visual impacts could occur as a result of construction activities as the Project develops, including grading, equipment and material storage, and staging. Though temporary, some of these impacts could last for several weeks or months during any single construction phase. The loss of existing landscaping and trees would also be a temporary impact until new landscaping matures. Because impacts would be temporary and viewer sensitivity in the majority of cases would be slight to moderate, significant impacts would not occur.

026 This conclusion is not justified. This project conflicts with policies regarding retaining existing trees, which is significant.

As previously mentioned, the proposed Project is not located in an area designated as having "potential scenic views toward the ocean or the Noyo River". The proposed retail store would occupy a location similar to that of the existing structure on the northern portion of the Project site, where views looking to the west toward the Pacific Ocean are blocked by the existing hotel, west of the Project site. Views to the Project site are currently dominated by the existing former office building and associated parking lot, which has been vacant since 2010. The southern portion of the Project site is partially bare, with vegetation consisting of grasses and forbs, with scattered shrubs. Existing views to the Project site are not characterized as scenic; therefore, the proposed Project is not anticipated to substantially degrade the existing visual character or quality of the public views of the Project site and its surroundings, as the height of the proposed retail store would be consistent with the Project site's existing development and would comply with all required development standards, including maximum building height. Although the Project site is located on urban and built-up land per the California Department of Conservation, the Project is not located in an "urbanized area," as defined by either Public Resources Code section 21071 or CEQA Guidelines section 15387.

027 The proposed Project would be consistent with the Fort Bragg Coastal General Plan, and would adhere to the requirements of the City's site plan and architectural approval process. Therefore, this is considered a *less than significant* impact.

This unsupported opinion is not justified because the project as proposed directly conflicts with several CGP policies.

The Project is consistent with the relevant General Plan policies adopted to avoid or mitigate an environmental effect. See Table 3.5-1 in Section 3.5, Land Use, of the Draft EIR. The commenter has not cited a specific General Plan policy or policies about retaining trees. However, Policy OS-5.2 states the following: "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." The proposed Project is consistent with this policy.

**Response M-21:** The commentor provided the following comment on the Draft EIR:

The proposed Project would be required to comply with the Citywide Design Guidelines and Section 17.38.060(H) of the Code governs sign lighting in order to minimize light and glare on surrounding rights-of-way and properties.

028 Overall, implementation of the proposed Project would have a *less than significant* impact relative to this topic. There is no basis for this asserted conclusion nor are there applicable thresholds of significance that are necessary to evaluate this impact area. The DEIR must be revised.

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3.1-12 Draft Environmental Impact Report – Best Development Grocery Outlet

The discussion in question pertains to Impact 3.1-4, which pertains to light or glare. The conclusion is substantiated by the text in this impact discussion. The analysis is adequate and does not warrant revisions. Among other points, as discussed in Impact 3.1-4, to minimize potential impacts associated with light and glare on surrounding development, the proposed Project includes exterior lighting that would utilize energy-efficient fixtures and lamps, shielded or recessed, and directed downward in compliance with regulations set by the International Dark-Sky Association. Outdoor lighting would be installed in conformance with all City codes and ordinances, applicable safety and illumination requirements, and California Title 24 requirements. As noted previously in the Regulatory Setting, the classification for Title 24 lighting regulations is based on population figures of the 2010 Census. Areas can be designated as LZ1 (dark), LZ2 (rural), or LZ3 (urban). The Project site is located in zone LZ3. Additionally, the proposed Project would be subject to the 2022 Citywide Design Guidelines, which contain standards for lighting. The proposed Project would also be required to comply with Section 17.38.060(H) of the City Municipal Code governing sign lighting in order to minimize light and glare on surrounding rights-of-way and properties. Further, according to the Site Lighting Layout and associated illuminance analysis, proposed lighting would not penetrate into residential communities or adjacent properties. Through the design review and approval process, lighting proposed for the Project site will be reviewed to ensure spillover lighting onto adjacent properties will be minimized.

**Response M-22:** The commentor provided the following comment on the Draft EIR:

### 3.2 AIR QUALITY

specific questions related to air quality set forth in Appendix G, the proposed Project will have a significant impact on the environment associated with air quality if it will:

029

- Conflict with or obstruct implementation of the applicable air quality plan;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard;
- Expose sensitive receptors to substantial pollutant concentrations;
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

These are not the applicable thresholds from the MCAQMD, just the checklist questions.

As explained at length previously (see Response M-15, for example), thresholds based on questions included in the CEQA Guidelines (Appendix G) are acceptable for use in EIRs.

As discussed in Section 3.2, Air Quality, of the Draft EIR, the MCAQMD recommends that agencies use their adopted CEQA thresholds for projects in Mendocino County. The MCAQMD provides construction and operational-related criteria pollutant thresholds for projects in Mendocino County. The MCAQMD developed these Project-level thresholds based on the emissions that would exceed a CAAQS or contribute substantially to an existing or Projected violation of a CAAQS. Ambient levels of these criteria pollutants are likely to decrease in the future, based on current and future implementation of federal and/or state regulatory requirements, such as improvements to the statewide vehicle fleet over time (including the long-term replacement of internal combustion engine vehicles with electric vehicles in coming decades). The relevant thresholds for project-related construction and operation-related emissions, are as provided in Table 3.2-6 and Table 3.2-7, respectively. These MCAQMD thresholds were used to evaluate the operational-related Project-generated emissions. The operational emissions would not exceed any of the applicable MCAQMD criteria pollutant thresholds.

**Response M-23:** The commentor provided the following comment on the Draft EIR:

**Field Survey (Wildland Resource Managers, 2019)**

As part of the *Biological Review* completed for the Project (Wildland Resource Managers, August 2019), the Project site was visited by Wildland Resource Managers staff on August 9, 2019 for the purpose of assessing the site for biological features and any unique habitat features and/or the presence of any special-status plant or animal species.

During this survey, vegetative species present were identified along with an estimate of percentage cover of the site. Presence of animal species in the form of visual observation or other evidence were noted. An evening bat survey was run from 7:00 PM until dark by observing aerial activity around the Project site. However, this survey was severely hampered by a tremendous thunderstorm with heavy rain that rolled through the area at dusk making visual observations nearly impossible. Why was another survey not completed when thunderstorms didn't limit observability?

**Wetland Survey and Testing (Wildland Resource Managers, 2021)**

A *Wetland Report* (Wildland Resource Managers, March 2021) was completed for the Project site because the on-site soil is mapped as hydric. As part of the *Wetland Report*, the Project site was visited on the afternoon of March 15, 2021 by Wildland Resource Managers' principal biologist for the purpose of determining if wetlands, of any type, are present at the site. On that date, the weather was clear with a strong north wind blowing. Initial inspection of the parcel noted that there was no evidence of any wetland features but rather the site's vegetation consisted of annual grasses and forbs, lacking shrubs and or trees (see photo sections in the appendix of Appendix D of this Draft EIR).

To be certain that no wetland indicators were present, a systematic survey of the parcel was made following the Army Corp of Engineers (USACE) wetland determination data collection methodology and the definition of wetland boundaries contained in Section 13577 (b) of Title 14 of the California Code of Regulations (see the appendix of Appendix D). To do this, four test locations were selected to represent the general character of the parcel. One test location was placed within each quadrant of the parcel (northeast, northwest, southwest and southeast). At each location, data was collected within a one-meter square sample plot. At each plot the dominant vegetation was identified, soil structure and type were determined, and evidence of hydrology was examined. Soil structure was determined by excavating an 18 inch or greater deep hole and noting the soil profile description and

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3.3-2 Draft Environmental Impact Report – Best Development Grocery Outlet

Several other site surveys were in fact completed between 2019 and 2022. See pages 3.3-1 and 3.3-2 for discussions of the site surveys and conditions during those surveys. The more recent, 2022, survey completed by De Novo Planning Group was not hampered by weather.



**Response M-24:** The commentor provided the following comment on the Draft EIR:

### Vegetation

031

The majority of the vegetation is limited to the southern-most parcel. Even here, vegetation is sparse and limited to approximately two-thirds of the property as the middle of the area is bare soil. Plant species identified in the southern parcel are listed in Table 3.3-1. All the plant species are associated with non-hydric soil conditions. The north parcel is well over 98 percent covered by a paved parking lot and portions of the vacant building. There is a row of planted shrubbery along the north side of the parking area that includes butterfly bushes, California rose, Himalayan blackberry, pampas grass, and four ornamental trees. Rhododendrons are also found on the east side of the existing building.

**TABLE 3.3-1: PLANT SPECIES IDENTIFIED ON THE SOUTH PARCEL**

| COMMON NAME        | SCIENTIFIC NAME                  | HYDROPHYTE?      |
|--------------------|----------------------------------|------------------|
| Hairgrass          | <i>Aira caryophylla</i>          | No – Fac-Upland  |
| sweet vernal grass | <i>Anthoxanthum odoratum</i>     | No -Fac-Upland   |
| capeweed           | <i>Arctotheca calendula</i>      | No -Upland       |
| slender oats       | <i>Avena barbata</i>             | No - Upland      |
| Quaking grass      | <i>Briza minor</i>               | No - Facultative |
| Ripgut brome       | <i>Bromus diandrus</i>           | No -Upland       |
| Brome grass        | <i>Bromus madritensis rubens</i> | No – Fac-Upland  |
| Pampas grass       | <i>Cortaderia selloana</i>       | No – Fac-Upland  |
| Cypress            | <i>Cupressaceae spp.</i>         | No -Upland       |
| Wild rye           | <i>Elymus glaucus</i>            | No -Upland       |
| California poppy   | <i>Eschscholzia californica</i>  | No -Upland       |

This is false. There are documented plants (in photos submitted as part of prior public comments during the prior entitlement review showing plants indicative of hydric soil conditions).

3.3-4

Draft Environmental Impact Report – Best Development Grocery Outlet

The statement in question is not accurate as written and warrants revisions. The appropriate revisions are provided in Section 3.0, Revisions. For clarification, an upland plant (UPL) is defined as a plant that occurs almost always in non-wetlands (probability > 99%). These plants, however, may occur in wetlands at times for various reasons (probability <1%), nevertheless given this low probability they are considered an upland associate. A facultative upland plant (FacU) is defined as a plant that usually occurs in non-wetlands (probability 67-99%). These plants, however, occasionally are found in wetlands (probability 1%-33%), nevertheless given the low probability they are considered an upland associate. A facultative plant (Fac) is defined as a plant that is equally likely to occur in wetlands or non-wetlands (probability 34%-66%). There are two facultative plants that were found on the project site: quaking grass (*Briza minor*) and English plantain (*Plantago lanceolata*), which can be associated with upland or wetland habitat. See Section 3.0 for revisions to the text.

**Response M-25:** The commentor provided the following comment on the Draft EIR:

032      periwinkle      *Vinca major*      No -Upland  
SOURCE: DE NOVO PLANNING GROUP, 2022.

Coast plantain, *Plantago elongata*, is also present and documented on the site, indicating hydric soils.

**Hydrology, Soils, and Wetland Features**

During the March 29 and April 20, 2022 field surveys, a visual observation for any surface evidence of aquatic resources was performed. There are no visible streams, wet swales, wetland, or other aquatic feature on the Project site. Photographs of temporary wetland conditions on the site have been submitted in public comments, which appear to have been ignored...

The NRCS Web Soil Survey (2022) identifies the Project site as "Urban land." This soil map unit is made up of mostly urban developed land, but can have several minor components (3%) within the map unit including: Biaggi, Shinglemill, Gibney, Tregoning, Tropaquepts, Heeser, Cabrillo, and Harecreek. Three of these soil units (Shinglemill, Tregoning, and Tropaquepts) have a hydric soil rating within the landforms of marine terraces and depressions. The other soil units do not have a hydric rating. Given that there was a potential for soil inclusions of the minor components with a hydric rating, six soil test pits were dug and soils were tested for hydric characteristics. The soil test included the use of an Alpha-alpha-Dipyridyl solution to confirm the presence of ferrous (Fe++) iron in soils. Ferrous iron is an indicator of reducing conditions and the possibility of aquatic conditions. Ferrous was not present in the soils tested in the six test pits, and there was no other soil characteristics that would suggest that there are aquatic conditions present on the Project site. All six test pits had sandy loam. It is also noted that the *Fort Bragg Wetland Report* (Wildland Resource Managers, March 2022) provides the same conclusions that there are no aquatic resources present on the Project site. That study included four test pits.

Additionally, an inventory of plant species present was made to determine if there was a prevalence of hydrophytes present. All plants identified were upland, facultative upland, or facultative plants. These are not classified as hydrophytes according to the National Wetland Plant List.

034      Not all observed plants fall into this category, particularly the native coast plantain.

Draft Environmental Impact Report – Best Development Grocery Outlet

3.3-5

The commentor's reference to a "temporary wetland" reflects a misunderstanding of the legal definition of wetlands. Wetlands are defined as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" [33 C.F.R. §328.3(b)]. What this means is that there is no such thing as a "temporary" wetland. The presence of water alone does not make an area a wetland. An area can be temporarily, or periodically wet for a variety of reasons, however, the frequency of inundation determines whether an area can be legally classified as a wetland or an upland.

One of the keys to understanding wetlands, is to understand plant biology. Upland plants require an aerobic environment within the root zone, meaning there needs to be an abundance of oxygen for the plant to survive. The inverse is true about wetland plants, which require an anaerobic environment within the root zone, meaning they thrive in an environment that lacks oxygen in the root zone. When land is inundated with water, there is a lack of oxygen in the root zone, which will ultimately cause upland plants to die, and wetland plants to thrive. In dry aerobic conditions in the root zone on the other hand, wetland plants cannot out compete upland plants, and therefore cease to exist in that location.

There are also categories of plants that can survive in either wetland, or upland. These intermediate plants are referred to as facultative plants. Facultative plants can be more associated with Uplands, Wetlands, or equally likely to occur in an Upland or Wetland. Below is a description of three subcategories of facultative species:

1. Facultative wetland plants (FACW) usually occur in wetlands (estimated probability 67-99%), but occasionally are found in non-wetlands.
2. Facultative plants (FAC) are equally likely to occur in wetlands or non-wetlands (estimated probability 34-66%).
3. Facultative upland plants (FACU) usually occur in non-wetlands (estimated probability 67-99%), but occasionally are found in wetlands (estimated probability (1-33%).

The reference to *Plantago elongata* being present and documented on site has been explored. There are no recorded occurrences of this species during field surveys by two different biologists that have surveyed the site multiple times. It is also noteworthy, that a different species of *Plantago* was recorded (*Plantago lanceolata*) by both surveys. A key differentiation between the two *Plantago* species, is that one is a perennial plant, and the other is an annual plant. It is possible that the reference to *P. elongata* is an error in keying out the plant, which should be done utilizing the Jepson Manual by a qualified botanist. The commenter has not provided any detailed information regarding the person that surveyed the site, their qualifications, methodology of the survey, survey timing, permission to enter the property, etc., which makes it difficult to address in much detail.

*P. elongata* is a Facultative wetland plant, and *P. lanceolata* is a Facultative upland plant. Both plants can be found in wetlands, and in non-wetlands, with *P. elongata* having a higher probability of occurring in wetlands compared to *P. lanceolata*. It is noteworthy, that the existence of one wetland plant, Facultative wetland plant, or Facultative plant does not make by itself make a site a wetland. Just within the category of wetland vegetation, the site must pass a prevalence test and dominance test. These are two tests that looks at the density of plants. High prevalence and dominance of wetland plants would indicate that hydrophytic vegetation is present. However, the presence of hydrophytic vegetation alone is also not an absolute indicator of the presence of wetlands, just the presence of hydrophytic vegetation. You must also consider the presence of hydrology (water), and the presence of hydric soil. At least two of the three characteristics need to be present in order to make a determination that a site is a wetland.

A hydric soil is defined as "a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part". During the period of inundation, various chemical changes occur which includes Redox reactions. The easiest test of hydric characteristics is the presence or absence of ferrous (Fe++) iron in soils (test for reducing conditions and the possibility of aquatic conditions). There are numerous other conditions that represent hydric soil conditions such as: histosols, histic epipedon, muck layers, depleted below dark surface, gleyed matrix, etc. The March 29, 2022 survey included visual observations for hydric soil

indicators in six test pits, and hydric characteristics were not present. Additionally, an Alpha-alpha-Dipyridyl chemical solution was used on test pit soils to confirm the presence or absence of ferrous (Fe++) iron in soils (test for reducing conditions). This chemical test did not indicate that hydric soils were present in the test pits (De Novo Planning Group, 2022).

It is noted that there are a few depressions in the barren/dirt roadway that traverses the southern portion of the Project site. These depressions will collect and pond water during and after storm events. One of the depressions is at the dirt access off of N. Harbor Drive. The pavement drops down about 6-8 inches from the pavement elevation. The soil is compacted because of the weight of the vehicles that travel in the area. A combination of the depression, and the compacted soil will cause this area to hold water for a longer period of time than other areas on the Project site. The other area is a rutted/pot holed area in the dirt road just north of the access point. Neither of these areas meet the legal definition of a wetland even though they will hold water after a storm event for longer than other areas on the Project site. The dirt road is not a wetland. Below are a series of photos that were taken during the March 29, 2022 field survey. These photos were taken during the wet spring season when presence of water, even in vernal pools, and seasonal wetlands, would have been present. The photos show upland habitat only.

















**Response M-26:** The commentor provided the following comment on the Draft EIR:

035  
**Wildlife Evidence** Crows are not present in Fort Bragg; the observed birds were ravens.

Sightings and other evidence of wildlife at the Project site was very limited. Gopher mounds were evident in the southern parcel, and two crows were seen perched on the abandoned building and then flew south off-site within a minute after the surveyor's arrival. No other wildlife was seen during the surveys. There were no scat, guano, nests, burrows, whitewash, or trails of any kind found on the site.

No sensitive species were detected on the site during the field visits.

The City of Fort Bragg is within the geographic distribution of both the American crow<sup>1</sup> and its relative the common raven. Neither species is considered rare, protected, or a special status. There are a variety of differences between these species, namely the raven is larger. Regardless, the sentence in question has been revised in Section 3.3. See Chapter 3.0, Revisions, of this Final EIR.

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<sup>1</sup> See: [http://naturemappingfoundation.org/natmap/maps/ca/birds/CA\\_american\\_crow.html](http://naturemappingfoundation.org/natmap/maps/ca/birds/CA_american_crow.html)

**Response M-27:** The commentor provided the following comment on the Draft EIR:

### 3.3.3 IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

Consistent with CEQA Guidelines section 15065, subdivision (a)(1), and Appendix G of the CEQA Guidelines, the proposed Project will have a significant impact on biological resources if it will:

- 036
- Substantially reduce the habitat of a fish or wildlife species;
  - Cause a fish or wildlife population to drop below self-sustaining levels;
  - Threaten to eliminate a plant or animal community; or
  - Substantially reduce the number or restrict the range of an endangered, rare or threatened species;
  - Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
  - Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
  - Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
  - Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
  - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
  - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

None of these are actually thresholds of significance.

As explained at length previously (see Response M-15, for example), thresholds based on questions included in the CEQA Guidelines (Appendix G) are acceptable for use in EIRs. Furthermore, Guidelines section 15065, subdivision (a)(1), imposes certain mandatory qualitative thresholds for biological resources, namely, that a “lead agency shall find that a project may have a significant effect on the environment” if the proposed project would “substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; [or] substantially reduce the number or restrict the range of an endangered, rare or threatened species.”

These “mandatory findings of significance” (all qualitative), along with thresholds derived from questions from the “Biological Resources” section of Appendix G, are all reflected in the Draft EIR’s thresholds of significance for biological resources, and are assessed through a variety of means, including determining whether or not special-status species or habitat are known to exist on the Project site. (Draft EIR, p. 3.3-27.) Thus, a finding that no special-status species, habitat, or wetlands as defined by Section 404 of the Clean Water Act are known to exist onsite, or that feasible (and commonly employed) mitigation measures will

significantly reduce the impact to any of these resources that may occur onsite, would result in a finding that a potential impact to those resources is less than significant. (Ibid.; see Comments 040, 047 [Draft EIR, pp. 3.3-27, 3.3-30].

**Response M-28:** The commentor provided the following comment on the Draft EIR:

Some of these species are migratory, but also reside year-round in California. Additionally, all raptors (owls, hawks, eagles, falcons), including species and their nests, are protected from take pursuant to the Fish and Game Code of California Section 3503.5, and the federal Migratory Bird Treaty Act (FMBTA), among other federal and State regulations. Raptors that are known to occur in the region include red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), and great blue heron (*Ardea herodias*) among others.

037

According to the CDFW California Wildlife Habitat Relationships System, the habitat for great blue herons is shallow estuaries and fresh and saline emergent wetlands, as well as perches and roosts in secluded tall trees and offshore kelp beds. This species usually nests in colonies in tops of secluded large snags or live trees. Nearly 75 percent of their diet is fish. Although less common, the species can be found in croplands and pastures. Additionally, herons have been observed eating gophers and other rodents on lawns and other open spaces; however, this does not qualify these spaces as an aquatic resource, or specifically blue heron habitat, rather, this is a highly mobile bird that can thrive in upland and wetland in the presence of food resources.

This conclusion is not justified. Habitat is defined as including foraging and hunting areas and herons have been observed on the project site hunting for gophers.

The Project site is located in the middle of a commercial district, one block east of a State Highway. The area where trees exist on site are frequented by human populations and is not suitable nesting habitat. During the most recent surveys which occurred during the nesting season, there was no evidence of bird nesting on-site. It is noted that the past site surveys performed also did not see evidence of nesting on-site.

3.3-26 Draft Environmental Impact Report – Best Development Grocery Outlet

The commenter's asserts that the conclusion that the existence of a heron eating gophers and other rodents on lawns does not qualify the space as an aquatic resource is not justified. This reflects a lack of understanding of biology on the part of the commenter. First, "gophers and rodents", which are the prey that the heron was eating are not "aquatic" mammals. These species are upland mammals. This is a scientific fact. Additionally, "lawns" are not wetlands. Lawns are an irrigated patch of perennial, and sometimes annual grasses, that are rolled out in an area as "sod" for landscaping purposes. An assertion that a "lawn" is a wetland would not be supported by scientific fact. It is a fact that heron obtains 25% of their diet in an upland habitat. Any observation by a citizen of a heron eating a gopher or other rodent on a lawn is consistent with this fact. The conclusions provided are scientifically justified.



**Response M-29:** The commentor provided the following comment on the Draft EIR:

- As shown in Table 3.3-3, 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.** **This is false. Herons were observed and documented on the project site at the northwest corner under the existing trees by the boundary with the adjacent parcel.** 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. **Implementation of the proposed Project, with the Mitigation Measure 3.3-1, would ensure that potential impacts to special status birds are reduced to a less than significant level.** **There is no threshold of significance or analysis to support this.**
- MITIGATION MEASURE(S) **Nothing in Measure 3.3-1 addresses the reduction in foraging/hunting habitat present on the project site.**
- Mitigation Measure 3.3-1:** The Project proponent shall implement the following measure to avoid or minimize impacts on protected bird species that may occur on the site:
- Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of Project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.
  - If any active nests, or behaviors indicating that active nests are present, are observed, appropriately protective buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from Project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that Project activity is not resulting in detectable adverse effects on nesting birds or their young. No Project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.

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3.3-27

The comment regarding the heron is addressed under Response M-28.

The commenter agrees that the Project site offers some “low-quality foraging habitat for birds throughout the year” on its “southern portion”; however, the commenter believes this statement “conflicts with other statements” without indicating which other statements are in conflict. This response presumes that the commenter refers to information that the Draft EIR provides on habitat for the Great Blue Heron. (See Comments 037 and 039 [Draft EIR, pp. 3.3-26, 3.3-27].) On this issue, the Draft EIR states that, while the species have been identified

on properties nearby the Project site, the has not been identified on the Project site. (Draft EIR, p. 3.3-27.) Also, the Draft EIR states that sites where the Great Blue Heron may forage (e.g., be observed “eating gophers and other rodents”) do not necessarily qualify as “an aquatic resource, or specifically blue heron habitat” because the heron is “a highly mobile bird that can thrive in upland...in the presence of food resources.” (Id., p. 3.3-26.)

These statements do not conflict. “[L]ow-quality foraging habitat for birds” is not the same as “blue heron habitat” or an “aquatic resource.” Common great blue heron habitat includes “shallow estuaries and fresh and saline emergent wetlands, as well as perches and roosts in secluded tall trees and offshore kelp beds” (id., p. 3.3-26). This definition does not describe the Project site, which is highly developed and disturbed and is an urban infill development site, situated in the middle of other urban development. (See Draft EIR, pp. 3.1-2 [“Project site is located on...urban and built-up land, surrounded by parcels utilized for commercial businesses, residences, and two vacant lots,” 3.1-10 [“City of Fort Bragg, which includes the Project site, is mapped and designated as an Urbanized Cluster [by “the U.S. Bureau of the Census”], 3.1-1 [“the Project site is located on urban and built-up land per the California Department of Conservation”], 3.1-23 [Project site within “LZ3 (urban)” area for Title 24 lighting standards], 2.0-13 [Figure 2.0-3], 3.1-13 – 3.1-19 [Figures 3.1-1 - 3.1-4]; California Oak, *supra*, 188 Cal.App.4th at p. 281 [upholding EIR conclusion of less-than-significant impact to sensitive species because project site is within “urbanized areas” with “little or no remaining natural vegetation and limited wildlife habitat values...[n]o sensitive natural communities, special-status species, wetlands or important wildlife movement corridors” and “[g]iven the absence of any sensitive biological or wetland resources” onsite].)

Further, no aquatic resources occur onsite, as demonstrated by various sources: the “NRCS Web Soil Survey (2022),” which “identifies the Project site as ‘Urban land’”; the “Fort Bragg Wetland Report (Wildland Resource Managers, March 2022),” which “provides the same conclusions that there are no aquatic resources present on the Project site;” and the qualified biologists who conducted multiple field surveys for the site. (Draft EIR, p. 3.3-5; see also Section IV.D, *infra*.) In any event, the commenter provides no evidence that great blue heron regularly occurs onsite or that the site qualifies as great blue heron aquatic habitat.

The loss of this “low-quality foraging habitat for birds” as a result of Project development is not, in and of itself, a significant impact because of the large amount of similar foraging land that exists in the Project area and bioregion. (See Draft EIR, p. 3.3-27; Comment 041.) Notably, the great blue heron’s diet consists primarily (75 percent) of fish (id., p. 3.3-26), making dry land inland foraging a secondary source of food.

Some additional context should be helpful. The Great Blue Heron is not listed as threatened or endangered under state or federal law. (Draft EIR, p. 3.3-13 [Table 3.3.3: Special Status Wildlife and Fish Species Which May Occur in Project Area].) Thus, the relevant significance threshold is whether the proposed Project would “[h]ave a substantial adverse effect, either directly or through habitat modifications,” on the species. (Draft EIR, p. 3.3-23, italics added.) This specific threshold is consistent with the general definition of “significant effect on the environment” found in CEQA Guidelines section 15382, namely, “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the proposed Project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” (Italics added.)

**Response M-30:** The commentor provided the following comment on the Draft EIR:

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. **With mitigation, this impact** 042

**would be less than significant.** But how is this accomplished? This unsupported assertion is not explained nor is the effectiveness of the mitigation measure evaluated as is required.

MITIGATION MEASURE(S)

**Mitigation Measure 3.3-2:** *The Project proponent shall implement the following measure to avoid or minimize impacts on special-status bat species that may occur on the site:*

- *A bat survey shall be conducted by a qualified biologist prior to demolition of the existing on-site building. The surveys shall be conducted from dusk until dark. If the weather during the bat survey makes visual observations difficult or impossible, another survey shall occur when the weather is appropriate for visual observations. If no bats or maternity roosts are found in the existing building, no further mitigation is required.*

3.3-28 Draft Environmental Impact Report – Best Development Grocery Outlet

The Draft EIR explains that special-status bats (the hoary bat) “have not been documented on the Project site” and that, despite the possibility that the existing structure may provide some bat habitat, “no evidence of bat roosting on the Project site was present” during two site surveys using specialized survey techniques for bats. (Draft EIR, p. 3.3-28.) However, because there exists some “possibility that bats could establish a roost in the abandoned building in the future” prior to demolition, Mitigation Measure 3.3-2 requires a pre-construction survey by a “qualified biologist...from dusk until dark” to determine if any roosts exist and, if they do, either perform appropriate “evictions and exclusion techniques” or, in the case of maternity roosts, establish buffers and avoid roost destruction until the end of the “pupping season.” (Id., pp. 3.3-28 - 3.3-29.) Measures that include pre-construction surveys, avoidance, and/or evictions are common and upheld by courts as “substantial evidence that the negative impacts [to] special-status species’ will be sufficiently reduced.” (Save Panoche, supra, 217 Cal.App.4th at p. 524; see also, e.g., Defend the Bay v. City of Irvine (2004)

119 Cal.App.4th 1261, 1274-1278; Bay Area Clean Environment, Inc. v. Santa Clara County (2016) 2 Cal.App.5th 1197.)

As with great blue heron, the bats at issue are not formally listed as endangered or threatened. (Draft EIR, p. 3.3-14 [Table 3.3.3]). Thus, the operative significance threshold is whether the proposed Project would “[h]ave a substantial adverse effect, either directly or through habitat modifications,” on the species. (Draft EIR, p. 3.3-23, italics added.)



**Response M-31:** The commentor provided the following comment on the Draft EIR:

## BIOLOGICAL RESOURCES

## 3.3

- *If a special-status bat maternity roost is located, appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from habitat removal or other project activities. The size of the buffer shall depend on the species, roost location, and specific construction activities to be performed in the vicinity. No project activity shall commence within the buffer areas until the end of the pupping season (August 1) or until a qualified biologist conforms the maternity roost is no longer active.*
- *If a non-maternal roost is located, eviction and exclusion techniques shall be conducted as recommended by the qualified biologist. Methods may include opening the roosting area to change the air flow and lighting, installing one-way doors, or other appropriate methods that allow the bats to exit and find a new roost. After eviction is believed to be completed, acoustic monitoring, and an evening emergence survey shall be performed by the qualified biologist to ensure eviction is complete. For tree removal, a two-step tree removal process involving removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree.*

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The DEIR has not evaluated HOW this mitigation measure would reduce the impacts to less-than-significant.

**Impact 3.3-4: The proposed Project would not adversely affect federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Less than Significant)**

The nearest bodies of water are the Noyo River, which is located approximately 450 feet south of the site, and the Pacific Ocean, which is located approximately 1,000 feet west of the site. During the March 29 and April 20, 2022 field surveys, a visual observation for any surface evidence of aquatic resources was performed. There are no visible streams, wet swales, wetland, or other aquatic feature on the Project site.

The NRCS Web Soil Survey (2022) maps the Project site as "Urban Land." It was found that there are three minor soil components (3%) with a hydric soil rating that can occur within this map unit. Given that there was a potential for soil inclusions of the minor components with a hydric rating, six soil test pits were dug and soils were tested for hydric characteristics. The soil test included the use of an Alpha-alpha-Dipyridyl solution to confirm the presence of ferrous (Fe++) iron in soils. Ferrous iron is an indicator of reducing conditions and the possibility of aquic conditions. Ferrous was not present in the soils tested in the six test pits, and there was no other soil characteristics that would suggest that there are aquic conditions present on the Project site. All six test pits had sandy loam. It is also noted that the *Fort Bragg Wetland Report* (Wildland Resource Managers, March 2022) provides the same conclusions that there are no aquatic resources present on the Project site. That study included four test pits. **But none of the test locations are in the site locations that has the greatest**

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**likelihood of hydric soil, as noted by Leslie Kashiwada in her comments.** Additionally, an inventory of plant species present was made to determine if there was a prevalence of hydrophytes. **All** plants identified were upland, facultative upland, or facultative plants. These are not classified as hydrophytes according to the National Wetland Plant List.

045

**But there is documented evidence of coast plain on the site in the area most likely to include seasonal wetlands and hydric soil conditions, which was not tested. The study results are thus unreliable.**

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3.3-29

Mitigation Measure 3.3-2 requires a preconstruction bat survey prior to demolition of the on-site building. If no bats or maternity roosts are found in the existing building, no further mitigation is required. If a special-status bat

maternity roost is located, appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from habitat removal or other project activities. If a non-maternal roost is located, eviction and exclusion techniques shall be conducted as recommended by the qualified biologist. This multistep mitigation measure would ensure that impacts to special-status bat species are less than significant.

The Draft EIR bases its conclusion on impacts to wetlands in part on the Fort Bragg Wetland Report prepared for the site by Wildland Resource Managers, included as Appendix D to the Draft EIR, as well as the Grocery Outlet Fort Bragg, California Property Biological Review, also prepared by Wildland Resources Managers, included as Appendix C to the Draft EIR. Expert biologists employed by this consultant surveyed the land using U.S. Army Corps of Engineers (USACE) methodology and California Code of Regulations definitions, including performing soil sampling at four locations onsite and assessing the site for plant and animal “wetland species.” (Draft EIR, pp. 3.3-29 – 3.3-30, Appendix D [pp. 2-4].) No indicators of wetlands of any type were found to occur onsite. (Id., p. 3.3-29.)

In addition, as the Draft EIR explains, these earlier studies were confirmed by later work conducted by the Draft EIR authors themselves. “Field surveys and habitat evaluations for the entire Project site were performed on March 29, 2022 and April 20, 2022 (De Novo Planning Group, 2022). The purpose of these most recent surveys by De Novo was to assess the habitat, evaluate potential for special status species, test for aquatic resources/wetlands, and to verify/validate conditions and assessments reported in past studies and regulatory databases. These 2022 field surveys occurred within the floristic period for the region. The details of what was observed in these 2022 surveys by De Novo serve as the basis for the analysis in this section. The past studies corroborate De Novo’s findings, and is a validation that the site conditions have not significantly changed since 2019.” (Draft EIR, p. 3.3-24, italics added.). The Wetland Datasheets from the De Novo surveys have been incorporated into these Final EIR at the request of previous comments.

These scientific, fact-based assessments made by two sets of expert biologists provide ample substantial evidence to support the Draft EIR’s conclusions with respect to potential impacts on wetlands, which is exactly what CEQA requires. (See, e.g., Pub. Resources Code, § 21082.2 [significance conclusion must be based on “substantial evidence”; “[s]ubstantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts”]; see also Guidelines, § 15384; *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 917 [court upholding EIR consultant’s analysis]; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1396-1398 (*Association of Irrigated Residents*) [same].)

**Response M-32:** The commentor provided the following comment on the Draft EIR:

### 3.3 BIOLOGICAL RESOURCES

The hydrology of the Project site is such that storm water that falls on the site either seeps into the soil or sheet flows to roadside culverts and subsequent storm drains. Though the mapped soil type can have minor components with a hydric soil rating, there is no evidence of hydric soils based on specific soil testing. Additionally, there are no Obligate Wetland, or Facultative Wetland plants on the Project site. **This assertion is inconsistent with documented wetland conditions observed following a rain storm where water collected in pools, including where wetlands are most likely.** Overall, the proposed Project would have a **less than significant** impact relative to this topic.

- 047 **How is this assertion justified? There is no applicable threshold of significance or supporting analysis. Impact 3.3-5: The proposed Project would not result in substantial adverse effects on riparian habitat or a sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Less than Significant)**

No riparian habitat is mapped on-site or within the vicinity according to the USGS and National Wetland Inventory. Additionally, there was no evidence of riparian habitat on the Project site during recent field surveys. Review of past studies also shows that there is no evidence of riparian habitat on the Project site.

This comment is addressed under M-25.

**Response M-33:** The commentor provided the following comment on the Draft EIR:

#### CONSERVATION, OPEN SPACE, ENERGY, AND PARKS POLICIES

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.**

- 048 **The conclusion that this project is consistent with OS-5.2 is not supported. In particular and as noted in prior comments submitted for the earlier version of the project, the proposed bioswale in the northwest of the project site is likely to damage the root structures of the existing ehalty cypress.**
- Consistent:** As noted previously, the Project site is located within a built-up, urban environment. Currently, four ornamental trees are located in the northwestern portion of the Project site, and additional ornamental trees are located along the South Street frontage. It is possible that the existing trees could be preserved as part of the proposed landscaping plan; however, **it is also possible that tree removal in some capacity would be required.** Removal of trees may also be necessary in order to have a viable Project design. The proposed landscaping materials have been selected for the local climate. Proposed landscaping includes trees and vegetation along the property boundaries within the proposed parking lot and bioretention basins located along the northwest and southwest boundaries. Trees would be planted along the north, south, and east boundaries, with a few along the west boundary, as well as one tree within each of the parking lot landscaping islands. **These hypothetical possibilities do not provide any basis for the determination of consistency with OS-5.2. Tgus, the conclusion is not supported.**
- 049 **OS-5.3 Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces.**

**Consistent:** As noted previously, the Project site is located within a built-up, urban environment. The northern portion of the Project site contains existing development and the southern portion of the site is vacant with a dirt driveway. A 16,436-sf vacant former office



General Plan Policy OS-5.2 begins by stating that preservation of existing healthy trees and native vegetation shall be *balanced with feasibility and permitted use* [emphasis added]. The proposed Project is consistent with this policy as supported by the paragraph shown. As stated in the text, removal of some trees may be necessary in order to have a viable Project design.

**Response M-34:** The commentor provided the following comment on the Draft EIR:

OS-5.4 Condition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.

**Consistent:** As noted previously, four ornamental trees are located in the northern portion of the site along South Street, and additional ornamental trees are located along the South Street frontage. It is possible that the existing trees could be preserved as part of the proposed landscaping plan; however, it is also possible that tree removal in some capacity would be required. Removal of trees may also be necessary in order to have a viable Project design. The proposed landscaping materials have been selected for the local climate. Proposed landscaping includes trees and vegetation along the property boundaries within the proposed parking lot and bioretention basins located along the northwest and southwest boundaries. Trees would be planted along the north, south, and east boundaries, with a few along the west boundary, as well as one tree within each of the parking lot landscaping islands. Species of broom, pampas grass, gorse, or other species of invasive non-native plants

050 deemed undesirable by the City would not be utilized in the proposed landscaping.

**How is this prohibition incorporated into the project?**

OS-15.2 Protect and Restore Open Space: During the development review process, protect and restore open space areas such as wildlife habitats, view corridors, coastal areas, and watercourses as open and natural.

**Consistent:** The southern portion of the site is vacant with a dirt driveway, but does not qualify as one of the types of open space addressed by this policy. It does not qualify as a view corridors or a coastal area, and no watercourses are located on-site. Although limited habitat potential is found in the southern portion of the site, the mitigation measures included in this section would ensure that impacts to special-status bird and bat species would be less than significant.

How? This assertion is not explained in any way.

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CONCLUSION

The Project would not conflict with any local policies or ordinances related to the protection of biological resources. Overall, the proposed Project would have a **less than significant** impact relative

053 to this topic.

This is not accurate. The project conflicts with local policies including the above listed policies concerning tree preservation and retention of existing open space, among others. There is no relevant analysis or applicable threshold of significance to conclude a less-than-significant impact.

3.3-32 Draft Environmental Impact Report – Best Development Grocery Outlet

As stated in the Draft EIR, General Plan Policy OS-5.4 requires the City to “[c]ondition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive nonnative plants deemed undesirable by the City.” (Draft EIR, p. 3.3-22.) Thus, “[t]he proposed Project is conditioned so that landscaping would not include invasive nonnative plants.” (Id., p. 3.5-16.) The Applicant will be legally bound to comply with Project Conditions of Approval, and the City will be bound

051 This is mistakes OS-15.2, which does not limit "open space areas" to the listed examples. This project includes existing open space that will not be retained or restored.

to enforce them. As a result, these species would not and could not be used in Project landscaping.

**Response M-35:** The commentor provided the following comment on the Draft EIR:

#### EFFECTS OF GLOBAL CLIMATE CHANGE

The effects of increasing global temperature are far-reaching and extremely difficult to quantify. The scientific community continues to study the effects of global climate change. In general, increases in the ambient global temperature as a result of increased GHGs are anticipated to result in rising sea levels, which could threaten coastal areas through accelerated coastal erosion, threats to levees and inland water systems and disruption to coastal wetlands and habitat.

If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of water supply for the State. The snowpack portion of the supply could potentially decline by 50% to 75% by the end of the 21<sup>st</sup> century (National Resources Defense Council, 2014). This phenomenon could lead to significant challenges securing an adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the State; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system. **This paragraph is irrelevant to Fort Bragg and this project and should be removed.**

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**Our local water supply is not fed by Sierra snow melt.**

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (California Environmental Protection Agency, 2010). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands. As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (California Environmental Protection Agency, 2010), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

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Sea level rise is effectively ignored in this DEIR even though it is acknowledged as predicted. The primary impacts on this project will be to the adequacy of the water supply and infrastructure.

3.4-2

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This comment is noted. Based on this comment, page 3.4-2 has been revised to remove the paragraph discussing Sierra snow melt. See Chapter 3.0, Revisions, of this Final EIR for the revision. Separately, with regard to sea level rise, this is an issue that is relevant on a timescale that goes beyond the year 2050 horizon of California GHG-reduction laws, such as AB 32 and SB 32. In addition, the proposed Project as a whole would represent a miniscule increase in the risk of sea level rise overall, given that climate change is a global concern. Therefore, further discussion of sea level rise in this DEIR is not warranted. No further response to this comment is warranted.



**Response M-36:** The commentor provided the following comment on the Draft EIR:

### Water Resources

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the State from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages.

056

Again, this is irrelevant and inapplicable to this project and should be deleted.

The State's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major State fresh water supply. Global warming is also projected to seriously affect agricultural areas, with California farmers projected to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the State (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities.

058

Additionally, encroaching seas and waves could result in negative impacts along California's coast not only through increased flooding, but also by eroding beaches and cliffs, and by raising coastal groundwater levels. Rising seas threaten California's coast in seven categories: public infrastructure, private property, vulnerable communities, natural resources, drinking and agricultural water supplies, toxic contamination, and economic disruption. Between \$8 billion and \$10 billion of existing property in California is likely to be underwater by 2050, with an additional \$6 billion to \$10 billion at risk during high tides.

059

So? How do the preceding statements impact this project rather than the state generally?

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3.4-3

Modify to be relevant to local conditions. This should reference intrusion and impacts to the City's water intake on the Noyo River and how that should be incorporated into the City's water model. The project will not be served by non-local sources.

This comment is noted. Based on this comment, page 3.4-3 has been revised to remove the discussion regarding the water transportation infrastructure in California, the water quality and reliability within the Sacramento/San Joaquin River Delta, within agricultural areas, and for tourism, and state-wide coastal impacts. Separately, additional information has been added to describe the specific water supplies that are at risk in the local area (i.e., the Noyo River), and how the City is responding. See Chapter 3.0, Revisions, of this Final EIR for the revisions. No further response to this comment is warranted.

**Response M-37:** The commentor provided the following comment on the Draft EIR:

### 3.4 GREENHOUSE GASES, CLIMATE CHANGE AND ENERGY

#### Agriculture

Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water-use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Plant products likely to be most affected include wine grapes, fruits, and nuts.

Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

#### Forests and Landscapes

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the State. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90%.

Moreover, continued global warming will alter natural ecosystems and biological diversity within the State. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the State's forests is also expected to decrease as a result of global warming.

060

Delete as irrelevant to this project or DEIR, there are no agriculture or forested areas on the project site.

This comment is noted. Based on this comment, the discussion on 'Agriculture' and 'Forests and Landscapes' has been deleted, within Chapter 3.4 of the DEIR. See Chapter 3.0, Revisions, of this Final EIR for the revisions. No further response to this comment is warranted.

**Response M-38:** The commentor provided the following comment on the Draft EIR:

**CEQA Direction**

In 2008, the Office of Planning and Research (OPR), issued Guidance regarding assessing significance of GHGs in California Environmental Quality Act (CEQA) documents; that Guidance stated that the adoption of appropriate significance thresholds was a matter of discretion for the lead agency. The OPR Guidance states:

“[T]he global nature of climate change warrants investigation of a statewide threshold of significance for GHG emissions. To this end, OPR has asked the CARB technical staff to recommend a method for setting thresholds which will encourage consistency and uniformity in the CEQA analysis of GHG emissions throughout the state. Until such time as state guidance is available on thresholds of significance for GHG emissions, we recommend the following approach to your CEQA analysis.”

**Determine Significance**

- When assessing a project’s GHG emissions, lead agencies must describe the existing environmental conditions or setting, without the project, which normally constitutes the baseline physical conditions for determining whether a project’s impacts are significant.
- As with any environmental impact, lead agencies must determine what constitutes a significant impact. In the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a “significant impact,” individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice. **True but not reflected in the DEIR!**
- The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project’s direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that

061

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3.4-17

This comment is noted. However, the lead agency has determined that a significant impact for GHG impacts would be whether the proposed Project is consistent with the GHG reduction measures contained in the CARB’s 2017 Scoping Plan Update and the MCOG’s 2017 RTP, as described on pages 3.4-23 through 3.4-25 the Draft EIR. This is consistent with the text highlighted by the commentor in this comment. No further response to this comment is warranted.



**Response M-39:** The commentor provided the following comment on the Draft EIR:

The approach taken herein consists of qualitatively evaluating the proposed project's consistency with California's GHG reduction targets, which are achieved at a local and regional level through implementation of the GHG reduction measures included within the CARB's 2017 Scoping Plan Update (which has been updated to reflect the State's GHG reduction targets in SB 32) and Mendocino Council of Government's (MCOG's) 2017 Regional Transportation Plan & Active Transportation Plan (RTP), which represents the latest RTP adopted by MCOG. **Thus, if the proposed project is consistent with each of the relevant GHG reduction measures contained within these plan documents, the proposed project would comply with the State's GHG reduction targets (including SB 32) and would be doing its "fair share" to meet those targets.** Therefore, in light of the *Newhall Ranch* and *Golden Door* decisions, the proposed Project is evaluated for consistency with the GHG reduction measures contained in the CARB's 2017 Scoping Plan Update and the MCOG's 2017 RTP.

062

**Conclusion**

Based on the discussion above, the following threshold is applied to this analysis:

**Finally, an actual threshold of significance!**

- The proposed Project is evaluated for its consistency with the GHG reduction measures contained in the CARB's 2017 Scoping Plan Update and the MCOG's 2017 RTP.

**If the project demonstrates that it is consistent with these plan documents,** the proposed Project would not be anticipated to generate GHG emissions that would have a significant impact on the environment, or conflict with any plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

063

**OK, but where is this necessary analysis of the project's consistency with these plan documents?**

This comment is noted. As the commentor points out, the significance threshold for GHG impacts is provided on page 3.4-25 of the Draft EIR. The lead agency has determined that a significant impact for GHG impacts would be whether the proposed Project is consistent with the GHG reduction measures contained in the CARB's 2017 Scoping Plan Update and the MCOG's 2017 RTP. Separately, the analysis of the proposed Project's consistency with these plan documents is provided in Table 3.4-3 (analyzing the proposed Project's consistency with the 2017 Scoping Plan) on pages 3.4-33 and 3.4-34, and in Table 3.4-4 (analyzing the proposed Project's consistency with the MCOG 2017 RTP), on pages 3.4-35 and 3.4-36 of the Draft EIR.

It should be noted that, as of late 2022 and after the Draft EIR was released for the 30-day review period, a newer version of the Scoping Plan has been adopted (i.e., the "2022 Scoping Plan for Achieving Carbon Neutrality") than what was analyzed in the Draft EIR. Nevertheless, under CEQA, the date of public release of the Notice of Preparation (NOP) for the project sets the baseline for what needs to be analyzed. Since the NOP was released prior to the adoption of the 2022 version of the Scoping Plan, no revisions to the CEQA analysis are required. However, for the sake of thoroughness, a brief analysis of the Project's consistency with the 2022 version of the Scoping Plan is provided below. As



indicated in the following table, the Project would not conflict with any of the provisions of the 2022 version of the Scoping Plan.

*PROJECT CONSISTENCY WITH THE 2022 SCOPING PLAN*

| <i>SECTOR/SOURCE</i>                                                                                   | <i>CATEGORY/DESCRIPTION</i>                                                                                                                                                                                                                                                                                                                                                                                                                                         | <i>CONSISTENCY ANALYSIS</i>                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>AREA</i>                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                       |
| <b>SCAQMD Rule 445 (Wood Burning Devices)</b>                                                          | Restricts the installation of wood-burning devices in new development.                                                                                                                                                                                                                                                                                                                                                                                              | <u>Mandatory Compliance</u> . Approximately 15 percent of California's major anthropogenic sources of black carbon include fireplaces and woodstoves. <sup>1</sup> The Project would not include hearths (woodstove and fireplaces) as mandated by this rule.                                                                                         |
| <i>ENERGY</i>                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                       |
| <b>California Renewables Portfolio Standard, Senate Bill 350 (SB 350) and Senate Bill 100 (SB 100)</b> | Increases the proportion of electricity from renewable sources to 33 percent renewable power by 2020. SB 350 requires 50 percent by 2030. SB 100 requires 44 percent by 2024, 52 percent by 2027, and 60 percent by 2030. It also requires the State Energy Resources Conservation and Development Commission to double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation. | <u>No Conflict</u> . The Project would utilize electricity provided by Pacific Gas & Electric (PG&E), which is required to meet the future 2030, 2045, and 2050 Renewable Portfolio Standard (RPS) performance standards.                                                                                                                             |
| <b>All Electric Appliances for New Residential and Commercial Buildings (AB 197)</b>                   | All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.                                                                                                                                                                                                                                                                                                                       | <u>No Conflict</u> . Project-specific plans would be required to demonstrate that only all electric appliances would be installed for commercial uses starting in 2029, consistent with this requirement, if the Project is developed in year 2029 or later.                                                                                          |
| <b>California Code of Regulations, Title 24, Building Standards Code</b>                               | Requires compliance with energy efficiency standards for residential and nonresidential buildings.                                                                                                                                                                                                                                                                                                                                                                  | <u>Mandatory Compliance</u> . Future development associated with Project implementation would be required to meet the applicable requirements of the 2022 Title 24 Building Energy Efficiency Standards, including installation of rooftop solar panels and additional CALGreen requirements (see discussion under CALGreen Code requirements below). |

| <i>SECTOR/SOURCE</i>                                                    | <i>CATEGORY/DESCRIPTION</i>                                                                                                                                                                                                                                                                                                              | <i>CONSISTENCY ANALYSIS</i>                                                                                                                                                                                                           |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>California Green Building Standards (CALGreen) Code Requirements</b> | All bathroom exhaust fans are required to be ENERGY STAR compliant.                                                                                                                                                                                                                                                                      | <u>Mandatory Compliance.</u> Project-specific construction plans would be required to demonstrate that energy efficiency appliances, including bathroom exhaust fans, and equipment are ENERGY STAR compliant.                        |
|                                                                         | HVAC system designs are required to meet American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards.                                                                                                                                                                                                   | <u>Mandatory Compliance.</u> Project-specific construction plans would be required to demonstrate that the HVAC system meets the ASHRAE standards.                                                                                    |
|                                                                         | Air filtration systems are required to meet a minimum efficiency reporting value (MERV) 8 or higher.                                                                                                                                                                                                                                     | <u>Mandatory Compliance.</u> Specific development projects would be required to install air filtration systems (MERV 8 or higher) as part of its compliance with the 2022 Title 24 Building Energy Efficiency Standards.              |
|                                                                         | Refrigerants used in newly installed HVAC systems shall not contain any chlorofluorocarbons.                                                                                                                                                                                                                                             | <u>Mandatory Compliance.</u> Specific development projects would be required to meet this requirement as part of its compliance with the CALGreen Code.                                                                               |
|                                                                         | Parking spaces shall be designed for carpool or alternative fueled vehicles. Up to eight percent of total parking spaces is required for such vehicles.                                                                                                                                                                                  | <u>Mandatory Compliance.</u> Specific development projects would be required to meet this requirement as part of its compliance the CALGreen Code.                                                                                    |
| <b>MOBILE SOURCES</b>                                                   |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                       |
| <b>Mobile Source Strategy (Cleaner Technology and Fuels)</b>            | Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems, and reduction of vehicle miles traveled.                                                                                                                                         | <u>No Conflict.</u> The Project would not conflict with this strategy; refer to CALGreen Code discussion above.                                                                                                                       |
| <b>Senate Bill (SB) 375</b>                                             | SB 375 establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Under SB 375, CARB is required, in consultation with the State's Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035. | <u>Consistent.</u> The Project would comply with the Mendocino Council of Governments (MCOG) 2022 Regional Transportation Plan (RTP) and Active Transportation Plan (ATP) and therefore, the Project would be consistent with SB 375. |

| SECTOR/SOURCE                                                                                                                                                                            | CATEGORY/DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CONSISTENCY ANALYSIS                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>WATER</i>                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                           |
| <b>CCR, Title 24, Building Standards Code</b>                                                                                                                                            | Title 24 includes water efficiency requirements for new residential and non-residential uses.                                                                                                                                                                                                                                                                                                                                                                                                            | <u>Mandatory Compliance</u> . Refer to the discussion under 2022 Title 24 Building Standards Code and CALGreen Code, above.                                                                                                                                               |
| <b>Water Conservation Act of 2009 (Senate Bill X7-7)</b>                                                                                                                                 | The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal. This is an implementing measure of the Water Sector of the AB 32 Scoping Plan. Reduction in water consumption directly reduces the energy necessary and the associated emissions to convey, treat, and distribute the water; it also reduces emissions from wastewater treatment. | <u>Consistent</u> . Refer to the discussion under 2022 Title 24 Building Standards Code and CALGreen Code, above.                                                                                                                                                         |
| <i>SOLID WASTE</i>                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                           |
| <b>California Integrated Waste Management Act (IWMA) of 1989 and Assembly Bill (AB) 341</b>                                                                                              | The IWMA mandates that State agencies develop and implement an integrated waste management plan which outlines the steps to divert at least 50 percent of solid waste from disposal facilities. AB 341 directs the California Department of Resources Recycling and Recovery (CalRecycle) to develop and adopt regulations for mandatory commercial recycling and sets a Statewide goal for 75 percent disposal reduction by the year 2020.                                                              | <u>No Conflict</u> . The Project would be required to comply with AB 341. This would reduce the overall amount of solid waste disposed of at landfills. The decrease in solid waste would in return decrease the amount of methane released from decomposing solid waste. |
| Note:<br>1. California Air Resources Board, <i>California's 2017 Climate Change Scoping Plan</i> , Figure 4: California 2013 Anthropogenic Black Carbon Emission Sources, November 2017. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                           |

No further response to this comment is warranted.

**Response M-40:** The commentor provided the following comment on the Draft EIR:

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**GREENHOUSE GASES, CLIMATE CHANGE AND ENERGY****3.4**

Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed Project would be considered “wasteful, inefficient, and unnecessary” if it were to violate State and federal energy standards and/or result in significant adverse impacts related to Project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

The amount of energy used by the proposed Project during operation would directly correlate with the amount of energy used by Project buildings and outdoor lighting, and the generation of vehicle trips associated with the proposed Project. Other Project energy uses include fuel used by vehicle trips generated during Project construction and operation, fuel used by off-road construction vehicles during construction activities, and fuel used by Project maintenance activities during Project operation. **The project is inherently wasteful because it demolishes the existing building requiring avoidable demolition and construction activities compared to building reuse, which is not analyzed.** It should be noted that the proposed Project would incorporate several renewable energy and energy efficiency features. For example, the proposed Project is required by the California Building Energy Efficiency Standards (Energy Code) to be “solar ready”;<sup>6</sup> specifically, the proposed Project includes a solar-ready area of 2,400 square feet. Additionally, the proposed Project would include pre-wiring for four EV charging stations, although the actual EV charging stations are not anticipated to be installed at the time of Project first operation. Furthermore, the proposed Project would incorporate water-efficient approaches to landscaping, consistent with the Model Water Efficient Landscaping Ordinance.

064

The following discussion provides a detailed calculation of energy usage expected for the proposed Project, as provided by applicable modelling software (i.e. CalEEMod v2020.4.0 and the CARB EMFAC2021). Additional assumptions and calculations are provided within Appendix B.2 of this EIR.

This comment is noted. Demolition is required under the proposed Project. It should also be noted that much more stringent energy efficiency standards are required for new buildings (under Title 24 California Code), such as the proposed project, compared to the requirements that existed when the existing building was constructed (post-1996). It is also noted that the California Building Codes are updated every three years and, as such, have been updated multiple times since the existing building was constructed. Demolition in and of itself does not make a project inherently wasteful. While building reuse would hypothetically be less wasteful than project demolition, it project demolition activities only constitute a very small amount of energy consumption, compared to the proposed Project as a whole (as described in further detail under Response M-42). No further response to this comment is warranted.



**Response M-41:** The commentor provided the following comment on the Draft EIR:

ON-ROAD VEHICLES (CONSTRUCTION)

The proposed Project would also generate on-road vehicle trips during Project construction (from construction workers and vendors travelling to and from the Project site). De Novo Planning Group estimated the vehicle fuel consumed during these trips based the assumed construction schedule, vehicle trip lengths and number of workers per construction phase as provided by CalEEMod, and Year 2022 gasoline and diesel MPG factors provided by EMFAC2021 (year 2022 factors were used to represent a conservative analysis, as the energy efficiency of construction activities is anticipated to improve over time). For the sake of simplicity, it was assumed that all construction worker light duty passenger cars and truck trips use gasoline as a fuel source, and all medium and heavy-duty vendor trucks use diesel fuel. Table 3.4-5, below, describes gasoline and diesel fuel consumed during each construction phase (in aggregate). As shown, the vast majority of on-road mobile vehicle fuel used during the construction of the proposed Project would occur during the building construction phase.

065 There is no feasible mitigation available that would reduce on-road mobile vehicle GHG emissions generated by the Project construction activities (requiring the use of electric construction vehicles was deemed infeasible, given price and availability concerns). See Appendix B.2 of this EIR for a detailed accounting of construction on-road vehicle fuel usage estimates.

This is misleading and arguably incorrect. Avoiding most demolition and construction activities through the reuse of the existing building would significantly reduce the energy consumption of this project and be more consistent with the Coastal General Plan, which encourages the adaptive reuse of existing buildings and discourages demolition. It is entirely feasible to reduce this project's energy use by pursuing the environmentally superior project alternative through avoidance of these energy-intensive activities.

3.4-38

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This comment is noted. While it is true that avoiding demolition activities through the reuse of the existing building would reduce energy consumption of the proposed Project during the proposed Project construction phase, the proposed Project's demolition activities add only a very small amount of energy consumption, compared to the proposed Project as a whole (as described in further detail under Response M-42). Much more stringent energy efficiency standards are required for new buildings (under Title 24 California Code), such as the proposed project, compared to the requirements in effect when the existing building was constructed. Moreover, the proposed Project remains consistent with the General Plan. No further response to this comment is warranted.

**Response M-42:** The commentor provided the following comment on the Draft EIR:

### 3.4 GREENHOUSE GASES, CLIMATE CHANGE AND ENERGY

Moreover, the proposed Project would incorporate several renewable energy and energy efficiency features. For example, the proposed Project is required by the California Building Energy Efficiency Standards (Energy Code) to be “solar ready”; specifically, the proposed Project includes a solar-ready area of 2,400 square feet. Additionally, the proposed Project would include four EV charging stations. Furthermore, the proposed Project would incorporate water-efficient approaches to landscaping, consistent with the Model Water Efficient Landscaping Ordinance.

The proposed Project would comply with all existing energy standards and would not be expected to result in significant adverse impacts on energy resources. For these reasons, the proposed Project would not cause an inefficient, wasteful, or unnecessary use of energy resources nor cause a significant impact on any of the thresholds as described by the CEQA Guidelines. This is a *less than significant* impact.

066

This conclusion is not clearly justified by the preceding analysis. The project will obviously involve “inefficient, wasteful, or unnecessary use of energy” because it proposes demolition of the existing building and construction of an entirely new building. The energy use associated with those avoidable project activities is inherently wasteful and unnecessary. This presents a significant impact in the area of energy use and associated GHG emissions. This is not adequately analyzed in this Section 3.4 or in the alternatives analysis in Section 5.0 concerning the building reuse project alternative.

This comment is noted. As previously stated under Response M-40 and Response M-41, while it is true that avoiding demolition activities through the reuse of the existing building would reduce energy consumption of the proposed Project during the proposed Project construction phase, the proposed Project’s demolition activities add only a very small amount of energy consumption, compared to the proposed Project as a whole. Specifically, as shown on page 3.4-39 of the Draft EIR, demolition activities are anticipated to only utilize a total of 108 gallons of gasoline fuel and 103 gallons of diesel fuel. This is miniscule in the context of the proposed Project as a whole, which is anticipated to consume approximately 53,493 gallons of gasoline and 9,143 gallons of diesel fuel per year from mobile vehicles during project operation (due to the generation of project trips associated with the proposed Project operation), as described on page 3.4-38 of the Draft EIR. Moreover, the construction activities are anticipated to require thousands of gallons of gasoline and diesel fuel each, for project construction activities as a whole (including the fuel needed for construction workers to travel to and from the Project site, as well as the fuel required for off-road vehicles), which is much more than the 108 gallons of gasoline fuel and 103 gallons of diesel fuel anticipated during project demolition activities.

It should also be noted that much more stringent energy efficiency standards are required for new buildings (under Title 24 California Code), such as the building anticipated to be built for the proposed project, compared to the requirements in effect for the existing building. Therefore, the proposed project building is anticipated to be much more energy efficient on a square footage basis, as

compared to the existing building on the Project site. No further response to this comment is warranted.

**Response M-43:** The commentor provided the following comment on the Draft EIR:

## LAND USE 3.5

This section describes the existing land uses on the Project site and in the surrounding area, describes the applicable land use regulations, and evaluates the environmental effects of implementation of the proposed Project related to land use. Information in this section is based on the following reference documents: *Fort Bragg Coastal General Plan* (City of Fort Bragg, July 2008), the *City of Fort Bragg Commercial District Design Guidelines* (City of Fort Bragg, June 2004) and the Fort Bragg Municipal Code (City of Fort Bragg, 2021). The Citywide Design Guidelines were updated this year and this reference is outdated. 067

### LOCAL

#### Fort Bragg Coastal General Plan

As noted above, General Plans are prepared under a mandate from the State of California, which requires each city and county to prepare and adopt a comprehensive, long-term general plan for its jurisdiction and any adjacent related lands. State law requires General Plans to address seven mandated components: circulation, conservation, housing, land use, noise, open space, and safety. In addition to those components required by State law, the Fort Bragg Coastal General Plan also contains optional elements, including Community Design and Public Facilities.

#### FORT BRAGG COASTAL GENERAL PLAN POLICIES

068

General Plan policies associated with specific environmental topics (air quality, biological resources, noise, transportation, utilities, etc.) are discussed in the relevant chapters of this EIR.

Unfortunately, they may be "discussed" but often are not adequately discussed or analyzed as noted elsewhere.

A reference to the Citywide Design Guidelines was added to Section 3.5, Land Use, of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revision. It is noted that the Regulatory Setting section of the Draft EIR in Section 3.5 accurately reflects the 2022 Citywide Design Guidelines.

As noted previously, consistency with the General Plan policies is discussed in Table 3.5-1 in Section 3.5, Land Use, of the Draft EIR.

**Response M-44:** The commentor provided the following comment on the Draft EIR:

### 3.5 LAND USE

#### Overall Sign Guidelines Preferred Standards

1. Signs that reflect the type of business through design, shape, or graphic form are encouraged.
2. Signs should coordinate with the building design, materials, color, size, and placement. 069

This content completely omits the Design Guidelines' content concerning site layout and parking lot configuration.

#### 3.5.3 IMPACTS AND MITIGATION MEASURES

##### THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the proposed Project will have a significant impact on land use and planning if it will:

- 070
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- This is not a threshold of significance; the actual thresholds should incorporate the relevant policies.

As noted in the text on page 3.5-4 ("Some of the applicable Design Guidelines which the proposed Project would be subject to include, but are not limited to, the following"), the list of design guidelines is not comprehensive and is only a summary. The proposed Project will comply with all mandatory standards of the Design Guidelines, and will incorporate as many preferred standards set forth in the Guidelines as possible.

With respect to Comment 070 and thresholds of significance, see Response M-15.



**Response M-45:** The commentor provided the following comment on the Draft EIR:

### 3.5 LAND USE

#### IMPACTS AND MITIGATION MEASURES

071

##### **Impact 3.5-1: The proposed Project would not conflict with an applicable land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect. (Less than Significant)**

Land use plans, policies, and regulations that were adopted to avoid or mitigate an environmental effect include the Fort Bragg General Plan and Fort Bragg Coastal Land Use and Development Code. Consistency with these plans, policies, and regulations are discussed below.

##### FORT BRAGG COASTAL GENERAL PLAN

072

Since general plans often contain numerous policies emphasizing differing legislative goals, a development project may be "consistent" with a general plan, taken as a whole, even though the project appears to be inconsistent or arguably inconsistent with some individual policies. (*Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) "Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purposes." (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678.) Compliance with a particular policy, however, is required where the policy is "fundamental, mandatory and specific[.]" (*Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Sup'rs* (1998) 62 Cal.App.4th 1332, 1341-1342; see also *Old East Davis Neighborhood Association v. City of Davis* (2021) 73 Cal.App.5th 895 [288 Cal.Rptr.3d 573, 583].)

The ultimate question of the meaning of particular General Plan policies, and thus the proposed Project's consistency with them, lies with the City Council. The language found in general plan is sometimes susceptible to varying interpretations. Case law interpreting the Planning and Zoning Law (Gov. Code, § 65000 et seq.) makes it clear that: (i) the ultimate meaning of such policies is to be determined by the elected city council or a lower tier decision-making body such as a planning commission, **as opposed to city staff** and EIR consultants, applicants, or members of the public; and (ii) the decision-making body's interpretations of such policies will prevail if challenged in court if the interpretations are "reasonable," even though other reasonable interpretations are also possible (See *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 245-246, 249).

As discussed below, **City Staff** has concluded that the proposed Project is consistent with the key land use issues and development concepts of the Fort Bragg Coastal General Plan. Should City decision-makers choose to approve the proposed Project, they can rely on the analysis in this section, including Table 3.5-1 below, as support for the conclusion that the proposed Project is consistent with the General Plan policies **discussed herein**. Certification of the Final EIR will be indicative of agreement with the conclusions in the table.

**But the project is inconsistent with other applicable policies!**

074

The Project site is located within the City limits and will provide employment-generating uses that will promote employment and economic development, while providing retail grocery opportunities.

3.5-8 Draft Environmental Impact Report – Best Development Grocery Outlet

Note: the City Council can defer to or confirm staff's suggested interpretation in general but it can only do so when the interpretation is reasonable and such an interpretation is not incompatible with applicable rules of statutory interpretation or relevant court opinions concerning. Some of the staff interpretations of CGP policies in this DEIR appear to violate applicable rules (e.g., by ignoring words as if they are meaningless which violates the rule against "surplusage").

Note: this is not relevant to this project because the CGP explicitly requires a project to be consistent with ALL applicable policies, which is not analogous withreliance on an overall balancing test described in the cited case law.

073 However, the following analysis is far from comprehensive and omits applicable policies that the project conflicts with, as noted in other comments, which means the project presents significant impacts.

Refer to Response M-16 for an explanation on the high level of deference the City (both staff and Council) is afforded when interpreting its own General Plan

policies. Refer also to responses pertaining to General Plan Policy consistency for an explanation of how the plain language of applicable policies warrant the consistency determination given by the City *and/or* why the City's interpretation of its General Plan policies is absolutely reasonable and thereby warrants deference (Responses M-46 through M-54).

Notably, EIRs are not required to include assessments of a proposed project's consistency with *all* General Plan policies. Rather, the relevant requirement is that an EIR should "discuss any inconsistencies between the proposed project and *applicable* general plans, specific plans and regional plans." (Guidelines, § 15125, subd. (d), italics added.) Thus, the Draft EIR was not required to present a "comprehensive" list of general plan policies and perform a consistency analysis on each one, as the commenter suggests in Comment 073 (Draft EIR, p. 3.5-8). The EIR addressed those policies that City staff believes are applicable and, further, those with which it believes the proposed Project could possibly be inconsistent.

**Response M-46:** The commentor provided the following comment on the Draft EIR:

075 Additionally, as shown in Table 3.5-1, the proposed Project, in City Staff's opinion, is consistent with all of the applicable General Plan policies that aim to avoid or mitigate an environmental effect. This statement is not justified as discussed elsewhere; it is only consistent with some policies.

**TABLE 3.5-1: GENERAL PLAN POLICY CONSISTENCY**

| GENERAL PLAN POLICY                                                                                                                                                                                                                                                                                                          | PROJECT CONSISTENCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| LAND USE                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| LU-1.1 Implementation of the Land Use Designations Map: Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use designations, and ensure consistency between the Coastal General Plan and the Coastal Land Use & Development Code                            | <b>Consistent.</b> The Project is consistent with the existing land use designation for the Project site. The Project site has a City of Fort Bragg General Plan land use designation of Highway CH. No change to the Project site's current land use designation is proposed under the Project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| LU-4.1 Formula Businesses and Big Box Retail: Regulate the establishment of formula businesses and big box retail to ensure that their location, scale, and appearance do not detract from the economic vitality of established commercial businesses and are consistent with the small town, rural character of Fort Bragg. | <p><b>Consistent.</b> To determine whether the: 1) location; 2) scale; and 3) appearance of the proposed Grocery Outlet would detract from the economic vitality of established commercial businesses, staff has prepared the following analysis:</p> <p><b>Location:</b> The zoning designation, Highway Visitor Commercial, is applied to sites along CA Hwy 1 and is generally vehicle oriented. 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. <b>How? This isn't explained or supported, only asserted to be true.</b></p> <p><b>Scale:</b> New development is comparable in scale with existing buildings and streetscape. 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. The new building is slightly smaller than the existing, and similar two-story buildings exist in the vicinity.</p> |

The commenter disagrees with the conclusion that the proposed Project is consistent with the applicable General Plan policies (see Table 3.5-1 of the Draft EIR) and argues, instead, that the proposed Project conflicts with several General Plan policies. Specifically, this comment questions how the Project is consistent with Policy LU-4.1.

As noted above in Response M-45, EIRs are not required to include assessments of a proposed project's consistency with all General Plan policies. Rather, the relevant requirement is that an EIR should "discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans." (Guidelines, § 15125, subd. (d), italics added.) Thus, the Draft EIR was not required to present a "comprehensive" list of general plan policies and perform a consistency analysis on each one, as the commenter suggests in Comment 073

(Draft EIR, p. 3.5-8). The EIR addressed those policies that City staff believes are applicable and, further, those with which it believes the proposed Project could possibly be inconsistent.

Policy LU-4.1, in relevant part here, requires the City to “[r]egulate the establishment of formula businesses...to ensure that their locations, scale, and appearance do not detract from the economic vitality of established commercial businesses....” The Draft EIR determined that the proposed Project would not “detract from the economic vitality of established commercial businesses” because “[l]and uses in the immediate vicinity of the Project site include lodging, restaurant, café, retail and auto repair.” Also, because “[b]oth the proposed Project (retail) and adjacent existing businesses are permitted land uses by right adhering to the intent of the CH zoning district.”

This determination is supported by the fact of the existence of several comparable formula businesses immediately surrounding the Project Site (Chevron, Mountain Mike’s Pizza, Arco, Super 8 by Wyndham, etc.), at least one of which is sizably larger than the proposed Project (Super 8).

Earlier in the Draft EIR, in the discussion of Impact 3.5-2, the City concluded that the proposed Project will not cause “urban decay” within the City. (Draft EIR, pp. 3.5-30 – 3.5-31.) For more detail on the character of the area and how the proposed Project fits in, refer to Response M-17. For more detail on agency deference for interpreting its general plan, refer to Responses M-46 through M-54.

These Project design components will become conditions of approval that bind the Applicant’s compliance and the City’s enforcement.



**Response M-47:** The commentor provided the following comment on the Draft EIR:

### 3.5 LAND USE

| GENERAL PLAN POLICY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PROJECT CONSISTENCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><b>Appearance:</b> Staff required the applicant to modify and revise the initial project design to better comply with the Citywide Design Guidelines. The Design Review Permit process gives 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. But how? No analysis is provided.</p> <p>077</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>LU-4.3 Large-Scale Commercial Development:</b> To maintain scenic views of the coast and to ensure that building sizes at the City's gateways are in scale with the community, no commercial building shall exceed the following limitations on the gross floor area:</p> <ul style="list-style-type: none"> <li>a) between the Noyo River and Pudding Creek Bridges - maximum 50,000 square feet;</li> <li>b) east of Highway One and north of Pudding Creek Bridge - maximum 30,000 square feet;</li> <li>c) west of Highway One and north of Pudding Creek Bridge and south of the Noyo River Bridge - maximum 15,000 square feet; and</li> <li>d) east of Highway One and south of Noyo River Bridge – maximum 40,000 square feet.</li> </ul> | <p><b>Consistent.</b> The Project is consistent with this policy. The Project would result in construction of a 16,157-sf Grocery Outlet store on the Project site. The site is located east of Highway 1, north of the Noyo River, and south of the Pudding Creek Bridge.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>LU-4.4 Standards for Commercial Uses in Residential Areas:</b> Commercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area.</p> <p>078</p> <p>How? This assertion is not explained or supported</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Consistent.</b> The Project is consistent with this policy. Commercial uses are located to the west, north, and south of the site. To the east of the site across S. Franklin Street are five single-family residences, one multi-family residential building, and two vacant lots zoned General Commercial. The northern portion of the Project site contains existing development and the southern portion of the site is vacant with a dirt driveway. Upon development of the Project, the site would contain a grocery store with parking areas. The retail grocery store would be a maximum of 28 feet tall at the top of the proposed canopy and a maximum of 23 feet tall at the top of the proposed parapet. The proposed building includes differentiated treatments along the base, mid-section, and top along the three facades facing public streets, windows would remain clear glass for lighting a view out, and the roofline on the corner cut-off entrance is also unique to the other rooflines for additional visual interest. The building will be composed of elements and details representative of Fort Bragg's architectural heritage, as the Applicant's chosen design elements were influenced by Fort Bragg's downtown architecture. The window and door treatments give homage to the smaller shops along the main downtown street's detailing as well as the Hardie Board (wood composite) wood paneling, masonry, and providing a variety of the materials on the elevations to add visual interest.</p> |

3.5-10 Draft Environmental Impact Report – Best Development Grocery Outlet

See above Response M-46.

None of the established surrounding business provide the same service as the proposed Project. They provide gas, lodging, dining, auto repairs, etc. They do not provide groceries and therefore will not lose business as a result of the proposed Project. As noted above, the Draft EIR, in the discussion of Impact 3.5-2, concluded that the proposed Project will not cause “urban decay” within the City. (Draft EIR, pp. 3.5-30 – 3.5-31.)

The proposed Grocery Outlet would not significantly reduce patronage of other grocery stores in Fort Bragg (although notably none exist in the immediate vicinity of the Project site). The proposed Project would draw a some of its local customer base from existing Grocery Outlet shoppers who currently drive to the Grocery Outlet in Willits but would now be able to shop at the Fort Bragg location instead, once operable, as documented by one of the proposed Project’s transportation consultants. (Draft EIR, Appendix G [pp. 8-9] “[m]any speakers [at a Planning Commission meeting] described driving to the existing Grocery Outlet Store in Willets [sic] and stated that they would patronize the new store in Fort Bragg”.)

With respect to Policy LU-4.4, the proposed Project is consistent with this policy for several reasons. First, the Project site is surrounded primarily by commercial uses in three directions (“to the west, north, and south) and adjacent to residential only in direction but separated by a roadway (“east of the site across S. Franklin Street are five single-family residences [and] one multifamily residential building”). Next, the proposed grocery store would be limited in height, at a “maximum of 28 feet tall” at its top canopy and that its facades would include specialized treatments and rooflines that would add “visual interest” and “align with buildings on adjacent properties to avoid clashes in building height.” These design elements all contribute to the proposed Project harmonizing with the limited surrounding residential development.

As highlighted by the commenter, the “building will be composed of elements and details representative of Fort Bragg’s architectural heritage” including “window and door treatments [that will] give homage to the smaller shops along the main downtown street’s detailing as well as the Hardie Board (wood composite) wood paneling, masonry, and providing a variety of the materials on the elevations to add visual interest,” would ensure the proposed Project would “blend with the existing surrounding development,” including the adjacent residences. (Draft EIR, p. 3.5-10.) It is noted that the discussion regarding Fort Bragg’s architectural heritage has been removed from the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR.

The commenter’s contention that this assertion is not explained or supported, is incorrect. As stated above, CEQA presumes that a project will be implemented as proposed. (Berkeley Hillside Preservation, *supra*, 60 Cal.4th at p. 1119.) Therefore, it is presumed that the proposed Project will be constructed to the architectural and design specifications described in the EIR, which were

developed with the specific purpose of mirroring the area's existing character. As discussed in Section 3.1, of the Draft EIR, the proposed Project would be subject to the policies and goals of the Fort Bragg General Plan, Citywide Design Guidelines, as well as the City's Standards for all Development and Land Uses outlined in Chapter 17.30 of the Municipal Code. The Citywide Design Guidelines complement the standards contained in the City of Fort Bragg Inland Land Use and Development Code, and the Coastal Land Use and Development Code by providing good examples of appropriate design solutions, and by providing design interpretations of the various regulations. Chapter 17.30, Standards for all Development and Land Uses, of the City's Coastal Land Use and Development Code expands upon the zoning district development standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of stable and desirable character, consistent with the General Plan, Local Coastal Program, and any applicable specific plan.

Refer to response to Response M-46 for more details on these issues and how the proposed Project will fit in with the character of the area, inclusive of the handful of adjacent residences that exist across S. Franklin Street.

**Response M-48:** The commentor provided the following comment on the Draft EIR:

LAND USE 3.5

| GENERAL PLAN POLICY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | PROJECT CONSISTENCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Rooflines of the building would align with buildings on adjacent properties to avoid clashes in building height. The proposed architecture would blend with the existing surrounding development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| LU-10.2: Locating New Development. New residential, commercial, or industrial development, except as otherwise provided in the LCP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Where feasible, new hazardous industrial development shall be located away from existing developed areas. | <b>Consistent.</b> The Project site is located in an existing developed area and the proposed Project would include development of a commercial building on a site that can accommodate the proposed use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| LU-10.4: Ensure Adequate Services and Infrastructure for New Development. Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed development shall be grounds for denial of the development. 079                                                                                                                                                                                                                                           | <p><b>Consistent.</b> As discussed in Section 3.7 of this Draft EIR, the development will be served with adequate water and wastewater treatment. All impacts related to utilities and services systems, including water and wastewater treatment, would be less than significant.</p> <p><b>This assertion is not adequately supported in 3.7.</b> As discussed, the average Grocery Outlet Store uses 300 to 450 gallons of water per day (109,500 to 164,250 gallons per year) in both domestic water for the store and irrigation water for the landscaping. The Grocery Outlet store average use is considerably lower than was estimated using the average commercial space rate. Additionally, drought tolerant landscaping will be required. The usage for the proposed Project is expected to be less than 25 percent of the average water usage of other grocers in the City. In part, this is due to the operations of the market which does not include a deli, meat counter, bakery, or food preparation. Everything arrives packaged and in addition to the landscaping, water is used mainly for sanitation, restrooms, and other minor uses. To provide further context, for the FY 19-20 the City produced 272,833,000 gallons of water and sold 200,164,052 gallons. In that year, grocery stores made up less than 2 percent of the City's water sales. The increase in water sales in the city would be approximately 0.055 percent and a 0.04 percent increase in the usage of treated water.</p> <p>Further, because cause this is a commercial building, the applicant will be required to show that the facility has adequate pressure to accommodate fire suppression. However, this is not a CEQA impact because the project will not impact the water pressure of the existing distribution system. The fire hydrants in this location have sufficient pressure and flows as documented in the</p> |

Please see Response M-91 regarding water demand and sea-level rise.



**Response M-49:** The commentor provided the following comment on the Draft EIR:

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| <p><b>PF-1.2: Ensure Adequate Services and Infrastructure for New Development.</b> 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.</p> <p>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;</p> <p>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.</p> | <p><b>Consistent.</b> The proposed Project would include redevelopment of the Project site in order to replace a 16,436-sf vacant former office building with a 16,157-sf Grocery Outlet (retail grocery store) with associated improvements on the Project site. As discussed in Section XV, Public Services, of the Initial Study, adequate public services exist to serve the Project. As discussed in Section 3.7 of this Draft EIR, all impacts related to utilities and services systems would be less than significant.</p> <p>080</p> <p>Not justified, sea level rise impacts are excluded.</p> |
| <p><b>PF-1.3 Ensure Adequate Service Capacity for Priority Uses:</b></p> <p>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,</p> <ul style="list-style-type: none"> <li>• Adequate services do or will exist to serve the proposed development upon completion of the</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>Consistent. Water Supply.</b> The City developed a new 45-acre-foot raw water reservoir called Summers Lane Reservoir to ensure adequate water storage during years of severe drought and to meet the water quality needs for the Fort Bragg Water Service District. The reservoir draws water from an existing water line which previously ran from Waterfall Gulch to Newman Gulch and stores raw water for the City's potable water use. With the</p>                                                                                                                                           |

Please see Response M-91 regarding water demand and sea-level rise.

**Response M-50:** The commentor provided the following comment on the Draft EIR:

LAND USE 3.5

| GENERAL PLAN POLICY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PROJECT CONSISTENCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p>proposed development, and</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>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.</li> </ul> | <p>development of Summers Lane Reservoir, the City was also able to obtain additional water storage capacity to meet the needs of a buildout development scenario in the City of Fort Bragg. The City has a licensed water right to divert water from the Noyo River as well as permanent license to divert water from both Newman Gulch and Waterfall Gulch, a tributary to Hare Creek. The water is piped from Summers Lane Reservoir to the Newman Reservoir and on to the treatment plant (City of Fort Bragg, 2014).</p> <p>The City currently has the ability to store 6,300,000 gallons of treated water, including two 1,500,000-gallon tanks at the Corporation Yard and one across the street and a smaller tank at the Highway 20 Fire Station. Additional untreated water storage of 3,300,000 gallons is accommodated within the two raw water storage ponds at the Water Treatment Plant, Newman Reservoir, and the Waterfall Gulch pond. There is also a significant volume of water stored within the City's distribution system. The Summers Lane Reservoir holds approximately 14,700,000 gallons of raw water for a total storage of approximately 22,800,000 gallons. City water customers use about 600,000 to a million gallons of water per day in the summer. Water supply analyses indicate the City has sufficient water supply to serve the projected buildout of the City of Fort Bragg as currently zoned within the existing City Limits through 2040.</p> <p><b>Not accurate or justified as discussed elsewhere. Water and Wastewater Service.</b> The existing water connection on South Street includes a 6-inch fire service and is proposed to be the main water service to the building, with a new 8-inch fire connection to be constructed to the east of the existing connection. There is an existing 4-inch sewer lateral extending from the existing manhole on South Street that is proposed to be removed and replaced with the construction of a new 6-inch sewer lateral per City standards.</p> <p>As all-new development is required to pay its fair share of the water system infrastructure and future capital improvements through the Water Capacity Charge, the applicant will be required to pay water capacity charges when they secure their Building Permit.</p> <p>Additionally, as all new development is required to pay its fair share of the wastewater system infrastructure and future capital improvements through the wastewater Capacity Charge, the applicant will be required to pay wastewater capacity charges when they</p> |

081

Not accurate The City's water supply even with the reservoir is projected to be inadequate for existing development due to projected sea level rise.

082

Please see Response M-91 regarding water supply and sea level rise.

**Response M-51:** The commentor provided the following comment on the Draft EIR:

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| <p>OS-5.2 To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development <b>preserve existing healthy trees and native vegetation on the site.</b> <b>Not justified.</b></p> <p>083</p> <p><b>Removal of the existing trees directly conflicts!</b></p> | <p><b>Consistent.</b> As noted above in the discussion for Policy OS-5.1, there are four ornamental trees located in the northern portion of the site along South Street. <b>These trees would likely be removed and replaced with landscaping selected for the local climate.</b> Proposed landscaping would be native to the area.</p> |
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Refer to Response M-12 regarding the four ornamental trees to potentially be removed as part of the proposed Project and M-34, on the preclusion of planting of nonnative invasive species as landscaping.

This policy, importantly, includes the nonmandatory, flexible language (i.e., “maximum extent feasible”). A proposed project is only inconsistent with the governing general plan if it “conflicts with a general plan policy that is fundamental, mandatory, and clear.” (*Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-1342 (FUTURE); see also *Endangered Habitats League, supra*, 131 Cal.App.4th at p. 782 [“[a] project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear”].

Consistent with these legal principles, general plan policies that include vague, nonmandatory, or flexible language (i.e., “to the maximum extent feasible”) should not be interpreted as though they set stringent quantitative standards that absolutely must be satisfied. These types of broadly-worded general plan “goals” should generally be understood to be aspirational, and should not be mistaken for policies that are “fundamental, mandatory, and clear.”

The language used in OS-5.2 is nonmandatory and flexible and therefore the proposed Project cannot be found to conflict with this policy. (FUTURE, *supra*, 62 Cal.App.4th at pp. 1341-1342.) Here, despite not being necessary, City staff has reasonably concluded that the proposed Project does not conflict with Policy OS-5.2.

**Response M-52:** The commentor provided the following comment on the Draft EIR:

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>OS-16.2 Right of Public Access:</b> Development in the Coastal Zone shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Public prescriptive rights must be protected wherever they exist.</p>                                                                                                                                                                                                                                  | <p><b>Consistent.</b> The project is not in an area used by the public to access the coast nor is it identified in the Coastal General Plan as a location for public access to the Noyo River. The properties to the north and south are identified as access points and irrevocable offers to dedicate will be required when these projects are developed in the future.</p>                                                                                                                                                                                                                                                                                            |
| <p><b>OS-15.2: Protect and Restore Open Space:</b> During the development review process, protect and restore open space areas such as wildlife habitats, view corridors, coastal areas, and watercourses as open and natural.</p>                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>Consistent.</b> The southern portion of the site is vacant with a dirt driveway, but does not qualify as one of the types of open space addressed by this policy. It does not qualify as a view corridors or a coastal area, and no watercourses are located on-site. Although limited habitat potential is found in the southern portion of the site, the mitigation measures included in this section would ensure that impacts to special-status bird and bat species would be less than significant.</p>                                                                                                                                                       |
| CIRCULATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>C-1.3: Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met:</b></p> <p>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</p> <p>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.</p> | <p><b>Consistent.</b> A Traffic Impact Analysis was completed for the Project, which includes Level of Service (LOS) analysis. See Appendix F of this EIR. It is noted that LOS is no longer used as the metric to determine environmental impacts under CEQA.</p> <p>In the cumulative condition, LOS standards would be exceeded. However, the Project would contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the Project would contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection.</p> |
| <p><b>C-1.4: Include specific time frames for the funding and completion of roadway improvements for projects which cause adopted roadway and intersection Level of Service standards to be exceeded. Require security, bonding or other means acceptable to the City to ensure the timely implementation of roadway mitigations.</b></p>                                                                                                                                                                                                                                                                                            | <p><b>Consistent.</b> As discussed in Section 3.7, Transportation and Circulation, the Grocery Outlet Store Project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection.</p>                                                                                                                                                                                                                         |
| <p><b>This policy is about specific time frames but this purported consistency analysis omits that aspect</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Table 3.7-16 in Section 3.7 notes the Grocery Outlet Store</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

084

False, misstates policy.

085

How? There is no enforceable requirement for these improvements or alleged special conditions. The DEIR should be revised to include these necessary improvements to justify a conclusion of consistency with this.

086

3.5-20

Draft Environmental Impact Report – Best Development Grocery Outlet

With respect to Policy OS-15.2, the City accurately determined that, although the “southern portion of the site is vacant with a dirt driveway,” it “does not qualify as one of the types of open space addressed by this policy.” (Draft EIR, p. 3.5-20.) The City’s interpretation is reasonable, and the commenter does not offer any evidence to support this assertion. An interpretation of a General Plan policy that prevented the development of parcels specifically identified for development would frustrate the policy of allowing development. General Plan provisions seemingly in tension with one another (e.g., pro-development and anti-development provisions) should be reconciled and harmonized to the extent reasonably possible. (No Oil, supra, 196 Cal.App.3d at p. 244-245.)



The Project site is not designated or zoned for “Open Space,” which, under the Land Use Element of the Coastal General Plan (p. 2-7), is the designation given to “areas of land which are largely unimproved and used for the preservation of natural resources and habitats, passive outdoor recreation, scenic resources, or for the protection of public health and safety (e.g., preservation of floodplains).” Rather, the Project site is planned and zoned for commercial development. (Draft EIR, p. 2.0-2 [“[t]he Project site has a City of Fort Bragg General Plan land use designation of Highway Visitor Commercial (CH) and a City zoning designation of Highway Visitor Commercial (CH)”].) Moreover, the Project site does not contain “wildlife habitats, view corridors, coastal areas, [or] watercourses,” as demonstrated in the analysis presented in the Draft EIR, Chapter 3.1 (Aesthetics and Visual Resources) and Chapter 3.3 (Biological Resources). Refer also to Response M-16 regarding the lack of scenic views from the Project site and Response M-29 regarding the lack of active bird and bat habitat and the lack of wetlands onsite.

With respect to Policy C-1.3, this policy is mandatory—the Applicant must comply with it and the City will enforce it. This fair-share contribution also will be included as a “Condition of Approval” that will bind both the Applicant and City to this requirement. (Draft EIR, p. 3.7-22 [“[t]he Grocery Outlet Store Project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the proposed Project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection”].) Thus, this requirement is enforceable and the proposed Project will be implemented with it intact. (See Berkeley Hillside Preservation, *supra*, 60 Cal.4th at p. 1119 [CEQA presumes that a project will be implemented as proposed].)

It is noted that the City requires payment of the fair share before a building permit is issued.

See below response regarding Policy C-1.4.

**Response M-53:** The commentor provided the following comment on the Draft EIR:

LAND USE 3.5

| GENERAL PLAN POLICY                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PROJECT CONSISTENCY                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 087                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | project's relative contribution to future traffic volumes at each study intersection based on the method recommended in Caltrans traffic study guidelines. As shown, project trips represent 16.1% of the future new traffic at the SR 1 / South Street intersection. Assuming a \$500,000 traffic signal, the project's contribution could be \$84,500. But where is the specific time frame?                                                 |
| C-1.5: Traffic Impact Fees. When traffic impact fees are collected, establish a schedule from the date of collection of said fee for the expenditure of funds to construct roadway improvements that meets project needs. Where a project would cause a roadway or intersection to operate below the adopted traffic Level of Service standards, the roadway or intersection improvements should be completed in a timely manner but no later than five years after project completion. | Consistent. As noted above, the Project's fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection could be \$84,500. The improvements are cumulatively needed and the project would not cause a roadway or intersection to operate below the adopted traffic Level of Service standards. 088<br>This purported consistency analysis fails to address the schedule or completion time. |

Policy C-1.4 is not triggered where a specific development is only paying a fair share fee to be used towards the completion of new public facilities required not only because of the specific development but also because of other past, present, and future development. Here, because the proposed Project is only creating a portion of the need for certain new facilities, the policy does not require a specific time frame for completing those facilities. The dates on which capital improvements funded by a fair share fee program are determined by the pace of development, as such development must occur before sufficient funding for the improvements has been provided to the City. The pace of development is affected by market factors and other external factors over which the City has no control (such as the need for Caltrans approval of improvements on facilities over which it has control).

This issue was addressed in the Agenda Item Summary Report prepared in advance of the Planning Commission meeting of May 26, 2021, at which time the City was considering the proposed Project in connection with a Mitigated Negative Declaration. On page 21, that report stated as follows:

"The impacts of the Grocery Outlet Store Project have been considered within the context of future traffic conditions in this area of Fort Bragg. Long term traffic conditions have been forecast and evaluated based on growth assumptions made in other recent traffic studies and based on understanding of other approved projects in this area.

In a project plus future buildout scenario the proposed Project's cumulative impact could be significant at the Highway 1 (Main Street)/South Street intersection based on General Plan policy, since the proposed Project will cause the intersection to operate at LOS E, which

exceeds the LOS D minimum, and peak hour traffic signal warrants will be met at some time in the future. To address future conditions at this location it will be necessary to install traffic controls that stop the flow of traffic on Highway 1 in order to allow side street traffic to enter, such improvements may include a traffic signal or a roundabout.

Any improvements within the state right of way require Caltrans approval. At this time, Caltrans has indicated that it will not permit any traffic controls at this location, and therefore agrees with the recommendation of the Traffic Study that frontage improvements and contribution to a fair-share funding mechanism be required for future improvement.

According to the analysis, Project trips represent 16.1% of the future new traffic at the Highway 1 / South Street intersection. Assuming a \$500,000 traffic signal, the proposed Project's contribution could be \$84,500.

In accordance with Policies C- 1.2 to C-2.1 described above, the results of the traffic study, and Caltrans comments, to ensure the proposed Project is adequately served by transportation facilities, cumulative impacts associated with nearby and future development is incorporated, and the developer is funding their pro-rata share of the cost associated with future transportation needs the Staff recommends the addition of Special Condition 16.

Special Condition 16: A "Fair-Share" agreement shall be entered into by the applicant to fund future traffic improvements as necessary. The agreement shall be in the form approved by the Director of Public Works and the amount shall be based on a traffic study performed by a qualified professional at the cost to the applicant. The "Fair-Share" agreement shall be executed and funds deposited with the City prior to certificate of occupancy."

With respect to Policy C-1.5, this policy specifically states that the schedule for construction of roadway improvements will be established "when traffic impact fees are collected." The Draft EIR, in addressing the proposed Project's consistency with this policy, is not required to contain a detailed schedule, as it is not known at present the time on which traffic impact fees will be collected. See also the response to Comment 087 above.

**Response M-54:** The commentor provided the following comment on the Draft EIR:

### 3.5 LAND USE

| GENERAL PLAN POLICY                                                                                                                                                                                                                                                                                                                                               | PROJECT CONSISTENCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| for handicapped access and require the installation of curb cuts, ramps, and other improvements facilitating handicapped access.                                                                                                                                                                                                                                  | compliant. The project includes ADA-compliant features, including three ADA-accessible parking spaces. In addition, the project will include an internal system of walkways and crosswalks to provide pedestrian connectivity between the parking lot, building, and sidewalk, and would be ADA-compliant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>C-14.1 Development to Pay Its Fair Share: Require new development to pay its fair share of transportation improvements to maintain levels of service and traffic safety in the City.</b>                                                                                                                                                                       | <b>Consistent.</b> As noted above in the discussion for Policy C-1.3, a Traffic Impact Analysis was completed for the Project. <b>The Project would contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the Project would contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection. How?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| COMMUNITY DESIGN                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>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.</b> 090 | <b>Consistent.</b> In the opinion of City staff, the project site is not located "along the ocean" or within a "scenic coastal area" within the meaning of Policy CD 1.1, as the site is on the landward side of Highway 1, and there is intervening commercial development between the site and Highway 1. The project is replacing an existing structure with one of approximately the same size. Current views from the middle and southern portions of the project site are limited by the adjacent two-story motel adjacent west of the site, which is the direction in which the Pacific Ocean and landscapes immediately adjacent to the coast are located. Although <b>the proposed structure will block an existing view of the ocean from the far northern portion of the project site</b> , that view is not easily discernable by pedestrians and is <b>interrupted by two large trees</b> and a Chevron Station and an intervening vacant legal lot between the project site and that Chevron Station. This vacant lot could be developed under existing conditions, and a new structure could completely block the existing interrupted view of the Chevron Station and ocean. As discussed in Section I, Aesthetics and Visual Resources, of the Initial Study, the proposed development is compatible with the character of surrounding areas. The proposed Project would include redevelopment of the Project site in order to replace a 16,436-sf vacant former office building with a 16,157-sf Grocery Outlet (retail grocery store) with associated improvements on the Project site. The retail grocery store would be a maximum of 28 feet tall at the top of the proposed canopy and a maximum of 23 feet tall at the top of the proposed parapet. |
| <b>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.</b> 092<br>Same issues as CD-1.1. Conclusion is not justified                                                                                                                | <b>Consistent.</b> In the opinion of City staff, the project site is not located within a "scenic area" within the meaning of Policy CD 1.4, as the site is on the landward side of Highway 1, and there is intervening commercial development between the site and Highway 1. As noted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

089

091

The trees do not actually block any of the existing ocean views through the site and hypothetical future view-blocking development is too speculative and not part of the baseline conditions so it should be excluded from this analysis. The DEIR requires corresponding revision.

3.5-22 Draft Environmental Impact Report – Best Development Grocery Outlet

With respect to Comment 89 regarding fair share fees, see Response M-54 above.



Refer to Response M-51 on the use of this nonmandatory and vague language (“maximum extent feasible”) in general plan policies. Refer also to Response M-16 regarding how and why the proposed Project does not significantly impact any scenic views.

**Response M-55:** The commentor provided the following comment on the Draft EIR:

093 Per Chapter 17.36 – Parking and Loading, of the CLUDC, the proposed Project is consistent with the purpose of this chapter by meeting the following applicable requirements:

But how? this asserted conclusion is not explained nor is there any supporting analysis.

- Parking spaces by land use;
- RV space within the Site (a Minor Use Permit will be applied for to waive this requirement);
- Bicycle parking spaces, and design and devices;
- Motorcycle parking spaces and dimensions;
- Location and access to nonresidential parking;
- Minimum parking space configuration and surfacing of all parking spaces and maneuvering areas;
- Number of driveways and site access for nonresidential development;
- Proposed driveways distances from street corners;
- Driveway spacing and dimensions for nonresidential development;
- Providing off-street loading spaces; and
- Loading space dimensions, location, and screening.

094 Per Chapter 17.38 – Signs, of the CLUDC, the proposed Project is consistent with the purpose of this chapter by meeting the following applicable requirement:

But how? this asserted conclusion is not explained nor is there any supporting analysis.

- 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 Site from a sufficient distance to safely and conveniently access the Site;
- The placement of the sign on the Site is appropriate for the height and area of a freestanding and wall sign;
- The proposed signs relate to the architectural design of the structure;
- The proposed signs do not unreasonably block the sightlines of existing signs on adjacent properties;
- The placement and size of the sign will 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, prominent natural features on the Site, and structures and prominent natural features on adjacent properties on the same street; and
- The proposed signs are in substantial conformance with the design criteria in Subsection 17.38.060.F (Design criteria for signs).

Per Chapter 17.50 – Land and Marine Resource Protection, of the CLUDC, the proposed Project is consistent with the purpose of this chapter by providing evidence that the following sensitive coastal

095 resources are not applicable: How? Where is this alleged “evidence” provided?

- Archaeological resource preservation;
- Environmentally sensitive habitat areas; and

According to the City’s May 26, 2021 Agenda Item Summary Report completed for the Project previously, as well as previous reviews of the Project site plan by the City of Fort Bragg, the City determined that the Project is consistent with the

listed applicable requirements discussed in comments 93 and 94. The archaeological resource preservation portion of Chapter 17.50 of the CLUDC applies to the review and approval of coastal development permits, grading permits, and building permits for all development located within areas known to contain, or potentially containing, archaeological and paleontological resources including as follows:

1. Former Georgia Pacific timber mill. The entire property which comprises the former Georgia-Pacific timber mill site;
2. Noyo Bay. The area located along the south side of Noyo Bay (e.g., Todd Point);
3. Noyo River. All of the areas located adjacent to the north side of the Noyo River;
4. North Fort Bragg Coast. All of the areas located west of Highway 1 and north of Pudding Creek;
5. Special Review Areas. All Special Review Areas identified on Map OS-2 in the Coastal General Plan, and;
6. Other areas identified by the Director. Other areas identified by the environmental review process (Chapter 17.72), or brought to the attention of the City through special studies performed after the enactment of this Section, as having the potential for containing archaeological or paleontological resources.

The Project site is not located in the aforementioned areas and, as such, this section of the CLUDC does not apply.

The environmentally sensitive habitat areas provisions of Chapter 17.50 apply to the review of coastal development permits for all development proposed on sites that include, are immediately adjacent to, or are within an ESHA defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In addition to compliance with this Section, all development within or adjacent to Wetland ESHA shall comply with Chapter 17.58. In addition to compliance with this Section, all development within or adjacent to River and Stream or Riparian ESHA shall comply with Chapter 17.52.

The Project site is not located in the aforementioned area and, as such, this section of the CLUDC does not apply.

**Response M-56:** The commentor provided the following comment on the Draft EIR:

### 3.5 LAND USE

- Visual Resources, as the proposed project is not located in an area that triggers requirements of Section 17.50.070.

The Fort Bragg Zoning Code implements the General Plan. As noted previously, the Project site has a City zoning designation of CH. No changes to the Project site's current land use or zoning designations are proposed under the Project. All existing City development standards and zoning requirements for the existing zoning are applicable to the proposed activities on the Project site.

096 The City reviews all plans (improvement plans, building plans, site plans, etc.) that are submitted for final approval to ensure that they are consistent with the City's Zoning ordinance.

Theoretically but where is this done in the DEIR? How did the review "ensure" that the project is actually consistent? Overall, the proposed Project would have a *less than significant* impact relative to the Zoning Code.

#### CONCLUSION

The proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect as the project is consistent with all applicable land use plans, policies, and regulations, including the City of Fort Bragg's CLUDC. A *less than significant* impact would occur.

097 These assertions are not supported by adequate analysis. ALL applicable policies have not been evaluated.

Please see Response M-45 regarding General Plan policy consistency.

See the discussion on pages 3.5-28 through 3.5-30 in Section 3.5, Land Use, of the Draft EIR regarding zoning consistency. As also stated in the quoted text, the City will review all plans to ensure consistency with the Zoning Code. This is not a theory; this is a factual statement.

**Response M-57:** The commentor provided the following comment on the Draft EIR:

For the reasons listed above, the proposed project is not expected to result in urban decay in the City of Fort Bragg. This is a *less than significant* impact.

How is this assertion justified? There is no threshold of significance for this impact so there is no way to demonstrate that the project's impacts will be less-than-significant. The DEIR must be revised to include actual relevant thresholds of significance for this, and ALL OTHER, impact areas being reviewed. The City has failed to do so in most instances and only actually incorporated thresholds of significance in a few impact study areas and checklist questions. This is a very significant flaw in the DEIR as currently drafted. Failing to revise the DEIR to incorporate adequate supporting analysis based on an explicit and relevant threshold of significance for each impact area being studied would amount to a reversible abuse of discretion. The City should rectify that situation through extensive revisions to the current DEIR and recirculate the substantially-revised DEIR for additional responsible agency and public review and comment.

099

In addition, this DEIR completely omits any analysis of the project's consistency with the Citywide Design Guidelines. The project remains identical to its earlier iteration reviewed and approved using an MND, which actually included some Design Guideline analysis, albeit concerning inapplicable sections of the Design Guidelines. Please refer to the issues presented in relevant comments for more detail about the project's inconsistency with the Citywide Design Guidelines, particularly those provisions regarding the proposed site layout and parking area design, which continue to be inconsistent. Please revise the DEIR to include this analysis.

An Urban Decay Study (ALH Urban & Regional Economics, 2023) was completed for the proposed Project. The Urban Decay Study was incorporated into the Land Use section of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revisions to Section 3.5 of the Draft EIR. As discussed, pursuant to the existing market conditions, projected retail supply and demand conditions, and Grocery Outlet project orientation, the Urban Decay Study concludes that there is no reason to consider that development of the proposed Grocery Outlet store would cause or contribute to urban decay.

Design Review is not required at the EIR phase. As discussed in Section 3.1, of the Draft EIR, the proposed Project would be subject to the policies and goals of the Fort Bragg General Plan, Citywide Design Guidelines, as well as the City's Standards for *all Development and Land Uses* outlined in Chapter 17.30 of the Municipal Code. The Citywide Design Guidelines complement the standards contained in the City of Fort Bragg Inland Land Use and Development Code, and the Coastal Land Use and Development Code by providing good examples of appropriate design solutions, and by providing design interpretations of the various regulations. Chapter 17.30, Standards for *all Development and Land Uses*, of the City's Coastal Land Use and Development Code expands upon the zoning district development standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. *The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties*, and produces an environment of stable and desirable character, consistent with the General Plan, Local Coastal Program, and any applicable specific plan.

As discussed in the Draft EIR, the Project is subject to the mandatory provisions of the City's Design Guidelines. The aesthetic impacts of the proposed Project have already been analyzed in the EIR. While not a CEQA issue, City staff's analysis of the Project against the mandatory guidelines is included as new Appendix E of this Final EIR. The analysis includes conditions to ensure compliance where required.

Please see Response M-15. As explained, qualitative thresholds, and thresholds based on CEQA Guidelines Appendix G questions, are acceptable for use in EIRs.

**Response M-58:**

The commentor provided the following comment on the Draft EIR:



## 3.6.3 IMPACTS AND MITIGATION MEASURES

## THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines and CEQA case law, the Project will have a significant impact related to noise if it will result in:

- Generation of a 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;
- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of ambient conditions; and/or
- Generation of excessive groundborne vibration or groundborne noise levels.

100

The actual thresholds of significance are based on the standards in the cited sources and this should be revised to reflect the actual numbers rather than reciting the checklist questions that aren't actual thresholds of significance.

Draft Environmental Impact Report – Best Development Grocery Outlet

3.6-7

The standards are included in the local regulatory setting of Section 3.6 of the Draft EIR. The standards were added to Section 3.6.3 of Section 3.6 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revisions. Additionally, please see Response M-59 regarding the construction noise standard.

It is noted that, as explained above, qualitative thresholds, and thresholds based on CEQA Guidelines Appendix G questions, are acceptable for use in EIRs. Nevertheless, the Draft EIR compares the proposed Project's various quantified operational and construction noise levels against the City's quantified noise standards when assessing potential impacts as a means to demonstrate compliance with the Appendix G-based thresholds. (Draft EIR, pp. 3.6-7 [Table 3.6-4], 3.6-15.)

**Response M-59:**

The commentor provided the following comment on the Draft EIR:

### 3.6 NOISE

#### Determination of a Significant Increase in Noise Levels

##### TEMPORARY CONSTRUCTION NOISE IMPACTS

With temporary noise impacts (construction), identification of “substantial increases” depends upon the duration of the impact, the temporal daily nature of the impact, and the absolute change in decibel levels. Per the City of Fort Bragg Municipal Code, construction activities operating between 10 p.m. and 7 a.m. which create a noise disturbance at the property boundary of a residence are prohibited and would be considered a significant impact.

For short-term noise associated with Project construction, Saxelby Acoustics recommends use of the Caltrans increase criteria of 12 dBA (Caltrans Traffic Noise Protocol, 2020).

<sup>101</sup> That recommendation is without merit because the City has adopted much lower criteria for what is considered a “substantial increase”.

##### OPERATIONAL IMPACTS

The noise standards applicable to the proposed Project include the relevant portions of the City of Fort Bragg General Plan and Municipal Code described in the Regulatory Setting section above (Section 3.6.2), and the following standards. Generally, a project may have a significant effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. The City of Fort Bragg General Plan Noise Element provides specific standards to be used in the determination of a significant impact. These criteria are reproduced below:

<sup>102</sup>

Program N-1.2.2: Consider requiring an acoustical study and mitigation measures for projects that would cause a “substantial increase” in noise as defined by the following criteria or would generate unusual noise which could cause significant adverse community response:

- a) cause the  $L_{dn}$  in existing residential areas to increase by 3 dB or more;
- b) cause the  $L_{dn}$  in existing residential areas to increase by 2 dB or more if the  $L_{dn}$  would exceed 70 dB; or
- c) cause the  $L_{dn}$  resulting exclusively from project-generated traffic to exceed an  $L_{dn}$  of 60 dB at any existing residence.

The City has not adopted any formal standard for evaluating temporary construction noise which occurs within allowable hours. For short-term noise associated with Project construction, Saxelby Acoustics recommends use of the Caltrans increase criteria of 12 dBA (Caltrans Traffic Noise Protocol, 2020), applied to existing residential receptors in the Project vicinity. This level of increase is approximately equivalent to a doubling of sound energy and has been the standard of significance for Caltrans projects at the state level for many years. Application of this standard to construction activities is considered reasonable considering the temporary nature of construction activities.

It is noted that Section 3.6, Noise, of the Draft EIR was revised to further discuss the construction standard used in the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revisions. As shown in the revisions, the Project will have a significant impact related to noise if it will result in:

- Generation of a 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, as outlined below:

- Non-transportation noise that exceeds 55 dBA  $L_{eq}$  / 75 dBA  $L_{max}$  during daytime (7 A.M. to 10 P.M.) hours, excluding temporary construction noise.
- Non-transportation noise that exceeds 45 dBA  $L_{eq}$  / 65 dBA  $L_{max}$  during daytime (7 A.M. to 10 P.M.) hours, excluding temporary construction noise.
- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of ambient conditions, as outlined below; and/or
  - An increase in temporary construction noise levels of more than 12 dBA at existing residential receptors located around the project site,
  - A permanent increase in operational noise that would:
    - cause the  $L_{dn}$  in existing residential areas to increase by 3 dB or more;
    - cause the  $L_{dn}$  in existing residential areas to increase by 2 dB or more if the  $L_{dn}$  would exceed 70 dB; or
    - cause the  $L_{dn}$  resulting exclusively from project-generated traffic to exceed an  $L_{dn}$  of 60 dB at any existing residence.
- Generation of excessive groundborne vibration or groundborne noise levels, as outlined below.
  - A threshold of 0.20 in/sec p.p.v. at sensitive receptors.

**Response M-60:**

The commentor provided the following comment on the Draft EIR:

IMPACTS AND MITIGATION MEASURES

- 103 **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. (Less than Significant with Mitigation)**

TRAFFIC NOISE ENVIRONMENT AT OFF-SITE RECEPTORS WITH AND WITHOUT THE PROJECT

Implementation of the proposed Project would result in an increase in daily traffic volumes on the local roadway network, and consequently, an increase in noise levels from traffic sources along affected segments. Tables 3.6-6 and 3.6-7 show the predicted traffic noise level increases on the local roadway network for Existing, Existing Plus Project, Cumulative No Project, and Cumulative Plus

Please see Response M-61.

**Response M-61:** The commentor provided the following comment on the Draft EIR:

### 3.6 NOISE

(\*see also highlights 101-103 on prior pages with 104)

shown on Figure 3.6-6. The construction noise modeling includes an 8-foot-tall temporary sound barrier around the construction area.

**TABLE 3.6-9: PREDICTED CONSTRUCTION NOISE LEVELS PHASE**

| RECEIVER (USE)                 | MEASURED DAYTIME NOISE LEVEL, LEQ <sup>1</sup> | PREDICTED CONSTRUCTION NOISE LEVEL, LEQ | TOTAL NOISE LEVEL (AMBIENT + CONSTRUCTION) | CHANGE (dB) |
|--------------------------------|------------------------------------------------|-----------------------------------------|--------------------------------------------|-------------|
| <i>DEMOLITION - BUILDING</i>   |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 59.9                                    | 61.4                                       | 5.4         |
| R2 (Residential)               | 56.0 dBA                                       | 61.0                                    | 62.2                                       | 6.2         |
| R3 (Residential)               | 56.0 dBA                                       | 62.6                                    | 63.5                                       | 7.5         |
| R4 (Residential)               | 56.0 dBA                                       | 59.4                                    | 61.0                                       | 5.0         |
| R5 (Residential)               | 56.0 dBA                                       | 57.7                                    | 59.9                                       | 3.9         |
| <i>DEMOLITION - FOUNDATION</i> |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 64.9                                    | 65.4                                       | 9.4         |
| R2 (Residential)               | 56.0 dBA                                       | 66.0                                    | 66.4                                       | 10.4        |
| R3 (Residential)               | 56.0 dBA                                       | 67.6                                    | 67.9                                       | 11.9        |
| R4 (Residential)               | 56.0 dBA                                       | 64.4                                    | 65.0                                       | 9.0         |
| R5 (Residential)               | 56.0 dBA                                       | 62.7                                    | 63.5                                       | 7.5         |
| <i>SITE PREPARATION</i>        |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 64.5                                    | 65.1                                       | 9.1         |
| R2 (Residential)               | 56.0 dBA                                       | 65.2                                    | 65.7                                       | 9.7         |
| R3 (Residential)               | 56.0 dBA                                       | 66.4                                    | 66.8                                       | 10.8        |
| R4 (Residential)               | 56.0 dBA                                       | 65.4                                    | 65.9                                       | 9.9         |
| R5 (Residential)               | 56.0 dBA                                       | 64.3                                    | 64.9                                       | 8.9         |
| <i>GRADING</i>                 |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 65.5                                    | 66.0                                       | 10.0        |
| R2 (Residential)               | 56.0 dBA                                       | 66.2                                    | 66.6                                       | 10.6        |
| R3 (Residential)               | 56.0 dBA                                       | 67.4                                    | 67.7                                       | 11.7        |
| R4 (Residential)               | 56.0 dBA                                       | 66.4                                    | 66.8                                       | 10.8        |
| R5 (Residential)               | 56.0 dBA                                       | 65.3                                    | 65.8                                       | 9.8         |

104  
Why? This analysis is improperly consolidated from the necessary two steps into one by including the mitigation measure in the initial impact analysis rather than the appropriate second and distinct step of evaluating the effectiveness of the proposed mitigation measure at reducing the otherwise significant impact.

Sound walls are part of standard noise abatement during construction in areas with surrounding land uses that may contain sensitive receptors, as occurs here. (See Draft EIR, pp. 3.6-5 - 3.6-6 [sensitive receptors neared to the Project site].) Therefore, it was reasonable for the City to assume, for the purposes of noise modeling, that a temporary sound wall will be used during construction.

Mitigation Measure 3.6-1 requires this sound wall:

An 8-foot-tall temporary construction sound wall shall be constructed along the east and south sides of the Project site, as shown on Figures 3.6-6 and 3.6-7. The sound barrier fencing should consist of ½" plywood or minimum STC 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier should be free from gaps, openings, or penetrations to ensure maximum performance. (Draft EIR, p. 3.6-16.)

The Applicant consents to this measure and intends to implement it without any attempt to argue before the City Council that the measure should be rejected as infeasible. (See Pub. Resources Code, § 21081, subd. (c).) The Draft EIR may therefore assume that the sound wall will be used, and need not conduct a



“before” and “after” analysis. The only reason to perform two separate analyses would be to account for the possibility that the City Council may not impose the measure. Given the Applicant’s willingness to use the temporary sound wall, such an outcome is highly unlikely.

The City’s approach is not precluded by *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-658 (*Lotus*), which encourages agencies to differentiate between mitigating project features and externally imposed mitigation measures and to analyze the effectiveness of the former. In *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185, the same appellate panel that had decided *Lotus* interpreted its earlier decision to hold that “any mischaracterization of a mitigation measure for a Project component” is error under CEQA “only if it precludes or obfuscates required disclosure of the project’s environmental impacts and analysis of potential mitigation measures.” Here, no such obfuscation or confusion exists. It is clear from the Draft EIR (and from this letter) that the noise mitigation for the proposed Project *will* include a temporary sound wall. Thus, the City did not err in describing noise levels that assume that the sound wall will be used. Readers have not been misled or confused in any way. The construction noise levels were modeled without a sound wall, and with a sound wall, to demonstrate effectiveness of the mitigation measure. See Chapter 3.0, Revisions, of this Final EIR which clarifies that the Applicant is agreeable to Mitigation Measure 3.6-1. This commitment essentially makes the use of the sound wall a part of the proposed Project.

**Response M-62:** The commentor provided the following comment on the Draft EIR:

### 3.6 NOISE

levels of up to 67.6 dBA Leq. This would equal an approximate noise increase of up to 11.9 dBA over ambient noise conditions at the closest sensitive receptor.

105 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. That threshold is not applicable because the City defines a significant increase as 3 dBA not 12. Based upon the Table 3.6-9 data, construction noise levels are not predicted to exceed the 12 dBA test of significance. Therefore, with implementation of Mitigation Measure 3.6-1, temporary construction noise impacts would be *less than significant*.

#### MITIGATION MEASURE(S)

**Mitigation Measure 3.6-1:** To reduce potential construction noise impacts during Project construction, the following multi-part mitigation measure shall be implemented for the Project:

- All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
- Quiet construction equipment, particularly air compressors, shall be selected whenever possible.
- All stationary noise-generating construction equipment such as generators or air compressors shall be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.
- Unnecessary idling of internal combustion engines shall be prohibited.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.
- Exterior construction activities shall be limited to 7:00 a.m. to 8:00 p.m., and interior construction activities shall be limited to 7:00 a.m. to 10:00 p.m. All construction activities shall be limited to Monday to Saturday, holidays excluded.
- Staging areas on the Project site shall be located in areas that maximize, to the extent feasible, the distance between staging activity and sensitive receptors.
- An 8-foot-tall temporary construction sound wall shall be constructed along the east and south sides of the project site, as shown on Figures 3.6-6 and 3.6-7. The sound barrier fencing should consist of ½" plywood or minimum STC 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier should be free from gaps, openings, or penetrations to ensure maximum performance.

106 There is no required analysis of the effectiveness of this proposed mitigation measure at reducing the project's impacts to less-than-significant. The DEIR requires revision to include such analysis that will demonstrate that Measure 3.6-1 will actually decrease the temporary construction noise impacts to less than the appropriate threshold of significance of a 3 dBA increase over ambient noise levels. Even if a 12 dBA increase was an appropriate threshold of significance, the DEIR does not have any analysis showing if or how Measure 3.6-1 can be expected to reduce the temporary construction noise exposure increases to below the level of significance.

#### 3.6-16 Draft Environmental Impact Report – Best Development Grocery Outlet

Please see Response M-59 regarding the construction noise standard and Response M-61 regarding the effectiveness of the construction noise wall.

**Response M-63:** The commentor provided the following comment on the Draft EIR:

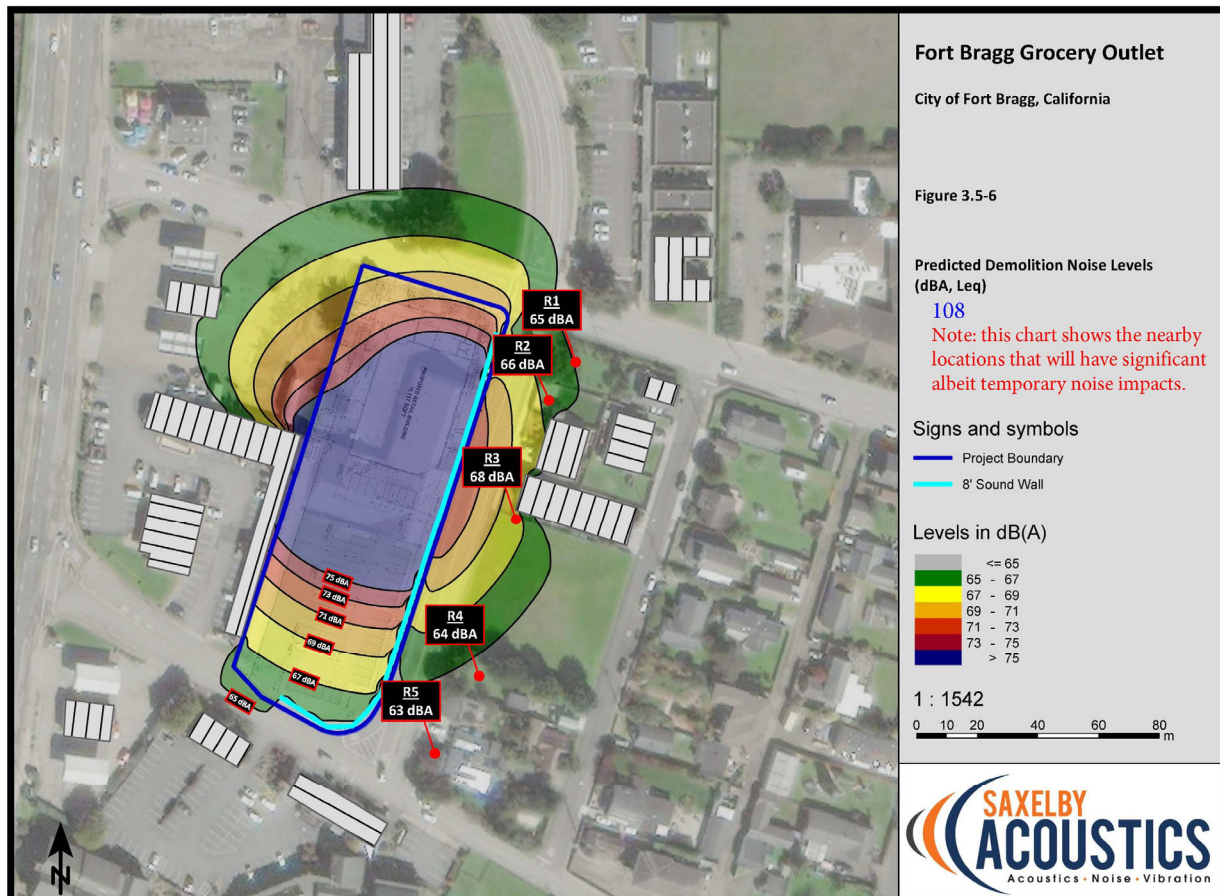
### 3.6 NOISE

*construction crack documentation and construction vibration monitoring should be conducted to ensure that construction vibrations do not cause damage to any adjacent structures. Any such documented damage would be required to be repaired by the applicant.*

107 Again, the DEIR fails to include any analysis of this proposed mitigation measure's expected effectiveness of reducing the project's significant impacts to less-than-significant. The DEIR should be revised to include this required analysis about Measure 3.6-2.

Please see Response M-61 regarding the effectiveness of the construction noise wall.

**Response M-64:** The commentor provided the following comment on the Draft EIR:



Please see Response M-61 regarding the effectiveness of the construction noise wall. Please also see Chapter 3.0, Revisions, of this Final EIR for changes to the construction noise impact discussion and associated figures. The revised figures

show the predicted noise levels with and without implementation of Mitigation Measure 3.6-1 and the associated construction sound wall.

**Response M-65:** The commentor provided the following comment on the Draft EIR:

month. Trucks comprise about three percent of the daily traffic in this area.

109

**Franklin Street.** Franklin Street is a north-south route that lies about 450 feet east of Main Street. Franklin Street extends from an intersection on N. Harbor Drive for about 1½ miles to its northern terminus near Pudding Creek. The Circulation Element designates Franklin Street as a Major Collector. In the area of the Project site, Franklin Street is a two-lane roadway with paved shoulders, and sidewalk exists on both sides of the street in the area near the South Street intersection. A prima facie 25 mph speed limit is in effect. Franklin Street was observed to carry 1,928 to 2,194 vpd in the area of the Project and 2,394 to 3,540 vpd north of South Street.

**Cypress Street.** Cypress Street is an east-west street that extends east from Main Street for about ½ mile. The Circulation Element identifies Cypress Street as a Minor Collector. In the area immediately east of SR 1 Cypress Street is a two-lane street with a center TWLT lane. Sidewalk exists on both sides of the street, and the posted speed limit is 25 mph. Recent 24-hour traffic counts indicated that Cypress Street carried 3,529 to 5,214 vpd near Main Street.

**South Street.** South Street is an east-west street that extends easterly from Main Street for about ½ mile along the north boundary of the Project site. The Circulation Element identifies South Street as

This is not accurate, sidewalks are missing for much of the eastern side of Franklin Street, presenting potentially significant impacts to pedestrians accessing the project site.

Draft Environmental Impact Report – Best Development Grocery Outlet

3.7-3

Please see Response M-150. It is noted that, as stated in the text in question, paved shoulders *or* sidewalks exist in the area of the Project site.

**Response M-66:** The commentor provided the following comment on the Draft EIR:

### 3.7 TRANSPORTATION AND CIRCULATION

a Minor Collector. In the area of the Project site, South Street is a two-lane street with paved shoulders and sidewalks. The posted speed limit is 25 mph. The traffic counts conducted for this analysis indicated that South Street carried 1,665 to 2,449 vpd.

110

Inaccurate: the sidewalks are not developed or paved to the east of the project site across Franklin Street.

**North Harbor Drive.** North Harbor Drive is a street that extends east from an intersection on Main Street to the City's Noyo River harbor area. This two-lane road is designated a Local Street in the Circulation Element. Sidewalk exists near Main Street but not at locations east of the Project site. The posted speed limit is 25 mph. The daily traffic counts conducted for this analysis indicated that North Harbor Drive carried 2,488 to 3,200 vpd.

Paved shoulders *or* sidewalks exist in the area of the Project site.



**Response M-67:** The commentor provided the following comment on the Draft EIR:

As indicated in Table 3.7-2, each intersection delivers a peak hour Level of Service that satisfies minimum City of Fort Bragg requirements. It is worthwhile to note that at the SR 1 / North Harbor Drive intersection a few left turns and through traffic movements were made contrary to posted turn prohibitions. **These movements were excluded from the LOS calculations.** It is noted, however, that the turn prohibitions have since been removed. 112

**The LOS analysis should not exclude this relevant data and must be amended to include left turn delays.**

**TABLE 3.7-2: EXISTING INTERSECTION LEVEL OF SERVICE**

| INTERSECTION                                                                    | CONTROL | WEEKDAY PM PEAK HOUR |          |                         | SATURDAY PEAK HOUR |          |                         |
|---------------------------------------------------------------------------------|---------|----------------------|----------|-------------------------|--------------------|----------|-------------------------|
|                                                                                 |         | MIN                  | OBSERVED |                         | MIN                | OBSERVED |                         |
|                                                                                 |         |                      | LOS      | AVERAGE DELAY (SEC/VEH) |                    | LOS      | AVERAGE DELAY (SEC/VEH) |
| SR 1 - Main Street / Cypress Street                                             | Signal  | D                    | B        | 14                      | D <sup>1</sup>     | B        | 13                      |
| Cypress Street / Franklin Street                                                | AWS     | C                    | B        | 12                      | C                  | A        | 9                       |
| SR 1 – Main Street / South Street<br>Southbound left turn<br>Westbound approach | WB Stop | D                    | B        | 11                      | D <sup>1</sup>     | B        | 11                      |
|                                                                                 |         |                      | C        | 23                      |                    | C        | 22                      |

The commenter's demands regarding level of service (LOS) are irrelevant to the legal adequacy of the Draft EIR because, as explained below, since late 2018, changes in LOS can no longer be considered a significant impact under CEQA. It is noted, however, that in 2022, KD Anderson & Associates revised the LOS analysis to reflect changes in traffic movement prohibitions which occurred after 2019. The data in Table 3.7-2 and throughout the Transportation and Circulation section reflects current conditions. See Chapter 3.0, Revisions, of the Final EIR for the updated LOS analysis in the revised Transportation and Circulation section.

In 2013, the Legislature passed legislation with the intention of ultimately doing away with LOS in most instances as a basis for environmental analysis under CEQA. Enacted as part of Senate Bill 743 (Stats. 2013, ch. 386), Public Resources Code section 21099, subdivision (b)(1), directed the Governor's Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed CEQA Guidelines addressing "criteria for determining the significance of transportation impacts of projects within transit priority areas...." Subdivision (b)(2) of section 21099 states that, upon certification of those guidelines, "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion *shall not be considered a significant impact the environment* pursuant to [CEQA], except in locations specifically identified in the [CEQA] guidelines, if any." (Pub. Resources Code, § 21009, subd. (b)(2), emphasis added; see also Draft EIR, pp. 3.7-1 – 3.7-2, 3.7-25.)

In late 2018, the Natural Resources Agency promulgated CEQA Guidelines section 15064.3, pursuant to Senate Bill 743. Subdivision (c) states in relevant part that “[t]he provisions of this section shall apply prospectively as described in [CEQA Guidelines] section 15007.” Section 15007, subdivision (b), states that “[a]mendments to the guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments.”

In *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, 625–626, the Court of Appeal refused to address the merits of a pending CEQA appeal involving the sufficiency of an EIR’s LOS-based analysis of transportation-related impacts. The court found that the legal challenge was moot in that, if the court were to find problems with the analysis and remand the matter back to the respondent city, the city would be under no obligation to undertake additional LOS- based analysis. Accordingly, issues and comments related to LOS need not be addressed in an EIR and cannot be litigated. In its analysis of transportation and traffic impacts, the City included discussions of LOS-related issues on a voluntary basis and not in order to satisfy any CEQA requirement.

**Response M-68:** The commentor provided the following comment on the Draft EIR:

## TRANSPORTATION AND CIRCULATION

3.7

### TRAFFIC SIGNAL WARRANTS

The volume of traffic occurring at unsignalized intersections was compared to peak hour traffic warrants, and the results are noted in Table 3.7-4. As shown, the current volume at the SR 1 (Main Street) / South Street intersection is close to satisfying warrants, but the volumes at this location remain below the minimum requirements for the side street approach (i.e., 100 vph). On Saturday, the peak hour volumes at the SR 1 (Main Street) / North Harbor Drive intersection reach the level that satisfy peak hour warrants, but because the approach is limited to right-turns-only, a traffic signal is not justified. **This conclusion is not justified because it is conditioned on outdated conditions, namely the removal of the right-turns-only limitation. A signal is thus justified.**

113

**TABLE 3.7-4: CURRENT TRAFFIC SIGNAL WARRANTS**

| INTERSECTION                        | WEEKDAY PM PEAK HOUR |       |                           | SATURDAY PEAK HOUR |       |                           |
|-------------------------------------|----------------------|-------|---------------------------|--------------------|-------|---------------------------|
|                                     | VOLUME (VPH)         |       | WARRANT MET? <sup>1</sup> | VOLUME (VPH)       |       | WARRANT MET? <sup>1</sup> |
|                                     | MAJOR                | MINOR |                           | MAJOR              | MINOR |                           |
| Cypress Street / Franklin Street    | 533                  | 179   | No                        | 404                | 102   | No                        |
| SR 1 – Main Street / South Street   | 2,277                | 88    | No                        | 2,224              | 78    | No                        |
| South Street / Franklin Street      | 237                  | 143   | No                        | 238                | 63    | No                        |
| SR 1 – Main Street / N Harbor Drive | 2,330                | 72    | No                        | 2,338              | 130   | Yes                       |
| N Harbor Drive / Franklin Street    | 299                  | 69    | No                        | 382                | 89    | No                        |

<sup>1</sup>BASED ON RURAL PEAK HOUR VOLUME WARRANT ONLY

SOURCE: KDANDERSON & ASSOCIATES, 2019.

### ALTERNATIVE TRANSPORTATION MODES

This section describes the existing pedestrian, bicycle, and transit facilities in the vicinity of the Project site.

#### Pedestrian Facilities

There are sidewalks in many locations on the street surrounding the Project site. Sidewalk is present at these locations:

- both sides of Franklin Street from a point about 250 feet south of South Street northerly to Cypress Street; **This is false: sidewalks and corner ramps are missing from the east side of Franklin St.**
- east side of Franklin Street for 100 feet north of North Harbor Drive;
- both sides of Cypress Street;
- both sides of South Street;
- north side of North Harbor Drive from SR 1 to the Project site (230 feet);
- south side of North Harbor Drive from SR 1 to 160 feet east;
- east side of Main Street (SR 1).

114

Crosswalks are striped at intersections as noted earlier, and ADA ramps have been provided at most locations.

The discussion in question pertains to existing sidewalk facilities; it does not describe where such facilities are not found. As noted on page 3.7-42 of Section

3.7 of the Draft EIR, there are two locations where gaps in the pedestrian system may remain, including:

- The south side of South Street from Franklin Street easterly to Myrtle Street (150 feet)
- The north side of North Harbor Drive between Franklin Street and Myrtle Street (100 feet)

The gaps exist at locations where it appears that residences were constructed prior to the City of Fort Bragg requiring frontage improvements. Privately maintained landscaping exists near the road. The availability of right of way to construct improvements is unknown.

**Response M-69:** The commentor provided the following comment on the Draft EIR:

#### VEHICLE TRIP ASSIGNMENT

Using the trip generation and distribution assumptions described above, the trips generated by the proposed project were assigned to the study area street system. In this case consideration was given to the relative travel time along alternative routes to the same destination. This consideration particularly involved traffic leaving the project headed south on SR 1 and reflects the left turn prohibition at the North Harbor Drive intersection, the stop controls at the South Street intersection and the availability of signaled access to southbound SR 1 at the Cypress Street intersection. It is noted that the left turn prohibition at the North Harbor Drive intersection has since been removed. City staff report that on peak weekend many drivers elect to drive north past South Street to Cypress and turn onto SR 1 at that location. This analysis assumes this maneuver will be attractive, and 1/3 of the exiting project traffic headed south of SR 1 has been assigned along that route. Figure 3.7-2 presents resulting peak hour volumes accompanying the Grocery Outlet project. As indicated, based on the layout of the site and these assumptions we anticipate that the Franklin Street driveway will be the primary access to the site, and 70% of the project's total traffic in and out is shown to use that driveway.

115  
There is no factual support for these assertions that justifies these study assumption.

#### LEVELS OF SERVICE

To assess the quality of existing traffic conditions, Levels of Service were calculated at study area

Additional traffic impact analysis (TIA) was completed in September 15, 2022 by the original traffic impact analysis consultant for the proposed Project, KD Anderson & Associates. Subsequent to the original TIA (KD Anderson & Associates, Inc., 2019) preparation, Caltrans District 1 elected to remove the left turn prohibition on N. Harbor Drive at its intersection with State Route 1 (SR 1). That change allows motorist to turn left directly onto the state highway at this location instead of making the turn at the SR 1 / South Street intersection further north. The change would also provide a route for Project customers headed south. The additional (2022) analysis has been incorporated into Section 3.7 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the changes. In summary, the changed traffic prohibition did not result in increased CEQA impacts to this intersection which were not previously disclosed in the Draft EIR. As noted in Table 3.7-11 of Section 3.7 of the Draft EIR, a traffic signal warrant for the SR 1 / South Street intersection was warranted in the weekday PM peak hour



and Saturday peak hour. With the change in turning movements discussed above, a traffic signal warrant at the SR 1 / South Street intersection is no longer warranted. See Table 3.7-11 in Chapter 3.0, Revisions, of the Final EIR.

**Response M-70:** The commentor provided the following comment on the Draft EIR:

**Traffic Signal Warrants**

The volume of traffic occurring at each intersection with development of the project was again compared to the CA MUTCD peak hour signal warrant thresholds, as noted in Table 3.7-11. With the project, peak hour traffic signal warrants are met at the SR 1 (Main Street) / South Street intersection during the weekday p.m. and Saturday peak period. However, under General Plan policy this is not a significant impact because the approach Level of Service is acceptable (i.e., LOS D). The SR 1 (Main Street) / North Harbor Drive intersection would continue to carry volumes that satisfy peak hour warrants on Saturday, but because the Level of Service remains acceptable, the project's impact is not significant for purposes of compliance with the Coastal General Plan Circulation Element.

116

This conclusion is not justified because the relevant analysis is outdated since it excluded left turns at the SR1/North Harbor Drive intersection based on prior, now inapplicable, turn restrictions. The analysis must be updated to reflect the actual baseline conditions and applicable traffic control measures. As such the record lacks substantial evidence to support this conclusion. This project's contributions to the overall traffic patterns and inadequate conditions must be re-analyzed to reflect left turn delays at this intersection.

Additional traffic impact analysis (TIA) was completed in September 15, 2022 by the original traffic impact analysis consultant for the proposed Project, KD Anderson & Associates. Subsequent to the original TIA (KD Anderson & Associates, Inc., 2019) preparation, Caltrans District 1 elected to remove the left turn prohibition on N. Harbor Drive at its intersection with State Route 1 (SR 1). That change allows motorist to turn left directly onto the state highway at this location instead of making the turn at the SR 1 / South Street intersection further north. The change would also provide a route for Project customers headed south. The additional (2022) analysis has been incorporated into Section 3.7 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the changes. In summary, the changed traffic prohibition did not result in increased impacts to this intersection.

**Response M-71:** The commentor provided the following comment on the Draft EIR:

**TABLE 3.7-9: EXISTING PLUS GROCERY OUTLET STORE INTERSECTION LOS**

| INTERSECTION                         | CONTROL    | WEEKDAY PM PEAK HOUR |          |                         |                 |                         |                | SATURDAY PEAK HOUR |                         |                 |                         |
|--------------------------------------|------------|----------------------|----------|-------------------------|-----------------|-------------------------|----------------|--------------------|-------------------------|-----------------|-------------------------|
|                                      |            | MIN                  | EXISTING |                         | EX PLUS PROJECT |                         | MIN            | EXISTING           |                         | EX PLUS PROJECT |                         |
|                                      |            |                      | LOS      | AVERAGE DELAY (SEC/VEH) | LOS             | AVERAGE DELAY (SEC/VEH) |                | LOS                | AVERAGE DELAY (SEC/VEH) | LOS             | AVERAGE DELAY (SEC/VEH) |
| SR 1 - Main Street / Cypress Street  | Signal     | D                    | B        | 14                      | B               | 14                      | D <sup>1</sup> | B                  | 13                      | B               | 13                      |
| Cypress Street / Franklin Street     | AWS        | C                    | B        | 12                      | B               | 12                      | C              | A                  | 9                       | B               | 10                      |
| SR 1 – Main Street / South Street    | WB Stop    | D                    | B        | 11                      | B               | 12                      | D <sup>1</sup> | B                  | 11                      | B               | 12                      |
| Southbound left turn                 |            |                      | C        | 23                      | D               | 29                      |                | C                  | 22                      | D               | 29                      |
| South Street / Franklin Street       | NB/SB Stop | C                    | A        | 7                       | A               | 7                       | C              | A                  | 7                       | A               | 7                       |
| Westbound left turn                  |            |                      | A        | 8                       | A               | 8                       |                | A                  | 7                       | A               | 7                       |
| Eastbound left turn                  |            |                      | B        | 12                      | B               | 14                      |                | B                  | 11                      | B               | 12                      |
| Northbound approach                  |            |                      | B        | 12                      | B               | 13                      |                | B                  | 11                      | B               | 11                      |
| Southbound approach                  | WB Stop    | D                    | B        | 11                      | B               | 11                      | D <sup>1</sup> | B                  | 11                      | B               | 11                      |
| SR 1 – Main Street / No Harbor Drive |            |                      | B        | 11                      | B               | 12                      |                | B                  | 11                      | B               | 12                      |
| Northbound left turn                 |            |                      | B        | 11                      | B               | 12                      |                | B                  | 11                      | B               | 12                      |
| Southbound left turn                 |            |                      | B        | 13                      | B               | 13                      |                | B                  | 13                      | B               | 13                      |
| Eastbound approach <sup>2</sup>      |            |                      | B        | 14                      | B               | 15                      |                | C                  | 16                      | C               | 17                      |
| Westbound approach <sup>2</sup>      |            |                      | B        | 14                      | B               | 15                      |                | C                  | 16                      | C               | 17                      |
| No Harbor Drive / Franklin Street    | AWS        | C                    | A        | 8                       | A               | 8                       | C              | A                  | 9                       | A               | 9                       |

<sup>1</sup> LOS F ACCEPTED ON SATURDAY SUMMER PEAK HOUR.

<sup>2</sup> EXISTING LEFT TURN AND THROUGH TRAFFIC CONTRARY TO POSTED TRAFFIC CONTROLS IS NOT INCLUDED IN LOS CALCULATION. **Note 2 presents a deficiency in the analysis.**

**BOLD** INDICATES CONDITIONS IN EXCESS OF ADOPTED STANDARD. **HIGHLIGHTED** VALUES ARE A SIGNIFICANT IMPACT.

SOURCE: KDANDERSON & ASSOCIATES, 2019.

117

Please see Response M-67 regarding LOS/CEQA and Response M-70 regarding the additional traffic analysis which was completed to reflect the changed condition.

**Response M-72:** The commentor provided the following comment on the Draft EIR:

#### CUMULATIVE IMPACTS

The extent to which the Grocery Outlet Store project complies with Circulation Element standards 118  
has also been considered within the context of future traffic conditions in this area of Fort Bragg. How?  
Long term traffic conditions have been forecast and evaluated based on growth assumptions made  
in other recent traffic studies and based on understanding of other approved projects in this area.

#### Year 2040 Long Term Background Cumulative Conditions

##### APPROACH TO DEVELOPING TRAFFIC VOLUME FORECASTS

Future traffic volumes were created based on long term future traffic volumes growth rates provide by Caltrans. *Caltrans 2014 Growth Factors (2014)* have been employed for recent Fort Bragg traffic studies and have been used herein. These 20-year growth factors were developed from California Air Resources Board traffic growth projections and historic traffic growth data. A growth factor of 1.15 has been employed, which is equivalent to roughly 0.7% annual growth.

The extent to which other approved projects should be considered in future forecasts in addition to the growth rate was considered. City of Fort Bragg staff reported that one approved project exists in the area of the Grocery Outlet Store that would be expected to result in traffic volume increases beyond that already addressed by the assumed background growth rate. *The Plateau Housing Project* is located on the east end of South Street south of Kempe Way.

That project totals 68 residences, divided between 20 units of permanent supportive housing, 25 units of affordable senior housing and 23 units of workforce / family housing. Based on ITE rates for Detached Senior Residences (code 215) and Multiple Family Residences (code 220) the project could generate 432 weekday and 418 Saturday daily trips, with 32 trips in the weekday p.m. peak hour and 36 trips in the Saturday midday peak. The trip generation calculation for the workforce / family housing portion of *The Plateau Housing Project* is considered a worst-case scenario. These trips were assigned to the study area street system based on current travel patterns, and subsequently superimposed onto the cumulative background forecast.

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3.7-16 Draft Environmental Impact Report – Best Development Grocery Outlet

The answer to the commenter's question lies on the page the question was posed. See page 3.7-16 of the Draft EIR. As discussed:

Future traffic volumes were created based on long term future traffic volumes growth rates provide by Caltrans. *Caltrans 2014 Growth Factors (2014)* have been employed for recent Fort Bragg traffic studies and have been used herein. These 20-year growth factors were developed from California Air Resources Board traffic growth projections and historic traffic growth data. A growth factor of 1.15 has been employed, which is equivalent to roughly 0.7% annual growth.

The extent to which other approved projects should be considered in future forecasts in addition to the growth rate was considered. City of Fort Bragg staff reported that one approved project exists in the area of the Grocery Outlet Store



that would be expected to result in traffic volume increases beyond that already addressed by the assumed background growth rate. *The Plateau Housing Project* is located on the east end of South Street south of Kempe Way.

That project totals 68 residences, divided between 20 units of permanent supportive housing, 25 units of affordable senior housing and 23 units of workforce / family housing. Based on ITE rates for Detached Senior Residences (code 215) and Multiple Family Residences (code 220) the proposed Project could generate 432 weekday and 418 Saturday daily trips, with 32 trips in the weekday p.m. peak hour and 36 trips in the Saturday midday peak. The trip generation calculation for the workforce / family housing portion of *The Plateau Housing Project* is considered a worst-case scenario. These trips were assigned to the study area street system based on current travel patterns, and subsequently superimposed onto the cumulative background forecast.

**Response M-73:** The commentor provided the following comment on the Draft EIR:

**Peak Queues.** As noted in Table 3.7-13, background traffic growth will result in longer queues at the intersections on Cypress Street. At the Main Street / Cypress Street intersection the 95<sup>th</sup> percentile queue in the westbound left turn lane may increase to 165 feet during peak periods. However as noted in the discussion of existing conditions, the queue will continue to extend into the transition area between the left turn lane and the adjoining TWLT lane but will not spillover into the adjoining through lane. Because the through travel lane is not affected, background conditions would be acceptable.

119 This is not accurate. This DEIR indicates that the westbound left turn lane includes only 100 feet of queue capacity at the SR1/Cypress Street intersection. The existing conditions exceed that available queue capacity and vehicles waiting to turn left at the signal often backs up into the through travel lane, which is consistent with my personal experience driving vehicles through this intersection and waiting to turn left onto SR1 or proceed through the intersection to access W. Cypress Street. This project contributes at least 10 feet of needed queuing space for left turns at this intersection, which, along with the cumulative impacts of nearby projects like the Plateau housing development accessed off of South Street, presents a cumulatively considerable contribution to the overall conditions that fail to meet applicable performance criteria set out in the Coastal General Plan. As such, there is no substantial evidence in the record to support this asserted conclusion and this project presents an unmitigated cumulatively considerable contribution to the impacts that requires mitigation to reduce the project's impacts to less-than-significant. For example, by improving the Cypress Street intersection's performance through redirecting existing and projected traffic to the South Street and North Harbor Drive intersections with SR1 by requiring the project to pay its fair share contribution to improvements at those intersections as mitigation measures. Further, the traffic analysis in the DEIR needs to be updated to include analysis of the effectiveness of these mitigation measures in reducing the impacts to less-than-significant.

As noted on page 3.7-6 of the Draft EIR, Table 3.7-3 identifies the 95th percentile queue lengths occurring at the signaled SR 1 (Main Street) / Cypress Street

intersection during the weekday p.m. peak hour and Saturday peak hour. As noted, the westbound queue length exceeds the length of the striped left turn lane on that approach. In this case the queue extends back into the 40-foot long transition area between the westbound lane at the SR 1 intersection and the TWLT lane that continues towards the Cypress Street / Franklin Street intersection. The 95th percentile queue would not block access to the existing driveway served by the TWLT lane. It is also noted that the Plateau Housing Project was considered in the near-term and cumulative traffic condition.

**Response M-74:** The commentor provided the following comment on the Draft EIR:

120 ***Peak Queues.*** As noted in Table 3.7-13, the project will add westbound left turns at the SR 1 (Main Street) / Cypress Street intersection, and the 95<sup>th</sup> percentile queue may increase by about 10 feet during peak periods. However as noted in the discussion of existing plus project impacts, the queue will continue to extend into the transition area between the left turn lane and the adjoining TWLT lane but will not spillover into the adjoining through lane. **Because the through travel lane is not affected, the project's impact is not significant for purposes of compliance with the Coastal General Plan Circulation Element.**

Not accurate, the left turn lane is only 100 feet long from SR1 eastward so the queue will back up into the through lane.

***Traffic Signal Warrants.*** Table 3.7-15 notes Year 2040 Plus Project traffic volumes and identifies the status of resulting peak hour traffic signal warrants. As indicated, peak hour traffic signal warrants would be satisfied at the same intersections identified under the background Year 2040 conditions. The SR 1 (Main Street) / South Street intersection would carry volumes that satisfy warrants in both the weekday p.m. peak hour and Saturday peak hour, while the SR 1 (Main Street) / North Harbor Drive intersection satisfies peak hour warrants in the Saturday peak hour.

3.7-20 Draft Environmental Impact Report – Best Development Grocery Outlet

Please see Response M-73.

**Response M-75:** The commentor provided the following comment on the Draft EIR:

**Project Impacts / Mitigation Options.** Based on General Plan policy, the project's cumulative impact is significant for purposes of compliance with the Coastal General Plan Circulation Element at the SR 1 (Main Street) / South Street intersection since the project will cause the intersection to operate at LOS E, which exceeds the LOS D minimum, and peak hour traffic signal warrants are met. **The project's impact is significant for purposes of compliance with the Coastal General Plan Circulation Element, and Conditions of Approval are required based on LOS. This is partially true but technically inaccurate: the DEIR needs to include appropriate MITIGATION MEASURES to address this impact.** To address future conditions at this location it would be necessary to consider alternatives such as:

**Prohibit westbound left turns, as is the case at the SR 1 (Main Street) / North Harbor Drive intersection.** **Not accurate and not within the City's authority since Caltrans controls the SR1 right of way, including the intersecting street approaches at these intersections.**

Install traffic controls that stop the flow of traffic on SR 1 in order to allow side street traffic to enter, such as an **all-way stop**, a **traffic signal** or a **roundabout**.

**Pursuant to a Condition of Approval for the Project, the Project applicant would be required to pay their fair share fee for the traffic control at the SR 1 (Main Street) / North Harbor Drive intersection.** **How do improvements to this intersection improve the performance at SR1/South Street?**

Table 3.7-12 also presents the Levels of Service occurring during the weekday p.m. peak hour with the Grocery Outlet Store as these treatments are pursued. As indicated, prohibiting left turns would result in LOS C at the intersection. While traffic diverted will likely make a right turn before making a u-turn at Cypress Street, the SR 1 (Main Street) / Cypress Street intersection would still operate at LOS C with this additional traffic. The cost to sign and stripe the intersection for these new controls would be minimal. Either a traffic signal or roundabout would yield LOS A, a Level of Service that satisfies the City's minimum standard, but the feasibility of either option at an intersection that is only 700 feet from the Cypress Street traffic signal will need to be confirmed. The cost of a traffic signal on the state highway would likely be about \$500,000, depending on the extent of ancillary intersection improvements required under Caltrans standards. The cost to retrofit an existing intersection to a two-lane roundabout would likely be in the range of \$1.5 to \$2.5 million.

**Because any improvements within the state right of way require Caltrans approval, it is important to consider the steps needed to gain approval for any mitigation.** **Caltrans policy regarding applicable The DEIR determines mitigation is necessary but fails to incorporate actual mitigation measures. This is a flaw requiring revision to include feasible mitigation measures rather than hypothetical future special conditions.**

Draft Environmental Impact Report – Best Development Grocery Outlet 3.7-21

The answer to questions 121 and 122 can be found on the page which is shown above. See Page 3.7-21. As discussed, "Pursuant to a Condition of Approval for the proposed Project, the Project applicant would be required to pay their fair share fee for the traffic control at the SR 1 (Main Street) / North Harbor Drive intersection." A mitigation measure is not warranted because LOS is not a CEQA topic; instead; this requirement will be implemented through an enforceable Condition of Approval.

As noted in Response M-52, the Applicant must comply with the Condition of Approval and the City will enforce it. This fair-share contribution also will be included as a "Condition of Approval" that will bind both the Applicant and City to this requirement. (Draft EIR, p. 3.7-22 "[t]he Grocery Outlet Store Project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the proposed Project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street



intersection”].) Thus, this requirement is enforceable and the proposed Project will be implemented with it intact. (See Berkeley Hillside Preservation, supra, 60 Cal.4th at p. 1119 [CEQA presumes that a project will be implemented as proposed].)

Please also see Response M-67 regarding LOS.

**Response M-76:** The commentor provided the following comment on the Draft EIR:

### 3.7 TRANSPORTATION AND CIRCULATION

traffic controls has recently been expanded based on *Traffic Operations Policy Directive 13-02*. This directive requires that Caltrans consider the relative merits of alternative traffic controls when it becomes necessary to stop traffic on state highways. Roundabouts are the default intersection control, but all-way stops and traffic signals are to be considered. The policy directive requires preparation of an *Intersection Control Evaluation (ICE)* to determine the preferred traffic control. A preliminary ICE report would consider issues such as comparative traffic operations, right of way requirements, effects on adjoining access, etc. City of Fort Bragg preferences amongst feasible alternatives can also be considered. After an applicable solution is identified and funded, work would be completed in the Caltrans right of way under an encroachment permit from Caltrans.

**Mitigations.** The Grocery Outlet Store project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection.

125 **Despite this conclusion, no such mitigation measures are included in the DEIR. Revise accordingly.** Table 3.7-16 notes the Grocery Outlet Store project’s relative contribution to future traffic volumes at each study intersection based on the method recommended in Caltrans traffic study guidelines. As shown, project trips represent 16.1% of the future new traffic at the SR 1 / South Street intersection. Assuming a \$500,000 traffic signal, the project’s contribution could be \$84,500.

Please see Response M-75.

**Response M-77:** The commentor provided the following comment on the Draft EIR:

### 3.7 TRANSPORTATION AND CIRCULATION

“By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact. Regional-serving retail development, on the other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact. Where such development decreases VMT, lead agencies should consider the impact to be less-than-significant.” 126 **The proposed Grocery Outlet will serve the entire coastal region.**

The commenter is correct that the proposed Project will serve the region; however, the proposed Project-specific analysis shows that the proposed Project would not have a significant VMT impact



**Response M-78:** The commentor provided the following comment on the Draft EIR:

#### 6. ADDITIONAL ACCESS TO NOYO HARBOR

127

Currently, access to the north side of Noyo Harbor is limited to North Harbor Drive. Another access is required to improve traffic circulation and to ensure that emergency vehicles can reach Noyo Harbor in the event North Harbor Drive is obstructed. Improved access to the Noyo Harbor would be considered if and when the City annexes the harbor.

#### Goal C-6 Improve access to the North Part of the Noyo Harbor.

**Policy C-6.1** Provide Additional Access Routes to Noyo Harbor: Consider constructing a new access route from the west side of Main Street to the north side of the Noyo Harbor. Any new access route to the north side of the Noyo Harbor shall be consistent with all applicable policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

- Program C-6.1.1: Evaluate the economic and environmental feasibility of acquiring an access route to Noyo Harbor using existing road alignments extended onto the Georgia-Pacific site.

This important issue is mentioned but not analyzed in the DEIR. The project's contribution to this existing unsafe condition should be reviewed in detail. Doing so will require revision of the DEIR to include that analysis.

Please see Response M-45 regarding General Plan policy consistency.

It is noted that the highlight and comment was taken from Section 3.7.2, Regulatory Setting, of Section 3.7 of the Draft EIR. The discussion does not pertain to the proposed Project and instead discusses Noyo Harbor access-related General Plan discussions.

According to the City, the Noyo Harbor Access Planning Project is in its infancy. The City is working with other regional agencies and intends to apply for a planning grant in 2023 that will provide funds to address the need for an alternate egress out of the Noyo Harbor.

**Response M-79:** The commentor provided the following comment on the Draft EIR:

## TRANSPORTATION AND CIRCULATION

3.7

### 9. PEDESTRIAN FACILITIES

Most areas of Fort Bragg have sidewalks for pedestrians. There are, however, a number of residential streets which lack sidewalks, and substandard sidewalk facilities exist throughout the City. Better pedestrian access across Fort Bragg's bridges and along Main Street from the Noyo Bridge to the southern City limits and from Elm Street north is needed. New development must be served by adequate pedestrian facilities. In addition to the policies and programs listed below, see the Conservation, Open Space, and Parks Element regarding policies and programs recommended for increasing and improving the trail system within the Planning Area.

128

This project is not served by adequate pedestrian facilities because of missing sidewalks that won't be provided.  
Goal C-9 Make it easier and safer for people to walk in Fort Bragg.

Please see Response M-68 regarding sidewalk gaps and Response M-45 regarding General Plan policy consistency.

It is noted that the highlight and comment was taken from Section 3.7.2, Regulatory Setting, of Section 3.7 of the Draft EIR. The discussion does not pertain to the proposed Project and instead discusses pedestrian related General Plan discussions.

**Response M-80:** The commentor provided the following comment on the Draft EIR:

### 3.7.3 IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the proposed Project will have a significant impact on transportation and circulation if it would result in:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); and/or
- Result in inadequate emergency access.

129

These are the checklist questions not the relevant thresholds of significance.

#### IMPACTS AND MITIGATION MEASURES

**Impact 3.7-1: Project implementation would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (Less than Significant)**

##### PEDESTRIAN IMPACTS

Pedestrians were included in the intersection traffic counts. There are sidewalks in many locations on the streets surrounding the project. Sidewalk is present at these locations:

- both sides of Franklin Street from a point about 250 feet south of South Street northerly to

Draft Environmental Impact Report – Best Development Grocery Outlet

3.7-41

As explained at length previously (see Response M-15, for example), thresholds based on questions included in the CEQA Guidelines (Appendix G) are acceptable for use in EIRs.

**Response M-81:** The commentor provided the following comment on the Draft EIR:

## 3.7 TRANSPORTATION AND CIRCULATION

## Cypress Street

- east side of Franklin Street for 100 feet north of North Harbor Drive 130
- both sides of Cypress Street Not accurate: sidewalks on the south side of South St. east of the
- both sides of South Street project and portions of the east side of Franklin are missing.
- north side of North Harbor Drive from SR 1 to the project site (230 feet)
- south side of North Harbor Drive from SR 1 to 160 feet east
- east side of Main Street (SR 1)

Crosswalks are striped at intersections as noted earlier, and ADA ramps have been provided at most locations.

Some Grocery Outlet Store employees or customers will elect to walk to and from the site, as there is residential and commercial development near the site. However, sidewalk exists on the streets adjoining the site, and with frontage improvements installed by Grocery Outlet Store, sidewalks will generally provide a complete path of travel to and from the site. There are two locations where gaps in the pedestrian system may remain, including:

- The south side of South Street from Franklin Street easterly to Myrtle Street (150 feet)
- The north side of North Harbor Drive between Franklin Street and Myrtle Street (100 feet)

The gaps exist at locations where it appears that residences were constructed prior to the City of Fort Bragg requiring frontage improvements. Privately maintained landscaping exists near the road. The availability of right of way to construct improvements is unknown.

Please see Response M-68 regarding sidewalk gaps and Response M-45 regarding General Plan policy consistency. The gaps which the commenter has pointed out are discussed in the subsequent sentences, as shown in the above.

**Response M-82:**

The commentor provided the following comment on the Draft EIR:

## CONCLUSION

Implementation of the proposed Project would not result in a conflict with an existing or planned pedestrian facility, bicycle facility, or transit service/facility. In addition, the Project would not interfere with the implementation of a planned bicycle facility, pedestrian facility, or transit service/facility. The Project would not cause a degradation in transit service such that service does not meet performance standards established by the transit operator. Overall, implementation of

132

the proposed project would have a *less than significant* impact relative to this topic.

This conclusion is not justified because the project conflicts with several applicable policies that remain unmitigated.

**Impact 3.7-2: Project implementation would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) (Less than Significant)**

Starting in July 2020, CEQA Guidelines section 15064.3 requires agencies to move from a Level of Service based impacts analysis under CEQA to analysis based on regional Vehicle Miles Traveled (VMT). Current direction regarding methods to identify VMT and comply with state requirements is provided by the California Governor's OPR December 2018 publication, *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

This advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. Again, OPR provides this Technical Advisory as a resource for the public to use at their discretion. OPR is not enforcing or attempting to enforce any part of the recommendations contained therein. (Gov. Code, § 65035 ["It is not the intent of the Legislature to vest in the Office of Planning and Research any direct operating or regulatory powers over land use, public works, or other state, regional, or local projects or programs."].) OPR provides this direction for retail projects:

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Draft Environmental Impact Report – Best Development Grocery Outlet

3.7-43

Please see Response M-45 regarding General Plan policy consistency.

**Response M-83:**

The commentor provided the following comment on the Draft EIR:

VMT.

133

The relevant applicable analysis scenarios were analyzed using the methodologies described above, and the VMT analysis results are summarized in Table 3.7-17. The results in Table 3.7-17 indicate that the Project would result in a net increase in VMT over baseline conditions. However, the model considers a very limited amount of re-routing of Fort Bragg residents that currently go to the Grocery Outlet store located in Willits for grocery shopping. As such, the VMT calculation was adjusted for re-routing.

According to information provided by Grocery Outlet, over the last 12 months (June 2021 to June 2022), around 9% of the people that visit their Willits store come from Fort Bragg. Considering that the length of a one-way trip from Fort Bragg to the Willits Grocery Outlet store is approximately 35 miles, and one mile from Fort Bragg to the Project, 990 VMT is equivalent to the re-routing of 30 one-way trips or 15 round trips from the Willits Grocery Outlet store to the Project store. Per the Institute of Transportation Engineers *Trip Generation Manual, 11th Edition*, a grocery store such as the one in Willits generates approximately 3,500 daily one-way trips.

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3.7-44

Draft Environmental Impact Report – Best Development Grocery Outlet

Please see Response M-84 regarding VMT.



**Response M-84:** The commentor provided the following comment on the Draft EIR:

### TRANSPORTATION AND CIRCULATION

3.7

Therefore, in conclusion, the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions. Table 3.7-18 shows the adjusted VMT results accounting for a trip redistribution from the Willits Grocery Outlet to the Fort Bragg Grocery Outlet of 1% and 9%. Table 3.7-18 is referenced but omitted. These conclusions lack any evidentiary support as a result. The only analysis suggests a significant impact. 134

**TABLE 3.7-17: PROJECT EFFECT ON VMT AFTER INITIAL MODELING**

| ANALYSIS HORIZON YEAR                        | SCENARIO               | SCENARIO VMT |
|----------------------------------------------|------------------------|--------------|
| Model Base Year 2009                         | No Project             | 659,672      |
|                                              | Plus Project           | 658,755      |
|                                              | <b>Year 2009 Delta</b> | <b>-917</b>  |
| Model Future Year 2030                       | No Project             | 763,620      |
|                                              | Plus Project           | 764,610      |
|                                              | <b>Year 2030 Delta</b> | <b>+990</b>  |
| <b>Interpolated Baseline Year 2022 Delta</b> |                        | <b>+ 263</b> |

(\*see also 133)

SOURCE: FEHR & PEERS, 2022. These both show significant impact due to increased VMT. 135

Thus, per the significance criteria, the modeled VMT results, and the adjustments based on market information presented previously, the Project results in a less-than-significant impact. 136  
There is no evidentiary support for this conclusion, which is merely an unsupported assertion.

Table 3.7-18 was inadvertently omitted from this section. This table, prepared by traffic consultant Fehr & Peers, however, appears in Appendix H of the Draft EIR (p. 6). The table is shown below:

**TABLE 3.7-18: PROJECT EFFECT ON VMT ACCOUNTING FOR TRIP REDISTRIBUTION FROM WILLITS GROCERY OUTLET TO FORT BRAGG GROCERY OUTLET**

| ANALYSIS HORIZON YEAR                        | SCENARIO               | SCENARIO VMT (1% REDISTRIBUTION) | SCENARIO VMT (9% REDISTRIBUTION) |
|----------------------------------------------|------------------------|----------------------------------|----------------------------------|
| Model Base Year 2009                         | No Project             | 659,672                          | 659,672                          |
|                                              | Plus Project           | 657,565                          | 648,045                          |
|                                              | <b>Year 2009 Delta</b> | <b>-2,107</b>                    | <b>-11,627</b>                   |
| Model Future Year 2030                       | No Project             | 763,620                          | 763,620                          |
|                                              | Plus Project           | 763,420                          | 753,900                          |
|                                              | <b>Year 2030 Delta</b> | <b>-200</b>                      | <b>-9,720</b>                    |
| <b>Interpolated Baseline Year 2022 Delta</b> |                        | <b>-927</b>                      | <b>-10,447</b>                   |

SOURCE: FEHR & PEERS, 2022.

See Chapter 3.0, Revisions, of this Final EIR for the revision.

Based on this data showing a net reduction in vehicle miles traveled (VMT), Fehr & Peers concludes: "Thus, per the significance criteria, the modeled VMT results, and the adjustments based on market information presented previously, the proposed Project results in a less-than-significant impact." (Draft EIR, Appendix H [p.6].)

This quantitative analysis is confirmed by traffic consultant KD Anderson's qualitative analysis:

Based on the location of competing stores, the most likely effect on regional travel associated with the development of the proposed Project is to slightly reduce the length of trips from areas south of the river off of SR 20 or SR 1 that are today made northbound, and to offer another option for shopping trips made by residents of areas to the north. As the proposed project is relatively close to other stores, the regional effect on VMT is likely to be small, but generally will be reduced by offering a closer option for northbound traffic.

(Draft EIR, Appendix F [p. 35].)

Also on this subject, KD Anderson states:

The regional effect on VMT is likely to be small, but generally will be reduced by offering a closer option for northbound traffic. This conclusion is consistent with the OPR presumption that the VMT effects of locally serving retail uses of 50,000 sf or less may be considered to be less than significant.

Testimony offered at the Planning Commission supported the conclusion that the Fort Bragg Grocery Outlet Store would reduce regional VMT. Many speakers described driving to the existing Grocery Outlet Store in Willets and stated that they would patronize the new store in Fort Bragg. This redistribution of current traffic to a closer Grocery Outlet Store is consistent with OPR guidance.

Similarly, the Grocery Outlet Store representative also provided supporting testimony. Based on their experience, the entry of Grocery Outlet Store into any community...redistribute[s] the current shopping pattern, but based on Bureau of Labor Statistics analytics, community grocery consumption remains the

same regardless of the number of grocers servicing the area. That dynamic supports the notion that the entry of Grocery Outlet actually lowers VMT and traffic congestion as consumers travel choices tend to favor convenience. Thus, the entry of any new grocer will tend to reduce travel as consumers located near the new location will gravitate to that new location making shorter trips. While traffic studies may conservatively describe trips to the Grocery Outlet Store as "new", there is an offsetting reduction in trips to the pre-existing grocery providers.

(Draft EIR, Appendix G [pp. 8-9].)

Thus, the Draft EIR's conclusion that "the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions" is supported by the analysis of two different traffic experts, constituting ample substantial evidence. (See Pub. Resources Code, § 21082.2; Guidelines, § 15384.) The above-referenced appendices were: (1) included as part of the publicly circulated Draft EIR; (2) expressly identified in the Table of Contents (p. TOC-5); (3) specifically cited at the beginning of Section 3.7 (p. 3.7-1); and (4) readily and easily accessible to readers. (See *Ocean Street Extension Neighborhood Assn. v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1006-1008 (Ocean Street) [in upholding EIR, court relies in part on appendix, which the court considered to be part of the EIR: "[t]he FEIR explains that there are possible significant effects that were determined not to be significant with mitigation measures in place and directs readers to the appendix for more detail"].)

**Response M-85:** The commentor provided the following comment on the Draft EIR:

### 3.7 TRANSPORTATION AND CIRCULATION

#### CONCLUSION

Implementation of the proposed Project would not result in a geometric design feature that is inconsistent with applicable design standards for the City of Fort Bragg. The Project would not result in a significant change to the vehicle mix or speed of traffic that is not compatible with the design of existing or planned facility design.

137 The Project does not propose any new roadways or transportation facilities that would be inconsistent with applicable design standards for the City of Fort Bragg. As discussed above, the Site is accessed on the north end via a paved entrance to South Street, and an existing dirt driveway runs across the southern parcel from S. Franklin Street to N. Harbor Drive. The proposed project includes construction of new, defined entrances to S. Franklin Street and N. Harbor Drive on the south and east end of the Site to accommodate the retail store entrance. The existing driveway on the north end of the Site would be removed as part of the project. The project will additionally include an internal system of walkways and crosswalks to provide pedestrian connectivity between the parking lot, building, and sidewalk. A sidewalk would be constructed along the South Street, S. Franklin Street, and N. Harbor Drive frontages, as required by City standards to provide pedestrian access around the Site, and where required, existing sidewalks would be upgraded to meet City standards. The City standards which the Project would be subject to are designed to prevent hazards due to geometric design features. Additionally, it is noted that proposed Project Special Condition 25 requires stop signs at all four points of the intersection at South Street and South Franklin.

138 How? There is no factual basis for this statement. What is the wording of SC#25 and how does that impact the analysis? As indicated in the *Traffic Impact Analysis*, the proposed Project may result in pedestrians in two roadway locations near the project where sidewalks do not exist. Therefore, the City should consider installing No Parking signs in these areas. As demonstrated by the proposed design improvements shown on the Site Plan, the Site has been designed to provide ample access, driveway width, and turning radii. Overall, implementation of the proposed Project would have a less than significant impact relative to this topic. There is no justification for this asserted conclusion.

#### 140 Impact 3.7-4: Project implementation would not result in inadequate emergency access (Less than Significant)

Implementation of the proposed Project would not create roadway and transportation facilities that impede access for emergency response vehicles. All existing roadways and intersections, and internal transportation network is designed to maintain levels of accessibility for police and fire response times, which ensures vehicles have the necessary access when responding to an emergency. Therefore, this impact would be less than significant.

141 There is no justification for this asserted conclusion. In fact, the DEIR mentions the demonstrated need for alternative access to the north side of Noyo Harbor, which is accessed only from North Harbor Drive, in order to provide adequate emergency access. This project contributes to this existing problem by adding more traffic and increasing delays on North Harbor Drive as well as the adjacent South Street, both of which are ambulance travel paths for emergency vehicles accessing the nearby hospital's emergency room, that is only a short distance east of this project location off of South Street. The project's impacts to emergency vehicles being able to timely access the hospital's ER should be analyzed in this DEIR, which requires relevant revisions.

3.7-46 Draft Environmental Impact Report – Best Development Grocery Outlet

137 This is false. The project proposes a site layout and parking area design that is inconsistent with the Citywide Design Guidelines that apply to this project.

Design Review is not required at the EIR phase. As noted on page 2.0-6, the proposed Project will be subject to Design Review. The Design Review would



include a review of the proposed site plans as they relate to the Citywide Design Guidelines requirements.

As discussed in the Draft EIR, the Project is subject to the mandatory provisions of the City's Design Guidelines. The aesthetic impacts of the proposed Project have already been analyzed in the EIR. While not a CEQA issue, City staff's analysis of the Project against the mandatory guidelines is included as new Appendix E of this Final EIR. The analysis includes conditions to ensure compliance where required.

The internal system of walkways and crosswalks are shown in Figure 2.0-5, Site Plan, in Chapter 2.0 of the Draft EIR.

As a Special Condition for the proposed Project, a stop sign would be provided at the South Street / S. Franklin Street intersection before the proposed Project is operational. The Applicant will be legally bound to comply with Project Conditions of Approval, and the City will be bound to enforce them.

According to the City, the Noyo Harbor Access Planning Project is in its infancy. The City is working with other regional agencies and intends to apply for a planning grant in 2023 that will provide funds to address the need for an alternate egress out of the Noyo Harbor. The commenter states that the DEIR mentions the demonstrated need for alternative access to the north side of Noyo Harbor in order to provide emergency access. The text in question is from the Regulatory Setting section of Section 3.7 in the discussion of the City's General Plan, and is reproduced below:

Currently, access to the north side of Noyo Harbor is limited to North Harbor Drive. Another access is required to improve traffic circulation and to ensure that emergency vehicles can reach Noyo Harbor in the event North Harbor Drive is obstructed. Improved access to the Noyo Harbor would be considered if and when the City annexes the harbor.

**Goal C-6 Improve access to the North Part of the Noyo Harbor.**

***Policy C-6.1*** Provide Additional Access Routes to Noyo Harbor: Consider constructing a new access route from the west side of Main Street to the north side of the Noyo Harbor. Any new access route to the north side of the Noyo Harbor shall be consistent with all applicable policies of the LCP including, but not limited to, the wetland, environmentally sensitive habitat area, public access, and visual protection policies.

The discussion in the DEIR reflects a current planning issue identified by the City of Fort Bragg in their Coastal General Plan. The proposed Project would not result in unacceptable delays at any N. Harbor Drive intersections. The discussion in Impact 3.7-4 is factual and accurate.



**Response M-86:** The commentor provided the following comment on the Draft EIR:

#### UTILITIES AND SERVICE SYSTEMS

3.8

**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.** 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.

142 **There is not adequate evidence of sufficient water supply for any new development in Fort Bragg.**

- 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;

Please see Response M-91 regarding water supply.

**Response M-87:** The commentor provided the following comment on the Draft EIR:

#### THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the proposed Project will have a significant impact on the environment associated with Utilities if it will:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new wastewater treatment and/or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Result in a determination by the wastewater treatment and/or collection provider which serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

143

**These purported thresholds of significance relating to wastewater treatment do not actually contain any quantifiable review criteria and must be revised to do so.**

3.8-6

Draft Environmental Impact Report – Best Development Grocery Outlet

As explained earlier, qualitative thresholds, and thresholds based on Guidelines Appendix G questions, are acceptable for use in EIRs. Nevertheless, to determine

if the proposed Project will violate the Appendix G-based wastewater thresholds, the Draft EIR looks quantitatively at the design flow capacity of the Fort Bragg Wastewater Treatment Plant (WWTP), calculated in million gallons per day, and the actual average daily wastewater flow volume of the facility, also using million gallons per day, to correctly determine that the WWTP can accommodate the proposed Project because, in large part, it can meet the City's "wastewater service demands through buildout of the General Plan," inclusive of the proposed Project, which is an allowable use under the site's General Plan land use designation. (Draft EIR, p. 3.8-7.)

**Response M-88:** The commentor provided the following comment on the Draft EIR:

The Summers Lane Reservoir, an off-stream storage facility that holds water from Waterfall Gulch, is a new reservoir with a capacity of 45 acre-feet (AF) located on this same property. During Fiscal Year 2016-2017, the City completed the Summers Lane Reservoir Project, providing an additional 15 million gallons (MG) of raw water storage to help ensure a reliable water supply during the late summer months when flows are low at the City's three water sources. In addition, this new raw water storage will ensure adequate water supply during severe drought years and will help to meet the needs of future development for the City. **How? This assertion is not explained.** 144

Additionally, in 2021, the City installed reverse-osmosis desalination plant ready to treat 144,000 gallons per day. The system is expected to help the city survive extreme drought conditions that have left the Noyo River, one of its three primary drinking water sources, susceptible to water

145 **How exactly? This assertion is not explained.**

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| Draft Environmental Impact Report – Best Development Grocery Outlet | 3.8-9 |
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Please see Response M-91 regarding water supply.



**Response M-89:** The commentor provided the following comment on the Draft EIR:

### 3.8 UTILITIES AND SERVICE SYSTEMS

quality issues during high tide events. High tides lead to saltwater intrusion in the Noyo River all the way up to the city's water intake pumps whenever the streamflow falls below 1.5 cubic feet per seconds (CFS).

Approximately 20% of the City's water supply during the summer months is drawn from the Newman and Summers Lane Reservoirs and approximately 25% throughout the year is from the Waterfall Gulch diversion, all of which are gravity fed through a single ten-inch pipeline to the raw water storage ponds at the WTP. Table 3.8-2 shows the City's approved water appropriations by water source.

**TABLE 3.8-2: CITY OF FORT BRAGG WATER APPROPRIATIONS**

| WATER SUPPLY SOURCE | WATER APPROPRIATIONS         | ESTIMATED RELIABLE PUMPING CAPACITY |
|---------------------|------------------------------|-------------------------------------|
| Noyo River          | 1,500 AF (488.777 MG)        | 3.0 cfs                             |
| Newman Gulch        | 300 AF (97.755 MG)           | 0.5 cfs                             |
| Waterfall Gulch     | 475 AF (154.779 MG)          | 0.668 cfs                           |
| <b>Total</b>        | <b>2,275 AF (741.312 MG)</b> | <b>4.168 cfs</b>                    |

SOURCE: CITY OF FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1 MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE.

The City's operational treated water storage requirement is 3.3 MG. Table 3.8-3 below shows the water storage capacity for each of the City's water storage facilities.

**TABLE 3.8-3: CITY OF FORT BRAGG WATER STORAGE**

| STORAGE FACILITY       | STORAGE CAPACITY |
|------------------------|------------------|
| Summers Lane Reservoir | 14.6 MG          |
| Newman Reservoir       | 0.3 MG           |
| Water Fall Reservoir   | 0.005 MG         |
| Raw Water Ponds        | 3.0 MG           |
| Clearwell              | 0.025 MG         |
| <b>Total</b>           | <b>17.93 MG</b>  |

SOURCE: CITY OF FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1 MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE.

### WATER DEMAND

The water system annual demand is approximately 250 MG or 767 acre-feet (AF) of drinking water. During the summer months, the water demand peaks at around 0.900 MGD with the peak tourist season. During winter months, the water demand averages 0.600 MGD. Table 3.8-4 below shows the water demand levels for fiscal year 2015-2016 by season.

146

This data may be too old to be sufficiently relevant or useful. More recent years have consistently involved serious drought conditions and the City has adopted regular water shortage declarations and restricted use because the water supply is close to being inadequate for existing development, let alone any new development. The water demand analysis should address both pre-drought and drought conditions for a complete picture and more reliable findings.

According to the City, the 2015-2016 demand shown in the text in question and subsequent page is the most recent water supply data. The year 2015 was a significant drought year.

**Response M-90:** The commentor provided the following comment on the Draft EIR:

#### THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the proposed Project may have a significant impact on the environment associated with Utilities if it would:

- Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- or

147

**These purported thresholds do not include objective or measurable criteria and must be revised accordingly.**

Draft Environmental Impact Report – Best Development Grocery Outlet

3.8-15

Once again, qualitative thresholds, and thresholds based on Guidelines Appendix G questions, are acceptable for use in EIRs. Nevertheless, the Draft EIR looks quantitatively at the City's water storage capacity, calculated in million gallons, and the proposed Project's maximum possible water requirements by use, pursuant to the City's current Water System Study and Master Plan, to correctly determine that the City has adequate capacity to serve the proposed Project. (Draft EIR, pp. 3.8-16 - 3.8-17.) Refer to Response M-91 for more detail on the adequacy of the EIR's water supply analysis.

**Response M-91:** The commentor provided the following comment on the Draft EIR:

### 3.8 UTILITIES AND SERVICE SYSTEMS

- Have insufficient water supplies available to serve the Project from existing entitlements and resources, or if new or expanded entitlements are needed.
- 148 This omits the required analysis of available water supply in "normal, dry, and multiple dry years".
- IMPACTS AND MITIGATION MEASURES

**Impact 3.8-4: The proposed Project will require or result in the construction of new water treatment or collection facilities, but the construction of them will not cause significant environmental effects.** 149  
(Less than Significant) There is no evident supporting analysis for this assertion.

Water service would be provided to the Project site by the City of Fort Bragg. There are currently on-site utility connections; however, the recorded use of the building was for office space and the proposed use is retail grocery, which means water capacity fees would be associated with the proposed increase in use. The existing water connection on South Street includes a 6-inch fire service line and is proposed to be the main water service to the building, with a new 6-inch fire connection to be constructed to the east of the existing connection. A total of three (3) fire hydrants with valve lines are proposed for fire suppression on the Project site. There is one existing hydrant that will be relocated and two new ones are being added with the project.

The City's water storage capacity as shown on Table 3.8-3 is 17.93 million gallons, and operational treated water storage requirement is 3.3 million gallons. The City has water appropriations of 741 million gallons as shown on Table 3.8-2. The City currently has sufficient water supply and storage to meet an 8% increase in water demand and could accommodate the additional growth without developing additional water storage. Additionally, since the completion of the Summers Lane Reservoir with approximately 45 AF of water storage capacity, the City can accommodate approximately a 20% growth in water demand. The City will not need to expand water appropriations, storage, or treatment capacity to serve the proposed Project. The proposed Project is required to pay its fair share of the water system infrastructure and future capital improvements through the Water Capacity Fee. All water distribution will be supplied by an underground distribution system to be installed per the City of Fort Bragg standards and specifications. The potential environmental effects of the construction of the water infrastructure are discussed throughout this Draft EIR.

150 Conclusion is not justified when projected sea level rise is factored into the City's working water model.

Implementation of the proposed Project would have a **less than significant** impact relative to this topic. 151  
How? There is not adequate supporting analysis to justify this assertion. Revise DEIR accordingly.

The commenter is incorrect that the Draft EIR has "no evident [sic] supporting analysis" for its conclusion that the construction of new water treatment and collection facilities will not cause significant environmental impacts. (Draft EIR, p. 3.8-16.) The proposed Project will include the construction of "a new 6-inch fire connection...to the east of the existing connection" and "three (3) fire hydrants with valve lines are proposed for fire suppression on the Project site." (*Ibid.*; *id.*, p. 2.0-5.) These are the only water-supply related facilities that will be constructed as part of the proposed Project. Although the construction of these facilities will obviously involve some level of environmental impact, the extent will not be significant. The construction of these improvements will be subject to all applicable mitigation measures approved and adopted along with the

proposed Project to ensure less-than-significant impacts to potentially affected resources, such as air quality and noise receptors, during construction.

Furthermore, the City has sufficient water supply to meet the proposed Project's needs. See Comments 152 and 153 [Draft EIR, p. 3.8-17] and associated Response M-92. Currently, the City has enough water supply, storage, and treatment capacity to accommodate a 20 percent increase in water demand above existing conditions. (Draft EIR, pp. 3.8-11, 3.8-16 - 3.8-17.) Per available data, the City has an approximate 17.93 million-gallon storage capacity, an "operational treated water storage...of 3.3 million gallons," and "water appropriations of 741 million gallons." (*Id.*, p. 3.8-16.)

The Project "is estimated to demand 1,288 gallons per day" of water according to the City's data that commercial space utilizes approximately "78 gallons [of water]/1,000 square-feet (SF) of commercial space." (*Id.*, p. 3.8-17.) the proposed Project's estimated water demand increases to 2,699 gallons per day when using the "the 1986 Water System Study and Master Plan... showing a rate of 1,656 gallons per day/gross acre of commercial." (*Ibid.*) Both of these numbers, however, represent a very conservative estimate because, based on current and reliable data from comparable Grocery Outlet stores in Northern California, the proposed Project will use between 300 to 450 gallons of water per day. (*Ibid.*) Obviously, even an absolute maximum use of 2,699 gallons per day represents merely a tiny fraction of the City's existing operational supply of 3.3 million gallons and its current overall appropriation of 741 million gallons. (See *Ocean Street, supra*, 73 Cal.App.5th at pp. 1019-1021 [court upholds conclusion that the water supply impacts of multifamily housing project were less than significant; project would consume "less than one hundredth of one percent of the total estimated future water demand within the City's service area"].)

Appendix D of this Final EIR includes the water utility bills for the Willits Grocery Outlet location. The meter reading dates included in the appendix are January 18, 2022 to September 19, 2022. The appendix also includes a table on page 17 which shows the average water usage in gallons per day. As shown, the average water usage for the Willits Grocery Outlet from January 18, 2022 to September 19, 2022 was 357.50 gallons per day.

The water supply/demand data presented in the EIR constitute "facts" and "reasonable assumptions predicated upon [these] facts" supporting the conclusion that the proposed Project's water supply impacts will be less than significant. (Pub. Resources Code, § 21082.2; Guidelines, § 15384.) Moreover, the proposed Project's water demand (or the demands of another allowable by-right commercial land use that would consume as much or more water) are accounted for in current planning documents (e.g., the Coastal General Plan), upon which the City would have predicated its water growth analysis and projections.

Thus, the proposed Project's "contribution [to water demand] is "already accounted for in the [City's] estimates." (*Ocean Street, supra*, 73 Cal.App.5th at p. 1020.) "Accordingly, the EIR provides adequate information to allow for informed decision making, and there is substantial evidence in the record...to support the City's conclusions." (*Id.*, at p. 1021.)

The commenter may wish for more or different water supply analysis in the Draft EIR, but "[u]nder CEQA, an agency is not required to conduct all possible tests or exhaust all research methodologies to evaluate impacts. Simply because an additional test *may* be helpful does not mean an agency must complete the test to comply with of CEQA. ... An agency may exercise its discretion and decline to undertake additional tests." (*Save Panoche, supra*, 217 Cal.App.4th at p. 524, italics added, citing *Association of Irrigated Residents, supra*, 107 Cal.App.4th at p. 1396.)

The Project would not be impacted by, nor would it impact, sea-level rise because of its positioning relevant to the ocean. Additionally, the proposed Project does not include updating the "City's working water model." Therefore, any comments on that theoretical future project, which would occur separate and apart from the proposed Project, do not apply here.

**Response M-92:**

The commentor provided the following comment on the Draft EIR:



## UTILITIES AND SERVICE SYSTEMS

## 3.8

The City supplies treated potable water at a rate of approximately 78 gallons/1,000 square-feet (SF) of commercial space. The proposed Project is estimated to demand 1,288 gallons per day utilizing this average rate. The rates identified in the *1986 Water System Study and Master Plan* were slightly higher, showing a rate of 1,656 gallons per day/gross acre of commercial. Utilizing this higher rate, the proposed Project could demand 2,699 gallons per day. However, this water demand is likely an overestimation as the proposed Project would not have onsite food preparation or processing as all food arrives pre-packaged. For these reasons, this is considered a conservative estimate. The City has adequate capacity in their appropriations, storage, and treatment ability to serve the additional demand under either water demand rate.

152 How? There is no evident supporting analysis for this assertion.

As described earlier, Water supply analyses within the Municipal Service Review and Sphere of Influence Update indicate that the City has sufficient water supply to serve the projected buildout of the City of Fort Bragg as currently zoned within the existing City Limits through 2040. An amendment to the existing zoning or General Plan land use designation is not proposed for the proposed Project and therefore is consistent with the water supply analysis of the City of Fort Bragg Municipal Service Review.

Water bills from comparable Grocery Outlet stores in Northern California were also reviewed to estimate the proposed Project water demand. The average Grocery Outlet Store uses 300 to 450 gallons of water per day (109,500 to 164,250 gallons per year) in both domestic water for the store and irrigation water for the landscaping. The Grocery Outlet store average use is considerably lower than was estimated using the average commercial space rate.

The water supply for the proposed Project will have the same water supply reliability and water quality as the water supply available to each of the City's other existing and future water customers. Implementation of the proposed Project would have a *less than significant* impact relative to this topic.

153 This conclusion is not adequately supported or explained in part because there is not an actual threshold of significance included as part of the analysis in the DEIR, which should be revised accordingly to include a reasonable threshold of significance based on measurable criteria.

As explained at length previously (see Response M-15, for example), thresholds based on questions included in the CEQA Guidelines (Appendix G) are acceptable for use in EIRs. Please also see Response M-91 regarding water demand.

**Response M-93:** The commentor provided the following comment on the Draft EIR:

## UTILITIES AND SERVICE SYSTEMS

## 3.8

The proposed stormwater and drainage improvements would be located within the footprint of the Project site. The impacts associated with development of the Project site have been analyzed throughout this EIR. All impacts were found to be less-than-significant or less-than-significant with mitigation.

There are a variety of state and federal regulations already in place that require obtaining permits, preparing Storm Water Pollution Prevention Plans, and implementing Best Management Practices during construction to manage construction related storm water. The Project applicant will be required to comply with existing regulations and obtain necessary permits.

About half of the Project site is currently impervious from the existing paved surface and building. The other half of the Project site is currently pervious and would need storm drainage control. The following mitigation measure requires the Project applicant to install storm drainage infrastructure that meets standards and specifications of the City of Fort Bragg. Prior to the issuance of a building or grading permit, the Project applicant would be required to submit a drainage plan to the City of Fort Bragg for review and approval. The plan would be an engineered storm drainage plan that calculates the runoff volume and describes the volume reduction measures, if needed, 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. Overall, drainage impacts would be reduced to *less than significant*.

154

This is not accurate. First of all, it references mitigation measures that don't exist, including not actually explicitly requiring the installation of storm drain infrastructure that meets the City's standards and specifications as a formal mitigation measure. The DEIR should be revised to either actually include that as a mitigation measure or to remove the apparently erroneous reference to a non-existent mitigation measure. Moreover, the project's drainage impacts cannot be determined to be less-than-significant without actually evaluating the effectiveness of the proposed storm drain infrastructure at reducing the storm water impacts to less than whatever the threshold of significance is once it is actually adopted as part of this environmental review process. Currently, no such threshold of significance exists or is referenced in this DEIR. How would the drainage impacts be reduced to less-than-significant? That needs to be explicit.

The commenter is correct that the Draft EIR here incorrectly references a mitigation measure—an inadvertent editorial error—that neither exists nor is required as it is imposed as a condition of approval. (Draft EIR, p. 3.8-25.) The threshold of significance for impacts to stormwater drainage facilities requires that a Project both: (1) “result in the construction of new storm water drainage facilities or expansion of existing facilities;” and that (2) “the construction of which ... cause significant environmental effects.” (*Id.*, p. 3.8-24.)

See Chapter 3.0, Revisions, of this Final EIR for the revision.

Here, the proposed Project will result in the construction of new stormwater drainage components and facilities. The proposed Project includes onsite “post-construction BMPs [best management practices], which include bioretention facilities 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.” (Draft EIR, p. 3.8-24; see also *id.*, p. 2.0-5.) The proposed Project also includes “the

construction of [offsite] pedestrian facilities, including curbs, gutters, and sidewalks along the north, south, and east side of the Project site.” (*Id.* at p. 3.8-24.) These offsite facilities, included as part of the proposed Project (*id.*, p. 2.0-5), would “convey flows from the post-construction BMPs at the Project site to the existing Caltrans stormwater drainage system located west of the Project site on State Highway 1.” (*Id.*, p. 3.8-24.)

The construction of these facilities, however, will not cause “significant environmental effects.” Construction of all onsite and offsite stormwater drainage components required for the proposed Project would be subject to all applicable mitigation measures approved and adopted along with the proposed Project to ensure their construction would have less-than-significant impacts to potentially affected resources during construction, such as air quality and noise receptors.

Furthermore, the proposed Project “is subject to water quality regulations and general permits put in place by state and federal agencies.” (Draft EIR, p. 2.0-7.) As well, “[c]onstruction activities for the proposed Project will be subject to the requirements of General Construction Activity Stormwater Permit...issued by the State Water Resources Control Board,” which requires “a Stormwater Pollution Prevention Plan (SWPPP) identifying specific best management practices (BMPs) to be [developed and approved by the North Coastal Regional Water Quality Control Board and then] implemented to minimize the amount of sediment and other pollutants associated with construction sites from being discharged in stormwater runoff.” (*Ibid.*) The purpose of these requirements is to ensure that construction will have a less-than-significant impact on water quality.

Additionally, the “[i]nstallation of the proposed Project’s storm drainage system will be subject to current City of Fort Bragg Design Specifications and Standards. The proposed storm drainage collection and detention system will be subject to the [State Water Resource Control Board] and City of Fort Bragg regulations, including: Fort Bragg Storm Drain Master Plan, 2004; Phase II, NPDES Permit Requirements; NPDES-MS4 Permit Requirements; and LID Guidelines.” (Draft EIR, p. 3.8-24.) Again, as stated just above, the purpose of these specifications, standards, and requirements is to ensure that construction will have a less-than-significant impact on water quality.

The Project’s adherence to all of these mandated specifications, standards, and requirements ensures that the construction of any stormwater drainages facilities included as part of the proposed Project would have a less-than-significant impact.

**Response M-94:** The commentor provided the following comment on the Draft EIR:

## PUBLIC FACILITIES ELEMENT

**Goal OS-8: Reduce, recycle, and reuse solid waste generated in the City.**

155 **Policy OS-8.1.** Comply with State requirements to reduce the volume of solid waste through recycling and reduction of solid waste. But the project involves avoidable generation of solid waste because of the demolition. That doesn't reduce solid waste, it increases it.

**Goal PF-8: Ensure that new development is served by adequate public services and infrastructure.**

**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.** 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.

Draft Environmental Impact Report – Best Development Grocery Outlet

3.8-27

Demolition is a one-time event that will produce a finite amount of solid waste within a month's period of time. (See Draft EIR, p. 3.2-17 [estimated construction schedule].) The City's policy does not require the elimination of solid waste, but the reduction. This will be accomplished by the City's waste diversion requirements for demolition material, which require "[s]eventy-five percent of waste tonnage of concrete and asphalt" to be recycled, reused, or otherwise diverted from being landfilled (Fort Bragg Municipal Code, § 15.34.020) , which exceeds that of "California Green Building Standards Code (California Code of Regulations Title 24, Part 11)," which require that "50 percent construction/demolition waste must be diverted from landfills." (Id., p. 3.4-16.) Prior to issuance of a demolition or building permit, the City requires applicants to submit a "waste management checklist" showing "how the applicant will satisfy the diversion requirement" (Id., §15.34.060.)

The Potrero Hills Landfill is permitted to accept 4,300 tons of solid waste per day, or up to 1,569,5000 tons per year. (Id., p. 3.8-28.) The landfill will surely have enough space to accept this one-time finite amount of solid waste, which will have been significantly reduced by state and local requirements, that will be generated by Project demolition, and the commenter has presented no evidence to the contrary.



**Response M-95:** The commentor provided the following comment on the Draft EIR:

## UTILITIES AND SERVICE SYSTEMS

3.8

Implementation of the proposed Project would have a *less than significant* impact relative to this topic.

- 156 The analysis in this section concerning solid waste impacts completely omits any mention, let alone relevant analysis, of the solid waste generated by this project due to the proposed demolition of the existing building and construction of an entirely new building. This serious omission presents a defect in the current DEIR that should be corrected through revision to include analysis of the solid waste projected to be generated through the temporary demolition and construction activities in addition to the solid waste projected to be generated through ongoing operations after the new Grocery Outlet building is constructed and operational. CEQA requires relevant analysis of all forms of solid waste, including from demolition and construction activities not just solid waste projected to be generated from ongoing operations. The significant solid waste to be generated from the demolition of the existing vacant building is far greater in quantity and must be addressed. Without such analysis based on an applicable threshold of significance relating to the solid waste generated from demolition and construction activities, the DEIR is inadequate. This topic was peripherally mentioned in the greenhouse gas emissions discussion due to the traffic generated through the disposal of the demolition debris but the solid waste itself has not been addressed adequately to justify the asserted conclusion that the project can be expected to have a less-than-significant impact concerning solid waste generation and disposal.

Please see Response M-94. The operational solid waste is discussed in Impact 3.8-7 of the Draft EIR. As discussed, addition of the volume of solid waste associated with the proposed Project is estimated to be 50.4 pounds per day using a Supermarket rate from CalRecycle of 3.12lbs/1,000sf/day (Table 3.8-6).

**Response M-96:** The commentor provided the following comment on the Draft EIR:

Cumulative development in the City would not impact a Designated Scenic Highway. Additionally, future projects within the County would be subject to the light and glare standards and site design established by the individual jurisdictions. These regulations are designed to minimize potential light and glare impacts of new development and ensure development is compatible with the visual character of the area. Implementation of these regulations would ensure that future projects minimize their potential aesthetic-related impacts, resulting in a *less than significant* cumulative impact relative to this environmental topic. For these reasons, cumulative impacts on aesthetics are less than significant, and the proposed Project's impact is *less than cumulatively considerable*. No mitigation is required.

- 157 None of this analysis includes the projection method listed on the previous page as being applied to this DEIR. How is this conclusion justified without any projections based on the relevant analysis in the Coastal General Plan or other adopted planning documents?

4.0-4

Draft Environmental Impact Report – Best Development Grocery Outlet

As explained in the Draft EIR: “There are two approaches to identifying cumulative projects and the associated impacts. The list approach [and] [t]he projection approach.” (Draft EIR, p. 4.0-3.) The projection approach is employed



here. This approach “uses a summary of projections in adopted General Plans or related planning documents to identify potential cumulative impacts.” (*Ibid.*) This projection approach is often encompassed in project-level analysis where an assessment of project impacts requires a detailed evaluation of how a project comports with adopted planning documents, which inherently account for local and regional development as a whole (i.e., cumulative development). For example, for impacts to aesthetics and visual resources, the Draft EIR looks to the applicable adopted planning documents to determine what is allowable in the area for *all* development and land uses and how the proposed Project fits within that cumulative context in terms of visual resources. (See Draft EIR, Chapter 3.1.) Put another way, these planning documents contain development and land use projections for, and limitations to, the cumulative area of development for the proposed Project. By determining how the proposed Project fits within these cumulative planning parameters, the Draft EIR de facto analyzes a cumulative effect.

To demonstrate, the Draft EIR looks at the applicable policy of the Coastal General Plan to determine the proposed Project’s impacts on visual resources. (See Draft EIR, pp. 3.1-6 - 3.1- 9.) The Coastal General Plan is the primary planning document that dictates development for the entire Project area, not just the Project site. Thus, when the Draft EIR determines that the proposed Project is consistent with the applicable policy (such as a City-wide guideline or standard or code) related to visual resources, and therefore has no significant impact on visual resources, the City also is determining that the proposed Project has no significant impact on the totality of the entire area’s visual resources, cumulatively, because these policies and standards and codes account for, and dictate development for, the totality of the area. As concluded in Chapter 3.1:

The proposed Project would be subject to the policies and goals of the Fort Bragg General Plan, Citywide Design Guidelines, as well as the City’s Standards for *all Development and Land Uses* outlined in Chapter 17.30 of the Municipal Code. The Citywide Design Guidelines complement the standards contained in the City of Fort Bragg Inland Land Use and Development Code, and the Coastal Land Use and Development Code by providing good examples of appropriate design solutions, and by providing design interpretations of the various regulations.

Chapter 17.30, Standards for *all Development and Land Uses*, of the City’s Coastal Land Use and Development Code expands upon the zoning district development standards of Article 2 by addressing additional details of site planning, project design, and the operation of land uses. *The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties*, and produces an environment of stable and desirable

character, consistent with the General Plan, Local Coastal Program, and any applicable specific plan.

(DEIR, p. 3.1-9, italics added.)

**Response M-97:** The commentor provided the following comment on the Draft EIR:

AGRICULTURAL AND FOREST RESOURCES

The cumulative setting for agricultural and forest resources impacts is the City of Fort Bragg.

***Impact 4.2: Cumulative Impact on Agriculture and Forest Resources (Less than Significant and Less than Cumulatively Considerable)***

As described in Section II, Agriculture and Forestry Resources of the Initial Study, the proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, conflict with existing zoning for agricultural use, or a Williamson Act contract. The Project site is designated as "Urban and Built-Up Land" under the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation (DOC) and is located within the City of Fort Bragg in an urban built-up environment. Because the proposed Project only includes redevelopment of the Project site within an urban area of the City designated for urban uses, the Project has no potential to convert any off-site agricultural land, Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

The Project site is not zoned for agricultural use nor is it under a Williamson Act contract. The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

The Project site is not forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526). The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland.

158 For these reasons, cumulative impacts on agriculture and forestry resources would be ***less than significant*** and would have a ***less than cumulatively considerable*** contribution.  
[Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-98:** The commentor provided the following comment on the Draft EIR:

## OTHER CEQA-REQUIRED TOPICS

## 4.0

that would help facilitate carbon monoxide dispersion. Congested traffic conditions that otherwise could result in concentration of carbon monoxide would be of short duration. Further, under existing regulatory and legislative mandates, emissions volumes from all vehicle classes will continue to decline. Given these factors, substantial concentrations of carbon monoxide are not expected at or along any affected roadways or intersections.

159

Commercial use of the site anticipated with buildout of the Project is generally consistent with growth projections assumed in the Fort Bragg Coastal General Plan for the same time horizon. The proposed Project, as well as future projects in the City and County, will be subject to the requirements of the MCAQMD, including but not limited to:

How?

- Rule 1-400(a) Public Nuisance – This is a general requirement that is applicable to odors as well as other air contaminants. Specifically, the rule states that a person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or that endanger the comfort, repose, health or safety of any such persons or the public or that cause or have a natural tendency to cause injury or damage to business or property.
- Rule 1-410 Visible Emissions – This applies to any source at the facility and limits visible emissions to no more than 20-percent opacity for more than a 3-minute period in any 1 hour.
- Rule 1-420 Particulate Matter – This rule imposes particulate matter emission rate limitations and is applicable to combustion and non-combustion sources. Combustion sources do not include mobile sources. The Proposed Project will have both combustion and non-combustion sources that would be subject to these requirements.
- Rule 1-430 Fugitive Dust Emissions – This rule requires that (a) all reasonable precautions be taken to prevent particulate matter from becoming airborne and (b) specifies airborne dust control measures that would be required. The Project would be subject to these requirements.

For these reasons, cumulative impacts on air quality would be **less than significant** and would have a **less than cumulatively considerable** contribution.

160

[Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]

This comment is noted. The growth assumptions associated with the Fort Bragg Coastal General Plan include the Project site. Since the proposed Project is consistent with the existing General Plan land use designation of Highway Visitor Commercial (CH), commercial uses similar to the proposed project would have been assumed by the Fort Bragg Coastal General Plan for the Project site. The proposed Project does not propose a land use that was not previously anticipated for the Project site in the General Plan.

Separately, please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-99:** The commentor provided the following comment on the Draft EIR:

***Impact 4.4: Cumulative Loss of Biological Resources Including Habitats and Special Status Species (Less than Significant and Less than Cumulatively Considerable)***

Under cumulative conditions, buildout of the General Plan(s) within Mendocino County will result in impacts to biological resources in the cumulative area through new and existing development. The General Plan(s) includes policies that are designed to minimize impacts to the extent feasible.

As described in Section 3.2, Biological Resources, construction in the Project site has the potential to result in impacts to special-status species in the region. Although there has been no documented sighting within the immediate area in, or near the Project site, the Project site provides potential habitat for limited species, including those discussed in Section 3.2. 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. Further, regardless of the absence of bats, or evidence of bats, on the Project site during the site survey, there remains a possibility that bats could establish a roost in the abandoned building in the future.

Mitigation Measure 3.2-1 requires measures to avoid or minimize impacts on other protected bird species that may occur on-site, such as preconstruction surveys and appropriate buffers, if needed. Mitigation Measure 3.2-2 requires a preconstruction bat survey and appropriate exclusion methods, if needed.

As such, impacts to biological resources would be a **less than significant** and the project's contribution would be **less than cumulatively considerable**.

161 [Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-100:** The commentor provided the following comment on the Draft EIR:

## OTHER CEQA-REQUIRED TOPICS

## 4.0

search conducted at the Northwest Information Center (NWIC), the consultation undertaken with the Native American Heritage Commission (NAHC), and the Tribal consultation effort completed by Genesis Society (2019), no unique archaeological resources or prehistoric cultural material was identified in the Project area. The Cultural Survey recommends archaeological clearance for the proposed Project, with the inclusion of general provisions that recommend consultation and protocol in the event of inadvertent discovery. A standard condition of approval to that effect, as discussed above, will be applied to the proposed project and probable future projects. Further, no Tribal Cultural Resources were identified at or near the Project site during the records review and pedestrian survey.

For these reasons, cumulative impacts on cultural and tribal resources would be **less than significant** and would have a **less than cumulatively considerable** contribution.

162 [Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-101:** The commentor provided the following comment on the Draft EIR:

Prior to the Newhall Ranch decision, GHG analysis in CEQA documents often involved comparison of the project emissions to a “no action taken” (NAT) scenario. In the Newhall Ranch decision, the court found that, although comparison of a project to NAT (or “business as usual” [BAU]) may be appropriate in concept, the comparison of a specific local project against a statewide business as usual scenario is not an analogous comparison. Specifically, the Court stated that the business as usual approach would need to be based on a substantial evidence-supported link between data in the Scoping Plan and the project, at its proposed location, to demonstrate consistency of a project’s reductions with statewide goals. It should be noted that, based on current data available, it is not possible, within the structure of the Scoping Plan sectors, to develop the evidence to reliably relate a specific land use development project’s reductions to the Scoping Plan’s statewide goal, as envisioned by the Court. Based on the court’s finding, the NAT approach is now considered problematic even though it is still recommended by the San Joaquin Valley Air Pollution Control District, which has not updated its guidance on this topic to account for the outcome in *Newhall Ranch*.

Based on the discussion in Section 3.4, the following threshold is applied to this analysis:

163

- The proposed Project is evaluated for its consistency with the GHG reduction measures contained in the CARB’s 2017 Scoping Plan Update and the MCOG’s 2017 RTP.

This is not relevant concerning if the project’s contribution is “cumulatively considerable”, which is under review here. If the project demonstrates that it is consistent with these plan documents, the proposed Project would not be anticipated to generate GHG emissions that would have a significant impact on the environment, or conflict with any plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

This comment is noted. The proposed Project was identified as having a ‘less than cumulatively considerable’ cumulative impact relative to GHG impacts, in the Draft EIR. It should also be noted that, since GHG emissions are a global impact, they are inherently cumulative. Since the proposed Project’s GHG impacts were identified as being less than significant, a ‘less than cumulatively considerable’ cumulative impact relative to GHG impacts is appropriate. It should be noted that the Chapter 4.0: Other CEQA-Required Topics within the Draft EIR has been revised to reflect the ‘less than cumulatively considerable’ impact associated with GHG emissions (this was erroneously concluded to be a ‘significant and unavoidable and cumulatively considerable’ in the Draft EIR). See Chapter 3.0, Revisions, of this Final EIR for the revision. No further response to this comment is warranted.



**Response M-102:** The commentor provided the following comment on the Draft EIR:

#### 4.0 OTHER CEQA-REQUIRED TOPICS

164 anticipated to reduce overall VMT, when accounting for even a modest trip redistribution from the VMT currently generated from trips from Fort Bragg to the Willits Grocery outlet. Therefore, the proposed Project would be consistent with the State GHG reduction targets, and would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, implementation of the proposed Project would have a *significant and unavoidable* and *cumulatively considerable* contribution. What? This states that there is a significant and cumulatively considerable impact but that is not explained nor are possible mitigation measures evaluated in the DEIR.

This comment is noted. As described that under Response M-101, Chapter 4.0: Other CEQA-Related Topics within the Draft EIR has been revised to reflect the 'less than cumulatively considerable' impact associated with GHG emissions (this was erroneously concluded to be a 'significant and unavoidable and cumulatively considerable' in the Draft EIR). See Chapter 3.0, Revisions, of this Final EIR for the revision. No further response to this comment is warranted.

**Response M-103:** The commentor provided the following comment on the Draft EIR:

#### 4.0 OTHER CEQA-REQUIRED TOPICS

Project would be subject to the Statewide CGP and the standards outlined in Chapter 17.64 of the CLUDC, which would ensure that the proposed Project would minimize pollutant loading and erosive stormwater runoff flows both during and post-construction. Compliance with these regulations would facilitate the implementation of water quality control efforts at the local and state levels. In addition, there is currently no sustainable groundwater management plan for the Fort Bragg Terrace Area in which the proposed Project would be located.

165 For these reasons, cumulative impacts on hydrology and water quality would be *less than significant* and would have a *less than cumulatively considerable* contribution.  
[Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]  
LAND USE

The cumulative setting for land use impacts is the City of Fort Bragg.

***Impact 4.10: Cumulative Impact on Communities and Local Land Uses (Less than Significant and Less than Cumulatively Considerable)***

Cumulative land use impacts, such as the potential for conflicts with adjacent land uses and consistency with adopted plans and regulations, are typically site- and Project-specific. The City's General Plan Draft EIR found that impacts related to the physical division of an established community would be less than significant.

The Fort Bragg Zoning Code implements the General Plan. The Project site is currently within the jurisdiction of the City of Fort Bragg. The Project site has a City of Fort Bragg General Plan land use designation of Highway Visitor Commercial (CH) and a City zoning designation of Highway Visitor Commercial (CH). No changes to the Project site's current land use or zoning designations are proposed under the Project.

It is noted that consistency with relevant Fort Bragg Coastal General Plan policies is discussed in Table 3.4-1 of Section 3.4. As shown, the proposed Project is consistent with all of the applicable General Plan policies that aim to avoid or mitigate an environmental effect. The City will review each component of the proposed Project as plans (improvement plans, building plans, site plans, etc.) are submitted for final approval to ensure that they are consistent with the City's Zoning ordinance. 166 False.

167 Cumulative impacts related to land use and planning would be *less than significant*. Implementation of the proposed Project would have a *less than cumulatively considerable* incremental impact relative to this topic.  
[Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]  
MINERAL RESOURCES

The cumulative setting for mineral resources impacts is the City of Fort Bragg.

***Impact 4.11: Cumulative Impact on Mineral Resources (Less than Significant and Less than Cumulatively Considerable)***

As described in Section XII, Mineral Resources, of the Initial Study, the proposed Project is not located in an area of known rock, aggregate, sand, or other mineral resource deposits of local,

4.0-14 Draft Environmental Impact Report – Best Development Grocery Outlet

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-104:** The commentor provided the following comment on the Draft EIR:

## OTHER CEQA-REQUIRED TOPICS

4.0

regional, or state residents. There are no known mineral resources of significance on the Project site that would be made unavailable by the proposed Project. Furthermore, the Project site is not utilized for Surface Mining and Reclamation Act (SMARA) activities. The proposed Project area does not contain mineral resources that are of value locally, to the region, or to residents of the City, County, or state. According to the Mineral Land Classification Studies Index of the California Department of Conservation (DOC, 2015), the proposed Project is not located in an area with known mineral resources. The proposed Project area is not identified as a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, the proposed Project would not interfere with materials extraction or otherwise cause a short-term or long-term decrease in the availability of mineral resources.

According to the City's General Plan Draft EIR, there are no mapped or known mineral resources in the Fort Bragg SOI. Historically, various parties have taken small amounts of aggregate from area streams, but this is no longer the case. Because the California Division of Mines and Geology has not identified any significant mineral resources in the SOI, and there are no known sources contemplated for development, there will not be any significant impacts resulting from development of potentially valuable mineral resources as a result of General Plan buildout.

For these reasons, cumulative impacts on mineral resources would be *less than significant* and the proposed project would have a *less than cumulatively considerable* incremental impact relative to this topic.

168 [Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-105:** The commentor provided the following comment on the Draft EIR:

Construction Noise: Noise generated by construction would be temporary, and would not add to the permanent noise environment or be considered as part of the cumulative context. Implementation of the proposed Project would have a *less than significant* cumulative impact relative to this environmental topic. As such, impacts related to construction noise would result a *less than cumulatively considerable* contribution.

POPULATION AND HOUSING

169

Not justified because the impacts are significant on their own, let alone cumulatively.

The cumulative setting for population and housing impacts is the City of Fort Bragg.

***Impact 4.13: Cumulative Impact on Population and Housing (Less than Significant and Less than Cumulatively Considerable)***

Based on the U.S. Census Bureau Quick Facts, Fort Bragg city, a census-designated place had a population of approximately 7,291 persons as of July 1, 2019, a decrease of approximately 0.2 percent since April 1, 2018. There were an estimated 2,775 households between 2014 and 2018,

4.0-16

Draft Environmental Impact Report – Best Development Grocery Outlet

As discussed in Chapter 4.0 and Section 3.6 of the Draft EIR, construction activities would temporarily increase ambient noise levels at nearby receptors. Any other future developments that are built concurrently with the proposed Project could further

contribute to these temporary increases in ambient noise levels. It is possible that construction noises from other construction projects and the Proposed Project could cumulatively increase temporary noise levels at nearby sensitive receptors. However, appropriate mitigation strategies and compliance with existing City regulations pertaining to construction noise by all projects would reduce the potential for a cumulative impact. For example, it was determined that the implementation of Mitigation Measures 3.6-1 would prevent the proposed Project's own construction noises from increasing noise levels above the construction threshold. Similar mitigation strategies by any other construction projects would likewise reduce their own respective construction noise impacts and ensure that nearby receptors not experience individual or cumulative construction-related noise increases in excess of the applicable threshold.

**Response M-106:** The commentor provided the following comment on the Draft EIR:

The Project site has been identified in the City of Fort Bragg' General Plan for future Highway Visitor Commercial uses. Infrastructure needed to support development of the Project area, and the subsequent employment increases, have already been planned and evaluated. Additionally, all lands within the General Plan jurisdiction have been planned to accommodate growth within the City have been evaluated in the General Plan FEIR.

While the proposed Project will result in employment growth, it is not anticipated to significantly induce growth beyond the levels analyzed in the City's General Plan. Implementation of the proposed Project, together with other past, present, and probable future projects, would have a **less than significant** cumulative impact relative to this environmental topic. As a result, implementation of the proposed Project would have a **less than cumulatively considerable** incremental contribution to cumulative impacts related to population and housing.

171

[Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]

170

How and why?

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-107:** The commentor provided the following comment on the Draft EIR:

The relevant applicable analysis scenarios were analyzed using the methodologies described above, and the VMT analysis results are summarized in Table 3.7-17 in Section 3.7. The results indicate that the Project would result in a net increase in VMT over baseline conditions. The model considers a very limited amount of re-routing of Fort Bragg residents that currently go to the Grocery Outlet store located in Willits for grocery shopping. According to information provided by Grocery Outlet, over the last 12 months (June 2021 to June 2022), around 9% of the people that visit their Willits store come from Fort Bragg. Considering that the length of a one-way trip from Fort Bragg to the Willits Grocery Outlet store is approximately 35 miles, and one mile from Fort Bragg to the Project, 990 VMT is equivalent to the re-routing of 30 one-way trips or 15 round trips from the Willits Grocery Outlet store to the Project store. Per the Institute of Transportation Engineers *Trip Generation Manual, 11th Edition*, a grocery store such as the one in Willits generates approximately 3,500 daily one-way trips. Therefore, the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions.

Overall, implementation of the proposed Project would have a **less than significant** and **less than cumulatively considerable** impact relative to this topic. How? The performance method was not done.

172



Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-108:** The commentor provided the following comment on the Draft EIR:

Overall, the Project would not interfere with the implementation of a planned bicycle facility, pedestrian facility, or transit service/facility. The Project, in combination with and past, present, and probable future projects associated with buildout of the various general plans in the County, would not cause a degradation in transit service such that service does not meet performance standards established by the transit operator. The proposed Project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the City's General Plan), would not be expected to cause any significant cumulative pedestrian or bicycle facilities impacts.

173 Cumulative impacts to pedestrian and bicycle facilities would be *less than significant*, and the proposed Project would have a *less than cumulatively considerable* incremental contribution to cumulative impacts on pedestrian or bicycle facilities.

There is no basis for this asserted conclusion. No actual cumulative impacts analysis has been performed.

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-109:** The commentor provided the following comment on the Draft EIR:

According to wastewater generation factors of similar cities in California, commercial uses are estimated to generate 750 gallons per gross acre per day. The Project site includes 16,517 square feet of Commercial uses on 1.63 acres. Using this rate, the proposed Commercial uses would generate approximately 1,223 gallons per day (gpd) of wastewater. The proposed Project would increase the amount of wastewater requiring treatment; however, the City's WWTP has sufficient capacity to service the proposed Project.

174 The proposed Project in combination with future projects associated with buildout of the various general plans in the County would not result in a deficit of capacity warranting improvements to increase treatment capacity. Each Project that receives wastewater collection and treatment services is required to pay a connection fee, which serves as a Project share of service expansion. Implementation of the proposed Project would have a *less than significant* and *less than cumulatively considerable* impact relative to this topic.

175 [Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]

174 Why not? This must be explained.

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.



**Response M-110:** The commentor provided the following comment on the Draft EIR:

176 The water supply for the proposed Project will have the same water supply reliability and water quality as the water supply available to each of the City's other existing and future water customers. Implementation of the proposed Project would have a *less than significant* and *less than cumulatively considerable* impact relative to this topic.

[Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]  
**Impact 4.19: Cumulative Impact on Stormwater Facilities (*Less than Significant and Less than Cumulatively Considerable*)**

Past, pending, and probable future development projects in the area could result in additional discharges of stormwater during storm events. When combined, these future development projects could, in theory, lead to an incremental increase in peak stormwater runoff and potential incremental increases in downstream flood elevations. However, these past, pending, and probable future development projects in the area would be subject to the applicable Fort Bragg Municipal Code relating to stormwater and drainage. Chapter 15.32 Floodplain Management, addresses floodplain regulations and requirements for new development and construction within Flood Hazard Areas delineated by Flood Insurance Rate Maps published by FEMA. Chapter 12.14, Drainage Facility Improvements and Drainage Fees, addresses the standards and operations of storm drainage improvements by incorporation of Low Impact Development (LID) strategies that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff so as to recharge groundwater and minimize runoff. Chapter 14.16, Sanitary Code, addresses City requirements for stormwater management and discharge control, including controlling non-stormwater discharges to the stormwater conveyance system, eliminating discharges to the stormwater conveyance system from spills, dumping or disposal of materials other than stormwater, reducing pollutants in urban stormwater discharges to the maximum extent practicable.

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Draft Environmental Impact Report – Best Development Grocery Outlet

4.0-23

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-111:** The commentor provided the following comment on the Draft EIR:

177 The proposed Project, when considered alongside all past, present, and probable future projects (inclusive of buildout of the Fort Bragg General Plan), would not be expected to cause any significant cumulative stormwater impacts. The proposed Project would not have cumulatively considerable impacts associated with stormwater. Implementation of the proposed project would have a *less than significant cumulative impact* and *less than cumulatively considerable* incremental contribution to cumulative impacts on stormwater. [Same issues as described in the prior comment concerning the cumulative aesthetic impacts.] **Impact 4.20: Cumulative Impact on Solid Waste Facilities (Less than Significant and Less than Cumulatively Considerable)**

178 The cumulative context for cumulative impacts on solid waste facilities includes the Waste Management service area. Waste Management provides weekly curbside residential and commercial garbage, recycling, and green waste collection within the City of Fort Bragg. Waste collected by Waste Management is taken to Fort Bragg Disposal located at 219 Pudding Creek Road in Fort Bragg for processing and transport. The disposal facility has a maximum daily permitted throughput capacity of 99 tons and per day. The disposal facility is approximately 9.2 acres. This is totally inaccurate. Waste management does not provide these services.

The addition of the volume of solid waste associated with the proposed Project is estimated to be 50.4 pounds per day using a Supermarket rate from CalRecycle of 3.12lbs/1,000sf/day. The proposed Project would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. The addition of the volume of solid waste associated with the proposed Project, approximately 50.4 pounds per

4.0-24 Draft Environmental Impact Report – Best Development Grocery Outlet

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA. Please also see Chapter 3.0, Revisions, of this Final EIR, which shows corrections to the discussion in Impact 4.20 of the Draft EIR.

**Response M-112:** The commentor provided the following comment on the Draft EIR:

#### OTHER CEQA-REQUIRED TOPICS

4.0

day (approximately 9.2 tons per year) at total buildout, to the Potrero Hills Landfill would not exceed the landfill's remaining capacity.

The Waste Management service area is expected to add numerous developments through 2045. These projects within the region are likely to generate new sources of solid waste that would need to be processed at the Potrero Hills Landfill. The Landfill has sufficient capacity to serve future projects in the City. Implementation of the proposed project, together with past, present, and probable future projects, would have a less than significant cumulative impact relative to this environmental topic. Therefore, this would result in a *less than significant* and a *less than cumulatively considerable* impact on solid waste facilities. How?

179 [Same issues as described in the prior comment concerning the cumulative aesthetic impacts.]

Please see Response M-96 for an explanation regarding the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

**Response M-113:** The commentor provided the following comment on the Draft EIR:

#### 4.3 SIGNIFICANT AND UNAVOIDABLE IMPACTS

CEQA Guidelines Section 15126.2(b) requires an EIR to discuss unavoidable significant environmental effects, including those that can be mitigated but not reduced to a level of insignificance. No significant and unavoidable impacts would result from the proposed Project.

180 This assertion is not justified or supported by the analysis in the DEIR. How?

As discussed through the Initial Study, Sections 3.1 through 3.8 of the Draft EIR, and Chapter 4.0 of the Draft EIR, none of the impacts discussed in the Draft EIR were determined to be significant and unavoidable. All impacts were determined to be less-than-significant or less-than-significant with mitigation.

**Response M-114:** The commentor provided the following comment on the Draft EIR:

## ALTERNATIVES TO THE PROPOSED PROJECT

5.0

### 5.1 CEQA REQUIREMENTS

The California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) analyze a reasonable range of feasible alternatives that would feasibly attain most of the basic project objectives while reducing or avoiding one or more significant environmental effects of the project. The range of alternatives required in an EIR is governed by a “rule of reason” that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]). Where a potential alternative was examined but not chosen as one of the range of alternatives, the CEQA Guidelines require that the EIR briefly discuss the reasons the alternative was dismissed. The only impacts that were determined to be significant were for biological resources with regard to special-status bird and mammal species, construction noise impacts, and construction vibration.

181

The alternatives need to be selected to reduce the significant impacts identified in the DEIR but the alternatives chosen appear to be geared toward approving the proposed project rather than facilitating truly-informed decision-making and selecting the environmentally superior alternative compared to what is proposed.

182

The first three objectives are achieved by any version of the project. The 4th objective is subjective. And the 5th objective is not achieved by the proposed project for the same reasons the project is not consistent with the Citywide Design Guidelines concerning site layout and parking lot design as well as related CGP policies.

### PROJECT OBJECTIVES

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:

- 183 The first 3 objectives are achieved by all alternatives except "No Project"
- 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. This final objective is more achievable with the alternative site layout discussed by the PC during their deliberations. That alternative should be analyzed in the DEIR.

184

### ALTERNATIVES NOT SELECTED FOR FURTHER ANALYSIS

A Notice of Preparation was circulated to the public to solicit recommendations for a reasonable range of alternatives to the proposed Project. One specific alternative was recommended by the general public during the NOP public review process. The suggested alternative was to reuse the existing building for the proposed grocery store. This alternative is analyzed below. 185 "One" is not accurate. Another specific alternative was suggested: an alternative site layout. The City of Fort Bragg considered alternative locations early in the public scoping process. The City's key considerations in identifying an alternative location were as follows:

- Is there an alternative location where significant effects of the Project would be avoided or substantially lessened?
- Is there a site available within the City's Sphere of Influence with the appropriate size and characteristics such that it would meet the basic Project objectives?

186

Since this was not required, why did the City explore alternative sites but not an alternative site layout with the new building to the south and parking and driveway access to the north? That was discussed by the PC to reduce impacts.

Draft Environmental Impact Report – Best Development Grocery Outlet

5.0-1

The project objectives help the agency “develop a reasonable range of alternatives to evaluate in the EIR and ... aid decision makers in preparing findings or a statement of overriding considerations, if necessary.” (Guidelines, § 15124,



subd. (b); *In re Bay-Delta etc.*, supra, 43 Cal.4th at p. 1163.) The City has broad discretion to formulate its own project objectives.

The commenter's interpretations of Project objectives and whether or not the alternatives meet the objectives are not binding on the City. Neither do City staff or an EIR consultant's opinions bind City Council. Rather, as explained earlier, City Council will consider the "actual feasibility" of the alternatives, if at all, when, after certifying the FEIR but prior to project approval, the Council considers the feasibility of any alternatives that could reduce the severity of significant unavoidable effects of the proposed Project. (See Guidelines, § 15091, subd. (a)(3).) At that time, the City Council will be free to weigh not only the views of the EIR authors, but also those of the public. Also, at that time, Mr. Patterson's opinions of the proposed Project objectives may be of interest. They raise no legal issues regarding the adequacy of the EIR, however.

Please also see Response M-116 regarding the alternatives impact analysis.



**Response M-115:** The commentor provided the following comment on the Draft EIR:

## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

The City's consideration of alternative locations for the Project included a review of previous land use planning and environmental documents in Fort Bragg including the General Plan. The City has found that there are no feasible alternative locations that exist within the City's Sphere of Influence with the appropriate size and characteristics that would meet the basic Project objectives while avoiding or substantially lessening a significant effect of the proposed Project. The City has determined that alternative locations outside the Sphere of Influence would not be desirable because an expansion of the Sphere of Influence would induce unplanned growth and cause impacts greater than development on the Project site. Moreover, the proposed Project is consistent with both the General Plan designation and the zoning designation for the Project site, and thus is consistent with past City planning decisions regarding the appropriate locations for commercial uses within the City. For these reasons, the City of Fort Bragg determined that there are no alternative locations that need to be included in order to meet the CEQA requirement to address a reasonable range of alternatives. But "these reasons" don't justify rejecting alternative

188 sites and only suggest the proposed site is acceptable. In addition, as discussed in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 (*Goleta II*), where a project is consistent with an approved general plan, no off-site alternative need be analyzed in the EIR except in unusual circumstances. The EIR "is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy." (*Goleta II, supra*, 52 Cal.3d at p. 573.) In approving a general plan, the local agency has already identified and analyzed suitable alternative sites for particular types of development and has selected a feasible land use plan. "Informed and enlightened regional planning does not demand a project EIR dedicated to defining alternative sites without regard to feasibility. Such ad hoc reconsideration of basic planning policy is not only unnecessary, but would be in contravention of the legislative goal of long-term, comprehensive planning." (*Goleta II, supra*, 52 Cal.3d at pp. 572-573.) Here, the proposed Project is generally consistent with the types of uses considered in the Fort Bragg General Plan, and thus, in addition to the reasons discussed above, an off-site alternative need not be further discussed in this EIR. Did the City evaluate if "unusual circumstances" apply based on the criteria set out in applicable case law? If so, revise the DEIR to provide that supporting analysis to demonstrate

## 5.2 ALTERNATIVES CONSIDERED IN THIS EIR why this asserted conclusion is justified.

Three alternatives to the proposed Project were developed based on input from City staff, the public during the NOP review period, and the technical analysis performed to identify the environmental effects of the proposed Project. The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed Project.

- **No Project (No Build) Alternative:** Under this alternative, development of the Project site would not occur, and the Project site would remain in its current existing condition.
- **Building Reuse Alternative:** Under this alternative, the proposed Project would be developed with the same amenities as described in the Project Description, but the existing vacant former office building would be renovated and reused for the grocery store use.
- **Decreased Density Alternative:** Under this alternative, the proposed Project would be developed with the same amenities as described in the Project Description, but the density of the grocery store use would be decreased.

191 There is no clear reason why this alternative was selected because it doesn't meaningfully reduce any of the impacts

192 5.0-2 Draft Environmental Impact Report – Best Development Grocery Outlet

Revise DEIR to add a 4th project alternative of a flipped site layout because it reduces pedestrian and vehicle conflicts and safety impacts and inconsistency with the Citywide Design Guidelines discussed during the prior review.

As discussed on page 5.0-2 on Chapter 5.0 of the Draft EIR, an off-site alternative does not need to be evaluated in the EIR, except in unusual circumstances, where

a Project is consistent with an approved general plan. As stated in the Draft EIR, the proposed Project is consistent with the General Plan. The *Citizens of Goleta Valley v. Board of Supervisors* case asserts that the law does not require in-depth review of alternatives which cannot be realistically considered and successfully accomplished; the County could properly find that a property located outside of its decision making authority was not a feasible project alternative.

**Response M-116:** The commentor provided the following comment on the Draft EIR:

## ALTERNATIVES TO THE PROPOSED PROJECT

5.0

### NO PROJECT (NO BUILD) ALTERNATIVE

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 southern-most 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. <sup>193</sup> **It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives identified by the City of Fort Bragg.** **So? That is almost always the case and not particularly relevant. I recommend deleting this sentence.**

### BUILDING REUSE ALTERNATIVE

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. The building size and footprint of the existing building would not change. Additionally, 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. <sup>195</sup> **This alternative is more consistent with the CGP policies and Citywide Design Guidelines!**

### DECREASED DENSITY ALTERNATIVE

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 (0.83 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.** <sup>197</sup> **What does this accomplish other than being slightly more consistent with the CGP policy to preserve existing open space? That isn't identified as a significant impact so this alternative is not consistent with how CEQA says they should be selected.**

## 5.3 ENVIRONMENTAL ANALYSIS

The alternatives analysis provides a summary of the relative impact level of significance associated with each alternative for each of the environmental issue areas analyzed in this EIR. Following the analysis of each alternative, Table 5.0-1 summarizes the comparative effects of each alternative.

Draft Environmental Impact Report – Best Development Grocery Outlet

5.0-3

In many of the proceeding comments, the commenter claims that the Draft EIR's analysis of certain alternatives is insufficient because it also includes information regarding how the alternatives will reduce impacts that are already less than

significant under the proposed Project. However, the Draft EIR explains how each alternative will reduce at least one impact that is significant without mitigation under the proposed Project. This meets the letter of the law. Nothing in CEQA precludes an agency from providing more information regarding an alternative's impacts in addition to the required discussion.

Moreover, CEQA provides no specific guidance as to which of a project's significant impacts should be the driver for the formulation of alternatives. Rather, as noted above, alternatives need only "substantially lessen any of the significant effects of the project...." (Guidelines, § 15126.6, subd. (a), italics added.) Nor do the alternatives need to focus exclusively on significant unavoidable effects of a project. Rather, an alternative may address any category of impact that might be reduced to less than significant levels by mitigation. This is because "alternatives and mitigation measures have the same function—diminishing or avoiding adverse environmental effects." (Laurel Heights, *supra*, 47 Cal.3d at p. 403.)

The Draft EIR analyzed each alternative's impacts on aesthetics, air quality, biological resources, greenhouse gases, climate change and energy, land use, noise, transportation and circulation, and utilities. (Draft EIR, pp. 5.0-3 – 5.0-17.) In light of this analysis, neither CEQA nor public policy required the City to incur the expense and burden of conducting substantial design and engineering work on the EIR alternatives, as requested by the commenter (see, e.g., Comments 211-213, 216, 223-225, 228, 229, 232, 233, 237, 243, 247, 261 [Draft EIR, pp. 5.0-7 – 5.0-5.0-9, 5.0-11 – 5.0-17, 5.0-21]), in order to flesh out further details. (Guidelines, § 15126.6, subd. (d); Goleta, *supra*, 52 Cal.3d at p. 566; Al Larson, *supra*, 18 Cal.App.4th at pp.745–746; Mann, *supra*, 233 Cal.App.3d at p. 1151.)

As discussed later in the proceeding responses, the City's analysis of the proposed Project's consistency with its own General Plan policies is reasonable and sufficient. Therefore, the Draft EIR's analysis of the alternatives' consistency with these policies is also adequate. When a Final EIR and the proposed Project come before the City Council, the elected members of that body will decide whether the Building Reuse Alternative is the best outcome from their standpoint.

As CEQA Guidelines section 15126.6, subdivision (a), makes clear, an alternative included in an EIR need only be "potentially feasible." The Building Reuse Alternative meets this standard. As the court in Santa Cruz explained, "[t]he issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR and (2) during the agency's later consideration of whether to approve the project. [Citations.] But 'differing factors come into play at each stage.' [Citation.] For the first phase—inclusion in the EIR—the standard is whether the alternative is potentially feasible. [Citations.] By contrast, at the second phase—the final decision on project approval—the decision making body evaluates whether the alternatives are actually feasible. [Citation.] At that juncture, the



decision-makers may reject as infeasible alternatives that were identified in the EIR as potentially feasible. [Citation.]” (177 Cal.App.4th at p. 981.)

Here, the publication of the Draft EIR represents the “first juncture” at which the issue of potential feasibility of alternative arises. To the extent that City staff and De Novo Planning Group have offered their opinions regarding the extent to which the alternatives do or do not meet particular Project objectives, or seem to give more weight to one objective than another, these staff and consultant opinions will not be binding on the City Council if and when the Council considers the “actual feasibility” of alternatives. That time will come at the “second juncture” at which the feasibility of alternatives is considered, namely, when the City Council, after certifying the Final EIR but prior to project consideration, must consider the feasibility of any alternatives that could reduce the severity of significant unavoidable effects of the proposed Project. (See CEQA Guidelines, § 15181, subd. (a)(3).) Public opinions on the merits of the alternatives will also be part of the consideration at that future time.

Notably, if and when the City Council determines the “actual feasibility” of the EIR alternatives, including the Building Reuse Alternative, the Council will have broad discretion to consider policy outcomes and to give weight to competing project objectives. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [“‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”]; *Santa Cruz*, supra, 177 Cal.App.4th at p. 1001 [same]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 (County of Napa) [upholding CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; see also *Santa Cruz*, supra, 177 Cal.App.4th at p. 1001 [“an alternative ‘may be found infeasible on the ground it is inconsistent with the proposed Project objectives as long as the finding is supported by substantial evidence in the record’”]; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315 [court upholds agency action where alternative selected “entirely fulfill” a particular project objective and “would be ‘substantially less effective’ in meeting” the lead agency’s “goals”]; *In re Bay-Delta etc.*, supra, 43 Cal.4th at pp. 1165, 1166 [“feasibility is strongly linked to achievement of each of the primary program objectives;” “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”]; and *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [court upholds finding rejecting lower density housing alternative as infeasible, citing city council’s conclusion the fact that “‘the houses would be necessarily more expensive than those of the proposed project’ ... would defeat the proposed Project objective of providing the ‘the least expensive single-family housing for the vicinity’”].)



If and when the Council reaches its ultimate determinations regarding the feasibility of alternatives, the City Council will be free to weigh not only the assessment by the EIR authors of the extent to which the alternatives do or do not meet various project objectives, but also to weigh input from members of the public. All such input may be reasonable and thoughtful; but the ultimate obligation to weigh competing policy considerations lies with the City Council.

In actuality, there will be no need for the City Council ever to reach the question of whether this alternative, or the other two addressed in the EIR, are infeasible, in that the proposed Project does not have any significant unavoidable environmental effects. Much of the discussion above of the distinction between “potential feasibility” and “actual feasibility” is academic, in that here all significant impacts can be reduced to less than significant levels through the adoption of feasible mitigation measures. The Council will therefore not be under any obligation to assess the feasibility of alternatives. (See *Laurel Hills Homeowners Association v. City Council of City of Los Angeles* (1978) 83 Cal.App.3d 515, 520-521 [“if ... feasible mitigation measures substantially lessen or avoid generally the significant adverse environmental effects of a project, the proposed Project may be approved without resort to an evaluation of the feasibility of various project alternatives contained in the environmental impact report”].)

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.

With respect to the commenters request that the Draft EIR be modified to include an analysis of the “actual feasibility” of the Building Reuse Alternative (Comments

258, 261 [Draft EIR, p. 5.0-21], the commenter's request is unwarranted, as case law is clear that EIRs need not address the economic feasibility of alternatives. (See, e.g., *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689-691; *County of Napa*, supra, 121 Cal.App.4th at pp. 1506-1508.) As was explained earlier, actual feasibility is determined, if ever, at the time at which the final decision making body, having certified a Final EIR, is ready to consider the merits of a proposed Project. The mechanism for assessing actual feasibility is the so-called "CEQA Findings" adopted pursuant to Public Resources Code section 21081, subdivision (a), and Guidelines section 15091, subdivision (a).

Consistent with this approach, Guidelines section 15131, subdivision (c), states that "[e]conomic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project."

**Response M-117:** The commentor provided the following comment on the Draft EIR:

#### NO PROJECT (NO BUILD) ALTERNATIVE

198

**Aesthetics** For alternatives analysis, the DEIR should list the relevant impacts that are significant without mitigation not impacts deemed less-than-significant.

As discussed under Impact 3.1-1 in Section 3.1, while the proposed Project would permanently convert the developed site from a vacant building to a new grocery store building, the Project site is designated for and consistent with the use established by the General Plan for the site. As discussed under Impact 3.1-2, impacts associated with substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, would be less than significant. Similarly, Project implementation would not conflict with an applicable zoning or other regulation governing scenic quality within an urbanized area. Further, impacts associated with light and glare would be less than significant.

199  
The 3-1-2 analysis is flawed and likely tree removal is a significant impact.

Under the No Project (No Build) Alternative, the Project site would not be developed, and there would be no change in the visual character of the site, scenic resources, or light and glare emanating from the site. As such, this impact would be reduced when compared to the proposed Project.

#### Air Quality

Under buildout conditions in Mendocino County, the North Coast Air Basin (NCAB) would continue to experience increases in criteria pollutants. As described in Section 3.1, Mendocino County has a State designation Attainment or Unclassified for all criteria pollutants except for particulate matter of 10 microns or less in size (PM<sub>10</sub>). Mendocino County has a national designation of either Unclassified or Attainment for all criteria pollutants. Table 3.1-2 presents the state and nation attainment status for Mendocino County.

As discussed under Impact 3.2-1 in Section 3.2, the proposed Project would result in increased emissions primarily from vehicle miles travelled associated with Project implementation. The relevant Mendocino County Air Quality Management District (MCAQMD) CEQA operations-related emissions thresholds of significance as follows: 54 pounds per day of oxides of nitrogen (NO<sub>x</sub>), 54 pounds per day of reactive organic gases (ROG), 82 pounds per day of PM<sub>10</sub>, 54 pounds per year of particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>); 10 tons per year of NO<sub>x</sub>, 10 tons per year of ROG, 10 tons per year of PM<sub>10</sub>, and 10 tons per year of PM<sub>2.5</sub>. Moreover, the MCAQMD has issued clarification (in a December 2013 Advisory) that MCAQMD's indirect and permitting rules allow 125 tons per year of CO. As shown in Table 3.1-8 in Section 3.3, operational emissions would not exceed any of the applicable criteria pollutant thresholds. Additionally, as shown in Table 3.1-9 in Section 3.1, the proposed Project does not exceed the applicable thresholds of significance for construction criteria pollutants. Further, the Project is located in an area that is designated attainment and attainment-unclassified for carbon monoxide. No Project-level conformity analysis is necessary for CO. Substantial concentrations of carbon monoxide are not expected at or along any streets or intersections affected by the development of the Project site.

Please see Response M-12 regarding tree removal and impacts related to aesthetics and Response M-116 regarding the alternatives impact analysis.

**Response M-118:** The commentor provided the following comment on the Draft EIR:

## ALTERNATIVES TO THE PROPOSED PROJECT

5.0

(\*200 includes highlights on prior page)

200 policies related to air quality. As such, this impact would be reduced when compared to the proposed Project. So? Please explain how this is relevant. The question presented is if the

alternative reduces a significant impact relative to the proposed project rather than reducing an already less-than-significant impact.

**Biological Resources**

As described in Section 3.2, Biological Resources, construction in the Project site has the potential to result in impacts to some special-status bird and bat species in the region. 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. Additionally, although no evidence of bat roosting on the Project site was present, there remains a possibility that bats could establish a roost in the abandoned building in the future. Although there has been no documented sighting within the immediate area in, or near the Project site, the Project site provides potential habitat for several species, including those discussed in Section 3.2.

202 False: there ARE documented sitings of locally native herons foraging for gophers on the site. Mitigation Measure 3.2-1 requires measures to avoid or minimize impacts on other protected bird species that may occur on-site, such as preconstruction surveys and appropriate buffers, if needed. Mitigation Measure 3.2-2 requires a preconstruction bat survey and appropriate exclusion methods, if needed.

201 This is accurate but conflicts with prior assertions in the DEIR.

Under the No Project (No Build) Alternative, the proposed Project would not be constructed, no trees, structures, or potential habitat would be removed, and no ground disturbing activities would occur. As such, this impact would be reduced when compared to the proposed Project.

Please see Response M-30 regarding impacts related to special-status species and Response M-116 regarding the alternatives impact analysis.

**Response M-119:** The commentor provided the following comment on the Draft EIR:

Under the No Project (No Build) Alternative, the Project site would not be developed, and there would be no net change in emissions and no potential for a conflict with any adopted plans or policies related to GHG reductions. As such, this impact would be reduced when compared to the proposed Project. This is mainly because of GHG emissions associated with construction and the need to supply the Grocery Outlet structure with electricity. **GHG emissions from vehicles would be less under the proposed Project, as it would result in small reductions in vehicle miles traveled compared with existing conditions.** **Not clearly established in DEIR because of referenced but omitted table that allegedly provides such analysis.**

203

#### Land Use

The proposed Project would not conflict with an applicable land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect. Under the No Project (No Build) Alternative, the Project site would not be developed and there would be no potential for conflicts or urban decay. As such, land use impacts would be reduced when compared to the proposed Project. **This assertion is incorrect and not supported by the DEIR analysis, which omits applicable CGP Noise policies that the project is inconsistent with, as discussed in prior comments (e.g., in 3.5).**

204

The proposed Project could increase noise-generating activities associated with the maintenance and operation of the proposed Project, as well as from vehicular traffic and construction. Additionally, increased construction noise and vibration would temporarily result from demolition of the current building and construction of the proposed grocery store. **Mitigation measures provided in Section 3.5 would reduce all potential impacts to a less than significant level.** **Conclusion is not supported by any analysis of the effectiveness of the relevant mitigation measures.** Under the No Project (No Build) Alternative, the Project site would not be developed and there would be no potential for new noise sources. As such, this impact would be reduced when compared to the proposed Project.

205

206

#### Transportation and Circulation **Accurate but this is not fully consistent with other DEIR content.**

**The Project would result in a net increase in VMT over baseline conditions.** However, the model considers a very limited amount of re-routing of Fort Bragg residents that currently go to the Grocery Outlet store located in Willits for grocery shopping. As such, the VMT calculation was adjusted for re-routing. According to information provided by Grocery Outlet, over the last 12 months (June 2021 to June 2022), around 9% of the people that visit their Willits store come from Fort Bragg. Considering that the length of a one-way trip from Fort Bragg to the Willits Grocery Outlet store is approximately 35 miles, and one mile from Fort Bragg to the Project, 990 VMT is equivalent to the re-routing of 30 one-way trips or 15 round trips from the Willits Grocery Outlet store to the Project store. Per the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, a grocery store such as the one in Willits generates approximately 3,500 daily one-way trips. Therefore, the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions. Table 3.7-18 shows the adjusted VMT results accounting for a trip redistribution from the Willits Grocery Outlet to the Fort Bragg

Pease see Response M-84 regarding VMT, Response M-45 regarding General Plan policy consistency, and Response M-61 regarding noise mitigation. Please also see Response M-116 regarding the alternatives impact analysis.

Commenter provides no legal justification regarding comment 209, that policies do not apply to the No Project Alternative.



**Response M-120:** The commentor provided the following comment on the Draft EIR:

## ALTERNATIVES TO THE PROPOSED PROJECT

5.0

Grocery Outlet of 1% and 9%. **All transportation-related impacts were determined to be less than significant. Not adequately supported by analysis. The project will have significant transportation-related impacts concerning incompatibility with CGP policies and for pedestrian safety.**

The No Project (No Build) Alternative would not introduce additional vehicle trips onto the study area roadways. Rather, retail customers would continue their existing driving patterns in pursuit of groceries. According to information provided by Grocery Outlet, over the last 12 months (June 2021 to June 2022), around 9% of the people that visit their Willits store come from Fort Bragg. Considering that the length of a one-way trip from Fort Bragg to the Willits Grocery Outlet store is approximately 35 miles, and one mile from Fort Bragg to the Project, 990 VMT is equivalent to the re-routing of 30 one-way trips or 15 round trips from the Willits Grocery Outlet store to the Project store. Per the Institute of Transportation Engineers *Trip Generation Manual, 11th Edition*, a grocery store such as the one in Willits generates approximately 3,500 daily one-way trips. Therefore, as noted in Section 3.7 of this Draft EIR, the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions. **Table 3.7-18 shows the adjusted VMT results accounting for a trip redistribution from the Willits Grocery Outlet to the Fort Bragg Grocery Outlet of 1% and 9%. Under the No Project (No Build) Alternative, re-routing of traffic would not occur, and a net decrease in VMT for both baseline (2022) and future year (2030) conditions would not occur. As such, impacts related to CEQA Guidelines Section 15064.3, subdivision (b) would be increased compared to the Project.**

208

**Table 3.7-18 does not exist so this is merely unsupported assertion. Table 3-7-17 shows a significant impact.**

Additionally, under the No Project (No Build) Alternative, transit use would not increase, bicycle storage facilities would not be installed, and pedestrian frontage improvements would not be constructed. **Impacts related to conflicts with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities would be increased under this alternative.** Further, impacts related to hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) and emergency access would be similar to the Project. **Overall, this alternative would result in**

210

**increased traffic related impacts compared to the Project.**

**Conclusion not justified because VMT is shown to increase from the project, which also has pedestrian Utilities safety impacts that wouldn't be created with the No Project alternative.**

Implementation of the proposed Project would result in increased flows to the public wastewater system. The wastewater system is capable of handling the increased flows with their existing permit and infrastructure.

Implementation of the proposed Project would result in increased demand for potable water. **The City has adequate water supply to handle the increased demand with its existing supply and infrastructure. Assertion is not accurate or justified when the impacts of climate change and**

**211 sea level rise are (properly) included in the City's water model.**

Implementation of the proposed Project would result in increased storm drainage from new impervious surfaces. The proposed Project includes a storm drainage collection system to handle the increased storm drainage.

Implementation of the proposed Project would result in increased generation of solid waste. However, the landfill has adequate capacity to dispose the solid waste.

212

**Adequate landfill capacity is not an appropriate metric or threshold of significance due to mandatory state requirements to reduce or divert solid waste from landfills.**

Draft Environmental Impact Report – Best Development Grocery Outlet

5.0-7

207

209 There is no basis for this conclusion, the cited policies do not apply absent a project, thus there is no "conflict" when baseline conditions are maintained.

Please see Response M-45 regarding General Plan policy consistency, Response M-84 regarding VMT, Response M-91 regarding water demand and sea-level rise,

and Response M-94 regarding solid waste. Please also see Response M-116 regarding the alternatives impact analysis.

**Response M-121:** The commentor provided the following comment on the Draft EIR:

## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

Under the No Project (No Build) Alternative, the Project site would not increase the demand for any utilities, including wastewater services, potable water supplies, or solid waste disposal. There would be no need to construct stormwater drainage infrastructure. Overall, the demand for utilities would be reduced under the No Project (No Build) Alternative when compared to the proposed Project. This conclusion is accurate but omits relevant information that the No Project alternative will also reduce significant impacts relative to the project relating to utilities. 213

### BUILDING REUSE ALTERNATIVE

#### Aesthetics

As discussed under Impact 3.1-1 in Section 3.1, while the proposed Project would permanently convert the developed site from a vacant building to a new grocery store building, the Project site is designated for and consistent with the use established by the General Plan for the site. As discussed under Impact 3.1-2, impacts associated with substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, would be less than significant. Similarly, Project implementation would not conflict with an applicable zoning or other regulation governing scenic quality within an urbanized area. Further, impacts associated with light and glare would be less than significant.

While the Building Reuse Alternative would be substantially renovated, consistent with the current California Building Code, the building footprint, height, and massing would be similar to the current vacant former office building. As such, impacts related to scenic vistas, scenic resources, and visual character would be reduced when compared to the proposed Project. The building renovation would include renovated interior, exterior, and parking lot lighting in order to facilitate operation of the grocery store use. As such, impacts associated with light and glare would be similar to the Project. 214 How?

All impacts related to utilities as a result of the proposed Project were determined to be less than significant.

Please see Response M-12 regarding tree removal and impacts related to aesthetics. Please also see Response M-116 regarding the alternatives impact analysis.

**Response M-122:** The commentor provided the following comment on the Draft EIR:

## ALTERNATIVES TO THE PROPOSED PROJECT

5.0

Further, the Project is located in an area that is designated attainment and attainment-unclassified for carbon monoxide. No Project-level conformity analysis is necessary for CO. Substantial concentrations of carbon monoxide are not expected at or along any streets or intersections affected by the development of the Project site.

Implementation of the proposed Project would cause an increase in traffic, which is the dominant source of air emissions associated with the proposed Project. 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. The size of the grocery store would somewhat increase from 16,157 sf under the proposed Project to 16,436 sf (an increase of 279 sf). The amount of traffic generated from the Project site would be comparable under this alternative to the proposed Project. Mobile source air emissions are directly correlated to traffic volume; therefore, it is estimated that the similar trip volume would result in a similar amount of the mobile source emissions. Additionally, because the office building would be substantially renovated, consistent with the current California Building Code, the area source emissions would be similar to the Project. However, because full demolition and construction of a new building would not be required under this alternative, construction emissions would be reduced. It is noted that there may be a need to demolish certain aspects of the existing building (i.e. roof, walls, paneling, electrical, etc.). This is the key to this alternative actually being environmentally superior to the proposed project because it avoids or reduces demolition and construction impacts. The grocery store use in the Building Reuse Alternative would be required to adhere to the same mitigation measures as the proposed Project. The Building Reuse Alternative would result in somewhat reduced air emissions associated with the construction phase when compared to the proposed Project. How is "somewhat reduced" calculated or justified? This section should actually analyze the relative impacts in each relevant area of inquiry. 215 216

This comment is noted. Please see Response M-116 regarding the alternatives impact analysis.

**Response M-123:** The commentor provided the following comment on the Draft EIR:



## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

The Building Reuse Alternative would result in development of the entire Project site. Under this alternative, the areas which provide habitat for a variety of bird and bat species would be disturbed or removed. The same mitigation measures required for the proposed Project would be required for this alternative. As such, the Building Reuse Alternative would result in similar impacts to biological resources when compared to the proposed Project. Agreed: the former justifies the latter.

**Greenhouse Gases, Climate Change and Energy**

217

Short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change over the lifetime of the proposed Project. The City of Fort Bragg has not adopted a regional GHG reduction plan (such as a Climate Action Plan). However, the MCAQMD has developed GHG thresholds for operational emissions. Specifically, the MCAQMD's CEQA Guidelines include guidance on assessing GHGs and climate change impacts as required under CEQA Section 15183.5(b) and establish thresholds of significance for impacts related to GHG emissions. These guidelines are based on substantial evidence to attribute an appropriate share of GHG emissions reductions necessary to reach California GHG reduction goals for new land use development projects in the air district's jurisdiction that are evaluated pursuant to CEQA. The Project is assessed against the MCAQMD numeric threshold of significance of 1,100 metric tons of CO<sub>2</sub>e per year. This threshold was developed to ensure at least 90 percent of new GHG emissions would be reviewed and assessed for mitigation, thereby contributing to the Statewide GHG emissions reduction goals. Thus, both cumulatively and individually, projects that generate less than 1,100 MT CO<sub>2</sub>e per year have a negligible contribution to overall emissions.

As presented in Table 3.3-1 in Section 3.3, short-term construction emissions of GHGs are estimated at a maximum of approximately 123.9 MT CO<sub>2</sub>e per year. As shown in presented in Table 3.3-2 in Section 3.3, the annual mitigated GHG emissions associated with the proposed Project would be approximately 696.5 MT CO<sub>2</sub>e.

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. 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. The renovation would increase the energy efficiency of the building compared to existing conditions. The grocery store use in the Building Reuse Alternative would be required to adhere to the same mitigation measure as the proposed Project. The comparable size of the proposed grocery store building and the Building Reuse Alternative grocery store building would result in a corresponding comparable level of operational GHG emissions when compared to the proposed Project. However, because demolition and construction of a new building would not be required under this alternative, construction-related GHG emissions would be reduced. As such, the GHG emissions relating to construction would be somewhat reduced when compared to the proposed Project. Agreed. 218

**Land Use**

219

**False: there ARE clear or likely conflicts with several applicable CGP policies.** The proposed Project would not conflict with an applicable land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect. The Building Reuse Alternative would result

5.0-10

Draft Environmental Impact Report – Best Development Grocery Outlet

Please see Response M-45 regarding General Plan policy consistency.

Please also see Response M-116 regarding the alternatives impact analysis.

**Response M-124:** The commentor provided the following comment on the Draft EIR:

### ALTERNATIVES TO THE PROPOSED PROJECT

5.0

in a comparable amount of grocery store square footage on the same site as the Project. The same land use and zoning regulations would apply to this alternative as the Project. **Because the same use and comparable size would result under this alternative, the impacts to land use would be comparable to the Project.** **This is not accurate. The building reuse alternative isn't adequately analyzed in this DEIR because many of the proposed project's conflicts with applicable CGP policies and Noise Design Guidelines relate to site layout, which would be different rather than comparable to...**

The proposed Project could increase noise-generating activities associated with the maintenance and operation of the proposed Project, as well as from vehicular traffic. Additionally, increased construction noise and vibration would temporarily result from demolition of the current building and construction of the proposed grocery store. **Mitigation measures provided in Section 3.6 would reduce all potential impacts to a less than significant level.** **Not actually justified.**

The Building Reuse Alternative would result in a comparable amount of grocery store square footage as the Project; therefore, the operational noise impacts associated with the alternative would be similar to the vehicular and operational activities of the proposed Project. However, because demolition and construction of a new building would not be required under this alternative, construction noise and vibration would be reduced. It is noted that all noise and vibration issues would be mitigated, as appropriate, through noise attenuation and best management practices. **Nevertheless, due to the reduced construction noise under this alternative, construction noise and vibration impacts would be reduced when compared to the proposed Project.** **True but should revise to include "demolition and construction noise".**

### Transportation and Circulation

The Project would result in a net increase in VMT over baseline conditions. However, the model considers a very limited amount of re-routing of Fort Bragg residents that currently go to the Grocery Outlet store located in Willits for grocery shopping. As such, the VMT calculation was adjusted for re-routing. According to information provided by Grocery Outlet, over the last 12 months (June 2021 to June 2022), around 9% of the people that visit their Willits store come from Fort Bragg. Considering that the length of a one-way trip from Fort Bragg to the Willits Grocery Outlet store is approximately 35 miles, and one mile from Fort Bragg to the Project, 990 VMT is equivalent to the re-routing of 30 one-way trips or 15 round trips from the Willits Grocery Outlet store to the Project store. Per the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, a grocery store such as the one in Willits generates approximately 3,500 daily one-way trips. Therefore, in conclusion, the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions. Table 3.7-18 shows the adjusted VMT results accounting for a trip redistribution from the Willits Grocery Outlet to the Fort Bragg Grocery Outlet of 1% and 9%. All transportation-related impacts were determined to be less than significant.

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. The comparable size of the grocery store buildings under the proposed Project and this alternative would result in a comparable amount of traffic generated from the Project site. **However, due to the current layout of the**

**223**  
Note: this is merely a recitation of the analysis about the project found in the rest of the DEIR. This section is supposed to analyze the specific project alternatives not just make conclusory statements about the relative impacts of the alternative compared to the proposed project.

Draft Environmental Impact Report – Best Development Grocery Outlet

5.0-11

Please see Response M-45 regarding General Plan policy consistency.



**Response M-125:** The commentor provided the following comment on the Draft EIR:

## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

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 on-site circulation and pedestrian access is safe and adequately provided. Overall, the Building Reuse Alternative would result in similar traffic related impacts when compared to the proposed Project. Transportation impacts (rather than just traffic) would likely be reduced by this alternative but relevant analysis is currently omitted. Revise DEIR accordingly.

### Utilities 225

Implementation of the proposed Project would result in increased flows to the public wastewater system. The wastewater system is capable of handling the increased flows with their existing permit and infrastructure.

Implementation of the proposed Project would result in increased demand for potable water. The City has adequate water supply to handle the increased demand with their existing supply and infrastructure. Again, not clearly justified as discussed elsewhere. 226

Implementation of the proposed Project would result in increased storm drainage from new impervious surfaces. The proposed Project includes a storm drainage collection system to handle the increased storm drainage.

Implementation of the proposed Project would result in increased generation of solid waste. However, the landfill has adequate capacity to dispose the solid waste. Again, not particularly relevant. 227

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. Utility improvements would still be required for this alternative. Operation of the Building Reuse Alternative would result in a comparable amount of wastewater, water demand, stormwater runoff, and solid waste generated from the Project site. The amount of pervious surfaces under this alternative would be comparable to the Project. Additionally, the grocery store use in the Building Reuse Alternative would be required to adhere to the same mitigation measures as the proposed Project, and the comparable amount of square footage would result in similar utility demands. The Building Reuse Alternative would result in similar demand on utility systems when compared to the proposed Project. However, because demolition of the existing building would not occur under this alternative, the amount of construction debris and waste would decrease compared to the Project.

Overall, this alternative would have comparable wastewater treatment demand, water demand, and storm water runoff when compared to the proposed Project. Nevertheless, due to the decrease in construction debris and waste compared to the Project, this alternative would have somewhat reduced impacts related to solid waste generation when compared to the proposed Project. This conclusory statement appears reasonable on its face but CEQA requires actual supporting analysis and the alternatives section, in particular, is very important and should be more detailed than is currently presented. Revise DEIR to include actual analysis of the projected impacts of the alternatives and how those impacts relate to the projected impacts of the project as proposed. The feasibility of each project alternative is also supposed to be included but is currently omitted; revise to address.

229

5.0-12 Draft Environmental Impact Report – Best Development Grocery Outlet

Pease see Response M-84 regarding VMT, Response M-94 regarding solid waste, and M-91 regarding water demand and sea-level rise.

224  
Yes, these areas are supposed to be analyzed in this section of the DEIR but are not. The project alternatives need additional detail that is currently lacking.

228  
This is not accurate or supported. Building reuse likely significantly reduces solid waste from avoided demolition and construction activities. The DEIR should be revised to actually analyze the quantitative differences.

Please also see Response M-116 regarding the alternatives impact analysis.

**Response M-126:**

The commentor provided the following comment on the Draft EIR:

ALTERNATIVES TO THE PROPOSED PROJECT

5.0

DECREASED DENSITY ALTERNATIVE

**Aesthetics**

As discussed under Impact 3.1-1 in Section 3.1, while the proposed Project would permanently convert the developed site from a vacant building to a new grocery store building, the Project site is designated for and consistent with the use established by the General Plan for the site. As discussed under Impact 3.1-2, impacts associated with substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, would be less than significant. Similarly, Project implementation would not conflict with an applicable zoning or other regulation governing scenic quality within an urbanized area. Further, impacts associated with light and glare would be less than significant.

The Decreased Density Alternative would result in development on the Project site, but the development would be reduced with 0.49 acres remaining in its current condition. The 0.49 acres that would remain undeveloped would be located in the southern portion of the site, which is largely undeveloped. As such, the amount of light and glare emanating from the site would be reduced compared to the Project. Similarly, the reduced building size would result in reduced impacts related to scenic vistas, scenic resources, and scenic quality. How? There is no supporting analysis for these assertions and a smaller size will not necessarily do this. Revise the

**Air Quality** DEIR to actually include the supporting analysis and determine relative impacts.

Under buildout conditions in Mendocino County, the NCAB would continue to experience increases in criteria pollutants. As described in Section 3.1, Mendocino County has a State designation Attainment or Unclassified for all criteria pollutants except for PM<sub>10</sub>. Mendocino County has a national designation of either Unclassified or Attainment for all criteria pollutants. Table 3.1-2 presents the state and nation attainment status for Mendocino County.

Please see Response M-116 regarding the alternatives impact analysis.

231 This makes no sense. What is the benefit of leaving a likely undevelopable portion of the project site and constructing a smaller store? Failing to preserve open space is not identified as a significant impact.

This alternative is inappropriate because it fails to reduce any impact that is identified as being significant without mitigation or is significant and unavoidable. CEQA requires EIRs to analyze alternatives that actually (relatively) reduce potentially significant impacts.

230

232



**Response M-127:** The commentor provided the following comment on the Draft EIR:

## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

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. Because the disturbance area would be comparable to the Project, and because the same type of building would be constructed on the site, the construction related emissions would be comparable to the Project. However, this approximately 30 percent reduction in square footage and parking area would likely represent an approximately 30 percent reduction in the amount of traffic generated from the Project site. Mobile source air emissions are directly correlated to traffic volume; therefore, it is estimated that the reduced trip volume would reduce the mobile source emissions by approximately the same 30 percent. Additionally, this alternative would have a reduction in area source emissions proportional to the reduction in square footage. Why? What is the source for this?

233

The decrease in square footage and reduced traffic volumes under this Alternative would result in reductions in air emissions. Therefore, the Decreased Density Alternative would result in reduced air emissions when compared to the proposed Project.

### Biological Resources

As described in Section 3.2, Biological Resources, construction in the Project site has the potential to result in impacts to some special-status bird and bat species in the region. 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. Additionally, although no evidence of bat roosting on the Project site was present, there remains a possibility that bats could establish a roost in the abandoned building in the future. Although there has been no documented sighting within the immediate area in, or near the Project site, the Project site provides potential habitat for several species, including those discussed in Section 3.2.

Mitigation Measure 3.2-1 requires measures to avoid or minimize impacts on other protected bird species that may occur on-site, such as preconstruction surveys and appropriate buffers, if needed. Mitigation Measure 3.2-2 requires a preconstruction bat survey and appropriate exclusion methods, if needed.

The Decreased Density Alternative would result in development on the Project site, but the development would be reduced with 0.49 acres remaining in its current condition. The 0.49 acres that would remain undeveloped would be located in the southern portion of the site, which is largely undeveloped. As such, because a portion of the area not currently developed would remain open and undeveloped, and would retain whatever biological values are associated with that condition. The same mitigation measures required for the proposed Project would be required for this alternative. For this reason, the Decreased Density Alternative would have a somewhat reduced impact to the proposed Project.

235  
236 What? It is not clear what "reason" this refers to or how this project alternative reduces any significant impacts relative to the proposed project. Revise to include such relevant analysis, including the reduced conflict with the CGP policy that is intended to preserve or restore open space, which is partially accomplished in this project alternative.

5.0-14 Draft Environmental Impact Report – Best Development Grocery Outlet

Trip generation rates are calculated using a trip generation rate and multiplying that rate by a unit count or building size, for example. Air emissions are calculated similarly because, as a building size decreases, fewer appliances and energy

intensive uses are included, reducing area emissions. The reduced trip generation with a smaller building also reduces mobile emissions.

Please see Response M-45 regarding General Plan policy consistency and Response M-116 regarding alternatives impact analysis.

See Chapter 3.0, Revisions, of the Final EIR for clarifying edits to the sentence which pertains to Comment 235.

**Response M-128:** The commentor provided the following comment on 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. Because the disturbance area would be comparable to the Project, and because the same type of building would be constructed on the site, the construction related emissions would be comparable to the Project. The decrease in building square footage and parking under this Alternative would significantly decrease the total GHG emissions. As such, the GHG emissions impact is reduced when compared to the proposed Project. How? There is no analysis to support a determination that this alternative would "significantly decrease" emissions. Revise DEIR to include such analysis. 237

**Land Use**

238 Again, this assertion is not accurate.

The proposed Project would not conflict with an applicable land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect. Under the Decreased Density Alternative, the grocery store would be reduced by approximately 30 percent from 16,157 sf to 11,310 square feet and the development would be reduced with 0.49 acres remaining in its current condition. The same land use and zoning regulations would apply to this alternative as the Project. The same use as the Project would result under this alternative, and the size of the grocery store under this alternative would be within the allowed range for the site. As such, the impacts to land use would be comparable to the Project. This conclusion is based on an improperly narrow focus on the the permissible land uses rather than the project's and project alternatives' relative consistency with applicable land use policies that were adopted to protect environmental resources. 239

**Noise**

The proposed Project could increase noise-generating activities associated with the maintenance and operation of the proposed Project, as well as from vehicular traffic. Additionally, increased construction noise and vibration would temporarily result from demolition of the current building and construction of the proposed grocery store. Mitigation measures provided in Section 3.5 would reduce all potential impacts to a less than significant level. Again, not clearly justified. 240

Please see Response M-127 regarding the corresponding reduction in air emissions, including greenhouse gas emissions, which results when building size is reduced. Please also see Response M-45 regarding General Plan policy consistency and Response M-61 regarding noise mitigation.



**Response M-129:** The commentor provided the following comment on the Draft EIR:

## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

Because the development footprint and development type would be the same or comparable to the Project, noise impacts would also be similar to the Project. **Because the Decreased Density Alternative would result in less development, the noise impacts associated with the future use would be reduced when compared to the proposed Project.** All other noise issues would be similar to the proposed Project, but on a reduced scale given the 30 percent decrease in development intensity under this alternative. The same mitigation measures required for the proposed Project would be required for this alternative. **Under this alternative, noise impacts would be reduced proportionate to the reduced development area.** **This determination is not clearly justified because**

241  
Why and how would the operational noise be reduced?

### Transportation and Circulation

242

**it is not the result of actual analysis, only superficial or conclusory statements and assumptions.**

The Project would result in a net increase in VMT over baseline conditions. However, the model considers a very limited amount of re-routing of Fort Bragg residents that currently go to the Grocery Outlet store located in Willits for grocery shopping. As such, the VMT calculation was adjusted for re-routing. According to information provided by Grocery Outlet, over the last 12 months (June 2021 to June 2022), around 9% of the people that visit their Willits store come from Fort Bragg. Considering that the length of a one-way trip from Fort Bragg to the Willits Grocery Outlet store is approximately 35 miles, and one mile from Fort Bragg to the Project, 990 VMT is equivalent to the re-routing of 30 one-way trips or 15 round trips from the Willits Grocery Outlet store to the Project store. Per the Institute of Transportation Engineers Trip Generation Manual, 11th Edition, a grocery store such as the one in Willits generates approximately 3,500 daily one-way trips. Therefore, the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions. Table 3.7-18 shows the adjusted VMT results accounting for a trip redistribution from the Willits Grocery Outlet to the Fort Bragg Grocery Outlet of 1% and 9%. All transportation-related impacts were determined to be less than significant. **Again, this first paragraph is not necessary or particularly relevant. However, the DEIR is supposed to include actual analysis of the relative significance of the impacts, which is omitted.**

243

**Under this alternative, the decrease in square footage and parking areas, and the corresponding decreases in traffic volumes, would result in reductions in traffic congestion. Therefore, the Decreased Density Alternative would result in reduced traffic related impacts when compared to the proposed Project.**

**These determinations are not supported or clearly justified without supporting analysis. Revise DEIR to include such support.**

### Utilities

244

Implementation of the proposed Project would result in increased flows to the public wastewater system. The wastewater system is capable of handling the increased flows with their existing permit and infrastructure.

Implementation of the proposed Project would result in increased demand for potable water. **The City has adequate water supply to handle the increased demand with their existing supply and infrastructure.** **Again, not clearly justified or accurate. Revise DEIR to include analysis of the relative significance of impacts of the project alternative compared to the proposed project.**

245

Implementation of the proposed Project would result in increased storm drainage from new impervious surfaces. The proposed Project includes a storm drainage collection system to handle the increased storm drainage.

5.0-16

Draft Environmental Impact Report – Best Development Grocery Outlet

Similar to air emissions, when trip generation decreases as a result of a reduced building size, the mobile noise also decreases. Please see Response M-84

regarding VMT, Response M-127 regarding trip generation, and Response M-91 regarding water demand and sea-level rise.

Please see Response M-116 regarding the alternatives impact analysis.

**Response M-130:** The commentor provided the following comment on the Draft EIR:

#### ALTERNATIVES TO THE PROPOSED PROJECT

5.0

Implementation of the proposed Project would result in increased generation of solid waste. However, the landfill has adequate capacity to dispose the solid waste.

Under the Decreased Density, 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 total development would be reduced by approximately 30 percent. This reduction in square footage and footprint would represent an approximately 30 percent reduction in the amount of wastewater and solid waste generated from the Project site. This reduction would also reduce water demand by approximately 30 percent. There would be approximately 0.49 more acres of pervious soils, thereby reducing the amount of storm drainage from the Project site. While uses in the Decreased Density Alternative would be required to adhere to the same mitigation measures as the proposed Project, the decrease in square footage and parking areas would reduce the utility demands.

Overall, this alternative would have less wastewater treatment demand, less water demand, less solid waste generated, and less storm water runoff when compared to the proposed Project. As such, this alternative would have a reduced impact when compared to the proposed Project.

How is this justified? Revise DEIR to provide supporting analysis for this conclusion.

#### 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 (No Build) 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.

Table 5.0-1 presents a comparison of the alternative Project impacts with those of the proposed Project. As discussed above, there is not adequate support for the conclusions reflected in Table 5.0-1.

As shown in the table, the 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. So? There is no requirement that the environmentally superior alternative fully

meet ALL objectives; it only needs to be feasible and meet most objectives.

See Section 5.4 below for a comparative evaluation of the objectives for each alternative. The following Section 5.4 is fatally flawed without significant revision and does not actually support the DEIR's above determination that the reduced scope project is the environmentally superior alternative. The adaptive reuse alternative significantly reduces impacts compared to the proposed project, as discussed in prior comments within each DEIR section. When those additional potentially significant impacts, including some of the impacts that the DEIR asserts are reduced to less-than-significant with mitigation without actually calculating the effectiveness of the mitigation measures reducing the significance of the impacts, the adaptive reuse alternative is likely to be found to be the environmentally superior alternative compared to the reduced scope alternative which doesn't avoid or reduce the additional impacts.

Draft Environmental Impact Report – Best Development Grocery Outlet

5.0-17

246 These assertions are not supported. Are these just assumptions? How does this relate to the modelling used to evaluate the impacts of the proposed project?

248

249 How?

250 Not clear how that was determined

251

252



Please see Response M-116 regarding alternatives impact analysis.

Similar to trip generation calculations, solid waste, water demand, and wastewater generation are typically based off building size. The building size is multiplied by the generation or demand rate. So, as building size decreases, solid waste, water demand, and wastewater generation typically decrease.

**Response M-131:** The commentor provided the following comment on the Draft EIR:

253

## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

The relative impact determinations listed in this table are not based on adequate analysis, including a complete lack of quantifiable information about the potentially significant impacts of each alternative. It is thus unreliable and not fit for purpose to evaluate which alternative is environmentally superior compared to the other alternative. Revise to include relevant calculations.

**TABLE 5.0-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE PROPOSED PROJECT**

| ENVIRONMENTAL TOPIC                                             | PROPOSED PROJECT <sup>1</sup> | NO PROJECT (NO BUILD)<br>ALTERNATIVE | BUILDING REUSE<br>ALTERNATIVE | DECREASED DENSITY<br>ALTERNATIVE |
|-----------------------------------------------------------------|-------------------------------|--------------------------------------|-------------------------------|----------------------------------|
| <b>SECTION 3.1, AESTHETICS</b>                                  |                               |                                      |                               |                                  |
| AES Impact 3.1-1                                                | LS                            | Less                                 | Equal                         | Less                             |
| AES Impact 3.1-2                                                | LS                            | Less                                 | Equal                         | Less                             |
| AES Impact 3.1-3                                                | LS                            | Less                                 | Equal                         | Less                             |
| AES Impact 3.1-4                                                | LS                            | Less                                 | Equal                         | Less                             |
| <b>SECTION 3.2, AIR QUALITY</b>                                 |                               |                                      |                               |                                  |
| AQ Impact 3.2-1                                                 | LS                            | Less                                 | Less                          | Less                             |
| AQ Impact 3.2-2                                                 | LS                            | Less                                 | Less                          | Less                             |
| AQ Impact 3.2-3                                                 | LS                            | Less                                 | Equal                         | Equal                            |
| AQ Impact 3.2-4                                                 | LS                            | Less                                 | Less                          | Less                             |
| AQ Impact 3.2-5                                                 | LS                            | Less                                 | Equal                         | Equal                            |
| <b>SECTION 3.3, BIOLOGICAL RESOURCES</b>                        |                               |                                      |                               |                                  |
| BIO Impact 3.3-1                                                | LS                            | Less                                 | Equal                         | Equal                            |
| BIO Impact 3.3-2                                                | LS/MM                         | Less                                 | Equal                         | Less                             |
| BIO Impact 3.3-3                                                | LS/MM                         | Less                                 | Equal                         | Equal                            |
| BIO Impact 3.3-4                                                | LS                            | Less                                 | Equal                         | Equal                            |
| BIO Impact 3.3-5                                                | LS                            | Less                                 | Equal                         | Equal                            |
| BIO Impact 3.3-6                                                | LS                            | Less                                 | Equal                         | Equal                            |
| BIO Impact 3.3-7                                                | LS                            | Less                                 | Equal                         | Equal                            |
| <b>SECTION 3.4, GREENHOUSE GASES, CLIMATE CHANGE AND ENERGY</b> |                               |                                      |                               |                                  |
| GHG Impact 3.4-1                                                | LS                            | Less                                 | Less                          | Less                             |
| GHG Impact 3.4-2                                                | LS                            | Less                                 | Less                          | Less                             |
| <b>SECTION 3.5, LAND USE</b>                                    |                               |                                      |                               |                                  |
| LU Impact 3.5-1                                                 | LS                            | Less                                 | Equal                         | Equal                            |
| LU Impact 3.5-2                                                 | LS                            | Less                                 | Equal                         | Equal                            |
| <b>SECTION 3.6, NOISE</b>                                       |                               |                                      |                               |                                  |
| NOI Impact 3.6-1                                                | LS/MM                         | Less                                 | Equal                         | Less                             |
| NOI Impact 3.6-2                                                | LS/MM                         | Less                                 | Less                          | Less                             |
| <b>SECTION 3.7, TRANSPORTATION AND CIRCULATION</b>              |                               |                                      |                               |                                  |
| TC Impact 3.7-1                                                 | LS                            | More                                 | Equal                         | Less                             |
| TC Impact 3.7-2                                                 | LS                            | More                                 | Equal                         | Less                             |
| TC Impact 3.7-3                                                 | LS                            | Less                                 | Equal                         | Less                             |

5.0-18

Draft Environmental Impact Report – Best Development Grocery Outlet

Please see Responses M-116 through M-130.

**Response M-132:** The commentor provided the following comment on the Draft EIR:

2. *Develop a grocery store that provides customers with comparatively affordable groceries at a convenient location for their shopping needs.*

The No Project (No Build) Alternative would not satisfy this Project objective because under this alternative, the Project site would remain in its current existing condition and development of a grocery store that provides customers with a convenient location for their shopping needs would not occur. Both the Building Reuse Alternative and Decreased Density Alternative would meet this objective because both alternatives would develop a grocery store on-site. However, due to the reduced size of the Decreased Density Alternative, this alternative would meet this objective to a lesser extent than the proposed Project and the Building Reuse Alternative. This is not adequately supported. 254

The location is the same and the relative affordability is the same so there is no difference between the two alternatives.

3. *Develop a grocery store that would generate additional revenues to the City in the form of increased sales and property tax revenues.*

The No Project (No Build) Alternative would not satisfy this Project objective because under this alternative, the Project site would remain in its current existing condition and would not develop a grocery store that would generate additional revenues to the City in the form of increased sales and property tax revenues. Both the Building Reuse Alternative and the Decreased Density Alternative would meet this objective because both alternatives would generate additional revenues to the City. It is noted, however, that the reduced building size under the Decreased Density Alternative would likely result in decreased sales and property tax revenues compared to the Project. This is not adequately supported. There is no analysis to show decreased tax revenue due to a smaller store. Most groceries are not taxed so fewer products does not necessarily mean taxes will decrease. 255

4. *Develop a grocery store that would create new jobs in the City.*

The No Project (No Build) Alternative would not satisfy this Project objective because under this alternative, the Project site would remain in its current existing condition and would not develop a grocery store that would create new jobs in the City. Both the Building Reuse Alternative and the Decreased Density Alternative would meet this objective because both alternatives would create new jobs in the City. It is noted, however, that (similar to the above) the reduced building size

Please see Response M-116 regarding Project objectives and Project alternatives.

It is noted that many items which may be sold at the Grocery Outlet store would be subject to sales tax. In California, sales tax generally applies to sales of:<sup>2</sup>

- Alcoholic beverages
- Books and publications
- Cameras and film
- Carbonated and effervescent water
- Carbonated soft drinks and mixes
- Clothing
- Cosmetics
- Dietary supplements
- Drug sundries, toys, hardware, and household goods

<sup>2</sup> Source: <https://www.cdtfa.ca.gov/industry/grocery.htm#Topics>



- Fixtures and equipment used in an activity requiring the holding of a seller's permit, if sold at retail
- Food sold for consumption on the premises
- Hot prepared food products
- Ice
- Kombucha tea (if alcohol content is 0.5% or greater by volume)
- Medicated gum (Nicorette, Aspergum)
- Newspapers and periodicals
- Nursery stock
- Over-the-counter medicines, such as aspirin, cough syrups, cough drops, throat lozenges, and so forth
- Pet food and supplies
- Prepaid mobile telephone services
- Soaps or detergents
- Sporting goods

**Response M-133:** The commentor provided the following comment on the Draft EIR:

## ALTERNATIVES TO THE PROPOSED PROJECT

## 5.0

under the Decreased Density Alternative would likely result in decreased jobs generation compared to the Project. This is not adequately supported. There is no analysis to suggest this particular reduced size will reduce the number of new jobs at Grocery Outlet.

5. Develop an aesthetically attractive grocery store and landscaping on an infill site.

The No Project (No Build) Alternative would not satisfy this Project objective because under this alternative, the Project site would remain in its current existing condition and development of a grocery store on an infill site with new improvements and landscaping to improve the aesthetic of the site for residents and passersbys would not occur. The Building Reuse Alternative would partially meet this objective 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. 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. The Decreased Density Alternative would meet this objective because a grocery store would be developed on an infill site with new improvements and landscaping to improve the aesthetic of the site for residents and passersbys. **Revise DEIR to include actual feasibility analysis rather than unverified and self-serving assertions from the applicant.**

6. Design a site plan that minimizes circulation conflicts between automobiles and pedestrians.

The No Project (No Build) Alternative would not satisfy this objective because under this alternative, the Project site would remain in its current existing condition and would not design a site plan that minimizes circulation conflicts between automobiles and pedestrians. Under the Building Reuse 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 this objective, but to a lesser extent than the proposed Project and the Decreased Density Alternative. The Decreased Density Alternative would meet this objective. **How is it "lesser? There is no clear justification or support.**

261

Actual analysis of the building reuse alternative, including the different site plan and parking lot configuration with associated driveway connections should be included in the DEIR. Doing so is required by CEQA yet the current draft does not incorporate this relevant information and analysis. In fact, one of the reasons that CEQA only requires a minimum of the no project alternative and two other alternatives in an EIR, is because of the necessary time and financial reosures that must be dedicated to properly evaluating the identified project alternatives in the EIR. Unfortunately, as currently written this DEIR fails to meet these requirements concerning adequate Alternatives analysis. Instead it mostly includes a redundant and unnecessary reiteration of the impacts of the proposed project and then superficially compares the alternatives to the relative impacts of the proposed project. Rather than providing consistently meaningful analysis, it includes unsupported assertions based on mere assumptions about the relative significance of the impacts. The DEIR also omits actual feasibility analysis. The lack of any feasibility analysis is particularly objectionable because unsupported assertions of the infeasibility of building reuse are referenced to try to justify rejecting the environmentally superior alternative of building reuse. Finally, the DEIR concludes (but without supporting analysis) that the reduced scope is environmentally superior compared to the building reuse alternative. As discussed above, that conclusion is not adequately supported. The revised EIR may very well indicate that building reuse is actually the environmentally superior alternative.

Draft Environmental Impact Report – Best Development Grocery Outlet 5.0-21

Please see Response M-116 regarding Project objectives and Project alternatives.

**Response M-134:**

The commentor provided the following comment on the Draft EIR:

258  
This is not justified and misleading. The applicant did assert infeasibility but the assertion is not supported by any evidence of its accuracy. There is no proof of mold and asbestos can be easily remediated. The central location on the site is also more consistent with local planning documents. The landscaping and exterior will be upgraded and subject to identical requirements as new construction.

256  
This is not adequately supported. Both options provide for an attractive building on an infill site subject to the same Design Guidelines.

- City of Fort Bragg. 2014. City of Fort Bragg Design Guidelines – Chapter 2 Commercial District Design Guidelines. Accessed March 2022. Available at: <https://www.city.fortbragg.com/home/showpublisheddocument/2544/63772644745277000>
- 262 0. What about the Design Guidelines revised in 2022? The DEIR refers to the both versions of the Citywide Design Guidelines. When was the new application deemed complete?

Design Review is not required at the EIR phase. As discussed in the Draft EIR, the Project is subject to the mandatory provisions of the City's Design Guidelines. The aesthetic impacts of the proposed Project have already been analyzed in the EIR. While not a CEQA issue, City staff's analysis of the Project against the mandatory guidelines is included as new Appendix E of this Final EIR. The analysis includes conditions to ensure compliance where required.

The 2022 Design Guidelines were added to Chapter 7.0 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the addition.

**Response M-135:** The commentor provided the following comment on the Draft EIR:

263

Wildlife Resource Managers. Grocery Outlet Fort Bragg, California Property Biological Review. August 2019.

Why are the entitlement review documents from the prior identical application for this project that was reviewed and approved based on an MND rather than an EIR not included in this reference list? The DEIR and appendices include several references to that prior review, including the consultant's reliance on the MND and the studies and comments concerning the prior project and its MND (e.g., for scoping purposes related to this DEIR) so they should be included in the reference list.

Specifically, this Section 7.0 of the DEIR should be revised to include the following: the adopted MND; the agenda packets for the relevant Planning Commission and City Council meetings about the project, including the prior comments and their attachments as well as the meeting agendas; the adopted minutes of those meetings; the meeting videos, audio recording, or transcripts thereof; and the City Council agenda materials and the adopted resolution vacating the City's prior approval.

All of those documents are relevant to the preparation of this DEIR and should be included as referenced documents because the review itself is technically a distinct entitlement review from this identical project. Currently, this Section 7.0 reference list only includes some of the relevant documents (e.g., the 2020 Initial Study and some of the supporting scientific studies that were carried over to prepare this DEIR) but it should arguably include all of the above. (Perhaps the video, audio, or likely nonexistent transcripts might not be relevant as inputs for this DEIR but the other documents are relevant.) The prior public and responsible agency comments were also already "incorporated by reference" via a June 8, 2022 email comment on the NOP (see Appendix A) so they should be included here or in the new section of the EIR with the timely comments and the responses thereto. The rest of the listed documents were not incorporated by reference but are still relevant. Please revise this Section 7.0 of the DEIR accordingly.

#### 7.0-8 Draft Environmental Impact Report – Best Development Grocery Outlet

The previously-adopted MND is included on page 7.0-4 of Chapter 7.0 of the Draft EIR. The City's July 26, 2021 Agenda Item Summary, the City's June 9, 2021 Agenda Item Summary Report, the City's May 26, 2021 Agenda Item Summary Report, and the Petition for Writ of Mandate dated August 24, 2021 were added to Chapter 7.0 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the additions.



**Response M-136:** The commentor provided the following comment on the Draft EIR:

With regards to this MND, page 11 of the Initial Study includes a list of environmental factors where the project might have a “Potentially Significant Impact” or the impacts might be “Potentially Significant Unless Mitigation [is] Incorporated.” Curiously, only Biological Resources, Geology/Soils and Noise were identified in this list even though there is substantial evidence supporting a fair argument that the project may have potentially significant impacts in other areas as well, including those areas identified in various public comments.

Not identified as being potentially impacted were **Aesthetics**, Agriculture and Forestry Resources, **Air Quality**, Cultural Resources, Energy,

No comment is provided. The commenter has highlighted topics which were discussed in an NOP comment letter. The highlighted topics were discussed in a standalone section of the Draft EIR. No further response is warranted.

**Response M-137:** The commentor provided the following comment on Appendix A of the Draft EIR:

Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, **Land**, , Mineral Resources, Population/Housing, Public Services, Recreation, , Tribal Cultural Resources, **Utilities/Service Systems**, Wildfire, or . Based on the details and aspects of the proposed project, the 6 highlighted categories should have also been identified as having “Potentially Significant Impact” or the impacts might be “Potentially Significant Unless Mitigation [is] Incorporated” including several areas where the project contributes to cumulatively significant impacts when considered with other projects.

No comment is provided. The commenter has highlighted topics which were discussed in an NOP comment letter. The highlighted topics were discussed in a standalone section of the Draft EIR. No further response is warranted.



**Response M-138:** The commentor provided the following comment on Appendix A of the Draft EIR:

Facts:

The letter from CDFW stated that, "The Site is located within the Coastal Zone subject to California Coastal Act (CCA) and California Coastal Commission (CCC) coastal wetland regulations. The CCC's regulation (California Code of Regulations Title 14) establishes a "one parameter definition" that requires evidence of only a single parameter to establish wetland conditions. The wetland delineation protocol in the U.S Army Corps of Engineers (ACOE) Wetland Delineation Manual (Environmental Laboratory 1987) and Western Mountains Valleys and Coast Supplement (ACOE 2010) describes how to evaluate and document wetland indicators of three parameters: vegetation, soil, and hydrology. The protocol also suggests delineations should occur two-weeks following a significant rainfall event during the growing season to observe indicators of hydrology and obtain accurate identification of plant species. With a single site visit in August, the presence of FAC plants, and no description of wetland assessment methods, the conclusion that wetlands are absent is not supported with substantial evidence. The IS/MND should provide substantial evidence to support the determination that wetlands are absent. A wetland delineation following ACOE protocol should be conducted to identify any locations where one or more wetland parameter indicators are present (**Recommendation 1**)."

No comment is provided. The commentor has highlighted topics which were discussed in an NOP comment letter. The highlighted topics were discussed Section 3.3 of the Draft EIR and the soil sampling occurred following rainfall. No further response is warranted.

**Response M-139:** The commentor provided the following comment on Appendix A of the Draft EIR:

Fact:

The Grocery Outlet Appeal Report prepared by city staff states that, "The impacts on the City's existing water supply are negligible as the average water usage of a Grocery Outlet, as supplied by the applicant, is 250 – 350 gallons per day, including irrigation for the landscaping. As drought tolerant landscaping will be required, the average is probably on the lower end of this scale. The usage is expected to be less than 25% of the average water usage of other grocers in the City. In part, this is due to the operations of the market which does not include a deli, meat counter, bakery, or food preparation. Everything arrives packaged and in addition to the landscaping, water is used mainly for sanitation, restrooms, and other minor uses. To provide further context, for the FY 19-20 the City produced 272,833,000 gallons of water and sold 200,164,052 gallons. In that year, grocery stores made up less than 2% of the City's water sales. The increase in water sales in the city would be approximately 0.055% and a 0.04% increase in the usage of treated water. This will be a less than significant increase in water usage."

No comment is provided. The commenter has highlighted topics which were discussed in an NOP comment letter. The highlighted topic was discussed Section 3.8 of the Draft EIR. No further response is warranted.

**Response M-140:** The commentor provided the following comment on Appendix F of the Draft EIR:

**TABLE 10  
EXISTING PLUS GROCERY OUTLET STORE INTERSECTION QUEUES**

| Intersection                        | Movement | Storage (feet) | Weekday PM Peak Hour |                                 |                       |       |                                 |     | Saturday Peak Hour |                                 |                       |       |
|-------------------------------------|----------|----------------|----------------------|---------------------------------|-----------------------|-------|---------------------------------|-----|--------------------|---------------------------------|-----------------------|-------|
|                                     |          |                | Existing             |                                 | Existing Plus Project |       |                                 |     | Existing           |                                 | Existing Plus Project |       |
|                                     |          |                | Volume (vph)         | 95 <sup>th</sup> % Queue (feet) | Volume (vph)          |       | 95 <sup>th</sup> % Queue (feet) |     | Volume (vph)       | 95 <sup>th</sup> % Queue (feet) | Volume (vph)          |       |
|                                     |          |                |                      |                                 | Project only          | Total |                                 |     |                    |                                 | Project only          | Total |
| SR 1 - Main Street / Cypress Street | NB left  | 120            | 20                   | 35                              | 0                     | 20    | 35                              | 34  | 50                 | 0                               | 34                    | 50    |
|                                     | SB left  | 130            | 43                   | 55                              | 0                     | 43    | 55                              | 29  | 45                 | 0                               | 29                    | 45    |
|                                     | EB left  | 80             | 17                   | <25                             | 0                     | 0     | <25                             | 15  | <25                | 0                               | 15                    | <25   |
|                                     | WB left  | 100            | 219                  | 140                             | 12                    | 231   | 150                             | 204 | 130                | 13                              | 217                   | 140   |
| Cypress Street / Franklin Street    | EB left  | 75             | 45                   | <25                             | 0                     | 45    | <25                             | 46  | <25                | 0                               | 46                    | <25   |
|                                     | WB left  | 55             | 8                    | <25                             | 0                     | 9     | <25                             | 2   | <25                | 0                               | 2                     | <25   |

**Highlighted** values exceed available storage

264

Note: the left turn lane onto SR1 (aka Main Street) is projected to exceed the available storage capacity of 100 feet, meaning that vehicles waiting to turn left will not all fit in the turn lane and the line of vehicles will extend into the through travel lane. The DEIR makes assertions in the transportation section that conflict with this model result incorrectly asserting that the through land will not be blocked. This amount to a significant impact at this intersection because the applicable threshold of significance for this transportation impact is not based on LOS alone but it based on the traffic patterns backing up so much that the through traffic lane is obstructed by vehicles waiting to turn onto SR1. The relevant issue is the land blockage not the length of the delay at the study intersection based purely on LOS metrics. The DEIR should be revised accordingly and this impact requires mitigation, which will likely be a fair share contribution to the intersection improvements at the nearby intersections of South Street or North Harbor Drive at SR1. Those mitigation measures must be selected and analyzed for effectiveness reducing this otherwise significant impact now. If such effectiveness analysis is deferred into the future based on Caltrans needing to select and approve the relevant traffic control measures (e.g., signal or roundabout) then the future performance criteria to reduce this impact below the threshold of significance need to be established and explicitly included in the DEIR as a current mitigation measure. The DEIR mentions this--it is currently internally inconsistent--but no such mitigation measure is actually included. The CGP Circulation Element policies about LOS, fair share contributions, and maximum implementation timelines need to be reflected in the measure to ensure the project's overall consistency with those CGP policies that were adopted to protect environmental resources.

Traffic Impact Analysis for  
Fort Bragg Grocery Outlet Store, Mendocino County, CA

Page 23

KDA

As shown in Table 10 in Appendix F (shown above), exceedance of the westbound (WB) left turn movement turn lane at the SR 1 - Main Street / Cypress Street intersection is identified (as shown in yellow highlight). This exceedance occurs in the Existing Condition (without the Project) in both weekday PM peak hours and the Saturday peak hour. In the Existing Plus Project Condition, the 95<sup>th</sup> percentile queue length would increase from 140 feet to 150 feet during the weekday PM peak hours and from 130 feet to 140 feet during the Saturday peak hour. As stated on page 3.7-12 of Section 3.7 of the Draft EIR, Statistically, the 95<sup>th</sup> percentile queue represents the queue length that would only be exceeded 5 percent of the time during the peak period. The 95<sup>th</sup> percentile queues are a byproduct of HCM LOS analysis.

As noted on page 3.7-13, the proposed Project will add traffic at some locations where turn lane queues are a consideration. At the SR 1 - Main Street / Cypress Street intersection the proposed Project will add westbound left turns, and the 95<sup>th</sup> percentile queue may increase by about 10 feet during peak periods. As noted in the discussion of existing conditions, the queue will continue to extend into the transition area between the left turn lane and the adjoining TWLT lane

but will not spillover into the adjoining through lane. Because the through travel lane is not affected, the proposed Project's impact is not significant for purposes of compliance with the Coastal General Plan Circulation Element. No lane blockage would occur, as asserted by the commenter.

**Response M-141:** The commenter provided the following comment on Appendix F of the Draft EIR:

**Project Impacts to Alternative Transportation Modes**

Development of the proposed Grocery Outlet may incrementally contribute to the demand for facilities to serve pedestrians, cyclists and transit riders in this area of Mendocino County, but this demand is expected to be relatively minor.

**Pedestrian Impacts.** It is possible employees or customers of this project will elect to walk in appreciable numbers to and from the site, as there is residential or commercial development near the site. However, sidewalk exists on the streets adjoining the site, and with frontage improvements sidewalks will generally provide a complete path of travel to and from the site. There are two locations where gaps in the pedestrian system may remain, including:

- The south side of South Street from Franklin Street easterly to Myrtle Street (150 feet)
- The north side of North Harbor Drive between Franklin Street and Myrtle Street (100 feet)

265 Gaps do and will also exist directly across Franklin St. directly interfering with pedestrian access.

The gaps exist at locations where it appears that residences were constructed prior to the City of Fort Bragg requiring frontage improvements. Privately maintained landscaping exists near the road. The availability of right of way to construct improvements is unknown.

266 This is incorrect, the City r.o.w. exists but is merely unimproved with sidewalks in various locations.

While it is not the responsibility of the project proponents to install sidewalks along these areas it would be appropriate for the City of Fort Bragg to consider installing NO PARKING signs in the area to preserve the edge of roadway for pedestrians.

267 This statement is incorrect, the prior project approval included the applicant installing additional sidewalk segments near the SE corner of the intersection of Franklin and South Streets, which have a proportionate nexus to the project.

Please see Response M-68.



**Response M-142:** The commentor provided the following comment on Appendix F of the Draft EIR:

*Traffic Signal Warrants.* Table 14 notes Year 2040 background traffic volumes and identifies the status of resulting peak hour traffic signal warrants. As indicated, the SR 1 (Main Street) / South Street intersection carries volumes that satisfy warrants in the weekday p.m. peak hour, while the SR 1 (Main Street) / North Harbor Drive intersection satisfies peak hour warrants in the Saturday peak hour. These should be addressed with fair share contributions to improvements at one or both of these intersections and the effectiveness of those measures must be analyzed in this DEIR, which requires revision as a result.

268

| TABLE 14<br>YEAR 2040 BASE TRAFFIC SIGNAL WARRANTS        |                      |       |                           |                    |       |                           |
|-----------------------------------------------------------|----------------------|-------|---------------------------|--------------------|-------|---------------------------|
| Intersection                                              | Weekday PM Peak Hour |       |                           | Saturday Peak Hour |       |                           |
|                                                           | Volume (vph)         |       | Warrant Met? <sup>1</sup> | Volume (vph)       |       | Warrant Met? <sup>1</sup> |
|                                                           | Major                | Minor |                           | Major              | Minor |                           |
| Cypress Street / Franklin Street                          | 615                  | 205   | No                        | 465                | 120   | No                        |
| SR 1 – Main Street / South Street                         | 2,620                | 100   | Yes                       | 2,565              | 90    | No                        |
| South Street / Franklin Street                            | 271                  | 165   | No                        | 275                | 70    | No                        |
| SR 1 – Main Street / No Harbor Dr                         | 2,678                | 85    | No                        | 2,575              | 150   | Yes                       |
| No Harbor Drive / Franklin Street                         | 345                  | 80    | No                        | 445                | 105   | No                        |
| <sup>1</sup> based on Rural Peak Hour volume warrant only |                      |       |                           |                    |       |                           |

As discussed in Response M-52, this fair-share contribution will be included as a “Condition of Approval” that will bind both the Applicant and City to this requirement. (Draft EIR, p. 3.7-22 [“[t]he Grocery Outlet Store project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection”].) Thus, this requirement is enforceable and the proposed Project will be implemented with it intact. (See Berkeley Hillside Preservation, supra, 60 Cal.4th at p. 1119 [CEQA presumes that a project will be implemented as proposed].)

It is noted that the City requires payment of the fair share before a building permit is issued.

Please also see Response M-53.



**Response M-143:** The commentor provided the following comment on Appendix F of the Draft EIR:

269 **Project Impacts / Mitigation Options.** Based on General Plan policy, the project's cumulative impact is significant at the SR 1 (Main Street) / South Street intersection since the project will cause the intersection to operate at LOS E, which exceeds the LOS D minimum, and peak hour traffic signal warrants are met. **The project's impact is significant, and mitigation is required based on Level of Service.**

**Unfortunately, despite this conclusion by the City's experts, no such mitigation is included!**

To address future conditions at this location it would be necessary to consider alternatives such as:

- **Prohibit westbound left turns**, as is the case at the SR 1 (Main Street) / North Harbor Drive intersection.
- Install traffic controls that stop the flow of traffic on SR 1 in order to allow side street traffic to enter, such as an **all-way stop**, a **traffic signal** or a **roundabout**.

Table 12 also presents the Levels of Service occurring during the weekday p.m. peak hour with the Grocery Outlet Store as these treatments are pursued. As indicated, prohibiting left turns would result in LOS C at the intersection. While traffic diverted will likely make a right turn before making a u-turn at Cypress Street, the SR 1 (Main Street) / Cypress Street intersection would still operate at LOS C with this additional traffic. The cost to sign and stripe the intersection for these new controls would be minimal. Either a traffic signal or roundabout would yield LOS A, a Level of Service that satisfies the City's minimum standard, but the feasibility of either option at an intersection that is only 700 feet from the Cypress Street traffic signal will need to be confirmed. The cost of a traffic signal on the state highway would likely be about \$500,000, depending on the extent of ancillary intersection improvements required under

KSDA

Please see Response M-142.

**Response M-144:** The commentor provided the following comment on Appendix F of the Draft EIR:

**Mitigations.** The Grocery Outlet Store project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection.

270 This is not carried through to the main body of the DEIR with appropriate mitigation measures. Table 16 notes the Grocery Outlet Store project's relative contribution to future traffic volumes at each study intersection based on the method recommended in Caltrans traffic study guidelines. As shown, project trips represent 16.1% of the future new traffic at the SR 1 / South Street intersection. Assuming a \$500,000 traffic signal, the project's contribution could be \$84,500.

| TABLE 16<br>FAIR SHARE CALCULATION |                                    |            |              |              |                   |            |
|------------------------------------|------------------------------------|------------|--------------|--------------|-------------------|------------|
| Location                           | Weekday PM Peak Hour Traffic (vph) |            |              |              |                   | Fair Share |
|                                    | Existing                           | Year 2040  |              | Project Only | Net Future Growth |            |
|                                    |                                    | No Project | Plus Project |              |                   |            |
|                                    |                                    |            |              |              |                   |            |
| A                                  | B                                  | C          | C-B          | C-A          | (C-B)/(C-A)       |            |
| SR 1 / Cypress St                  | 2,392                              | 2,780      | 2,827        | 47           | 435               | 10.8%      |
| Cypress St / Franklin St           | 815                                | 965        | 989          | 24           | 175               | 13.7%      |
| SR 1 / South St                    | 2,365                              | 2,740      | 2,812        | 72           | 447               | 16.1%      |
| South St / Franklin St             | 458                                | 559        | 655          | 96           | 197               | 48.7%      |
| SR 1 / No Harbor Dr                | 2,413                              | 2,788      | 2,851        | 63           | 438               | 14.4%      |
| No Harbor Dr / Franklin St         | 363                                | 425        | 430          | 5            | 67                | 7.5%       |

Please see Response M-142.

**Response M-145:** The commentor provided the following comment on Appendix F of the Draft EIR:

**Long Term Cumulative Traffic Impacts.** Without the Grocery Outlet Store the study intersections are projected to operate with Level of Service that satisfy the minimum LOS D standard in the future with the existing traffic controls. With the addition of the project's traffic the westbound approach to the SR 1 (Main Street) / South Street intersection will operate at LOS E during the weekday p.m. peak hour and during the Saturday peak hour. Peak hour traffic

KDA

Please see Response M-142 and M-146.

**Response M-146:** The commentor provided the following comment on Appendix F of the Draft EIR:

signal warrants will be satisfied at this location. While the City of Fort Bragg Coastal General Plan accepts LOS E conditions on peak summer weekends, exceeding LOS D on weekdays is a significant impact when traffic signal warrants are met, and mitigation is required.

**Cumulative Mitigations.** Alternative mitigation measures were considered, and three possibilities exist (i.e., left turn prohibition, traffic signal or roundabout). Any improvements within the state right of way require Caltrans approval. Under *Traffic Operations Policy Directive 13-02*, Caltrans will consider the relative merits of alternative traffic controls when it becomes necessary to stop traffic on state highways. The policy directive requires preparation of an *Intersection Control Evaluation (ICE)* to determine the preferred traffic control.

The Grocery Outlet Store project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection. Based on the method recommended in Caltrans traffic study guidelines, project trips represent 16.9% of the future new traffic at the SR 1 / South Street intersection. Assuming a \$500,000 traffic signal, the project's contribution could be \$84,500.

**Vehicle Miles Traveled (VMT).** Based on the location of competing stores, the most likely effect on regional travel associated with the development of the project is to slightly reduce the length of trips from areas south of the Noyo River off of SR 20 or SR 1 that are today made northbound, and to offer another option for shopping trips made by residents of areas to the north. As the proposed project is relatively close to other stores, the regional effect on VMT is likely to be small, but generally will be reduced by offering a closer option for northbound traffic.

271

Note: the above highlighted content in the traffic analysis concludes that mitigation is required in order to reduce the project's impacts to less-than-significant based on conflicts with applicable policies within the City's Coastal General Plan yet no such mitigation measures are carried forward to the resulting DEIR. The general prohibition on using LOS standards on their own to determine a project has a significant transportation-related impact doesn't exclude still finding that a project has a significant impact on the environment partially based on LOS criteria that otherwise applies to the project because of local zoning code requirements or relevant planning policies. Fort Bragg has such policies and this project does not comply with them because it does not include relevant mitigation measures to ensure that the project will result in less-than-significant impacts due to its conflicts with applicable land use policies found in the Circulation Element of the Coastal General Plan, most of which are listed in Section 3.7 of the DEIR. The DEIR should be revised to incorporate such analysis. Furthermore, the VMT analysis is lacking, including reference to Table 3.7-18 that does not exist.

Please see Response M-142.



**Response M-147:** The commentor provided the following comment on Appendix G of the Draft EIR:

RE: ADDENDUM TO TRAFFIC IMPACT ANALYSIS FOR GROCERY OUTLET STORE, FORT BRAGG, CA

272

Dear Mr. Johnson:

As requested, KD Anderson & Associates has prepared this addendum to our October 22, 2019 Traffic Impact Analysis (TIA) for a Grocery Outlet Store in Fort Bragg, California. While both Caltrans and the City of Fort Bragg have reviewed and concurred with the findings of the TIA, this addendum is intended to address questions raised by commissioners at the May 26, 2021 Planning Commission Meeting and summarize information in the TIA addressing these questions, including:

1. What are the traffic effects of the Grocery Outlet Store project at locations on Franklin Street and the relative need for improvements to local streets in Fort Bragg to ensure safety for motorists, bicyclists and pedestrians?
2. What are the Grocery Outlet Store project's impact to regional VMT and the significance of that impact under the California Environmental Quality Act, and is additional analysis needed?

**Grocery Outlet Store Project's Effects on City Streets**

**Traffic Study Area.** The TIA investigated background traffic conditions and project impacts across a broad area selected in consultation with City staff and Caltrans. In addition to Main Street (SR 1) the TIA also looked at:

- Cypress Street
- N. Harbor Drive
- South Street
- Franklin Street

Traffic volume count data was collected over a three day period in the summer of 2019 before COVID-19 travel restrictions, and peak hour intersection traffic counts were conducted during the weekday evening peak traffic hour and the peak hour of Saturday at these locations off of SR 1:

1. Franklin Street / Cypress Street
2. Franklin Street / South Street
3. Franklin Street / Harbor Drive

3853 Taylor Road, Suite G • Loomis, CA 95650 • (916) 660-1555

Please see Response M-142.

This admission that Caltrans and the City of FB concur with the findings of the TIA, why does the DEIR not incorporate the recommended mitigation that the TIA concluded was necessary?



**Response M-148:** The commentor provided the following comment on Appendix G of the Draft EIR:

**Pedestrian Facilities.** Pedestrians were included in the intersection traffic counts. There are sidewalks in many locations on the streets surrounding the project. Sidewalk is present at these locations:

- both sides of Franklin Street from a point about 250 feet south of South Street northerly to Cypress Street
- east side of Franklin Street for 100 feet north of North Harbor Drive
- both sides of Cypress Street
- both sides of South Street

273

Incorrect: sidewalk segments are missing from several relevant areas within the areas described in the highlighted areas, as discussed elsewhere in my notes on the DEIR.

KDA

Please see Response M-68.

**Response M-149:** The commentor provided the following comment on Appendix G of the Draft EIR:

*Mr. Terry Johnson  
Best Development  
June 3, 2021  
Page 4*

The need for an all-way stop at the Franklin Street / South Street intersection was raised at Planning Commission Meeting, and the projected traffic, pedestrian and bicycle volumes were reviewed based on MUTCD requirements for an all-way stop. In July 2019 a total of 13 and 4 pedestrians crossed the intersection during the weekday p.m. and Saturday peak hour, respectively, while a total of 8 p.m. and 4 Saturday peak hour bicyclist were counted. **These counts could conceivably double with the project.** While the intersection would operate safely with current controls, the projected peak hour automobile, bicycle and pedestrian volumes indicate that the intersection may reach the level that satisfies MUTCD warrant requirements for an all-way stop, but **analysis of MUTCD requirements over an 8 hour period would be required for confirmation.**

274

Since the intersection is projected to operate acceptably with current traffic controls, an all-way stop is not required due to an impact created by the Grocery Outlet Store, but the City of Fort Bragg could elect to install an all-way stop at their discretion.

There is no basis for the assertion that pedestrian counts could double. As noted, further analysis is necessary but it has not been performed. The DEIR and supporting studies should be revised to include such necessary and relevant analysis of the pedestrian safety impacts due to pedestrians crossign the adjacent streets to access the project site.

The desire and likelihood of such pedestiran access to the proposed Grocery Outlet was highlighted and confirmed by numerous members of the public commenting during the public hearings of this project when it was originally reviewed with an MND and approved. Those concerns remain as this project was not modified from the one evlautaed during the earlier application. Those prior comments, which were both written and oral, should be considered as part of this review for an identical projectbapplication that is ebign evaluated in this DEIR rather than the arguably deficient MND from the prior related application. The DEIR requires revision to properly analyze the potentially significant impacts due to pedestrian safety concerns as pedestrians from the numerous nearby multi-family housing developments cross the adjacent streets to access the propoed Grocery Outlet as well as within the parking lot, which was designed to not include internal protected pedestrian paths of travel and which includes the primary driveway access between the parking areas and the entrance thus exposing pedestrians to vehicle conflicts both on the adjacent streets but also withi the parking areas as they are currently proposed.

Please note that the Citywide Design Guidelines discourage or prohibit site and parking lot layouts that are similar to the parking and site layout propoised by the applicant. Those conflicts between the preferred designs and the Citywide Design Guidelines should be properly analyzed because the resulting conflicts or inconsistencies amount to potentially significant impacts that should be driving the project alternatives that are analyzed in the Alternatives section but currentyl are not included. That section requires revision as well to include appropriate project alternatives that reduce the project's conflicts with the Citywide Design Guidelines and the related pedestrian safety concerns that have not been adequate analyzed or addressed in the current DEIR now under review.

*KDA*

The basis for this assertion that pedestrian use could double is based on the expertise of the traffic consultant and City staff experience (which includes prior public comments during the hearing for this Project).

As noted on page 2.0-6, the proposed Project will be subject to Design Review. The Design Review would include a review of the proposed site plans as they relate to the Citywide Design Guidelines requirements. Design Review is not required at the EIR phase.

As discussed in the Draft EIR, the Project is subject to the mandatory provisions of the City's Design Guidelines. The aesthetic impacts of the proposed Project have already been analyzed in the EIR. While not a CEQA issue, City staff's analysis of the Project against the mandatory guidelines is included as new Appendix E of this Final EIR. The analysis includes conditions to ensure compliance where required.

**Response M-150:** The commentor provided the following comment on Appendix G of the Draft EIR:

275

**Pedestrian Impacts.** Some Grocery Outlet Store employees or customers will elect to walk to and from the site, as there is residential or commercial development near the site. However, sidewalk exists on the streets adjoining the site, and with frontage improvements installed by Grocery Outlet Store, sidewalks will generally provide a complete path of travel to and from the site. There are two locations where gaps in the pedestrian system may remain, including:

- The south side of South Street from Franklin Street easterly to Myrtle Street (150 feet)
- The north side of North Harbor Drive between Franklin Street and Myrtle Street (100 feet)

The gaps exist at locations where it appears that residences were constructed prior to the City of Fort Bragg requiring frontage improvements. Privately maintained landscaping exists near the road. The availability of right of way to construct improvements is unknown.

While it is not the responsibility of the project proponents to install sidewalks along these areas it would be appropriate for the City of Fort Bragg to consider installing NO PARKING signs in the area to preserve the edge of roadway for pedestrians.

**Bicycle Impacts.** The use of bicycles may be an option for employees or customers to the site. Typically, grocery stores do not attract large numbers of cyclists due to the need to carry goods purchased, however it is likely that current bicycle activity by visitors to the Mendocino coast leads to greater use of that mode in the community. The number of cyclists associated with this project is not likely to create any appreciable safety impacts on adjoining streets, as Class II bike lanes exist on Franklin Street north of the site, and Franklin Street along the project frontage is wide enough to accommodate shared bicycle and automobile activity. While the project's off-site impact is not significant, applicable short-term bicycle storage facilities should be installed on site, as required by the City of Fort Bragg.

**Transit Impacts.** Project employees or customers will be able to use MTA service as it already passes the project site and stops near the corner of South Street and Franklin Street. The project's impact is not significant, and mitigation is not required.

#### Vehicle Miles Traveled (VMT) Impacts

**Background.** Starting in July 2020 SB 743 required agencies to move from a Level of Service based impacts analysis under CEQA to analysis based on regional Vehicle Miles Traveled (VMT). Current direction regarding methods to identify VMT and comply with state requirements is provided by the California Governor's Office of Planning and Research (OPR)' December 2018 publication, *Technical Advisory on Evaluating Transportation Impacts in CEQA*. In addition, in June 2020 the Mendocino Council of Governments (MCG) published its *Senate Bill 743 Vehicle Miles Traveled Regional Baseline Study*. Which provided perspective in support of OPR guidance.

Mitigation is not required for impacts which are determined to be less than significant. As stated in the appendix, sidewalks will generally provide a complete path of travel to and from the site. As discussed in Impact 3.7-1 (Project implementation would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities) of Section 3.7 of the Draft EIR, pedestrians were included in the intersection traffic counts. There are sidewalks in many locations on the streets surrounding the Project site. Sidewalk is present at these locations:

- both sides of Franklin Street from a point about 250 feet south of South Street northerly to Cypress Street
- east side of Franklin Street for 100 feet north of North Harbor Drive
- both sides of Cypress Street
- both sides of South Street

This is not adequate. Even if it was it would need to be a formal mitigation measure and analyzed for effectiveness reducing the harm pedestrians would be subjected to trying to access the site to less-than-significant. The DEIR does not currently do this so revision is required.



- north side of North Harbor Drive from SR 1 to the Project site (230 feet)
- south side of North Harbor Drive from SR 1 to 160 feet east
- east side of Main Street (SR 1)

Crosswalks are striped at intersections as noted earlier, and ADA ramps have been provided at most locations.

Some Grocery Outlet Store employees or customers will elect to walk to and from the site, as there is residential and commercial development near the site. However, sidewalk exists on the streets adjoining the site, and with frontage improvements installed by Grocery Outlet Store, sidewalks will generally provide a complete path of travel to and from the site. There are two locations where gaps in the pedestrian system may remain, including:

- The south side of South Street from Franklin Street easterly to Myrtle Street (150 feet)
- The north side of North Harbor Drive between Franklin Street and Myrtle Street (100 feet)

The gaps exist at locations where it appears that residences were constructed prior to the City of Fort Bragg requiring frontage improvements. Privately maintained landscaping exists near the road.

**Response M-151:** The commentor provided the following comment on Appendix G of the Draft EIR:

Similarly, the Grocery Outlet Store representative also provided supporting testimony. Based on their experience, the entry of Grocery Outlet Store into any community does not increase the amount that people eat. What it does do is redistribute the current shopping pattern, but based on Bureau of Labor Statistics analytics, community grocery consumption remains the same regardless of the number of grocers servicing the area. That dynamic supports the notion that the entry of Grocery Outlet actually lowers VMT and traffic congestion as consumers travel choices tend to favor convenience. Thus, the entry of any new grocer will tend to reduce travel as consumers located near the new location will gravitate to that new location making shorter trips. While traffic studies may conservatively describe trips to the Grocery Outlet Store as “new”, there is an offsetting reduction in trips to the pre-existing grocery providers.

Thank you again for your review of these materials. Please feel free to contact me at (916) 660-1555 if you have any questions or need additional information.

Sincerely Yours,

276

KD Anderson & Associates, Inc.



Kenneth D. Anderson, P.E.  
President

Fort Bragg Grocery Outlet Addendum.ltr

Note: The above highlighted text is not adequate and is actually inconsistent with what has been included in Section 3.7 of the DEIR. There, the City determined that VMT is actually increased by this project as shown in Table 3.7-17. There is reference to alternative or adjusted analysis that shows a different result as well as a non-existent Table 3.7-18 but no such analysis is included anywhere in the DEIR or its appendices. As such, this DEIR requires revision to include such supporting analysis, including verified data and relevant calculations or it must be revised to match the data and analysis that is actually included. As it stands now, such analysis is found in Table 3.7-17, which shows an net increase in VMT. A net increase in VMT amounts to a significant impact based on the cited threshold of significance in Section 3.7 of the DEIR. Thus, this project must be determined to have a significant impact because it increases VMT compared to baseline conditions.

Pease see Response M-84 regarding VMT. VMT would not increase as a result of the proposed Project.

**Response M-152:** The commentor provided the following comment on Appendix H of the Draft EIR:

Heather Gurewitz, City of Fort Bragg  
June 29, 2022  
Page 3 of 6

traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

- (4) **Methodology.** A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

277

This is required but not included in the DEIR or supporting analyses. There is no "explanation" of the assumptions. The State Office of Planning and Research (OPR), in their Technical Advisory on the Evaluation of Transportation Impacts in CEQA (December 2018), has provided non-binding guidance on thresholds that could be used in the analysis of CEQA transportation impacts, using VMT as the quantified metric for evaluation. The basis of these OPR-recommended thresholds includes state climate planning documents and legislation.

The assumptions are included in Section 3.7 of the Draft EIR as well as in the technical appendix. See the Methodology sections of both. As discussed on page 3.7-24 of the Draft EIR:

The VMT analysis prepared for the CEQA transportation section is performed based on the total VMT metric, with a net-increase threshold being used to identify a significant CEQA impact. Typically, a travel demand model is used to assess changes in VMT resulting from a project, given their predictive power in terms of trip generation, trip distribution and trip assignment. The local travel demand model – the MCOG Travel Demand Forecasting Model (MCOG model) – was used to estimate VMT for the proposed project. The MCOG model includes a base year of 2009 and a future horizon year of 2030. The VMT analysis in this report is performed for both the 2009 and 2030 scenarios, with the delta between “no project” and “plus project” VMT for these two horizon years being interpolated to arrive at a delta reflecting a project baseline year of 2022. A boundary defined by the retail influence area of the Project was chosen as the extents of the VMT calculation. This boundary covers approximately 20 miles to the north and to the south of the Project, from the Town of Westport to the unincorporated community of Whitesboro, respectively, as well as the City of Willits and State Route 20 between Fort Bragg and Willits.

**Response M-153:** The commentor provided the following comment on Appendix H of the Draft EIR:

Based on the guidance presented in the *Technical Advisory* and the MCOG report, Fehr and Peers recommends that the City of Fort Bragg use the following VMT-based threshold to be applied to assess the CEQA significance of the project's effect on VMT:

- The project would result in a significant impact related to VMT if the project would result in a net increase in VMT. The City selected this as the threshold and the relevant analysis in Table 3.7-17 shows a net increase in VMT but still ignores this significant impact

The threshold noted above is consistent with OPR's recommended threshold; projects that are redistributive in nature (e.g., educational facility, retail, etc.) and result in an increase in VMT are not in-line with the portion of the legislative intent of SB 743 related to promoting the reduction of greenhouse gas emissions.

Pease see Response M-84 regarding VMT.

**Response M-154:** The commentor provided the following comment on Appendix H of the Draft EIR:

**Table 2: Project Effect on VMT Accounting for Trip Redistribution from Willits Grocery Outlet to Fort Bragg Grocery Outlet**

| Analysis Horizon Year                        | Scenario               | Scenario VMT<br>(1% redistribution) | Scenario VMT<br>(9% redistribution) |
|----------------------------------------------|------------------------|-------------------------------------|-------------------------------------|
| Model Base Year 2009                         | No Project             | 659,672                             | 659,672                             |
|                                              | Plus Project           | 657,565                             | 648,045                             |
|                                              | <b>Year 2009 Delta</b> | <b>-2,107</b>                       | <b>-11,627</b>                      |
| Model Future Year 2030                       | No Project             | 763,620                             | 763,620                             |
|                                              | Plus Project           | 763,420                             | 753,900                             |
|                                              | <b>Year 2030 Delta</b> | <b>-200</b>                         | <b>-9,720</b>                       |
| <b>Interpolated Baseline Year 2022 Delta</b> |                        | <b>-927</b>                         | <b>-10,447</b>                      |

Source: Fehr & Peers, June 2022.

Thus, per the significance criteria, the modeled VMT results, and the adjustments based on market information presented previously, the Project results in a **less-than-significant impact**.

This concludes our assessment. Please contact Bruno Lertora at [b.lertora@fehrandpeers.com](mailto:b.lertora@fehrandpeers.com) if you have questions or comments.

- 279 These tables are not supported by the actual models or calculations included in the DEIR and its appendices, unlike the relevant analysis for the other metrics used to evaluate transportation-related impacts. This demonstrates a lack of substantial evidence because none of the calculations that relate to the alleged modelling results shown in Tables 1 and 2 of this supplemental letter are provided so nothing can be verified or demonstrated to be accurate or reasonable. The DEIR and its appendices should be revised to include the critically important relevant analysis. Without doing so, there is not substantial evidence to support these conclusions or significance determinations.

The VMT analysis was completed using the Mendocino Council of Governments travel demand model. The results of the calculations completed by the model are shown here.



**From:** Jaen Treesinger <[lucretia@mcn.org](mailto:lucretia@mcn.org)>  
**Sent:** Monday, October 31, 2022 10:13 AM  
**To:** Gurewitz, Heather <[hgurewitz@fortbragg.com](mailto:hgurewitz@fortbragg.com)>  
**Subject:** Grocery Outlet

Several things concern me:

The traffic increase,

The similarity to all the other Grocery Outlet shopping mall areas; we lose the unique quality of ft. Bragg

The increased percentage of poor quality food

The increased pressure on small food businesses, making it harder for them to prosper.

Jaen

N-1

**Response to Letter N: Jaen Treesinger**

**Response N-1:** The commentor makes statements regarding food affordability and convenience, and states benefits of the proposed Project.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**From:** karin weyland <[karinweyland108@gmail.com](mailto:karinweyland108@gmail.com)>  
**Sent:** Friday, October 28, 2022 1:15 PM  
**To:** Gurewitz, Heather <[hgurewitz@fortbragg.com](mailto:hgurewitz@fortbragg.com)>  
**Subject:** Grocery Outlet Store

Hello,

I read the draft proposal and pros and cons about having a Grocery Outlet store in town.

I think it;s much needed for people who could not afford products Harvest Market and even Safeway carry at inflated prices. They have a lot of organic products that I buy for my family and I would like them to be a little closer than Ukiah. It might also bring more tourists who are camping on the coast and need affordable items for their trips. I've travelled up and down the coast through oregon and back and they have several of these stores well located for that kind of traffic. I don't think it would be an impediment for locals, on the country we will greatly benefit from the affordability and the variety.

O-1

Thanks,

Karin Weyland

258 Wall St.

707-472-8212

<https://mail.google.com/mail/u/1/?ik=802be77d6b&view=pt&search=all&permmsgid=msg-f%3A1747966246368240564&simpl=msg-f%3A1747966246...> 1/1

**Response to Letter O: Karin Weyland**

**Response O-1:** The commentor makes statements regarding food affordability and convenience, and states benefits of the proposed Project.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.



From: Leslie kashiwada  
 To: Heather Gurewitz  
 Re: Draft EIR, Best Development Grocery Outlet Project

I have many small, minor comments about this Draft EIR, but want to focus my comments on the larger scope of some issues. Ones I don't address don't imply there aren't issues, but rather that I don't have sufficient expertise to develop an informed opinion. Please note that many of my concerns expressed in previous comments about this project were not addressed well, or sometimes at all (comments located in Appendix A).

P-1

### **Air Quality (Section 3.2)**

On page 395 of the DEIR states: "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." I bring this up here, in this section, because **Impact 3.2.2**: Proposed Project construction activities do not have the potential to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict or obstruct implementation of the District's air quality plan (pg 104) indicates a less than significant impact. However, there is no mention of how air-borne particulates, especially mold spores and asbestos fibers, as well as dust, from the demolition process will be mitigated. If asbestos is truly an issue, then an abatement process must be required to sequester this extremely harmful material.

P-2

### **Biological Studies (Section 3.3)**

The draft EIR mostly relied on the previous inadequate and inaccurate studies, with two additional visits on March 29 and April 20, 2022. There was little rain in March, and some rain in April (0.78 inches on April 14, 0.44 inches on April 16, and 0.24 inches on April 20, the day of the second visit). Because of the rain, I went to the site and took photos on April 25 and April 30, 2022.

I am the first to admit that I am not a botanist, but Table 3.3.1: Plant species identified on the south parcel does not include *Fragaria* (strawberry), which was very much in evidence when I went out in late April, 2022 (just after the second DeNovo survey). However, *Fragaria* is a low-lying plant that is hidden by taller plants (see photo below). This leads me to conclude that the plant survey was superficially conducted, because such an obvious plant should have been noted. Quite a few of the special status plant species that may occur in the project area are low-lying and cryptic. I do not have confidence in the survey, which may not have been as rigorous as required to locate these plants.

P-3



P-3  
cont'd



On page 112 it states that the DeNovo field surveys, conducted by Principal Biologist, Steve McMurty, assessed the habitat and tested for aquatic resources/wetlands. It states that test pits were dug in 4 locations. Yet, the Hydrology, Soils, and Wetland Features section (pg 115) states that "...six soil test pits were dug and soils were tested for hydric characteristics." The raw data for these test pits are not included anywhere in the study. Especially critical is the location of the test pits as the previous study done by Wildland Resource Managers in 2021 placed their 4 test pits well away from the area most likely to contain hydric soils (western boundary of the property along the wood fence). This is particularly relevant because the placement of proposed BMPs (bioretention basins) are along the fence (see photo above). Without analysis of the soils in that area, there is no way to evaluate if the BMPs will impinge on hydric soils and associated plants.

P-3  
cont'd

All the right language is used to say the mature trees on the north side of the property will be retained if possible, but it is clear that they will not. So, there's no need to greenwash this. Just say they have to go to allow for the project to be completed. In particular, the BMP (bioretention basin) on the northwest side of the property is sited in a way that requires the removal of the Monterey pine. Perhaps the shore pine on the very northwest corner of the property is salvageable, but I doubt the developer cares. I just want to remind everyone that it takes decades for a tree to mature, especially in this area, which is impacted by salt air.

The loss of blue heron hunting grounds isn't a major issue because, as noted, there are other fields herons can access. However, as more and more infill occurs in the area, herons will lose more and more terrestrial hunting grounds. That said, there is still ample open space to the west, and along the shoreline of the river and coast.

#### Land Use (Section 3.5)

Land Use Chart (PF-1.1) page 198 – "... without substantially reducing the services provided to existing residents and businesses." The IS and this DEIR did not address the potential impact on emergency vehicle access to the ER (more on this later)

Land Use Chart (OS-5.1) page 201 (and earlier in Bio Studies) – "Proposed landscaping includes trees and vegetation along the property boundaries within the proposed parking lot..." Unfortunately, no landscaping plan is presented to determine appropriateness of plants. These should be local, native plants that are drought tolerant (not just native to California). For example, *Ceanothus* can serve as low-lying ground cover or a bush depending on the species, but there are many species of *Ceanothus* that are not native to the Mendocino coast (there are 56 species of *Ceanothus* found in California, but only 10 of them are native to this area). The next section states no invasive non-native will be used, but what about invasive native plants?

P-4

I notice that there are repeated references to special conditions placed on project during the IS/MND review period. However, these special conditions are not

described in the body of the DEIR in each relevant section. This makes it very difficult to assess the appropriateness of the proposed mitigations.

Impact 3.5-2: Impacts related to the physical deterioration and urban decay of existing retail commercial development (pg 216)

This analysis is very superficial to the point of being meaningless. What if this new development **does cause** Safeway or Purity to close? What kind of business would go into those locations? A massive indoor grow? Another microbrewery? A Dollar General? None of those would be considered desirable nor would they contribute to the well-being of the community. In addition, the loss of union jobs if Safeway closes, only to be replaced by non-union jobs would be a huge loss. Not that Safeway is a paragon of virtue – I don't hear great things about working conditions there – but I haven't heard great things about working conditions at GO in Willits or Ukiah either.

P-4  
cont'd

### Transportation and Circulation (Section 3.7)

Table 3.7.1 – Daily Traffic Volumes (pg 254)

This is old data collected on just three consecutive days in July (Thurs-Sat) in 2019. What are traffic volumes on school days? What are traffic volumes on holidays, especially around July 4<sup>th</sup> and Paul Bunyan Days? I expected DeNovo to conduct new traffic studies, especially at the critical intersections of SR1 and N Harbor Dr, SR1 and South St, N Harbor Dr and S Franklin St, and South St and S Franklin St. These were identified as the intersections of main concern and warranted further study and analysis.

The South St/S Franklin St intersection (pg 254)

The DEIR states that a 4-way stop was previously warranted and will be constructed by the City when it begins work on roadway. However, the project will immediately increase traffic (vehicular, bicycle, and pedestrian) in this exact intersection; an increase that is directly attributed to the project. I think one of the special conditions imposed by the Planning Commission was construction of a 4-way stop with cross walks, but the DEIR seems to have returned this responsibility to the City. This is essential infrastructure that must be put in place before the Grocery Outlet opens its doors to the public.

P-5

Having mentioned a 4-way stop at the intersection of South St and S Franklin St, I must ask, again, how will it impact emergency vehicle access to ER? I didn't see any kind of analysis on this essential route. How will response times leaving the hospital and arriving at the place of need, and returning to the hospital be impacted when there is a stop on South St? What do MedStar, EMTs and paramedics have to say about the increased traffic that will result from this project? They are already going to have to deal with the increased traffic due to the housing project (The Plateau) that will soon be made available to residents.

What will be the impact of long delivery vehicles on surrounding intersections? What plans are in place to mitigate traffic if and when one of these delivery trucks doesn't quite make the right hand turn from SR1 onto N. Harbor Drive. This isn't a simple 90-



degree turn – instead it is close to a 45-degree turn. Then those trucks have to make another challenging left turn into the proposed parking lot to access the loading dock. P-5  
cont'd

Transit Facilities (pg 258)

Currently there is a bus stop on S Franklin St near the northeast corner of the intersection of S Franklin St and South St. Bus riders will have to walk west across S Franklin St and then south across South St to access the Grocery Outlet. They will have to retrace their path across both streets to get back to the bus stop. I think it is appropriate for Grocery Outlet to pay a fair share contribution for the cost of a bus stop on the west side of S Franklin St near the store entrance, but I did not see any mention of this, or design plans for a bus stop. P-6

Traffic Signal Warrants – Table 3.7-14: Year 2040 plus Grocery Outlet (pg 270)

I believe this is mislabeled and should read Year 2040 without Grocery Outlet Based on background traffic volumes (from 2019 study) there are warrants for traffic signals at the intersection of SR1 and South St (weekday PM Peak) and SR1 and N Harbor Drive (Saturday Peak). That could potentially mean 2 new traffic signals very close to each other (and the traffic signal at SR1 and Cypress St), and one of them would be located just north of the bridge. It may be necessary, but will have a huge impact on flow into and out of town P-7

Traffic Signal Warrants – Table 3.7-15: Year 2040 plus Grocery Outlet (pg 271)

With the added traffic from the Grocery Outlet the warrants for traffic signals at the intersection of SR1 and South St increases to include Saturday Peak as well as Weekday PM Peak. I understand that the developer will therefore provide a fair share contribution to the cost of adding this traffic signal, but the impact on traffic in this area is regrettable and likely cannot be mitigated.

Project Mitigations (pg 271) – Prohibit westbound left turn

While CalTrans did prohibit westbound left turns at N Harbor Dr, that prohibition has been removed (DEIR states that prohibition is still in place). Left turns are currently allowed from westbound N Harbor Dr onto southbound SR1. Perhaps Caltrans will once again prohibit those turns when the Grocery Outlet opens, but vehicles regularly turn left from the gas station on the southeast corner of the intersection onto southbound SR1 so it wasn't a very effective prohibition.

I didn't see a detailed analysis of pedestrian flow in this section on transportation and circulation, especially at the intersection of State St and S Franklin St. The Circulation section of Land Use chart (C-9.2 pg 207) says a little about South St, S. Franklin St, and N Harbor Dr regarding sidewalk improvement, but there is nothing about crosswalks. Keep in mind that many who will walk are elderly or will be parents with strollers. Some of these pedestrians won't be able to clear intersection quickly. And, as mentioned earlier, there appears to be no plan to build a bus stop in front of the store, which will only increase pedestrian crossings in the critical intersection of South St. and S Franklin St. P-8

And, once again, I didn't see any analysis of the impact of a 4-way stop or increased traffic on South St on emergency vehicle access to ER and outbound to medical emergencies. This is important – do not ignore this!

P-8

The project proposal claims that there will be 15-25 full-time employees and 2 managers. I understand that they will work in shifts and not all be present at the same time, but, where will all those employees park? Will they park in the proposed parking lot or on the street? If the project reuses the old building or places the new building to the south, an employee-only parking lot could be constructed on the north side of the building.

cont'd

#### **Utilities and Service Systems (Section 3.8.2) – Water Supplies**

The City estimates that industrial/commercial facilities consume 78 gallons/1000 sq ft/day or 1656 gallons/gross acre/day. That means the project could use somewhere between 1288-2699 gallons/day. However, the DEIR states that the average Grocery Outlet Store in Northern California uses 300-450 gallons/day (internal use and irrigation combined). It states that the amount is so low because these stores only sell prepackaged goods. I'd like to see this data set. The use permit should be set up so that future use of the facility is restricted to prepackaged goods and produce, and that a deli, meat counter, bakery or any other service that requires increased use of water is prohibited in perpetuity.

P-9

#### **Utilities and Service Systems (Section 3.8.4) – Solid Waste**

The project should be required to work with the Fort Bragg Food Bank to make sure that excess produce, perishable, frozen and canned goods are collected regularly for distribution.

P-10

#### **CEQA Requirements (Section 5.1)**

Project Objective (5<sup>th</sup> bullet point)

Develop a site plan that minimizes circulation conflicts between automobiles and pedestrians. I don't think that this objective has been met.

#### **5.2 Alternatives Considered in the EIR**

I don't see any consideration or analysis of a project where a new building is placed in the approximate footprint of the existing building. This could be a building similar to the proposed project but moved to the south so that there is space for an employee-only parking lot on the north side of the building.

P-11

#### **5.4 Evaluation of the Alternative Ability to Satisfy Project Objectives**

5. Develop an aesthetically attractive grocery store and landscaping on an infill site Beauty is in the eye of the beholder. The proposed building may or may not be more attractive than the existing building depending on the viewer. In addition the existing building does not extend as far north towards South St. Terry Johnson "testified" that the existing building could not be reused because of mold and asbestos. I didn't see any study or analysis that showed this was the case. Show us the data! **And, if the existing building contains asbestos, why wasn't that addressed in the air**

**quality section of the DEIR, Only construction emissions were discussed, not dust from demolition**P-11  
cont'd**6. Design a site plan that minimizes circulation conflicts**

I don't agree that the split parking lots create circulation issues. The northern lot could be used for employee parking, so ingress and egress would be limited to shift changes. Delivery trucks could still enter from N Harbor Dr, which I think is a problematic intersection, or they could enter from South St which might decrease problems with interference with traffic driving north off the bridge. However, entering from South St might interfere with emergency vehicle passage, so this option would need to be carefully studied.

P-12

As I stated at the beginning of this document, I could have made a detailed list of all the errors, misstatements of fact, or misleading assertions, but I didn't want to get bogged down in the details. I've tried to distill my comments down to the most important issues with this project. This environmental consultant gave a lowball cost estimate to prepare this DEIR and had already been working with the developer. Guess what? You got what you paid for. Our fears of superficial analysis, using mostly old studies were realized. I'm disappointed to say the least.

P-13

**Response to Letter P: Leslie Kashiwada**

**Response P-1:** The commenter provides introductory comments regarding their review of the Draft EIR.

Please see Responses P-2 through P-13 regarding the listed concerns.

**Response P-2:** The commentor provides statements regarding mold and asbestos in the current building on-site and states that there is no mention of how air-borne particulates, especially mold spores and asbestos fibers, as well as dust, from the demolition process will be mitigated. The commenter concludes by stating that if asbestos is truly an issue, then an abatement process must be required to sequester this extremely harmful material.

The Mendocino County Air Quality Management District regulates asbestos under two different programs. The Federal Clean Air Act National Emissions Standards for Hazardous Air Pollutants (NESHAP) contains requirements for Renovation and Demolition of existing structures (including notification forms). The California Air Resources Board Air Toxic Control Measures for Naturally Occurring Asbestos regulations tend to effect new construction and grading activities. Further, during any disturbance of ACM on the Project site, the CAL OSHA worker health and safety regulations would apply. These regulations would apply regardless of friability or quantity disturbed. If there is greater than 100 square feet of ACM which will be affected by the demolition, a California Licensed Contractor who is registered with CAL OSHA for asbestos would be hired. The regulations regarding asbestos are found in Title 8 CCR Section 1529, and also include formal notification requirements to CAL OSHA at least 24 hours prior to removal. Removal would be conducted with the material(s) kept in a wetted state in order to contain dust and hazardous emissions.

Air toxics regulations under the Clean Air Act specify work practices for asbestos to be followed during demolitions and renovations of all facilities, including, but not limited to, structures, installations, and buildings (excluding residential buildings that have four or fewer dwelling units). The regulations require a thorough inspection where the demolition or renovation operation will occur. The regulations require the owner or the operator of the renovation or demolition operation to notify the District before any demolition, or before any renovations of buildings.

The rule requires work practice standards that control asbestos emissions. Work practices often involve removing all asbestos-containing materials, adequately wetting all regulated asbestos-containing materials, sealing the material in leak tight containers and disposing of the asbestos-containing waste material as expediently as practicable, as the regulation explains in greater detail. These work practice standards are designed to minimize the release of asbestos fibers during building demolition or renovation, waste packaging, transportation and disposal.

**Response P-3:** The commentor states that the Draft EIR mostly relied on the previous inadequate and inaccurate studies, with two additional visits on March 29 and April 20, 2022 (when there



was little rain in March and some in April). The commenter provides photos they took at the site on April 25 and April 30, 2022. The commenter also states that strawberry plants are not included in Table 3.3-1 and, because of this, they believe the plant survey was superficially conducted. Further, the commenter states that the raw data and location for the soil test pits are not included in the study. The commenter states that the proposed bioretention basin requires removal of the Monterey Pine on the north side of the property. The commenter concludes by stating that the loss of blue heron hunting ground is not a major issue and there is ample open space to the west.

Table 3.3-1 in Section 3.3 only lists special-status plant species. Strawberry plants are not special-status plant species. As such, strawberry plants should not be included in Table 3.3-1.

Four test pits were completed on the site as part of the Fort Bragg Wetland Report (Wildland Resource Managers, 2021). The locations and data for the test pits are included in the Report, which is included as Appendix D of the Draft EIR. The error which notes six test pits instead of four test pits has been corrected. See Chapter 3.0, Revisions, of this Final EIR. Additionally, the field data sheets for the six test pits have been added to this Final EIR (See Chapter 3.0, Revisions).

It is also noted that six additional test pits were completed by De Novo Planning Group in 2022. The results of the six additional test pits provides the same conclusions that there are no aquatic resources present on the Project site.

**Response P-4:** The commentor states that the IS and Draft EIR did not address the potential impacts on emergency vehicle access. The commenter also states that a landscaping plan was not presented, and local, native, drought tolerant species should be used. The commenter further states that the special conditions are not described in the Draft EIR. Lastly, the commenter states the urban decay analysis is superficial, and questions what type of businesses would open if the proposed Project does cause Safeway or Purity to close.

Emergency access is discussed on page 3.7-46 of the Draft EIR.

Local, native, drought tolerant species would be used. This is required by the California Model Water Efficient Landscape Ordinance (MWELo). New development and retrofitted landscape water efficiency standards are governed by the MWELo, which is also referenced by Title 24, Part 11, Chapters 4 and 5 CalGreen Building Code. All local agencies must adopt, implement, and enforce the MWELo or a local Water Efficient Landscape Ordinance (WELo) that is at least as effective as the MWELo. Usually, local agencies that adopt WELos create a more stringent ordinance than MWELo.

With respect to urban decay, see Section 3.5, Land Use, of the Draft EIR which provides an analysis of the potential for the proposed Project to result in urban decay. As discussed, under CEQA, an EIR should only consider direct and indirect physical effects of projects. Section 15064(d) of the CEQA Guidelines states that, "In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes

in the environment which is caused by and immediately related to the project.” Section 15064(d)(3) further states that, “An indirect physical impact is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.” In addition, CEQA requires that a determination that a project may have a significant environmental effect must be based on substantial evidence (CEQA Guidelines §15064(f)).

On the secondary socioeconomic effects of projects, Section 15131(a) of the CEQA Guidelines indicates that, “Economic and social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the proposed Project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” In other words, economic and social changes are not, in themselves, considered under CEQA to be significant effects on the environment.

Since only physical effects are to be considered under CEQA, economic and social changes resulting from a project may be considered if they in turn produce changes in the physical environment. To fully satisfy the requirements of an EIR, an economic analysis must start with the economic impacts. The analysis would then follow the causal chain to assess the likelihood of new retail space causing long-term vacancies in existing retail space and ultimately leading to urban decay and physical deterioration of existing retail centers and nodes.

In recent years, the California Courts have identified the term “urban decay” as the physical manifestation of a project’s potential socioeconomic impacts and have specifically identified the need to address the potential for urban decay in environmental documents for large retail projects, or mixed-use projects with a notable retail component. The leading case is *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, in which the court set aside two environmental impact reports for two proposed Wal-Mart projects that would have been located less than five miles from each other. This was the first court decision to use the term “urban decay,” as opposed to the term “blight.” The court quoted “experts [who] are now warning about land use decisions that cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake.” (Id. at p. 1204.) The court also discussed prior case law that addressed the potential for large retail projects to cause “physical deterioration of [a] downtown area” or “a general deterioration of [a] downtown area.” (Id. at pp. 1206, 1207). The Bakersfield court also described the circumstances in which the duty to address urban decay issues arise.

Accordingly, there are two pertinent questions to be asked with regard to the effects of the proposed Project in terms of this economic impact and urban decay analysis: 1) would the proposed new retail uses result in sales losses that are sufficiently large at existing

retail establishments to force some to close; and 2) would the affected closed stores stay idle long enough to create physical changes that could be defined as urban decay?

While the measurement of urban decay is not strictly defined under CEQA, this analysis assumes that the term describes significant deterioration of existing structures and/or their surroundings. This is based upon the premise that such deterioration occurs when property owners reduce property maintenance activities below that required to keep such properties in good condition. It assumes that property owners make rational economic decisions about maintaining their property and are likely to make reductions in maintenance activities only under conditions where they see little likelihood of future positive returns from such expenditures. Where vacancy rates are low or growth rates are high, property owners are likely to see the prospect of keeping properties leased-up at favorable rents. Where vacancy rates are high and persistent, and growth rates are low, property owners are more likely to have a pessimistic view of the future and be prone to reducing property maintenance as a way to reduce costs.

However, whether or not conditions in between those discussed above (i.e., moderate vacancy levels that persist for a few years) are likely to lead to “urban decay” depends on many factors including the growth prospects of the market area, the future state of the national and local economy, financial strength of existing tenants and landlords, and the profitability and viability of existing commercial centers.

Impact 3.5-2 in Section 3.5, Land Use, of the Draft EIR was revised to incorporate the analysis and findings of the Urban Decay Study (ALH Urban & Regional Economics, 2023) completed for the proposed Project. See Appendix J of this Draft EIR for the complete Study, and Chapter 3.0, Revisions, of this Final EIR for the additional urban decay discussion.

As discussed in Impact 3.5-2, as of 2021, the area is characterized by retail sales leakage in all major retail categories except food and beverage stores, building materials and garden equipment, and gasoline stations. The attraction in food and beverage stores comprise 60% of all food and beverage sales, where the retail leakage in all other categories range from -12% to -78% of sales. The high leakage amounts generally indicate that the primary market area is under-retailed relative to the demand generated by its population base.

There are a select number of stores in Fort Bragg, nearby Mendocino, and the general primary market area environs that might be competitive to varying degrees with the proposed Grocery Outlet because of the availability of overlapping sales merchandise. These stores are a subset of the following categories of stores: Grocery Stores; Natural Food Stores; Other Stores with Substantial Food and Beverage Sales; Convenience Stores; and Gas Station Convenience Stores. There are nine grocery facilities distributed throughout different residential neighborhoods and commercial establishments in the community, including: Safeway (660 South Main Street), Harvest Market (171 Boatyard Drive), Purity Supermarket (242 North Franklin Street), Nello’s Market and Deli (860 North

Main Street), La Mexicana Market (116 S. Main Street), Down Home Foods (115 S. Franklin Street), Colombi Market and Deli (647 E Oak Street), B&C Grocery (401 E. Oak Street) and El Yuca (242 North Mcpherson Street).

Of all these stores, the existing stores that are anticipated to have more food and related sales overlap with Grocery Outlet relative to other area stores include the full-service grocery stores, of which there are four (including one in Mendocino), and the general merchandise store 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.

Based on the estimated Grocery Outlet store sales by type of retail, and the volume of sales estimated to be supported by primary market area residents, the proposed Fort Bragg Grocery Outlet store will need to capture only 2.1% of primary market area food and beverage sales to achieve stabilized sales consistent with national Grocery Outlet store performance standards. This is a very small capture rate. The capture rate is higher for non-perishable primary market area sales; however, these sales categories are estimated to have existing retail leakage in the primary market area. Thus, no sales impact is anticipated among stores selling non-perishable goods comparable to Grocery Outlet, as the recapture of these sales will reduce the existing leakage, making the primary market area's retail base stronger.

These findings suggest that the existing primary market area food and other stores selling goods in common with Grocery Outlet are unlikely to experience strong individual store sales impacts resulting from the operations of the proposed Grocery Outlet Store. If sales are diverted from any existing stores resulting from Grocery Outlet's operation, they will be dispersed among many of the stores, such that no one store is likely to experience sales loss sufficient to significantly impact store sales. The full-service orientation and unique offerings at the existing grocery stores will help insulate them from the nominal amount of competitive food item sales anticipated at Grocery Outlet. Moreover, these stores have established customer bases. Accordingly, they will have the ability to modify their product mix to maximize sales in products not available at Grocery Outlet General yet targeted to meet the needs of its loyal customers.

Grocery Outlet does not exactly duplicate the market niche or product focus of any of the primary market area stores, although it is closest to Dollar Tree in its discount orientation, as well as nonperishable product offerings. However, given Grocery Outlet's relatively low levels of projected sales, Dollar Tree's pronounced general merchandise orientation, and distance from the proposed Grocery Outlet site, there is unlikely to be even a noticeable impact on Dollar Tree following the Grocery Outlet's opening.

There are a range of commercial retail building or retail space vacancies scattered throughout the primary market area. Most of the vacancies are in Fort Bragg, and especially Downtown Fort Bragg or at The Boatyard Shopping Center. The vacancies are primarily located in small, older buildings, with many vacant for extended periods of time,



such as two or more years. Many of the identified vacancies have been vacant since prior to the COVID-19 pandemic, or even earlier. However, many of the vacancies are not being actively marketed. This is evidenced by the lack of signage on the properties with commercial broker names, phone numbers, or even owner contact information. The physical condition of the vacancies varies, with some in well-kept condition and others appearing more rundown, or in less manicured condition, such as peeling paint in need of refreshing. None of the vacancies, however, exhibit classic signs of urban decay, such as graffiti, boarded up doors or windows, broken windows, or excessive trash. Moreover, despite the presence of some long-term commercial vacancies, there are indications of recent retail leasing activity in Fort Bragg.

Further, fieldwork conducted in March through May 2022 indicated there were no significant signs of litter, graffiti, weeds, or rubbish associated with existing commercial nodes and corridors in Fort Bragg, with only a few isolated instances of small amounts of fast food-related trash near some commercial properties. It is noted that the City has reported some issues with transient populations at the on-site vacant building in the past. The City of Fort Bragg Code Enforcement Department receives a limited number of complaints pertaining to commercial properties, and most of these complaints do not pertain to issues associated with urban decay.

The study analysis completed as part of the Urban Decay Study does not suggest any retailers would be at risk of losing retail sales sufficient to result in store closure leading to increased commercial vacancy as a result of Grocery Outlet's development, and thus there would likely be no risk for their properties to erode into conditions leading to urban decay. Yet, if such an event were to occur, there is no indication from the market that urban decay would result from such a store closure. Even properties that have been closed for longer periods of time, up to four years or more, continue to be maintained in reasonable condition and, most importantly, are not indicative of urban decay. Thus, real estate market conditions in Fort Bragg do not appear to be conducive to urban decay.

Therefore, pursuant to the existing market conditions, projected retail supply and demand conditions, and Grocery Outlet project orientation, the Urban Decay Study concludes that there is no reason to consider that development of the proposed Grocery Outlet store would cause or contribute to urban decay.

Overall, impacts related to urban decay were determined to be less than significant.

**Response P-5:** The commenter questions what the traffic volumes are on school days and holidays. The commenter also states they expected new traffic studies. The commenter discusses a four-way stop at the South Street / South Franklin Street intersection. The commenter questions how a four-way stop at the South Street / South Franklin Street intersection would impact emergency vehicle access. The commenter also states that emergency response will have to deal with the increased traffic due to the housing project (The Plateau) that will soon be made available to residents. Lastly, the commenter questions the impact of long delivery vehicles on surrounding intersections.

Because Level of Service (LOS) is not a CEQA topic, new traffic volume counts were not necessary for the CEQA document. Instead, a new traffic study analyzing vehicle-miles-traveled (VMT) was completed to comply with the new CEQA traffic analysis requirements under SB 375. The analysis is consistent with CEQA standards.

The applicant will construct a four-way stop at the South Street / South Franklin Street intersection.

Table 3.7-6 in Section 3.7 summarizes the assumed distribution of new trips (including long trucks). Emergency response is discussed in Section 3.7 of the Draft EIR. Implementation of the proposed Project would not create roadway and transportation facilities that impede access for emergency response vehicles. All existing roadways and intersections, and internal transportation network is designed to maintain levels of accessibility for police and fire response times, which ensures vehicles have the necessary access when responding to an emergency.

**Response P-6:** The commentor states that there is a bus stop on South Franklin Street near the northeast corner of the intersection of South Franklin Street and South Street, and the Project applicant should pay a fair share contribution for the cost of a bus stop on the west side of South Franklin Street near the store entrance.

As noted in Section 3.7 of the Draft EIR, the Mendocino Transit Authority (MTA) provides transit service to the Mendocino and Sonoma County areas. Two routes pass the Project site. Route 5 (Braggabout) and Route 60 (The Coaster) traverse the community and have a stop near the Old Social Services Building at the South Street / Franklin Street intersection. Project employees or customers will be able to use MTA service as it already passes the Project site and stops near the corner of South Street and Franklin Street.

There is already a bus stop adjacent to the Project site. An additional bus stop is not warranted by the proposed Project.

**Response P-7:** The commentor states that they believe Table 3.7-14 (Year 2040 Plus Grocery Outlet Store Traffic Signal Warrants) is mislabeled and should read “Year 2040 without Grocery Outlet”. The commenter states that, based on background traffic volumes (from 2019 study), there are warrants for traffic signals at the intersection of SR 1 and South St (weekday PM Peak) and SR 1 and N Harbor Drive (Saturday Peak). The commenter further states that two new traffic signals very close to each other (and the traffic signal at SR1 and Cypress St) may be warranted, and one of them would be located just north of the bridge.

The commenter further states that, “with the added traffic from the Grocery Outlet the warrants for traffic signals at the intersection of SR 1 and South St increases to include Saturday Peak as well as Weekday PM Peak. I understand that the developer will therefore provide a fair share contribution to the cost of adding this traffic signal, but the impact on traffic in this area is regrettable and likely cannot be mitigated.”

The titles in the tables in question are correct. Please also see Response P-8 regarding the additional traffic modeling and analysis which was completed in September 15, 2022.

**Response P-8:** The commentor states that left turns are currently allowed from westbound N. Harbor Drive onto southbound SR 1. The commenter also states they did not see a detailed analysis of pedestrian flow or crosswalks in this section on transportation and circulation, especially at the intersection of State St and S Franklin St. The commenter further states that there is no plan to build a bus stop in front of the store, and no analysis of the impact of a 4-way stop or increased traffic on South St on emergency vehicle access to ER and outbound to medical emergencies. The commenter also questions where employees will park.

Please see Response P-6 regarding a bus stop.

Additional traffic impact analysis (TIA) was completed in September 15, 2022 by the original traffic impact analysis consultant for the proposed Project, KD Anderson & Associates. Subsequent to the original TIA (KD Anderson & Associates, Inc., 2019) preparation, Caltrans District 1 elected to remove the left turn prohibition on N. Harbor Drive at its intersection with State Route 1 (SR 1). That change allows motorist to turn left directly onto the state highway at this location instead of making the turn at the SR 1 / South Street intersection further north. The change would also provide a route for Project customers headed south. The additional (2022) analysis has been incorporated into Section 3.7 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the changes. In summary, the changed traffic prohibition did not result in increased impacts to this intersection.

As discussed in Impact 3.7-1 of Section 3.7, Transportation and Circulation, of the Draft EIR, some Grocery Outlet Store employees or customers will elect to walk to and from the site, as there is residential and commercial development near the site. However, sidewalk exists on the streets adjoining the site, and with frontage improvements installed by Grocery Outlet Store, sidewalks will generally provide a complete path of travel to and from the site. There are two locations where gaps in the pedestrian system may remain, including:

- The south side of South Street from Franklin Street easterly to Myrtle Street (150 feet)
- The north side of North Harbor Drive between Franklin Street and Myrtle Street (100 feet)

The gaps exist at locations where it appears that residences were constructed prior to the City of Fort Bragg requiring frontage improvements. Privately maintained landscaping exists near the road. The availability of right of way to construct improvements is unknown.

With respect to emergency vehicles, based on assumptions made for other traffic studies, the City assumed that 50% of the trips specifically made to visit the Grocery Outlet Store

(i.e., primary trips) will have origins / destination south of the Noyo River and use SR 1 and SR 20 to reach the site. The balance will be oriented to the north and to areas of the community east of Franklin Street. Table 3.7-6 in Section 3.7 summarizes the assumed distribution of new trips. Implementation of the proposed Project would not create roadway and transportation facilities that impede access for emergency response vehicles. All existing roadways and intersections, and internal transportation network is designed to maintain levels of accessibility for police and fire response times, which ensures vehicles have the necessary access when responding to an emergency.

**Response P-9:** The commentor discusses water demand and requests the data set for the water use data for Grocery Outlet stores. The commentor states that “The use permit should be set up so that future use of the facility is restricted to prepackaged goods and produce, and that a deli, meat counter, bakery or any other service that requires increased use of water is prohibited in perpetuity.”

Appendix D of this Final EIR includes the water utility bills for the Willits Grocery Outlet location. The meter reading dates included in the appendix are January 18, 2022 to September 19, 2022. The appendix also includes a table on page 17 which shows the average water usage in gallons per day. As shown, the average water usage for the Willits Grocery Outlet from January 18, 2022 to September 19, 2022 was 357.50 gallons per day. As stated on page 3.8-16 of Section 3.8, Utilities and Service Systems, of the Draft EIR, the proposed Project is estimated to demand 1,288 gallons per day utilizing this average rate. The rates identified in the 1986 Water System Study and Master Plan were slightly higher, showing a rate of 1,656 gallons per day/gross acre of commercial. Utilizing this higher rate, the proposed Project could demand 2,699 gallons per day. However, this water demand is an overestimation, as detailed below.

As also discussed in Section 3.8 of the Draft EIR, water bills from comparable Grocery Outlet stores in Northern California were also reviewed to estimate the proposed Project water demand. The average Grocery Outlet Store uses 300 to 450 gallons of water per day (109,500 to 164,250 gallons per year) in both domestic water for the store and irrigation water for the landscaping. This is consistent with the information shown in Appendix D of this Final EIR. It is also noted that the types of food items sold at the proposed grocery store will be comparable to the Willits grocery store location.

From a CEQA perspective, a use permit limitation for water use and types of goods is not warranted as the Project would result in a less-than-significant impact related to water demand and supply.

**Response P-10:** The commentor states that the proposed Project “should be required to work with the Fort Bragg Food Bank to make sure that excess produce, perishable, frozen and canned goods are collected regularly for distribution.”



While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response P-11:** The commentor states that they “don’t see any consideration or analysis of a project where a new building is placed in the approximate footprint of the existing building. This could be a building similar to the proposed project but moved to the south so that there is space for an employee-only parking lot on the north side of the building.”

The commenter further states that they don’t see an analysis or study about mold or asbestos, and that the air quality section of the Draft EIR does not discuss asbestos or dust from demolition.

The Draft EIR includes a range of alternatives to the proposed Project, as required by CEQA, and an environmentally superior alternative was determined. See Chapter 5.0 of the Draft EIR.

Under CEQA, an EIR must “describe a range of reasonable alternatives to the project” that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project[.]” (Guidelines, § 15126.6, subd. (a).) The significant effects of alternatives “shall be discussed, but in less detail than the significant effects of the project as proposed.” (Guidelines, § 15126.6, subd. (d), *italics added.*)

Recognizing the broad variety of contexts in which proposed projects are proposed, the courts have applied a “rule of reason” when assessing the adequacy of analyses of alternatives within EIRs. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (Goleta); *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1264.) What is reasonable varies from one situation to another. “There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.” (Guidelines, § 15126.6, subd. (a); *Mount Shasta Bioregional Ecology Center v. Center of Siskiyou* (2012) 210 Cal.App.4th 184, 199 (Mount Shasta) [“there is no rule specifying a particular number of alternatives”].) Similarly, there are “[n]o ironclad rules . . . regarding the level of detail required in the consideration of alternatives. EIR requirements must be ‘sufficiently flexible to encompass vastly different projects with varying levels of specificity.’” (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745–746 (*Al Larson*), *italics added.*)

CEQA only requires the range of alternatives to have “‘enough of a variation to allow informed decision-making.’” (*Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988 (Santa Cruz), quoting *Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151 (Mann).) An agency is allowed to narrow a larger universe of potential alternatives to a more manageable range. (Guidelines, § 15126.6, subd. (c); *In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1162– 1167 (*In re Bay-Delta, etc.*);

Village Laguna of Laguna Beach v. Board of Supervisors (1982) 134 Cal.App.3d 1022, 1028-1029.)

Further, the duty to identify and adequately describe feasible project alternatives belongs to the public agency alone, and not project opponents. (Laurel Heights Improvement Assn. v. Regents of Univ. of Cal. (1988) 47 Cal.3d 376, 406 (Laurel Heights); Goleta, supra, 52 Cal.3d at p. 568.) “An EIR need not consider every conceivable alternative to a project” suggested by commenters (In re Bay-Delta etc., supra, 43 Cal.3d at p. 1163.) The mere fact that a project opponent or critic can conceptualize an additional alternative that a lead agency could have added to the EIR does not make the EIR deficient.

The commenter states that the Draft EIR should have been placed in a different location on the site. The Draft EIR did not need to consider such an additional alternative because the City had discretion to determine the appropriate range of alternatives, and the City selected other alternatives that, taken together, provided a sufficient variation of options to permit a reasoned choice under CEQA. (Guidelines, § 15126.6; In re Bay-Delta etc., supra, 43 Cal.4th at p. 1163.)

The commenter does not present any evidence that an “alternative site layout” would reduce impacts or better fulfill Project objectives. Notably, the proposed Project has less-than-significant effects on visual resources. Thus, no significant environmental effects would be avoided or reduced by moving the proposed building to a different part of the subject property in order to preserve the existing view of the Chevron gas station located west of the Project site.

The Draft EIR’s three alternatives also satisfy the CEQA requirement that alternatives meet most Project objectives while substantially lessening at least one significant impact. The alternatives section of the Draft EIR explicitly discloses both where the alternatives lessen Project impacts that would be significant without mitigation and the extent to which each alternative would satisfy the proposed Project’s objectives. See page 5.0-18 – 5.0-19 [Table 5.0-1], and 5.0-20 – 5.0-21 of the Draft EIR.

With respect to asbestos, see Comment P-1. The Mendocino County Air Quality Management District regulates asbestos under two different programs. The Federal Clean Air Act National Emissions Standards for Hazardous Air Pollutants (NESHAP) contains requirements for Renovation and Demolition of existing structures (including notification forms). The California Air Resources Board Air Toxic Control Measures for Naturally Occurring Asbestos regulations tend to effect new construction and grading activities. Further, during any disturbance of ACM on the Project site, the CAL OSHA worker health and safety regulations would apply. These regulations would apply regardless of friability or quantity disturbed. If there is greater than 100 square feet of ACM which will be affected by the demolition, a California Licensed Contractor who is registered with CAL OSHA for asbestos would be hired. The regulations regarding asbestos are found in Title 8 CCR Section 1529, and also include formal notification requirements to CAL OSHA at

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**Response P-12:** The commentor states the following: “I don’t agree that the split parking lots create circulation issues. The northern lot could be used for employee parking, so ingress and egress would be limited to shift changes. Delivery trucks could still enter from N Harbor Dr, which I think is a problematic intersection, or they could enter from South St which might decrease problems with interference with traffic driving north off the bridge. However, entering from South St might interfere with emergency vehicle passage, so this option would need to be carefully studied.”

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response P-13:** The commentor states the following: “As I stated at the beginning of this document, I could have made a detailed list of all the errors, misstatements of fact, or misleading assertions, but I didn’t want to get bogged down in the details. I’ve tried to distill my comments down to the most important issues with this project. This environmental consultant gave a lowball cost estimate to prepare this DEIR and had already been working with the developer. Guess what? You got what you paid for. Our fears of superficial analysis, using mostly old studies were realized. I’m disappointed to say the least.”

It is noted that several new studies were completed for the Draft EIR, including but not limited to a VMT Study, an update to the 2019 TIA, an Environmental Noise Assessment, and a Wetland Report.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.



**From:** montanagri <montanagri54@gmail.com>  
**Sent:** Saturday, October 29, 2022 12:53 PM  
**To:** Gurewitz, Heather <hgurewitz@fortbragg.com>  
**Subject:** Grocery Outlet

To whom it may concern;

Please approve the building of the Grocery Outlet for the city of Fort Bragg. We need another business that can bring a choice of products at a reasonable price to the citizens of Fort Bragg. The traffic won't be any worse than it is now, depending on where you go.

Q-1

Thanks for your time,

Linda Williams

<https://mail.google.com/mail/u/1/?ik=802be77d6b&view=pt&search=all&permthid=thread-f%3A1748217463788423101&simpl=msg-f%3A1748217463...> 1/1

**Response to Letter Q: Linda Williams**

**Response Q-1:** The commentor expresses support for the proposed Project.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

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

From: Liz Helenchild <djliz@mcn.org>

Sent: Monday, October 31, 2022 3:53 PM

To: Gurewitz, Heather <hgurewitz@fortbragg.com>

Cc: Peters, Sarah <speters@fortbragg.com>; McCormick, Sarah <smccormick@fortbragg.com>; Ducey, Peggy <PDucey@fortbragg.com>

Subject: My comments re Proposed Grocery Outlet DEIR

As a coastal resident since 1971, considering the Big Picture, I do not find my top (of several) concerns fully addressed in the DEIR. I find the DEIR fails to address impacts farther from of the project site & its immediate surroundings than shown.

At present, also during & after construction of the projected hospital, fast-moving ambulances, possibly drivers distracted by medical issues, & tourists to/from N Harbor can endanger pedestrians & drivers. As a hospital volunteer, I am particularly aware of these hazards, especially for pedestrians in this often congested area where speed limits & intersections are not well marked nor complied with.

DEIR does not offer sufficient mitigations for increased vehicle traffic around the hospital & adjacent medical facilities as well as existing & projected housing nearby. The traffic studies fail to note that ambulances most often use South Street. The sudden dip at the intersection of South & Franklin Streets poses an additional potential hazard.

R-1

Sidewalks for pedestrians & space for shoppers to navigate the proposed Grocery Outlet parking lot fall short of safety.

Existing & future senior housing near the proposed site is not addressed. I often observe slow-moving elder people, whose eyesight, hearing & reaction time may be challenged, walking for exercise &/or errands nearby.

Allowing left turns onto the Noyo Bridge at the intersection of Harbor Drive & Highway One is a set-up for inevitable traffic collisions.

Not addressed in the DEIR: Raven predation on songbird eggs & nests in residential parts of the city has wiped out songbirds & increased the raven population. A grocery store will predictably attract ravens (& possibly rats) due to food scraps, packaging, etc easily available out in the open.

R-2

The DEIR lacks mitigations to address these & other current & foreseeable problems.

I urge you to deny the Proposed Grocery Outlet at this location at this time.

Respectfully,

Liz Helenchild

**Response to Letter R: Liz Helenchild**

**Response R-1:** The commentor states that the Draft EIR does not offer sufficient mitigation for increased vehicle traffic around the hospital and adjacent medical facilities. The commentor states that the traffic studies fail to note that ambulances most often use South Street. The commentor also states that an existing dip at the South Street / South Franklin Street intersection causes a hazard, and existing sidewalks fall short of safety. The commentor further states that existing and future senior housing is not addressed, and allowing left turns onto the Noyo Bridge at the intersection of Harbor Drive and Highway 1.

The Project includes sidewalk facilities along the perimeter of the Project site consistent with City standards. With respect to emergency vehicles, based on assumptions made for other traffic studies, the City assumed that 50% of the trips specifically made to visit the Grocery Outlet Store (i.e., primary trips) will have origins / destination south of the Noyo River and use SR 1 and SR 20 to reach the site. The balance will be oriented to the north and to areas of the community east of Franklin Street. Table 3.7-6 in Section 3.7 summarizes the assumed distribution of new trips. Implementation of the proposed Project would not create roadway and transportation facilities that impede access for emergency response vehicles. All existing roadways and intersections, and internal transportation network is designed to maintain levels of accessibility for police and fire response times, which ensures vehicles have the necessary access when responding to an emergency. It is also noted that the Plateau Housing Project was considered in the near-term and cumulative traffic condition. See page 3.7-16 of Section 3.7 of the Draft EIR.

While the majority of the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response R-2:** The commentor states that raven predation on songbird eggs and nests in residential parts of the city has wiped out songbirds and increased the raven population. The commentor also states that a grocery store will predictably attract ravens (and possibly rats) due to food scraps, packaging, etc. easily available out in the open

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Grocery Outlet Impacts by Mary Rose Kaczorowski,**

**P.O. Box 1684, Ft. Bragg CA 95437**

**I am a resident of Ft. Bragg and these are my concerns.**

**October 31, 2022**

Public Comment on Draft

Environmental Impact Report for the Proposed Grocery Outlet

The poor quality of this EIR document is obvious and is lacking in many areas and does not address new standards just set by Gov. Newsom and recent legislation signed into law.

For Example:

**The 2022 Energy Code** update focuses on four key areas in new construction of homes and businesses:

- Encouraging electric heat pump technology and use
- Establishing electric-ready requirements when natural gas is installed
- Expanding solar photovoltaic (PV) system and battery storage standards
- Strengthening ventilation standards to improve indoor air quality

I do not see this EIR addressing these standards nor for combined solar PV and battery standards where systems are sized to maximize onsite use of solar energy and avoid electricity demand during times when the grid must use gas-powered plants.

**The California 2022 Energy Code** extends solar and introduces battery storage standards to the grocery stores and for businesses — there are new heat pumps standard for retail, and grocery. Where is all these adoption of new standards discussed?

S-1

Fort Bragg is a small town with a small land footprint that cannot accommodate every development whim. When one enters Fort Bragg, do we wish to keep moving toward stripping away our scenic beauty for the model of an unpleasant and ugly type of 101 Eureka Corridor model that everyone just hates and tries to get past quickly? Look at the fate of Big Box stores in wealthy areas like Mountain View California that went belly up!

S-2

**Food waste?** Several local groceries stores every week take their overstock, imperfections, or looming expiration date items to our local food bank. Food waste is not an issue here.

Why will shoppers have to pay for near expired product or discounted product when it can go to the Food Bank and **people who need this food can get it for FREE?**

S-3



The site of and parcels encompassing the proposed Grocery Outlet is designated as Highway Visitor Commercial

<https://www.city.fortbragg.com/home/showpublisheddocument/710/637710004853630000>

**and is nearby a Special Review And Runoff Sensitive Area**

<https://www.city.fortbragg.com/home/showpublisheddocument/722/637710004904870000>

*“Our commitment to sustainability should be integrated into our everyday decision-making processes at City Council, within City departments, and throughout the community. We should all identify specific measures to work on each year. The implementation of sustainability measures, such as energy efficiency, water conservation, waste reduction, localization of goods, and alternative transportation methods, should become part of the normal evaluative criteria in work plans, budgets, construction contracts, and proposals.”- City of Ft. Bragg Draft 2012 Climate Action Plan*

<https://www.city.fortbragg.com/home/showpublisheddocument/380/637709989995753660>

S-4



S-4  
cont'd

### Traffics, Safety and Pollution

AB 2097 by Assemblymember Laura Friedman (D-Glendale) and signed by Gov. Newsom prohibits minimum parking requirements for new housing, commercial and other developments located near transit to reduce vehicle emissions and promote denser, more affordable housing closer to people's daily destinations. While developers can still choose to include parking as part of any project, they can now build housing as well as commercial properties without including any parking at all—as long as a public transit stop lies within a half-mile radius.

S-5

This project will add to the already high traffic in the area and generate hundreds of new vehicle and delivery truck trips per day along S. Main Street, S. Franklin St., N. Harbor Drive, River Drive, Cypress Street and South Street. These streets are also the entryways to the busy: medical offices, gas stations, auto repair shops, Parents and Friends buildings, Mendocino Coast Pharmacy, Adventist

Health Mendocino Coast Hospital's Emergency Room & several hospital facilities, Mendocino Coast Clinics, Mendocino County Social Services, Mendocino Superior Court Ten Mile Branch, Fort Bragg Police Station, Mendocino Sports Club, various dental and physical therapy offices, other medical offices along the 510 Cypress St. Medical complex and the yet to be opened Crisis Respite Center (517 Cypress Street) . Then there are the ongoing trips by Fed Ex, UPS, PG&E, AT&T, Comcast, Verizon, Public Works, electricians, plumbers, carpenters, yard and landscape services, Emergency Ambulance, Sheriff and Police vehicles, Waste transfer vehicles, and vehicles that go through Lyme Timber Logging Gates.

Let's not forget the COVID Vaccine testing and vaccine delivery vehicle line ups.

We will have more bottle necks to these areas and to the entry down to the Noyo Harbor businesses, restaurants and shops.

It's hard enough already, to try to get down to Noyo Harbor or navigate the traffic around South Main Street, South Street, S. Franklin St. and Cypress Street. Vehicle Accidents and near misses with pedestrians and other vehicles are common.

This is already one of the highest traffic areas compared to the rest of the City of Ft. Bragg other than along Highway 1/Main Street. Walking and biking will become more hazardous.

Then there is the six existing apartment complexes and townhouses along Cypress St. and Kempe Way, plus the 69-unit DANCO subdivision (near completion). Emissions of pollutants from motor vehicles, are injurious to people's health. Noise from vehicles is also harmful, damaging hearing and causing psychological ill-health.

Do know that associated big rig delivery trucks (park and even stay overnight at the adjacent motels in this neighborhood) are already impacting this area. Burning gasoline and diesel fuel creates harmful byproducts like nitrogen dioxide, carbon monoxide, hydrocarbons, benzene, and formaldehyde. In addition, vehicles emit carbon dioxide, the most common greenhouse gas.

Consider how much more traffic will be added to the mix and the road wear is considerable if we add hundreds of cars going in and out of this Grocery Outlet at these busy intersections every day.

The proposed Grocery Outlet also raises concerns about stormwater runoff, water supply, public safety, solid waste impacts, crime and more alcohol sales.

S-5

cont'd

S-6

Again, this neighborhood area of town has the highest traffic flow in the city outside of Highway 1.

**Do we REALLY need another grocery store competing with our local stores and adding more traffic?** Grocery Outlet is a publicly traded company. From an economic perspective, there is much data to suggest that corporate owned big box chain stores --even if a franchise or with independent owners owning the business (the operators do not own the building/infrastructure) may not be the best value for our community in terms of how they undercut all the community-based and independently owned markets already in place such as:

**Harvest Market, (B Corporation)  
Purity Market,  
Safeway (Union shop)  
Down Home Foods,  
B&G Grocery,  
Roundman's Smoke House,  
Columbi's Market  
El Yucca,  
Nello's Market and Deli,  
La Mexicana Market,  
Fort Bragg Farmer's Market,  
Corners of the Mouth,  
Harvest at Mendosa's.  
The Dollar Store  
CVS  
Cucina Verona's Mercado  
Rite Aide  
gas station convenience stores**

Then we have the impact of traffic in shipping goods over Highway 20 which also will be increased and combined with FedEx, UPS, gas and propane trucks, logging & gravel and other export/import deliveries, plus other service vehicles (Cal Fire, Sheriff, Caltrans, etc.) tourist & commuter traffic. This all definitely has and continues to have a negative impact on roads, garbage along the roadside, impact on the environment in addition to more traffic.

Then there is the Mendocino Coast 50-mile area radius centering from Ft. Bragg impact on this area's **carrying capacity**. **This impacts** residents, businesses and the distances shoppers are willing to travel and to support any new business development in Fort Bragg. *However, thresholds are only based on population and do not take into consideration other crucial factors such as income, nearby competition, gas prices, traffic, etc. Will Ft. Bragg inventory how impacts of such a store have on the existing stores that offer groceries, empty existing storefronts and businesses for comparative and competitive analysis?*

S-7



**What about the following?**

- ☐ Climate Change Impacts
- ☐ Pollution run off from vehicles
- ☐ No parking lot at this site (or street parking) will accommodate cars, pickup trucks, big rig delivery trucks, small delivery trucks, RV's, etc.
- ☐ Grocery Outlet can have supply chain challenges
- ☐ We already have a labor availability issue
- ☐ Will Grocery Outlet have a gross profit margin stability

S-7  
cont'd

Examples of failures in this area: Bank of America, Wells Fargo, Burger King, etc. Remember the local copy shop wars when a franchise came in and undercut existing copy shops and that franchise caused them to close and then the franchise went out of business?

**CLIMATE IMPACTS and Green House Gas Emissions and Solid Waste Generation**

Vehicles generate more Greenhouse Gas Emissions than all other sources combined. Vehicles are also responsible for the majority of air pollutants. Waste is trucked to the destinations outside of our area and contribute to Greenhouse Gas Emissions and a high-Volume Grocery Outlet will increase solid waste via sale of excess packaging and plastic bags.

S-8

Bringing in more product from hundreds of miles away to Ft. Bragg over Highway 20 to this Grocery Store adds to Greenhouse Gas Emissions.

**Who gets the Advantage?**

We all know that corporate run formula and franchise stores are set up to attain advantage and the maximization of profit for the owners and stockholders who do not reside in the small rural towns where these businesses are situated.

**Regarding Discount Formula Stores**

"Although dollar stores sometimes fill a need in places that lack basic retail services, there's growing evidence that these stores are not merely a byproduct of economic distress. They're a cause of it," write ILSR co-authors Marie Donahue and Stacey Mitchell. "In small towns and urban neighborhoods alike, dollar stores are leading full-service grocery stores to close. And their strategy of saturating communities with multiple outlets is making it impossible for new grocers and other local businesses to take root and grow." (Source:

S-9

<https://www.fastcompany.com/90278384/why-dollar-stores-are-bad-business-for-the-neighborhoods-they-open-in>)



**Response to Letter S: Mary Rose Kaczorowski**

**Response S-1:** The commenter states that the 2022 Energy Code is not addressed in the EIR and questions where these standards are discussed.

The California Energy Code is discussed in Section 3.4, Greenhouse Gases, Climate Change and Energy, of the Draft EIR. See pages 3.4-15, 3.4-16, 3.4-37, and 3.4-40. The proposed Project is subject to the California Energy Code, as it is an existing standard. All projects ultimately require Buildings Plans to be prepared, which undergo review by the Building Department prior to issuance of a building permit. Such review covers compliance with all building codes in effect at the time of project submission, including the California Energy Code.

**Response S-2:** The commentor provides opinions regarding scenery in Fort Bragg.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response S-3:** The commentor provides opinions and statements regarding food waste.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response S-4:** The commentor states that the Project site is designated as Highway Visitor Commercial and is nearby a Special Review and Runoff Sensitive Area. The commenter then cites the City's Climate Action Plan, and provides an aerial view of the Project vicinity.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response S-5:** The commentor discusses Assembly Bill (AB) 2097 and states that the proposed Project will add to the already high traffic in the area and generate hundreds of new vehicle and delivery truck trips per day along S. Main Street, S. Franklin St., N. Harbor Drive, River Drive, Cypress Street and South Street. The commenter describes existing activities and popular destinations in this area, and states that various areas of the City (Noyo Harbor, South Main Street, South Street, S. Franklin Street, and Cypress Street) are difficult to navigate currently. The commenter states that walking and biking will become more hazardous, and discusses air quality emissions which result from big rig delivery trucks in the area currently. Additionally, the applicant requests consideration of the traffic which will be added to the area.

See Section 3.7, Transportation and Circulation, of the Draft EIR for discussions of impacts related to bicyclists, pedestrians, and emergency access, and Section 3.2, Air Quality, of

the Draft EIR for discussions of air quality emissions. The trip generation and distribution for the proposed Project is discussed on pages 3.7-8 through 3.7-10. Table 3.7-5 displays the Saturday midday and weekday p.m. peak hour trip generation forecasts for the proposed Project. As indicated, the proposed Project would generate 165 Saturday and 148 weekday p.m. peak hour trips at its driveways. A portion of the traffic drawn to these stores would be drawn from the stream of traffic already passing the site. The ITE Trip Generation Handbook, 3rd Edition notes that 36% of the weekday trips generated by supermarkets are typically “passby”, and this rate has been used for both study time periods.

Impacts associated with hundred heavy-duty truck trips and generation of TACs are discussed in Section 3.2, Air Quality. Ultimately, as discussed in the Draft EIR, the heavy- and medium-duty truck trips would not represent a significant risk of TACs on nearby sensitive receptors from DPM because there are so few truck trips.

**Response S-6:** The commentor states that the proposed Project raises concerns about stormwater runoff, water supply, public safety, solid waste impacts, crime, and more alcohol sales.

See Section 3.8, Utilities, of the Draft EIR for discussions regarding stormwater runoff, water supply, and solid waste. Public safety and services are discussed in Section XV, Public Services, of the Initial Study (Appendix A of the Draft EIR). All impacts associated with public services, stormwater runoff, water supply, and solid waste were determined to be less than significant. Alcohol sales is not an EIR topic, but the comment will be forwarded to the decision makers.

**Response S-7:** The commenter lists existing grocery stores in the City and questions if the City needs another grocery store competing with our local stores and adding more traffic. Further, the commenter expresses general concerns about increased traffic resulting from delivery drivers, service vehicles, and import/export deliveries, as well as impacts to existing grocery stores.

See Section 3.7, Transportation and Circulation, of the Draft EIR for discussions of traffic impacts and Section 3.5, Land Use, of the Draft EIR for a discussion of urban decay. The remainder of the comment is not related to environmental analysis from the Draft EIR.

**Response S-8:** The commentor states that solid waste will increase as a result of the proposed Project, and the import of grocery products will increase greenhouse gas emissions.

See Section 3.8, Utilities, of the Draft EIR for discussions of solid waste impacts and Section 3.4, Greenhouse Gas Emissions, Climate Change and Energy, of the Draft EIR for a discussion of greenhouse gas emissions. Greenhouse gas emissions and solid waste generation will increase as a result of the proposed Project. Greenhouse gas emissions have been modeled, and the results of the modeling are reflected in the Draft EIR.

**Response S-9:** The commentor states that corporate run formula and franchise stores are set up to attain advantage and the maximization of profit for the owners and stockholders who do not

reside in the small rural towns where these businesses are situated. The commenter reproduces portion of an article from Fast Company.

It is noted that an Urban Decay Study (ALH Urban & Regional Economics, 2023) was completed for the proposed Project. The Urban Decay Study was incorporated into the Land Use section of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the revisions to Section 3.5 of the Draft EIR. As discussed, pursuant to the existing market conditions, projected retail supply and demand conditions, and Grocery Outlet project orientation, the Urban Decay Study concludes that there is no reason to consider that development of the proposed Grocery Outlet store would cause or contribute to urban decay.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

Mikael Blaisdell  
810 S. Franklin St.  
Fort Bragg, CA 95437  
(707) 961-6282  
[mikael@mblaisdell.com](mailto:mikael@mblaisdell.com)

Fort Bragg Planning Commission  
Community Development  
416 North Franklin St  
Fort Bragg, CA 95437

**Subject: Opposition to Draft EIR for Grocery Outlet Project to be located  
in the 800 block of South Franklin St.**

This letter is intended to document my opposition to acceptance of the draft EIR. The key points of my objection are that:

- A) such a use would generate entirely inappropriate levels of traffic around the intersection of Highway 1 and North Harbor Drive, creating delays and increasing the dangers of the section of North Harbor Drive from SH 1 to South Franklin St, and
- B) the proposed use would also significantly impact traffic on SH 1 at the intersection with South St.
- C) the suggested traffic expectations are arbitrary and likely understated. Assumptions are being made without supporting data

T-1

In the *Initial Study and Environmental Checklist for Best Development Grocery Outlet. Dated December 2020, and prepared by LACO Associates of Ukiah, CA (LACO Project # 8135.14*, on Page 10, it was admitted that “**The project is expected to generate a total of 1,709-weekday trips and 2,842 daily trips on a Saturday.** Roughly 6 percent (165 trips) of the Saturday traffic occurs in the midday peak hour and 9 percent (148 trips) of the weekday trips occur during the weekday p.m. peak hour.” The authors of the study claimed that this data represents a “less than significant impact” without substantiating that outlandish claim in any way.

T-2

In the current draft EIR, the claimed volume estimate is repeated. ““On a daily basis, a 16,000 sf Grocery Outlet Store could generate 1,709 weekday daily trips, with 2,842 trips on Saturday. After discounting for “passby trips”, the proposed project may generate 1,094 new daily trips (½ inbound and ½ outbound) on a weekday and 1,818 on a Saturday.”

*RE: draft EIR for proposed Grocery Outlet*

*Page 1 of 3*

The City goes on to claim “As indicated, based on the layout of the site and these assumptions we anticipate that the Franklin Street driveway will be the primary access to the site, and 70% of the project’s total traffic in and out is shown to use that driveway.”

T-2  
cont'd

The assumptions being made about the level of traffic and where the impacts will occur are not substantiated in the draft EIR, and appear to me to be significantly flawed. I live in the neighborhood, and regularly drive through the roads and intersections in the area and also observe the traffic flows.

In my view, the most significantly impacted road will be northbound SH 1/Main St on the approach to the intersection with North Harbor Drive, and immediately after that intersection as it continues east to intersect with S. Franklin St. By the City’s estimate, the opening of a Grocery Outlet store in the proposed location will create an increase of 855 trips each weekday and 904 on Saturday coming from the south that will turn right onto North Harbor Drive — *and then attempt to make an immediate left turn into the Grocery Outlet parking lot.* In the process, these drivers will have to contend with entering and exiting cars from a gas station, a pizza restaurant, and two hotels, as well as oncoming traffic westbound on North Harbor Drive. The result will be significant delays at best, stretching back to cause slowdowns on northbound SH 1. The EIR’s claim that 70% of the Grocery Outlet traffic will use the South Franklin street entrance is unsupported by their own estimates and is therefore clearly suspect.

The impact of the significantly increased traffic from northbound State Highway 1 turning onto North Harbor Drive at this point to access the Grocery Outlet store alone is sufficient reason to deny the application. But there is unfortunately even more dangers to be considered.

T-3

**Coming Southbound along Main St. / State Highway 1,** the closest two potential access points for the proposed Grocery Outlet store are South Street and North Harbor Drive — neither of which have any kind of traffic control aids (stoplights, etc.) other than a shared turn lane to ensure the making of safe left turns across two lanes of oncoming traffic moving at 40 miles per hour or more.

Prospective Grocery Outlet customers trying to turn left *into* South St. from Highway 1 will be competing with traffic coming *-out-* of South Street trying to turn left onto Highway 1. Incoming traffic will also be contending with two lanes of oncoming northbound traffic on Highway 1. (If the proposed permit is granted, and the Grocery Outlet goes into operation at the site, the projected traffic delay at the corner of Main St. / Highway 1 and North Harbor Drive will undoubtedly result in frustrated drivers rapidly accelerating past the jam, which will further complicate and increase the hazards for left-turners at the South St. intersection.

While some percentage of Grocery Outlet bound drivers may elect to take advantage of the stoplight at Cypress St. to turn off of SH 1, there is no evidence to suggest that this will be in any way a significant portion of the total traffic to the store.

RE: draft EIR for proposed Grocery Outlet

Page 2 of 3



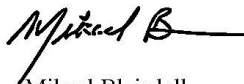
In the permit application and appeals process, we heard many people speak of the need for access to low cost groceries as the Grocery Outlet will provide. That there is a desire for a Grocery Outlet store in Fort Bragg is obvious. That it will be popular is likely. I have no objections to the store per se, it is only the proposed location and its probable effects on traffic on the surrounding streets that is of substantial concern.

Once the store is built, if as I maintain, the assumptions being made about traffic patterns are inaccurate — it will be too late to do anything about the situation. The only possible remediation would be in the form of a traffic light at SH 1 and North harbor Drive, which would have its own impact upon the traffic flow.

T-4

I therefore recommend that permission not be given to Grocery Outlet to build and occupy the proposed location.

Sincerely,



Mikael Blaisdell  
Fort Bragg, CA  
10/11/2022

*RE: draft EIR for proposed Grocery Outlet*

*Page 3 of 3*

**Response to Letter T: Mikael Blaisdell**

**Response T-1:** The commentor summarizes three key objections to the Draft EIR.

See Responses T-2 through T-4 which address these specific concerns.

**Response T-2:** The commentor discusses the trip generation discussed in the 2020 Initial Study completed for the proposed Project by LACO Associates. The commentor also states that “The assumptions being made about the level of traffic and where the impacts will occur are not substantiated in the Draft EIR, and appear to me to be significantly flawed.”

The trip generation and distribution for the proposed Project is discussed on pages 3.7-8 through 3.7-10. Table 3.7-5 displays the Saturday midday and weekday p.m. peak hour trip generation forecasts for the proposed Project. As indicated, the proposed Project would generate 165 Saturday and 148 weekday p.m. peak hour trips at its driveways. A portion of the traffic drawn to these stores would be drawn from the stream of traffic already passing the site. The ITE Trip Generation Handbook, 3rd Edition notes that 36% of the weekday trips generated by supermarkets are typically “passby”, and this rate has been used for both study time periods.

As noted in Table 3.7-5, the proposed Project is expected to generate 105 “primary” trips during the Saturday peak hour, and 95 during the weekday p.m. peak hour. ITE data is also available for daily traffic volumes. On a daily basis, a 16,000 sf Grocery Outlet Store could generate 1,709 weekday daily trips, with 2,842 trips on Saturday. After discounting for “pass-by trips”, the proposed Project may generate 1,094 new daily trips (½ inbound and ½ outbound) on a weekday and 1,818 on a Saturday.

The distribution of Project traffic was determined based on consideration of the demographic distribution of residences and competing stores in this area of Mendocino County, on the typical trade area characteristics of Grocery Outlet Stores, and on assumptions made for other retail projects in previous Fort Bragg traffic studies. Grocery Outlet Stores in rural communities can attract customers from a relatively broad area that extends beyond the limits of the community, particularly on weekends. Based on assumptions made for other traffic studies, the City assumed that 50% of the trips specifically made to visit the Grocery Outlet Store (i.e., primary trips) will have origins / destination south of the Noyo River and use SR 1 and SR 20 to reach the site. The balance will be oriented to the north and to areas of the community east of Franklin Street. Table 3.7-6 summarizes the assumed distribution of new trips.

**Response T-3:** The commentor states that in their view, the most significantly impacted road will be northbound Highway 1/Main Street on the approach to the intersection with North Harbor Drive, and immediately after that intersection as it continues east to intersect with S. Franklin Street. The commentor also states that the “EIR’s claim that 70% of the Grocery Outlet traffic will use the South Franklin Street entrance is unsupported by their own estimates and is therefore clearly suspect.” The commentor concludes by stating that

“While some percentage of Grocery Outlet bound drivers may elect to take advantage of the stoplight at Cypress St. to turn off of SH 1, there is no evidence to suggest that this will be in any way a significant portion of the total traffic to the store.”

See Response T-2 regarding trip distribution.

**Response T-4:** The commentor discusses access to low-cost groceries and states they do not have objections to the store per se. The commenter expresses concerns regarding traffic on the surrounding streets.

The commenter provides introductory comments regarding their review of the Draft EIR. While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**From:** Morgan Shook <mshookamoto@gmail.com>

**Sent:** Monday, October 31, 2022 10:11 AM

**To:** Gurewitz, Heather <hgurewitz@fortbragg.com>

**Subject:** Grocery Outlet in FB

I'm a SPED teacher who was born in Fort Bragg but I couldn't afford living on the coast and moved to Willits. Having the Grocery Outlet here saves me so much money and I bring my parents' deliveries every weekend because things are so EXPENSIVE on the coast. I beg you to help out the people first, and then worry about the business politics after. The cost of living is so high and letting the Grocery Outlet in would save people money. Please, do this because parents have to decide between rent and food and I don't want to see hungry children. Thank you,

U-1

Morgan

**Response to Letter U:      Morgan Shook**

**Response U-1:** The commentor expresses support for the proposed Project.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.



**From:** City of Fort Bragg <[helpdesk@fortbragg.com](mailto:helpdesk@fortbragg.com)>  
**Sent:** Monday, September 19, 2022 12:35 PM  
**To:** Gurewitz, Heather <[hgurewitz@fortbragg.com](mailto:hgurewitz@fortbragg.com)>  
**Subject:** EmailGrocery Outlet Project contact from Fort Bragg, CA

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

**Site Visitor Name:** Rebecca McDaniel  
**Site Visitor Email:** [mizbecky@comcast.net](mailto:mizbecky@comcast.net)

Ms. Gurewitz, We are in favor of the Grocery Outlet project . To many times we have seen projects that would be favorable for this community not get passed. If we do not let new blood in to our community we will coagulate. Please move forward to a better future for our town. Sincerely, Rebecca McDaniel

V-1

<https://mail.google.com/mail/u/1/?ik=802be77d6b&view=pt&search=all&permthid=thread-f%3A1744434618063522956&simpl=msg-f%3A1744434618...> 1/1

**Response to Letter V: Rebecca McDaniel**

**Response V-1:** The commentor expresses support for the proposed Project.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**From:** Robert Ross <[rross@mcn.org](mailto:rross@mcn.org)>  
**Sent:** Friday, October 28, 2022 8:03 AM  
**To:** Gurewitz, Heather <[hgurewitz@fortbragg.com](mailto:hgurewitz@fortbragg.com)>  
**Subject:** Re: Grocery Outlet

To the City of Fort Bragg Officers.....

I've read about the proposed Grocery Outlet, at present planned for the site of the Social Services complex. I've shopped at Grocery Outlet in the past, at the Ukiah location, and found there wasn't much of real (that is, healthful and unprocessed) food or desirable, durable household items. It was good for a bag of flavored potato chips, though. Definitely less "practical" than the Dollar Store.

W-1

I do understand that outlets for cheap products can serve a community. However, I also understand that a business like this could seriously impact a smaller business like Purity Market, which has served central Fort Bragg since before I moved to the coast in 1965. Although I live outside the city limits, on Pudding Creek Road, the town Fort Bragg is my shopping and business center, my basic health services, and the community I've participated in for most of my life.

And I am particularly concerned about the traffic which will increase considerably in a section of Fort Bragg that is given over to so many public services: the Police Station, the Courthouse, Social Services, and particularly the profusion of medical establishments including the Clinic, dental offices, the hospital, the pharmacy, and numerous individual medical offices. Will big box store traffic impact ambulance access? Will traffic congestion spill over to Highway One? Will a new stop signal on the highway be required, and if so how will this affect major north-south traffic?

W-2

Is the town aiming to become more corporatized at the expense of small local business? If indeed Grocery Outlet is deemed desirable for the benefit of Fort Bragg, which I know is suffering from many empty small-business store-fronts, perhaps it would be better located at some distance from major traffic areas, and away from our fundamental medical infrastructure.

Please reconsider the long term effects of this plan. Who benefits? The local population, or a major real-estate developer? This is a constant dilemma for the City Council, I know, and requires cautious deliberation. We, as a town, want to improve and prosper, but at what cost to ourselves, to our community, in terms of safe *and enjoyable* daily life? Who really profits here? And what do we mean by "profit".....is it monetary income, or is it thoughtful, planned, gracious, livable neighborhoods?

W-3

I urge you to look more deeply into the long-term consequences of your decisions, for myself and my family, and for yourselves and for your families.

Thanks for considering this request.

Best,

Robert Ross  
[30500 Pudding Creek Road](#)  
[Fort Bragg](#)

**Response to Letter W: Robert Ross**

**Response W-1:** The commentor expresses disapproval with the Grocery Outlet food quality and states that the proposed Project could seriously impact a smaller business such as Purity Market.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response W-2:** The commentor expresses concerns regarding traffic in the area as a result of the various public services in the area. The commenter questions if big box store traffic will impact ambulance access, if traffic congestion will spill over to Highway 1, if a stop signal on the highway will be required, and what the effects of a stop signal would be to north-south traffic on the highway. The commenter provides statements regarding small businesses, and suggests that the proposed Project be located at some distance from major traffic areas, and away from fundamental medical infrastructure.

See Section 3.7, Transportation and Circulation, of the Draft EIR for discussions of impacts related to transportation and emergency access. The analysis presents trip generation, vehicle miles traveled, and levels of service. The analysis also discussed operational characteristics of the circulation system. The analysis in the Draft EIR is technically accurate. This comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response W-3:** The commenter requests reconsideration of the long-term effects of the proposed Project, and questions who would benefit and profit from the proposed Project.

The comment does not specifically address the adequacy of the Draft EIR, or compliance with CEQA, rather, it is a presentation of social concerns about growth in the City. This comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**From:** Robert Zimmer <[rz@mcn.org](mailto:rz@mcn.org)>  
**Sent:** Friday, October 28, 2022 11:15 AM  
**To:** Gurewitz, Heather <[hgurewitz@fortbragg.com](mailto:hgurewitz@fortbragg.com)>  
**Subject:** Gricery outlet store

This chain store offers prices much cheaper than other corporate stores.

X-1

It would be good for us to have cheaper prices because with the cost of items these days it would help us.

Robert Zimmer

[rz@mcn.org](mailto:rz@mcn.org)

"I take a journey out (to nature) so that I may take a journey in."

John Muir



**Response to Letter X: Robert Zimmer**

**Response X-1:** The commenter expresses support for the proposed Project and provides statements regarding grocery affordability.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

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

From: Suzi Long <[suzilongonart@yahoo.com](mailto:suzilongonart@yahoo.com)>

Sent: Friday, October 28, 2022 2:03 PM

To: Gurewitz, Heather <[hgurewitz@fortbragg.com](mailto:hgurewitz@fortbragg.com)>

Subject: Groc out

Please bring GrocOut to the coast. You can work out logistics but for the budgeted consumer they have the best bang for the buck. Yes Purity is nice but a bit pricey and Harvest is WAAAY Over the top. Safeway not my favorite place.? GO has deals and organic produce and most everything I need and can afford. Please make this happen!

Y-1

Suzi Long 🌸

[www.suzilongonart.com](http://www.suzilongonart.com)

18601 N. Hwy 1 #213

Fort Bragg CA 95437

707/779-8713

<https://mail.google.com/mail/u/1/?ik=802be77d6b&view=pt&search=all&permthid=thread-f%3A1747968639740967562&simpl=msg-f%3A1747968639...> 1/1

**Response to Letter Y: Suzi Long**

**Response Y-1:** The commenter expresses support for the proposed Project and provides statements regarding grocery affordability.

While the comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

Heather Gurewitz, Associate Planner  
 City of Fort Bragg  
 416 N Franklin St.  
 Fort Bragg, CA 95437  
 hgurewitz@fortbragg.com

Re: NOP of the EIR for the  
 Best Development Grocery Outlet (SC#: 2022050308)

October 28, 2022

Dear Heather:

Over the last four years, I have participated in numerous Cal Trans and MCOG presentations regarding traffic and traffic studies, problems, with proposed future solutions involving Mendocino County and the City of Fort Bragg.

Z-1

I think two future traffic projects under consideration for Fort Bragg will be exacerbated by construction of a Grocery Outlet at the proposed location, causing unmitigated cumulative impacts not addressed in this EIR:

1. **Highway Crossing:** The Cypress Street highway access to the Coastal Trail, which needs a center island or roundabout or other solution because it is dangerous for pedestrians to cross the highway.

City residents to the north and east would have to access the proposed Grocery Outlet from Franklin Street, coming from in-town or the highway. From the highway, the only controlled highway intersection is at Cypress, otherwise one has to wait for oncoming traffic to turn left onto South Street or North Harbor Drive. Therefore, the Cypress Street intersection would get a lot more traffic from town, creating a cumulative impact to the already problematic crossing.

Z-2

2. **Harbor Access:** There is only one access to Noyo Harbor—North Harbor Drive. This is a narrow road, leading from the northeast down to many new restaurants and attractions in the harbor area. Lack of parking in the harbor has created a traffic congestion nightmare during the tourist season, weekends, and holidays. Any access or egress necessitated by a fire or medical or other emergency is now a very serious safety concern. A new access road leading from the Mill Site down from Cypress on the northwest side has been proposed to make a loop. But nothing is decided yet.

Z-3

So while we already have a serious hazard with just one road (North Harbor Dr.) for hundreds of cars daily leading into and out of the harbor, egress and access to the grocery parking lot will greatly add to that problem. The grocery parking lot is also accessed by northbound shoppers onto the same small road. This will create a cumulative impact to the safety hazard already discussed.

Z-3  
cont'd

**15130 of the CEQA Guidelines states:**

**An EIR shall discuss cumulative impacts of a project when the project's incremental effects are "cumulatively considerable"**

This section applies when the incremental effects of an individual project are considerable when viewed in combination with the effects of past, current, and probable future projects, including those outside the control of the agency, if necessary.

Z-4

For the reasons stated above, there are cumulative considerable negative impacts that are not mitigated in the draft EIR.

I don't like to complain without a solution: I think a potential mitigation is requiring the proposed project pay for the new alternate preferred access road from Cypress St. west into the harbor. It should be a two lane road, and could be advertised from the highway. This would discourage thru traffic on North Harbor Dr. and eliminate most of the hazards.



Tess Albin-Smith  
804 N Harrison St.  
Fort Bragg, CA 95437



**Response to Letter Z: Tess Albin Smith**

**Response Z-1:** The commentor states that they have participated in numerous Caltrans and MCOG presentations regarding traffic over the last four years. The commenter further states that they believe two future traffic projects under consideration for Fort Bragg will be exacerbated by construction of a Grocery Outlet at the proposed location, causing unmitigated cumulative impacts not addressed in this EIR. The two projects are discussed separately in Comments Z-1 and Z-2.

The commenter provides introductory comments regarding their review of the Draft EIR. See Responses Z-2 and Z-3.

**Response Z-2:** The commentor states that the Cypress Street highway access to the Coastal Trail needs a center island or roundabout or other solution because it is dangerous for pedestrians to cross the highway. The commenter also states that the City residents to the north and east would have to access the proposed Grocery Outlet from Franklin Street, coming from in-town or the highway. Further, the commenter states that, from the highway, the only controlled highway intersection is at Cypress, otherwise one has to wait for oncoming traffic to turn left onto South Street or North Harbor Drive. The commenter concludes that the Cypress Street intersection would get a lot more traffic from town, creating a cumulative impact to the already problematic crossing.

It is noted that the Cypress Street highway access will not be the only controlled highway intersection in the long-term. As discussed in the Draft EIR, there will be a traffic control at the SR 1 (Main Street) / North Harbor Drive intersection in the future. As discussed on pages 3.7-21 and 3.7-22 of Section 3.7, Transportation and Circulation, of the Draft EIR:

Based on General Plan policy, the proposed Project's cumulative impact is significant for purposes of compliance with the Coastal General Plan Circulation Element at the SR 1 (Main Street) / South Street intersection since the proposed Project will cause the intersection to operate at LOS E, which exceeds the LOS D minimum, and peak hour traffic signal warrants are met. The proposed Project's impact is significant for purposes of compliance with the Coastal General Plan Circulation Element, and Conditions of Approval are required based on LOS.

To address future conditions at this location it would be necessary to consider alternatives such as:

**Prohibit westbound left turns**, as is the case at the SR 1 (Main Street) / North Harbor Drive intersection.

Install traffic controls that stop the flow of traffic on SR 1 in order to allow side street traffic to enter, such as an **all-way stop**, a **traffic signal** or a **roundabout**.

Pursuant to a Condition of Approval for the proposed Project, the Project applicant would be required to pay their fair share fee for the traffic control at the SR 1 (Main Street) / North Harbor Drive intersection.

Table 3.7-12 also presents the Levels of Service occurring during the weekday p.m. peak hour with the Grocery Outlet Store as these treatments are pursued. As indicated, prohibiting left turns would result in LOS C at the intersection. While traffic diverted will likely make a right turn before making a U-turn at Cypress Street, the SR 1 (Main Street) / Cypress Street intersection would still operate at LOS C with this additional traffic. The cost to sign and stripe the intersection for these new controls would be minimal. Either a traffic signal or roundabout would yield LOS A, a Level of Service that satisfies the City's minimum standard, but the feasibility of either option at an intersection that is only 700 feet from the Cypress Street traffic signal will need to be confirmed. The cost of a traffic signal on the state highway would likely be about \$500,000, depending on the extent of ancillary intersection improvements required under Caltrans standards. The cost to retrofit an existing intersection to a two-lane roundabout would likely be in the range of \$1.5 to \$2.5 million.

Because any improvements within the state right of way require Caltrans approval, it is important to consider the steps needed to gain approval for any mitigation. Caltrans policy regarding applicable traffic controls has recently been expanded based on ***Traffic Operations Policy Directive 13-02***. This directive requires that Caltrans consider the relative merits of alternative traffic controls when it becomes necessary to stop traffic on state highways. Roundabouts are the default intersection control, but all-way stops and traffic signals are to be considered. The policy directive requires preparation of an ***Intersection Control Evaluation (ICE)*** to determine the preferred traffic control. A preliminary ICE report would consider issues such as comparative traffic operations, right of way requirements, effects on adjoining access, etc. City of Fort Bragg preferences amongst feasible alternatives can also be considered. After an applicable solution is identified and funded, work would be completed in the Caltrans right of way under an encroachment permit from Caltrans.

**Mitigations.** The Grocery Outlet Store project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the proposed Project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection.

While the comment does not address the adequacy of the Draft EIR or compliance with CEQA, (as it mainly pertains to an unrelated highway access and level of service), this

comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response Z-3:** The commentor discusses access to Noyo Harbor and states that a new access road leading from the Mill Site down from Cypress on the northwest side has been proposed to make a loop, but nothing is decided yet. The commenter concludes that egress and access to the grocery parking lot will greatly add to that problem which will create a cumulative impact to the safety hazard already discussed.

It is noted that the Project site plan includes two site access points – one along S. Franklin Street and one along N. Harbor Drive. As discussed in Impact 3.7-45 of Section 3.7 of the Draft EIR, access to the site is proposed via driveways on S. Franklin Street and on North Harbor Drive. The S. Franklin Street driveway is 30 feet wide, and the main parking aisle is separated from the street by about 40 feet of throat. Two waiting vehicles can queue in this area prior to blocking inbound access to those parking spaces. Because the background traffic volume on Franklin Street is low, HCM Level of Service calculations completed for the access indicate that the 95th percentile queue at the exit will be one (1) vehicle or less during peak periods, and this queue can be accommodated. Thus, the access is adequate from this standpoint. Further, implementation of the proposed Project would not create roadway and transportation facilities that impede access for emergency response vehicles. All existing roadways and intersections, and internal transportation network is designed to maintain levels of accessibility for police and fire response times, which ensures vehicles have the necessary access when responding to an emergency.

Please also see Response Z-4.

**Response Z-4:** The commenter discusses Section 15130 of the CEQA Guidelines and states that there are cumulative considerable negative impacts that are not mitigated in the Draft EIR. The commenter further states that a potential mitigation is requiring the proposed Project pay for the new alternate preferred access road from Cypress Street west into the harbor. The commenter concludes that the roadway should be a two lane road and be advertised from the highway to discourage thru traffic on North Harbor Drive and eliminate most of the hazards.

Requiring such a road as a condition of Project approval would not be proportional mitigation to the impacts from the proposed Project, and would therefore be unconstitutional.

The CEQA Guidelines describe the constitutional limitations on mitigation measures and the United States and California Supreme Court cases that explain them:

(A) There must be an essential nexus (i.e., connection) between the mitigation measure and a legitimate governmental interest. *Nollan v.*

*California Coastal Commission*, 438 U.S. 825 (1987) [*Nollan*]; and

- (B) The mitigation measure must be “roughly proportional” to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994) [(*Dolan*)]. Where the mitigation measure is an ad hoc exaction, it must be “roughly proportional” to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(Guidelines, § 15126.4, subd. (a)(4).)

In *Nollan*, the United States Supreme Court explained that, in order for a condition of project approval to be valid, a “nexus” must exist between the condition and a negative consequence or impact of the proposed Project that would justify denial of the proposed Project. (438 U.S. at pp. 834-837.) In *Dolan*, the high Court considered the next step in the analysis and addressed, once there is a nexus between a project’s impacts and an exaction: just how extensive the burdens of the exaction may be. The Court explained that there must be a “rough proportionality” between the extent of the impacts caused by a project approval and the extent to which the exactions actually mitigate such impacts. “No precise mathematical calculation is required, but the [agency] must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.” (512 U.S. at p. 391.)

In *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854 (*Ehrlich*), the California Supreme Court applied the rigorous *Nollan* and *Dolan* standards to an ad-hoc exaction (i.e., an exaction imposed on an individualized basis as part of the environmental review process for a particular project, and not as the result of any generally applicable ordinance). There, the court held that a city acted improperly in assessing a \$280,000 “recreation fee” against a property owner as a condition of approving a residential project requiring a general plan amendment, specific plan amendment, and rezone. The court determined that the fee was unconstitutional because \$280,000 was the amount needed to build new *public* recreational facilities in order to replace the *private* facilities that would be “lost” because of the proposed Project. The city’s approach wrongly assumed that the fee should fund the construction of new facilities that would be open, without further cost, to the public at large. The “lost” facilities, though, were private facilities funded through the marketplace by membership dues. The court explained that the plaintiff was “being asked to pay for something that should be paid for either by the public as a whole, or by a private entrepreneur in business for profit.” (*Id.*, p. 883.)

Here, similarly, requiring construction of a new access road into the harbor as suggested by the commenter would be an unconstitutional ad-hoc exaction. The impacts of the proposed Project do not justify requiring the applicant to bear the very large costs that would be involved. As described in the Draft EIR, the proposed Project will contribute the following percentages to 2040 cumulative weekday PM peak hour traffic: 10.8% at SR 1/Cypress Street; 16.1% at SR 1/South Street; and 14.4% at SR 1/North Harbor Drive. (Draft EIR, p. 3.7-22 [Table 3.7-16].) These percentages are comparatively modest, and certainly cannot justify burdening this Project with the entire cost of constructing a new access road from Cypress Street into the harbor. Such a requirement would not meet the

“roughly proportional” requirement under *Dolan* and *Erhlich*, and would therefore be unconstitutional.

The applicant will be conditioned to pay its true fair share of the costs of needed improvements.



**CITY OF FORT BRAGG**  
**BEST DEVELOPMENT GROCERY OUTLET PROJECT**  
 CITY COUNCIL HEARING FOR DRAFT EIR COMMENTS  
 OCTOBER 11, 2022

**PUBLIC COMMENTS:**

- Richard Garcia: Full support of Grocery Outlet. City needs more grocery stores and the consumers need cheaper prices. The more competition within these businesses, the better for consumers. The City should try to stop limiting people/entities from trying to help the City. The building has been sitting for a while and the applicant will take this on.

AA-1
- Kathryn Hew: Parking lot development should also include bicycle facilities.

AA-2
- Mary Rose Kaczorowski: Will submit a full comment later, but wants to make some comments now. Getting to Noyo Harbor is difficult around Main/South/Cypress streets. These areas contain important accesses (social services, health services, etc.) and are impacted by deliveries and trucks, etc. Area is one of the most trafficked areas in the City, and it's hard to navigate on foot. How many cars will be added to the area as a result of this project? The parking lot is not sufficient. Solid waste impacts and increased alcohol sales, water demand, and public safety are also issues. I don't see how this project is going to mitigate the high traffic that is already in the area; lots of neighbors in the area are concerned about this change in addition to a recent subdivisions project.

AA-3
- Leslie Kashiwada: Hasn't had a chance to review the Draft EIR thoroughly but will provide more detailed comments before October 31. The Bio Resources Study and previous studies were relied on; superficial look at the site. Data sheets done by De Novo are not included. There is no map for the soil sampling that De Novo did, and the previous study avoided sampling in the wettest area of the site. iNaturalist has blue heron photos nearby. Blackbirds are identified as crows in the study; they are ravens. Many will walk to the Grocery Outlet; need careful analysis of flow of traffic and pedestrians.

AA-4
- Annemarie Weibel: Addressing aesthetics, blight, noise, transportation, police, water, and socioeconomic resources. Opposed to the project even at a different location. If the majority of the people want the Grocery Outlet, put it at the north end of town because traffic will be a nightmare. There will be increased noise for current businesses and residents. The hours of operation will also change the neighborhood due to noise. The City concluded that big box retail is consistent with rural character of City. No visual simulations showing what you can see from Highway 1 looking east; would not be visually pleasing. There are lots of empty businesses downtown and this project will not help waste and littering. Could close Purity Supermarkets. There is conflicting information about the trees and removal. Emergency vehicles will have a hard time at this location. Cigarettes and alcohol will attract homeless people.

AA-5
- Andrew Jordan: The Draft EIR should be rejected if invalid or incomplete. Glossing over important issues should not occur. Balancing of the good and bad should occur if the project is built. Personal experience may be a valid resource in making decisions for the project.

AA-6
- Jay McMartin Rosenquist: The traffic discussion in the Draft EIR should be improved and further studied; the intersection of Franklin and Harbor is terrible in the summer and on weekends. Would like to see another entrance to Noyo Harbor.

AA-7

**CITY COUNCIL COMMENT:**

- Council Member Peters: Bicycle facilities are provided on-site. Comments received mainly pertain to traffic; please ensure that proper analysis is provided.

AA-8

**Response to Letter AA: City Council Hearing**

**Response AA-1:** The commenter expresses support for the proposed Project.

This comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response AA-2:** The commentor states that the parking lot should also include bicycle facilities.

The Project includes bicycle parking in the parking lot area. This comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response AA-3:** The commentor states they will submit a full comment, and provides general comments about current traffic issues in the area. The commenter then questions how many cars will be added to the area as a result of the proposed Project. The commenter also expresses general concerns regarding solid waste, alcohol sales, water demand, and public safety. The commenter concludes by stating that they “don’t see how this project is going to mitigate the high traffic that is already in the area; lots of neighbors in the area are concerned about this change in addition to a recent subdivisions project.”

The trip generation and distribution for the proposed Project is discussed on pages 3.7-8 through 3.7-10 of Section 3.7 of the Draft EIR. Table 3.7-5 displays the Saturday midday and weekday p.m. peak hour trip generation forecasts for the proposed Project. As indicated, the proposed Project would generate 165 Saturday and 148 weekday p.m. peak hour trips at its driveways. A portion of the traffic drawn to these stores would be drawn from the stream of traffic already passing the Project site. The ITE Trip Generation Handbook, 3rd Edition notes that 36% of the weekday trips generated by supermarkets are typically “passby”, and this rate has been used for both study time periods.

As noted in Table 3.7-5, the proposed Project is expected to generate 105 “primary” trips during the Saturday peak hour, and 95 during the weekday p.m. peak hour. ITE data is also available for daily traffic volumes. On a daily basis, a 16,000 sf Grocery Outlet Store could generate 1,709 weekday daily trips, with 2,842 trips on Saturday. After discounting for “pass-by trips”, the proposed Project may generate 1,094 new daily trips (½ inbound and ½ outbound) on a weekday and 1,818 on a Saturday.

Solid waste and water demand is discussed in Section 3.8, Utilities, of the Draft EIR. Additionally, public safety and public services are discussed in Section XV, Public Services, of the Initial Study (Appendix A of the Draft EIR).

It is noted that this commenter provided a full comment letter; see Letter S and the associated responses for more detailed information regarding the listed concerns.

**Response AA-4:** The commentor states that they will provide more detailed comments before October 31. The commenter states that the Biological Resources Study and previous studies were

relied on, and states that the data sheets done by De Novo are not included, nor is there a map for soil sampling that De Novo completed. The commenter further states that the previous study avoided sampling the wettest area of the site, and that iNaturalist shows blue heron photos nearby. The commenter also states that blackbirds are identified as crows in the study but states they are ravens. The commenter concludes by stating that many will walk to the Grocery Outlet, and a careful analysis of the flow of traffic and pedestrians is needed.

The commenter submitted a detailed letter, Letter P, for the proposed Project and Draft EIR. The statements and concerns made in this comment are further expanded on in Letter P. Please see the responses to Letter P (Responses P-1 through P-13).

As discussed on page 3.3-27 of Section 3.3, Biological Resources, of the Draft EIR, great blue herons have been identified on the properties to the north and northwest of the Project site, but not the Project site itself. This species is a mobile species given its ability for flight, however, the Project site is not appropriate habitat for this species.

As discussed on pages 3.3-2 and 3.3-3 of Section 3.3 of the Draft EIR, a systematic survey of the parcel was made following the Army Corp of Engineers (USACE) wetland determination data collection methodology and the definition of wetland boundaries contained in Section 13577 (b) of Title 14 of the California Code of Regulations (see the appendix of Appendix D). To do this, four test locations were selected to represent the general character of the parcel. One test location was placed within each quadrant of the parcel (northeast, northwest, southwest and southeast). At each location, data was collected within a one-meter square sample plot. At each plot the dominant vegetation was identified, soil structure and type were determined, and evidence of hydrology was examined. Soil structure was determined by excavating an 18 inch or greater deep hole and noting the soil profile description and any presence or absence of hydric soil indicators. Data was recorded on the USACE "Wetland Determination Data Form – Arid West Region." Data forms for each test location may be found in the *Wetland Report* contained in Appendix D of the Draft EIR.

It is also noted that the biological resources site assessment and observations completed by De Novo Planning Group are incorporated into Section 3.3 of the Draft EIR.

As discussed on page 3.3-6 of Section 3.3 of the Draft EIR, "Sightings and other evidence of wildlife at the Project site was very limited. Gopher mounds were evident in the southern parcel, and two crows were seen perched on the abandoned building and then flew south off-site within a minute after the surveyor's arrival. No other wildlife was seen during the surveys. There were no scat, guano, nests, burrows, whitewash, or trails of any kind found on the site." According to the Nature Mapping Program, the City of Fort Bragg is within the geographic distribution for the American crow species.<sup>3</sup> Regardless, the

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<sup>3</sup> See: [http://naturemappingfoundation.org/natmap/maps/ca/birds/CA\\_american\\_crow.html](http://naturemappingfoundation.org/natmap/maps/ca/birds/CA_american_crow.html)

sentence in Section 3.3 on page 3.3-6 of the Draft EIR which discusses wildlife evidence was revised See Chapter 3.0, Revisions, of this Final EIR.

**Response AA-5:**The commentor lists general topics of the Draft EIR, including aesthetics, blight, noise, transportation, police, water, and socioeconomic resources, and expresses opposition to the proposed Project. The commentor states that traffic will be a nightmare and noise will increase. The commentor further states that no visual simulations showing what you can see from Highway 1 looking east were provided, and the proposed Project will not be visually appealing. The commentor further expresses concerns regarding waste, littering, and emergency vehicles. The commentor concludes by stating that cigarettes and alcohol will attract homeless people.

Please see Section 3.1, Aesthetics and Visual Resources, of the Draft EIR for impacts pertaining to aesthetics, Section 3.5, Land Use, of the Draft EIR for impacts pertaining to blight, Section 3.6, Noise, of the Draft EIR for impacts pertaining to noise, Section 3.7, Transportation and Circulation, of the Draft EIR for impacts pertaining to transportation and emergency access, and Section XV, Public Services, of the Initial Study (Appendix A of the Draft EIR) for impacts pertaining to police. As discussed in each section, all impacts were determined to be less-than-significant or less-than-significant with mitigation.

**Response AA-6:**The commentor states the Draft EIR should be rejected if invalid or incomplete, and glossing over important issues should not occur. The commentor concludes by stating that balancing of the good and bad should occur if the proposed Project is built, and personal experience may be a valid resource in making decisions for the proposed Project.

The commentor does not provide specific topics or examples of invalid or incomplete Draft EIR analysis. While the majority of this comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response AA-7:**The commentor states that the traffic discussion in the Draft EIR should be improved and further studied, and states that the intersection of Franklin and Harbor is terrible in the summer and on weekends. The commentor concludes by stating that they would like to see another entrance to Noyo Harbor.

The commentor does not provide specific topics or examples of invalid or incomplete Draft EIR analysis. According to the City, the Noyo Harbor Access Planning Project is in its infancy. The City is working with other regional agencies and intends to apply for a planning grant in 2023 that will provide funds to address the need for an alternate egress out of the Noyo Harbor.

It is also noted that additional traffic impact analysis (TIA) was completed in September 15, 2022 by the original traffic impact analysis consultant for the proposed Project, KD Anderson & Associates. Subsequent to the original TIA (KD Anderson & Associates, Inc., 2019) preparation, Caltrans District 1 elected to remove the left turn prohibition on N.

Harbor Drive at its intersection with State Route 1 (SR 1). That change allows motorist to turn left directly onto the state highway at this location instead of making the turn at the SR 1 / South Street intersection further north. The change would also provide a route for Project customers headed south. The additional (2022) analysis has been incorporated into Section 3.7 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the changes. In summary, the changed traffic prohibition did not result in increased impacts to this intersection.

While the majority of this comment does not address the adequacy of the Draft EIR, or compliance with CEQA, this comment is noted and will be forwarded to the decision makers for their consideration of topics beyond the adequacy of the Draft EIR.

**Response AA-8:** The commentor states that bicycle facilities are provided on-site. The commenter concludes by stating that comments received mainly pertain to traffic, and to ensure that proper analysis is provided.

This comment is noted. The Draft EIR includes a vehicle-miles-traveled (VMT) analysis in Appendix H, a Traffic Impact Analysis (TIA) in Appendix F, and an addendum to the TIA in Appendix G. Proper traffic analysis was provided.

It is also noted that additional traffic impact analysis (TIA) was completed in September 15, 2022 by the original traffic impact analysis consultant for the proposed Project, KD Anderson & Associates. Subsequent to the original TIA (KD Anderson & Associates, Inc., 2019) preparation, Caltrans District 1 elected to remove the left turn prohibition on N. Harbor Drive at its intersection with State Route 1 (SR 1). That change allows motorist to turn left directly onto the state highway at this location instead of making the turn at the SR 1 / South Street intersection further north. The change would also provide a route for Project customers headed south. The additional (2022) analysis has been incorporated into Section 3.7 of the Draft EIR. See Chapter 3.0, Revisions, of this Final EIR for the changes. In summary, the changed traffic prohibition did not result in increased impacts to this intersection.



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This section shows the minor edits and changes to the Draft EIR. These modifications resulted from responses to comments received during the public review period for the Draft EIR, as well as City staff-initiated edits to clarify the details of the project.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.

These changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

## 3.1 REVISIONS TO THE DRAFT EIR

### 0.0 EXECUTIVE SUMMARY

The following change was made to page ES-1 of the Draft EIR:

On February 2, 2022, legal counsel for the Project applicant, the Best Development Group (Best), wrote a letter to the City Council mentioning the litigation and requesting that the City Council rescind the earlier approvals for the Project and commence preparation of an EIR. ~~Project counsel stated that “[a]lthough Best believes that, given the small size of the Project and its minimal environmental effects, a spirited legal defense of the MND could be mounted, any such effort could consume as much as three years or more, given how slowly the California court system moves. Best has therefore concluded that the better and more prudent course of action will be to have the City prepare an EIR and put the Planning Commission and, if need be, the City Council back into a position to consider the Project anew based on such an EIR.”~~ During its meeting on February 28, 2022, the City Council rescinded its prior actions approving the Project and directed City staff to proceed with preparation of an EIR. On May 19, 2022, the City issued a Notice of Preparation (NOP) for the Project.

The following change was made to page ES-2 of the Draft EIR:

This Draft EIR addresses environmental impacts associated with the proposed Project that are known to the City of Fort Bragg because they were raised during the initial public review period for the MND for the Project and subsequent public hearings, in the lawsuit over the Project, or in comments responding to the NOP, or because they otherwise emerged during preparation of the Draft EIR. The text of this Draft EIR discusses ~~potentially significant~~ impacts associated with aesthetics, air quality, biological resources, greenhouse gas emissions, land use, noise, transportation and circulation, and utilities. The remaining issues required to be addressed under CEQA are dealt with primarily in the Initial Study Checklist attached as Appendix A to this Draft EIR.

The following change was made to page ES-5 of the Draft EIR:

| <i>ENVIRONMENTAL TOPIC</i>                        | <i>PROPOSED PROJECT<sup>1</sup></i> | <i>NO PROJECT (NO BUILD) ALTERNATIVE</i> | <i>BUILDING REUSE ALTERNATIVE</i> | <i>DECREASED DENSITY ALTERNATIVE</i> |
|---------------------------------------------------|-------------------------------------|------------------------------------------|-----------------------------------|--------------------------------------|
| <i>SECTION 3.8, UTILITIES AND SERVICE SYSTEMS</i> |                                     |                                          |                                   |                                      |
| UT Impact 3.8-1                                   | LS                                  | Less                                     | Equal                             | Less                                 |
| UT Impact 3.8-2                                   | LS                                  | Less                                     | Equal                             | Less                                 |
| UT Impact 3.8-3                                   | LS                                  | Less                                     | Equal                             | Less                                 |
| UT Impact 3.8-4                                   | LS                                  | Less                                     | Equal                             | Less                                 |
| UT Impact 3.8-5                                   | LS                                  | Less                                     | Equal                             | Less                                 |
| UT Impact 3.8-6                                   | LS-W/MM                             | Less                                     | Equal                             | Less                                 |
| UT Impact 3.8-7                                   | LS                                  | Less                                     | Less                              | Less                                 |

## 1.0 INTRODUCTION

The following change was made to page 1.0-1 of Chapter 1.0 of the Draft EIR:

On February 2, 2022, legal counsel for the Project applicant, the Best Development Group (Best), wrote a letter to the City Council mentioning the litigation and requesting that the City Council rescind the earlier approvals for the Project and commence preparation of an EIR. ~~Project counsel stated that “[a]lthough Best believes that, given the small size of the Project and its minimal environmental effects, a spirited legal defense of the MND could be mounted, any such effort could consume as much as three years or more, given how slowly the California court system moves. Best has therefore concluded that the better and more prudent course of action will be to have the City prepare an EIR and put the Planning Commission and, if need be, the City Council back into a position to consider the Project anew based on such an EIR.”~~ During its meeting on February 28, 2022, the City Council, through its adoption of Resolution 4517-2022, rescinded its prior actions approving the Project, and thereby essentially directed City staff to proceed with preparation of an EIR. On May 19, 2022, the City issued a Notice of Preparation (NOP) for the Project.

The following changes were made to page 1.0-7 of Chapter 1.0 of the Draft EIR:

The City of Fort Bragg received ~~six~~ seven written comment letters on the NOP for the proposed Project. A copy of the letters is provided in Appendix A of this Draft EIR. The commenting agency/citizen is 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).

## 2.0 PROJECT DESCRIPTION

The following changes were made to page 2.0-3 of the Draft EIR:

### **Building Architecture and Signage**

The proposed Project would include 51,650 sf (1.18 acres) of hardscape areas that would be covered with the proposed store, parking lot, accessways or sidewalks, and driveways. As shown in

Figure 2.0-5, the retail building would be located in the northern portion of the site with parking in the south portion.

The retail grocery store would be a maximum of 28 feet tall at the top of the proposed canopy and a maximum of 23 feet tall at the top of the proposed parapet. The proposed building includes differentiated treatments along the base, mid-section, and top along the three facades facing public streets. Windows would remain clear glass for lighting a view out, and the roofline on the corner cut-off entrance is also unique to the other rooflines for additional visual interest. The building will be composed of various elements and details representative of Fort Bragg's architectural heritage, as the Applicant's chosen design elements which were influenced by Fort Bragg's downtown architecture and the City's Citywide Design Guidelines. The window and door treatments give homage to the smaller shops along the main downtown street's detailing as well as the Hardie Board (wood composite) wood paneling, masonry, and providing a variety of the materials on the elevations to add visual interest. Rooflines of the building would align with buildings on adjacent properties to avoid clashes in building height. Architectural perspectives of the proposed building are shown in Figure 2.0-6.

### 3.1 AESTHETICS AND VISUAL RESOURCES

The following changes were made to pages 3.1-6 and 3.1-7 of Section 3.1 of the Draft EIR:

The proposed Project would replace an existing structure with one of approximately the same size. The proposed retail store would occupy a similar location to the existing structure on the northern portion of the Project site, where views looking to the west toward the Pacific Ocean are blocked by the existing Super 8 hotel, west of the Project site, which is the direction in which the Pacific Ocean and landscapes immediately adjacent to the coast are located. There are limited views of the Pacific Ocean through the Project site from S. Franklin Street along the north boundary as these views extend through numerous parcels, including an existing Chevron gas station and the undeveloped Mill Project site to the west of State Highway 1. A distant keyhole view of the ocean from the public right of ways ~~are is~~ interrupted by two large trees, which ~~substantially partially~~ obscure pedestrians' and drivers' views of the ocean and skyline. This view is very small, distant, and fragmented. Also as the view is located across multiple parcels ~~The 'keyhole' view is also dependent on~~ may be shaped by the future development patterns of these intervening sites. For Example, The vacant Mill Project site could be re-developed under existing zoning as a lumber mill. As noted previously, the City has engaged in preliminary planninged for the potential re-development of the Mill Site for other uses. in the recent past, and f Future development of the site could occur if the site is rezoned through a Local Coastal Program Amendment, ~~and Although no plans to develop the Mill Site currently exist, a~~ At some time in the future a new structure could completely block the existing interrupted distant keyhole view through of the Chevron Station, across highway 1, through the mill site to the and ocean if the Mill Site is developed in the future.

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 just over 25 feet at the north side due to the lower sidewalk elevation on the north side. The proposed building setback from South Street is 18 feet and 7 inches from the property line. The proposed building setback from South Franklin Street is 10 feet. The West side of the building adjacent to the motel would be setback 24 feet and 1 inch, which is in excess of the required 20 feet setback. A

## 3.0 REVISIONS

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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. There is also a vacant parcel between the Chevron/Taco Bell and the Project site. 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 High Density Residential uses are located four blocks to the east.

The following changes were made to page 3.1-8 of Section 3.1 of the Draft EIR:

Consistent with the General Plan, the immediate neighborhood is zoned for commercial uses and may be developed ~~at a similar height~~ over time. The proposed building is slightly shorter ~~in height~~ than the existing building. As noted above, the proposed building parapet height would be approximately 24 feet above sidewalk level on the south side and just over 25 feet at the north side due to the lower sidewalk elevation on the north side. The existing buildings in the Project area are either one or two stories in height. Many buildings of similar height are located within the immediate area and include: Super 8 by Wyndham, Harbor Lite Lodge, The Seabird Lodge, Mountain Mike's Pizza, Safeway, and Accu-Tech Auto Body. ~~Similar size buildings~~ Additionally, the zoning code allows Buildings of similar height could be developed across on South Street and South Franklin Street on the currently vacant lots in the future that would balance the building massing along the streets. Additionally, planting street trees at regular intervals on both sides of the streets is a cost-effective visual 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.

### 3.2 AIR QUALITY

The following changes were made to page 3.2-20 of Section 3.2 of the Draft EIR:

The proposed Project would be both a direct and indirect source of air pollution. Direct sources of pollution include area, energy, and water and waste sources, due to development of the on-site building and associated infrastructure. ~~Indirect sources of pollution would be due to the generation of VMT from vehicles traveling to and from the Project site. According to KD Anderson & Associates (as provided by the Traffic Analysis prepared for the proposed Project), the proposed Project is anticipated to generate approximately 1,094 new daily trips on a weekday and 1,818 on a Saturday (½ inbound and ½ outbound).~~ As discussed in Section 3.7, Transportation and Circulation, of the Draft EIR, due to the re-routing of existing trips from the Willits Grocery Outlet to the proposed Fort Bragg Grocery Outlet, VMT would decrease as a result of the Project.

The following changes were made to pages 3.2-21 and 3.2-22 of Section 3.2 of the Draft EIR:

It should also be noted that the proposed Project ~~has the potential to~~ would reduce net VMT (i.e., to lower VMT compared with the baseline condition), which would imply that the results in Table 3.2-8 likely represent an ~~large~~ overestimate for project net mobile emissions. The CEQA VMT Analysis ~~traffic study~~ indicated that based on the location of competing stores, the Grocery Outlet Store's most likely effect on regional travel is to slightly reduce the length of trips from areas south of the river off of SR 20 or SR 1 that are today made northbound, and to offer another option for shopping trips made by residents of areas to the north. The regional effect on VMT is likely to be



small, but generally will be reduced by offering a closer option for northbound traffic. It is noted that testimony offered at the Planning Commission supported the conclusion that the Grocery Outlet Store would reduce regional VMT. More specifically, many speakers described driving to the existing Grocery Outlet Store in Willits and stated that they would patronize the new store in Fort Bragg if it were built. As provided in the *CEQA VMT Analysis* prepared by Fehr & Peers, the re-routing of even less of 1% of the current trips from Fort Bragg to the existing Willits Grocery Outlet (located approximately 35 miles from Fort Bragg) would result in a net decrease in VMT for the proposed Project both baseline (2022) and future year (2030) conditions.

### 3.3 BIOLOGICAL RESOURCES

The following change was made to page 3.3-1 of Section 3.3 of the Draft EIR:

This section describes the regulatory setting, regional biological resources, and impacts that are likely to result from Project implementation. The analysis contained in this section is intended to be at a Project-level, and covers impacts associated with the conversion of the entire site from a partially developed lot to a retail use. This section is based in part on the following: *Fort Bragg Coastal General Plan* (City of Fort Bragg, July 2008), *California Natural Diversity Database* (CDFW 2022), *USFWS Information Planning and Consultation System* (IPAC) (USFWS 2022), March 28 and April 20, 2022 Field Surveys (De Novo Planning Group, 2022), and a review of previous studies performed on the Project site (the *Grocery Outlet Fort Bragg, California Property Biological Review* (Wildland Resource Managers, August 2019), the *Grocery Outlet Fort Bragg Wetland Report* (Wildland Resource Managers, March 2021~~2~~).

The following change was made to page 3.3-2 of Section 3.3 of the Draft EIR:

Field investigations were performed on foot using transects. Habitat was recorded, and the Project site was inspected for the presence, or potential for presence of wildlife. This includes a search for evidence of animal signs (i.e. scat/tracks, guano, etc.). Test pits were dug in ~~four~~six locations to view the soil profile and test for hydric soil characteristics. Alpha-alpha-Dipyridyl solution was used on test pit soils to confirm the presence or absence of ferrous (Fe++) iron in soils (test for reducing conditions and the possibility of aquic conditions). Visibility during the survey was considered good. Weather conditions were mostly clear skies, winds of approximately 8 miles per hour, and temperatures of 64 degrees Fahrenheit. Tools used during the field investigations included a Trimble GeoExplorer XH Handheld (sub-foot unit), 30-meter tape measure, diameter tape, Kestrel 3000 Weather Station, spade, Dutch auger, Munsell color chart, Vortex 20-60x80 spotting scope, and Swarovski 10x42 binoculars. The results of this survey are incorporated into this section.

The following changes were made to page 3.3-4 of Section 3.3 of the Draft EIR:

#### **Vegetation**

The majority of the vegetation is limited to the southern-most parcel. Even here, vegetation is sparse and limited to approximately two-thirds of the property as the middle of the area is bare soil. Plant species identified in the southern parcel are listed in Table 3.3-1. ~~All the plant species are associated with non-hydric soil conditions.~~ The Project site contains mostly plants that are classified as associated of uplands (Upland-UPL and Facultative Upland – FacU), however, there are two species of plants that are Facultative, meaning they are equally likely to occur in an upland or wetland. The north parcel is well over 98 percent covered by a paved parking lot and portions of the

vacant building. There is a row of planted shrubbery along the north side of the parking area that includes butterfly bushes, California rose, Himalayan blackberry, pampas grass, and four ornamental trees. Rhododendrons are also found on the east side of the existing building.

The following changes were made to page 3.3-5 of Section 3.3 of the Draft EIR:

The NRCS Web Soil Survey (2022) identifies the Project site as “Urban land.” This soil map unit is made up of mostly urban developed land, but can have several minor components (3%) within the map unit including: Biaggi, Shinglemill, Gibney, Tregoning, Tropaquepts, Heeser, Cabrillo, and Harecreek. Three of these soil units (Shinglemill, Tregoning, and Tropaquepts) have a hydric soil rating within the landforms of marine terraces and depressions. The other soil units do not have a hydric rating. Given that there was a potential for soil inclusions of the minor components with a hydric rating, six soil test pits were dug and soils were tested for hydric characteristics (De Novo Planning Group, 2022). The soil test included the use of an Alpha-alpha-Dipyridyl solution to confirm the presence of ferrous (Fe++) iron in soils. Ferrous iron is an indicator of reducing conditions and the possibility of aquic conditions. Ferrous was not present in the soils tested in the six test pits, and there was no other soil characteristics that would suggest that there are aquic conditions present on the Project site. All six test pits had sandy loam.

It is also noted that the *Fort Bragg Wetland Report* (Wildland Resource Managers, March 2021~~2~~) provides the same conclusions that there are no aquatic resources present on the Project site. That study included four additional test pits. As such, ten total soil test pits were completed (six by De Novo Planning Group in 2022, and four by Wildland Resource Managers in 2021).

The following changes were made to page 3.3-6 of Section 3.3 of the Draft EIR:

Sightings and other evidence of wildlife at the Project site was very limited. Gopher mounds were evident in the southern parcel, and two crows or ravens were seen perched on the abandoned building and then flew south off-site within a minute after the surveyor's arrival. No other wildlife was seen during the surveys. There were no scat, guano, nests, burrows, whitewash, or trails of any kind found on the site.

The following changes were made to page 3.3-29 of Section 3.3 of the Draft EIR:

The NRCS Web Soil Survey (2022) maps the Project site as “Urban Land.” It was found that there are three minor soil components (3%) with a hydric soil rating that can occur within this map unit. Given that there was a potential for soil inclusions of the minor components with a hydric rating, six soil test pits were dug and soils were tested for hydric characteristics by De Novo Planning Group in 2022. The soil test included the use of an Alpha-alpha-Dipyridyl solution to confirm the presence of ferrous (Fe++) iron in soils. Ferrous iron is an indicator of reducing conditions and the possibility of aquic conditions. Ferrous was not present in the soils tested in the six test pits, and there was no other soil characteristics that would suggest that there are aquic conditions present on the Project site. All six test pits had sandy loam (De Novo Planning Group, 2022). It is also noted that the *Fort Bragg Wetland Report* (Wildland Resource Managers, March 2021~~2~~) provides the same conclusions that there are no aquatic resources present on the Project site. That study included four test pits.

### 3.4 GREENHOUSE GASES, CLIMATE CHANGE, AND ENERGY

The following changes were made to page 3.4-2 through page 3.4-4 of Section 3.4 of the Draft EIR:

The effects of increasing global temperature are far-reaching and extremely difficult to quantify. The scientific community continues to study the effects of global climate change. In general, increases in the ambient global temperature as a result of increased GHGs are anticipated to result in rising sea levels, which could threaten coastal areas through accelerated coastal erosion, threats to levees and inland water systems and disruption to coastal wetlands and habitat.

~~If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of water supply for the State. The snowpack portion of the supply could potentially decline by 50% to 75% by the end of the 21<sup>st</sup> century (National Resources Defense Council, 2014). This phenomenon could lead to significant challenges securing an adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the State; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.~~

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (California Environmental Protection Agency, 2010). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands. As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (California Environmental Protection Agency, 2010), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

### **Public Health**

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

### **Water Resources**

~~A vast network of man-made reservoirs and aqueducts capture and transport water throughout the State from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising~~

~~temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages.~~

The State's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water. In Fort Bragg, Madsen Hole located in the Noyo River is where the intake pipe is located that provides fresh water to the City of Fort Bragg. Fresh water comes downstream and meets the tidal water from the ocean. When tides come in, salt water is pushed up river near intake pipes, putting the city's water supply at risk. Because of the inflow of the tidal water, the City has installed desalination equipment to reduce the salinity of the water within the This helps ensure that the water quality of the fresh water that services the City of Fort Bragg. This issue is likely to be exacerbated as sea levels rise due to climate change, over the long term. ~~southern edge of the Sacramento/San Joaquin River Delta, a major State fresh water supply. Global warming is also projected to seriously affect agricultural areas, with California farmers projected to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the State (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities.~~

~~Additionally, encroaching seas and waves could result in negative impacts along California's coast not only through increased flooding, but also by eroding beaches and cliffs, and by raising coastal groundwater levels. Rising seas threaten California's coast in seven categories: public infrastructure, private property, vulnerable communities, natural resources, drinking and agricultural water supplies, toxic contamination, and economic disruption. Between \$8 billion and \$10 billion of existing property in California is likely to be underwater by 2050, with an additional \$6 billion to \$10 billion at risk during high tides.~~

### **Agriculture**

~~Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise.~~

~~Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less than optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Plant products likely to be most affected include wine grapes, fruits, and nuts.~~

~~Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.~~

~~In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.~~

### **Forests and Landscapes**

~~Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the State. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90%.~~

~~Moreover, continued global warming will alter natural ecosystems and biological diversity within the State. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the State's forests is also expected to decrease as a result of global warming.~~

### **Rising Sea Levels**

~~Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the State's coastal regions. Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.~~

## **3.5 LAND USE AND PLANNING**

The following changes were made to page 3.5-1 of Section 3.5 of the Draft EIR:

~~This section describes the existing land uses on the Project site and in the surrounding area, describes the applicable land use regulations, and evaluates the environmental effects of implementation of the proposed Project related to land use. Information in this section is based on the following reference documents: Grocery Outlet Urban Decay Analysis in Fort Bragg, California (ALH Urban & Regional Economics, 2023), Fort Bragg Coastal General Plan (City of Fort Bragg, July 2008), the City of Fort Bragg Commercial District Citywide Design Guidelines (City of Fort Bragg, June 2004~~2022~~) and the Fort Bragg Municipal Code (City of Fort Bragg, 2021).~~

The following changes were made to pages 3.5-30 through 3.5-34 of Section 3.5 of the Draft EIR:

~~The following discussion is based on the Urban Decay Study (ALH Urban & Regional Economics, 2023) completed for the proposed Project. See Appendix J of this Draft EIR for the complete Study.~~



### PROPOSED GROCERY OUTLET STORE AND PRIMARY MARKET AREA CHARACTERISTICS

The proposed Grocery Outlet store is would serve a primary market area along coastal Mendocino County, extending from Cleone to the north and Point Arena to the south. This area has a population base of 21,384 people and 9,565 households with average household incomes in 2022 of \$84,331.

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. Prices at Grocery Outlet are generally 40% to 70% below conventional retailers and 20% below the leading discounters.

The primary market area households are estimated to generate demand for \$258.5 million in annual retail sales, including \$40.1 million in food and beverage store sales. Overall, as of 2021, the area is characterized by retail sales leakage in all major retail categories except food and beverage stores, building materials and garden equipment, and gasoline stations. The attraction in food and beverage stores comprise 60% of all food and beverage sales, where the retail leakage in all other categories range from -12% to -78% of sales. The high leakage amounts generally indicate that the primary market area is under-retailed relative to the demand generated by its population base.

### EXISTING POTENTIAL COMPETITIVE STORES

There are a select number of stores in Fort Bragg, nearby Mendocino, and the general primary market area environs that might be competitive to varying degrees with the proposed Grocery Outlet because of the availability of overlapping sales-merchandise. These stores are a subset of the following categories of stores: Grocery Stores; Natural Food Stores; Other Stores with Substantial Food and Beverage Sales; Convenience Stores; and Gas Station Convenience Stores. There are nine grocery facilities distributed throughout different residential neighborhoods and commercial establishments in the community, including: Safeway (660 South Main Street), Harvest Market (171 Boatyard Drive), Purity Supermarket (242 North Franklin Street), Nello's Market and Deli (860 North Main Street), La Mexicana Market (116 S. Main Street), Down Home Foods (115 S. Franklin Street), Colombi Market and Deli (647 E Oak Street), B&C Grocery (401 E. Oak Street) and El Yuca (242 North Mcpherson Street). ~~The range of these grocery facilities includes small grocery/convenience stores, a high end/natural food grocery store, and a big box chain grocery store.~~

Of all these stores, the existing stores that are anticipated to have more food and related sales overlap with Grocery Outlet relative to other area stores include the full-service grocery stores, of which there are four (including one in Mendocino), and the general merchandise store 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. ~~Even if any facilities close as a result of the proposed project, this alone would not signify urban decay. The concern of urban decay typically arises when real estate market demand is stagnant or so low that vacated properties are not backfilled or are not maintained to a standard that wards off the indicators of urban decay, such as boarded up windows, lingering trash or graffiti, and loitering.~~

### GROCERY OUTLET IMPACT ON THE RETAIL MARKET

Based on the estimated Grocery Outlet store sales by type of retail, and the volume of sales estimated to be supported by primary market area residents, the proposed Fort Bragg Grocery Outlet store will need to capture only 2.1% of primary market area food and beverage sales to achieve stabilized sales consistent with national Grocery Outlet store performance standards. This is a very small capture rate. The capture rate is higher for non-perishable primary market area sales; however, these sales categories are estimated to have existing retail leakage in the primary market area. Thus, no sales impact is anticipated among stores selling non-perishable goods comparable to Grocery Outlet, as the recapture of these sales will reduce the existing leakage, making the primary market area's retail base stronger.

These findings suggest that the existing primary market area for food and other stores selling goods in common with Grocery Outlet are unlikely to experience strong individual store sales impacts resulting from the operations of the proposed Grocery Outlet Store. If sales are diverted from any existing stores resulting from Grocery Outlet's operation, they will be dispersed among many of the stores, such that no one store is likely to experience sales loss sufficient to significantly impact store sales. The full-service orientation and unique offerings at the existing grocery stores will help insulate them from the nominal amount of competitive food item sales anticipated at Grocery Outlet. Moreover, these stores have established customer bases. Accordingly, they will have the ability to modify their product mix to maximize sales in products not available at Grocery Outlet General yet targeted to meet the needs of its loyal customers.

Grocery Outlet does not exactly duplicate the market niche or product focus of any of the primary market area stores, although it is closest to Dollar Tree in its discount orientation, as well as nonperishable product offerings. However, given Grocery Outlet's relatively low levels of projected sales, Dollar Tree's pronounced general merchandise orientation, there is unlikely to be even a noticeable impact on Dollar Tree following the Grocery Outlet's opening.

### EVALUATION OF URBAN DECAY

There are a range of commercial retail building or retail space vacancies scattered throughout the primary market area. Most of the vacancies are in Fort Bragg, and especially Downtown Fort Bragg or at The Boatyard Shopping Center. The vacancies are primarily located in small, older buildings, with many vacant for extended periods of time, such as two or more years. Many of the identified vacancies have been vacant since prior to the COVID-19 pandemic, or even earlier. However, many of the vacancies are not being actively marketed. This is evidenced by the lack of signage on the properties with commercial broker names, phone numbers, or even owner contact information. The physical condition of the vacancies varies, with some in well-kept condition and others appearing more rundown, or in less manicured condition, such as peeling paint in need of refreshing. None of the vacancies, however, exhibit classic signs of urban decay, such as graffiti, boarded up doors or windows, broken windows, or excessive trash. Moreover, despite the presence of some long-term commercial vacancies, there are indications of recent retail leasing activity in Fort Bragg.

Further, fieldwork conducted in March through May 2022 indicated there were no significant signs of litter, graffiti, weeds, or rubbish associated with existing commercial nodes and corridors in Fort

Bragg, with only a few isolated instances of small amounts of fast food-related trash near some commercial properties. It is noted that the City has reported some issues with transient populations at the on-site vacant building in the past. The City of Fort Bragg Code Enforcement Department receives a limited number of complaints pertaining to commercial properties, and most of these complaints do not pertain to issues associated with urban decay.

### CONCLUSION

The study analysis completed as part of the Urban Decay Study does not suggest any retailers would be at risk of losing retail sales sufficient to result in store closure leading to increased commercial vacancy as a result of Grocery Outlet's development, and thus there would likely be no risk for their properties to erode into conditions leading to urban decay. Yet, if such an event were to occur, there is no indication from the market that urban decay would result from such a store closure. Even properties that have been closed for longer periods of time, up to four years or more, continue to be maintained in reasonable condition and, most importantly, are not indicative of urban decay. Thus, real estate market conditions in Fort Bragg do not appear to be conducive to urban decay.

Therefore, pursuant to the existing market conditions, projected retail supply and demand conditions, and Grocery Outlet project orientation, the Urban Decay Study concludes that there is no reason to consider that development of the proposed Grocery Outlet store would cause or contribute to urban decay.

~~Fieldwork conducted in March through May 2022 indicated there were no significant signs of litter, graffiti, weeds, or rubbish associated with existing commercial nodes and corridors in Fort Bragg, with only a few isolated instances of small amounts of fast food-related trash near some commercial properties. It is noted that the City has reported some issues with transient populations at the on-site vacant building in the past. The City of Fort Bragg Code Enforcement Department receives a limited number of complaints pertaining to commercial properties, and most of these complaints do not pertain to issues associated with urban decay.~~

For the reasons listed above, the proposed project is not expected to result in urban decay in the City of Fort Bragg. This is a ***less than significant*** impact.

## 3.6 NOISE

The following changes were made to pages 3.6-7 and 3.6-8 of Section 3.6 of the Draft EIR:

Consistent with Appendix G of the CEQA Guidelines and CEQA case law, the Project will have a significant impact related to noise if it will result in:

Generation of a 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;~~agencies, as outlined below:

- Non-transportation noise that exceeds 55 dBA  $L_{eq}$  / 75 dBA  $L_{max}$  during daytime (7 A.M. to 10 P.M.) hours, excluding temporary construction noise.

- Non-transportation noise that exceeds 45 dBA  $L_{eq}$  / 65 dBA  $L_{max}$  during daytime (7 A.M. to 10 P.M.) hours, excluding temporary construction noise.

Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of ambient conditions, as outlined below; and/or

- An increase in temporary construction noise levels of more than 12 dBA at existing residential receptors located around the project site,
- A permanent increase in operational noise that would:
  - cause the  $L_{dn}$  in existing residential areas to increase by 3 dB or more;
  - cause the  $L_{dn}$  in existing residential areas to increase by 2 dB or more if the  $L_{dn}$  would exceed 70 dB; or
  - cause the  $L_{dn}$  resulting exclusively from project-generated traffic to exceed an  $L_{dn}$  of 60 dB at any existing residence.

Generation of excessive groundborne vibration or groundborne noise levels, as outlined below.

- A threshold of 0.20 in/sec p.p.v. at sensitive receptors.

## **Determination of a Significant Increase in Noise Levels**

### **TEMPORARY CONSTRUCTION NOISE IMPACTS**

With temporary noise impacts (construction), identification of “substantial increases” depends upon the duration of the impact, the temporal daily nature of the impact, and the absolute change in decibel levels. Per the City of Fort Bragg Municipal Code, construction activities operating between 10 p.m. and 7 a.m. which create a noise disturbance at the property boundary of a residence are prohibited and would be considered a significant impact.

The City has not adopted any formal standard for evaluating temporary construction noise which occurs within allowable hours. For short-term noise associated with Project construction, Saxelby Acoustics recommends use of the Caltrans increase criteria of 12 dBA (Caltrans Traffic Noise Protocol, 2020), applied to existing residential receptors in the project vicinity. This level of increase is approximately equivalent to a doubling of sound energy and has been the standard of significance for Caltrans projects at the state level for many years. Application of this standard to construction activities is considered reasonable considering the temporary nature of construction activities.

The following changes were made to pages 3.6-14 and 3.6-15 of Section 3.7 of the Draft EIR:

The loudest phase of construction would be grading at 86 dBA  $L_{eq}$  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 ( $L_{eq}$ ) 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.~~

## 3.0 REVISIONS

A summary of the noise prediction results for each phase of construction are shown in Table 3.6-11. Receptor locations are shown on Figure 3.6-6.

**TABLE 3.6-9: PREDICTED CONSTRUCTION NOISE LEVELS BY PHASE**

| <u>RECEIVER (USE)</u>          | <u>MEASURED DAYTIME<br/>NOISE LEVEL, LEQ<sup>1</sup></u> | <u>PREDICTED CONSTRUCTION<br/>NOISE LEVEL, LEQ</u> | <u>TOTAL NOISE LEVEL<br/>(AMBIENT +<br/>CONSTRUCTION)</u> | <u>CHANGE</u> |
|--------------------------------|----------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------|---------------|
| <b>DEMOLITION - BUILDING</b>   |                                                          |                                                    |                                                           |               |
| R1 (Residential)               | 56.0 dBA                                                 | 63.7                                               | 64.4                                                      | 8.4           |
| R2 (Residential)               | 56.0 dBA                                                 | 65.5                                               | 66.0                                                      | 10.0          |
| R3 (Residential)               | 56.0 dBA                                                 | 67.8                                               | 68.1                                                      | 12.1          |
| R4 (Residential)               | 56.0 dBA                                                 | 62.2                                               | 63.1                                                      | 7.1           |
| R5 (Residential)               | 56.0 dBA                                                 | 59.5                                               | 61.1                                                      | 5.1           |
| <b>DEMOLITION - FOUNDATION</b> |                                                          |                                                    |                                                           |               |
| R1 (Residential)               | 56.0 dBA                                                 | 68.7                                               | 68.9                                                      | 12.9          |
| R2 (Residential)               | 56.0 dBA                                                 | 70.5                                               | 70.7                                                      | 14.7          |
| R3 (Residential)               | 56.0 dBA                                                 | 72.8                                               | 72.9                                                      | 16.9          |
| R4 (Residential)               | 56.0 dBA                                                 | 67.2                                               | 67.5                                                      | 11.5          |
| R5 (Residential)               | 56.0 dBA                                                 | 64.5                                               | 65.1                                                      | 9.1           |
| <b>SITE PREPARATION</b>        |                                                          |                                                    |                                                           |               |
| R1 (Residential)               | 56.0 dBA                                                 | 67.5                                               | 67.8                                                      | 11.8          |
| R2 (Residential)               | 56.0 dBA                                                 | 68.6                                               | 68.8                                                      | 12.8          |
| R3 (Residential)               | 56.0 dBA                                                 | 69.8                                               | 70.0                                                      | 14.0          |
| R4 (Residential)               | 56.0 dBA                                                 | 68.6                                               | 68.8                                                      | 12.8          |
| R5 (Residential)               | 56.0 dBA                                                 | 67.3                                               | 67.6                                                      | 11.6          |
| <b>GRADING</b>                 |                                                          |                                                    |                                                           |               |
| R1 (Residential)               | 56.0 dBA                                                 | 68.5                                               | 68.7                                                      | 12.7          |
| R2 (Residential)               | 56.0 dBA                                                 | 69.6                                               | 69.8                                                      | 13.8          |
| R3 (Residential)               | 56.0 dBA                                                 | 70.8                                               | 70.9                                                      | 14.9          |
| R4 (Residential)               | 56.0 dBA                                                 | 69.6                                               | 69.8                                                      | 13.8          |
| R5 (Residential)               | 56.0 dBA                                                 | 68.3                                               | 68.5                                                      | 12.5          |
| <b>BUILDING CONSTRUCTION</b>   |                                                          |                                                    |                                                           |               |
| R1 (Residential)               | 56.0 dBA                                                 | 67.5                                               | 67.8                                                      | 11.8          |
| R2 (Residential)               | 56.0 dBA                                                 | 68.6                                               | 68.8                                                      | 12.8          |
| R3 (Residential)               | 56.0 dBA                                                 | 69.8                                               | 70.0                                                      | 14.0          |
| R4 (Residential)               | 56.0 dBA                                                 | 68.6                                               | 68.8                                                      | 12.8          |
| R5 (Residential)               | 56.0 dBA                                                 | 67.3                                               | 67.6                                                      | 11.6          |
| <b>PAVING</b>                  |                                                          |                                                    |                                                           |               |
| R1 (Residential)               | 56.0 dBA                                                 | 65.5                                               | 66.0                                                      | 10.0          |
| R2 (Residential)               | 56.0 dBA                                                 | 66.6                                               | 67.0                                                      | 11.0          |
| R3 (Residential)               | 56.0 dBA                                                 | 67.8                                               | 68.1                                                      | 12.1          |
| R4 (Residential)               | 56.0 dBA                                                 | 66.6                                               | 67.0                                                      | 11.0          |
| R5 (Residential)               | 56.0 dBA                                                 | 65.3                                               | 65.8                                                      | 9.8           |
| <b>ARCHITECTURAL COATING</b>   |                                                          |                                                    |                                                           |               |
| R1 (Residential)               | 56.0 dBA                                                 | 57.5                                               | 59.8                                                      | 3.8           |
| R2 (Residential)               | 56.0 dBA                                                 | 58.6                                               | 60.5                                                      | 4.5           |
| R3 (Residential)               | 56.0 dBA                                                 | 59.8                                               | 61.3                                                      | 5.3           |
| R4 (Residential)               | 56.0 dBA                                                 | 58.6                                               | 60.5                                                      | 4.5           |
| R5 (Residential)               | 56.0 dBA                                                 | 57.3                                               | 59.7                                                      | 3.7           |

<sup>1</sup> AS MEASURED AT SITE ST-1.

SOURCE: FHWA, ROADWAY CONSTRUCTION NOISE MODEL (RCNM), JANUARY 2006; SAXELBY ACOUSTICS, 2022.



**TABLE 3.6-9: PREDICTED CONSTRUCTION NOISE LEVELS PHASE**

| RECEIVER (USE)                 | MEASURED DAYTIME NOISE LEVEL, LEQ <sup>‡</sup> | PREDICTED CONSTRUCTION NOISE LEVEL, LEQ | TOTAL NOISE LEVEL (AMBIENT + CONSTRUCTION) | CHANGE (dB) |
|--------------------------------|------------------------------------------------|-----------------------------------------|--------------------------------------------|-------------|
| <b>DEMOLITION – BUILDING</b>   |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 59.9                                    | 61.4                                       | 5.4         |
| R2 (Residential)               | 56.0 dBA                                       | 61.0                                    | 62.2                                       | 6.2         |
| R3 (Residential)               | 56.0 dBA                                       | 62.6                                    | 63.5                                       | 7.5         |
| R4 (Residential)               | 56.0 dBA                                       | 59.4                                    | 61.0                                       | 5.0         |
| R5 (Residential)               | 56.0 dBA                                       | 57.7                                    | 59.9                                       | 3.9         |
| <b>DEMOLITION – FOUNDATION</b> |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 64.9                                    | 65.4                                       | 9.4         |
| R2 (Residential)               | 56.0 dBA                                       | 66.0                                    | 66.4                                       | 10.4        |
| R3 (Residential)               | 56.0 dBA                                       | 67.6                                    | 67.9                                       | 11.9        |
| R4 (Residential)               | 56.0 dBA                                       | 64.4                                    | 65.0                                       | 9.0         |
| R5 (Residential)               | 56.0 dBA                                       | 62.7                                    | 63.5                                       | 7.5         |
| <b>SITE PREPARATION</b>        |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 64.5                                    | 65.1                                       | 9.1         |
| R2 (Residential)               | 56.0 dBA                                       | 65.2                                    | 65.7                                       | 9.7         |
| R3 (Residential)               | 56.0 dBA                                       | 66.4                                    | 66.8                                       | 10.8        |
| R4 (Residential)               | 56.0 dBA                                       | 65.4                                    | 65.9                                       | 9.9         |
| R5 (Residential)               | 56.0 dBA                                       | 64.3                                    | 64.9                                       | 8.9         |
| <b>GRADING</b>                 |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 65.5                                    | 66.0                                       | 10.0        |
| R2 (Residential)               | 56.0 dBA                                       | 66.2                                    | 66.6                                       | 10.6        |
| R3 (Residential)               | 56.0 dBA                                       | 67.4                                    | 67.7                                       | 11.7        |
| R4 (Residential)               | 56.0 dBA                                       | 66.4                                    | 66.8                                       | 10.8        |
| R5 (Residential)               | 56.0 dBA                                       | 65.3                                    | 65.8                                       | 9.8         |
| <b>BUILDING CONSTRUCTION</b>   |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 64.5                                    | 65.1                                       | 9.1         |
| R2 (Residential)               | 56.0 dBA                                       | 65.2                                    | 65.7                                       | 9.7         |
| R3 (Residential)               | 56.0 dBA                                       | 66.4                                    | 66.8                                       | 10.8        |
| R4 (Residential)               | 56.0 dBA                                       | 65.4                                    | 65.9                                       | 9.9         |
| R5 (Residential)               | 56.0 dBA                                       | 64.3                                    | 64.9                                       | 8.9         |
| <b>PAVING</b>                  |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 62.5                                    | 62.4                                       | 7.4         |
| R2 (Residential)               | 56.0 dBA                                       | 63.2                                    | 64.0                                       | 8.0         |
| R3 (Residential)               | 56.0 dBA                                       | 64.4                                    | 65.0                                       | 9.0         |
| R4 (Residential)               | 56.0 dBA                                       | 63.4                                    | 64.1                                       | 8.1         |
| R5 (Residential)               | 56.0 dBA                                       | 62.3                                    | 63.2                                       | 7.2         |
| <b>ARCHITECTURAL COATING</b>   |                                                |                                         |                                            |             |
| R1 (Residential)               | 56.0 dBA                                       | 54.5                                    | 58.3                                       | 2.3         |
| R2 (Residential)               | 56.0 dBA                                       | 55.2                                    | 58.6                                       | 2.6         |
| R3 (Residential)               | 56.0 dBA                                       | 56.4                                    | 59.2                                       | 3.2         |
| R4 (Residential)               | 56.0 dBA                                       | 55.4                                    | 58.7                                       | 2.7         |
| R5 (Residential)               | 56.0 dBA                                       | 54.3                                    | 58.2                                       | 2.2         |

<sup>‡</sup> AS MEASURED AT SITE ST-1.

SOURCE: FHWA, ROADWAY CONSTRUCTION NOISE MODEL (RCNM), JANUARY 2006; SAXELBY ACOUSTICS, 2022.

The following changes were made to pages 3.6-18 and 3.6-19 of Section 3.6 of the Draft EIR:

**Construction Noise:** During the demolition and construction phases of the proposed Project, noise from construction activities would add to the noise environment in the immediate Project vicinity. Based upon the Table 3.6-9 data, the proposed Project is predicted to generate construction noise

levels of up to ~~72.967~~ 67.6 dBA Leq. This would equal an approximate noise increase of up to ~~11.9~~ 16.9 dBA over ambient noise conditions at the closest sensitive receptor. Therefore, additional noise control measures would be required to limit the noise increase to 12 dBA, or less. In order to reduce construction noise levels, evaluation of an 8-foot-tall temporary noise barrier was modeled. The results of the construction noise analysis are shown graphically on Figure 3.6-8 (demolition) and Figure 3.6-9 (grading). A summary of the noise prediction results for each phase of construction are shown in Table 3.6-10. Receptor locations are shown on Figure 3.6-6.

**TABLE 3.6-10: PREDICTED CONSTRUCTION NOISE LEVELS PHASE – WITH TEMPORARY CONSTRUCTION NOISE BARRIER**

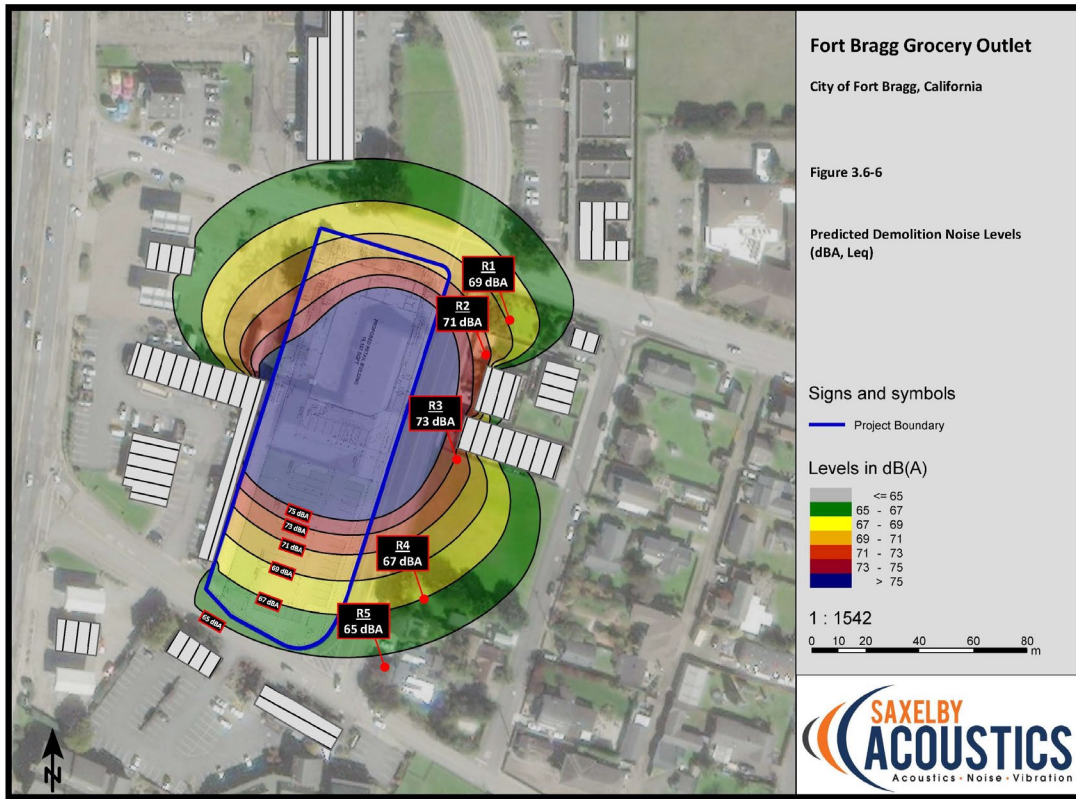
| <i>RECEIVER (USE)</i>          | <i>MEASURED DAYTIME NOISE LEVEL, Leq<sup>1</sup></i> | <i>PREDICTED CONSTRUCTION NOISE LEVEL, Leq</i> | <i>TOTAL NOISE LEVEL (AMBIENT + CONSTRUCTION)</i> | <i>CHANGE</i> |
|--------------------------------|------------------------------------------------------|------------------------------------------------|---------------------------------------------------|---------------|
| <b>DEMOLITION - BUILDING</b>   |                                                      |                                                |                                                   |               |
| R1 (Residential)               | 56.0 dBA                                             | 59.9                                           | 61.4                                              | 5.4           |
| R2 (Residential)               | 56.0 dBA                                             | 61.0                                           | 62.2                                              | 6.2           |
| R3 (Residential)               | 56.0 dBA                                             | 62.6                                           | 63.5                                              | 7.5           |
| R4 (Residential)               | 56.0 dBA                                             | 59.4                                           | 61.0                                              | 5.0           |
| R5 (Residential)               | 56.0 dBA                                             | 57.7                                           | 59.9                                              | 3.9           |
| <b>DEMOLITION - FOUNDATION</b> |                                                      |                                                |                                                   |               |
| R1 (Residential)               | 56.0 dBA                                             | 64.9                                           | 65.4                                              | 9.4           |
| R2 (Residential)               | 56.0 dBA                                             | 66.0                                           | 66.4                                              | 10.4          |
| R3 (Residential)               | 56.0 dBA                                             | 67.6                                           | 67.9                                              | 11.9          |
| R4 (Residential)               | 56.0 dBA                                             | 64.4                                           | 65.0                                              | 9.0           |
| R5 (Residential)               | 56.0 dBA                                             | 62.7                                           | 63.5                                              | 7.5           |
| <b>SITE PREPARATION</b>        |                                                      |                                                |                                                   |               |
| R1 (Residential)               | 56.0 dBA                                             | 64.5                                           | 65.1                                              | 9.1           |
| R2 (Residential)               | 56.0 dBA                                             | 65.2                                           | 65.7                                              | 9.7           |
| R3 (Residential)               | 56.0 dBA                                             | 66.4                                           | 66.8                                              | 10.8          |
| R4 (Residential)               | 56.0 dBA                                             | 65.4                                           | 65.9                                              | 9.9           |
| R5 (Residential)               | 56.0 dBA                                             | 64.3                                           | 64.9                                              | 8.9           |
| <b>GRADING</b>                 |                                                      |                                                |                                                   |               |
| R1 (Residential)               | 56.0 dBA                                             | 65.5                                           | 66.0                                              | 10.0          |
| R2 (Residential)               | 56.0 dBA                                             | 66.2                                           | 66.6                                              | 10.6          |
| R3 (Residential)               | 56.0 dBA                                             | 67.4                                           | 67.7                                              | 11.7          |
| R4 (Residential)               | 56.0 dBA                                             | 66.4                                           | 66.8                                              | 10.8          |
| R5 (Residential)               | 56.0 dBA                                             | 65.3                                           | 65.8                                              | 9.8           |
| <b>BUILDING CONSTRUCTION</b>   |                                                      |                                                |                                                   |               |
| R1 (Residential)               | 56.0 dBA                                             | 64.5                                           | 65.1                                              | 9.1           |
| R2 (Residential)               | 56.0 dBA                                             | 65.2                                           | 65.7                                              | 9.7           |
| R3 (Residential)               | 56.0 dBA                                             | 66.4                                           | 66.8                                              | 10.8          |
| R4 (Residential)               | 56.0 dBA                                             | 65.4                                           | 65.9                                              | 9.9           |
| R5 (Residential)               | 56.0 dBA                                             | 64.3                                           | 64.9                                              | 8.9           |
| <b>PAVING</b>                  |                                                      |                                                |                                                   |               |
| R1 (Residential)               | 56.0 dBA                                             | 62.5                                           | 63.4                                              | 7.4           |
| R2 (Residential)               | 56.0 dBA                                             | 63.2                                           | 64.0                                              | 8.0           |
| R3 (Residential)               | 56.0 dBA                                             | 64.4                                           | 65.0                                              | 9.0           |
| R4 (Residential)               | 56.0 dBA                                             | 63.4                                           | 64.1                                              | 8.1           |
| R5 (Residential)               | 56.0 dBA                                             | 62.3                                           | 63.2                                              | 7.2           |
| <b>ARCHITECTURAL COATING</b>   |                                                      |                                                |                                                   |               |
| R1 (Residential)               | 56.0 dBA                                             | 54.5                                           | 58.3                                              | 2.3           |
| R2 (Residential)               | 56.0 dBA                                             | 55.2                                           | 58.6                                              | 2.6           |

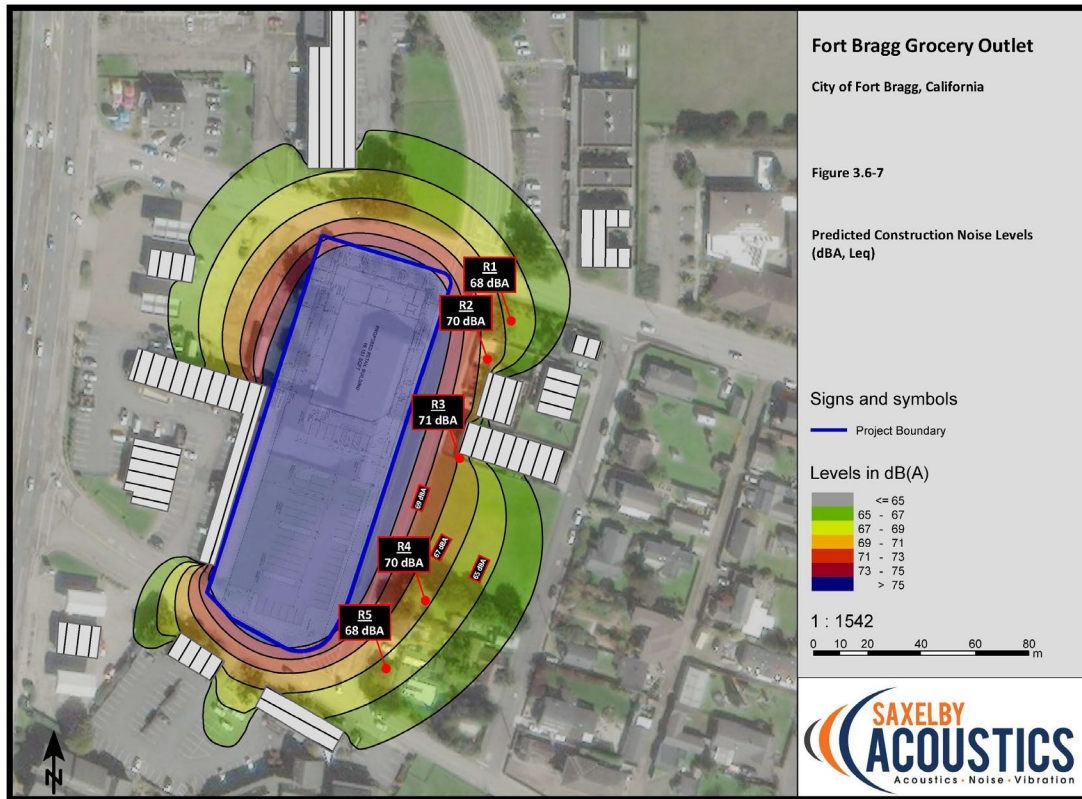
| <u>RECEIVER (USE)</u> | <u>MEASURED DAYTIME<br/>NOISE LEVEL, LEQ<sup>1</sup></u> | <u>PREDICTED CONSTRUCTION<br/>NOISE LEVEL, LEQ</u> | <u>TOTAL NOISE LEVEL<br/>(AMBIENT + CONSTRUCTION)</u> | <u>CHANGE</u> |
|-----------------------|----------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------|---------------|
| R3 (Residential)      | 56.0 dBA                                                 | 56.4                                               | 59.2                                                  | 3.2           |
| R4 (Residential)      | 56.0 dBA                                                 | 55.4                                               | 58.7                                                  | 2.7           |
| R5 (Residential)      | 56.0 dBA                                                 | 54.3                                               | 58.2                                                  | 2.2           |

<sup>1</sup> AS MEASURED AT SITE ST-1.

SOURCE: FHWA, ROADWAY CONSTRUCTION NOISE MODEL (RCNM), JANUARY 2006; SAXELBY ACOUSTICS, 2022.

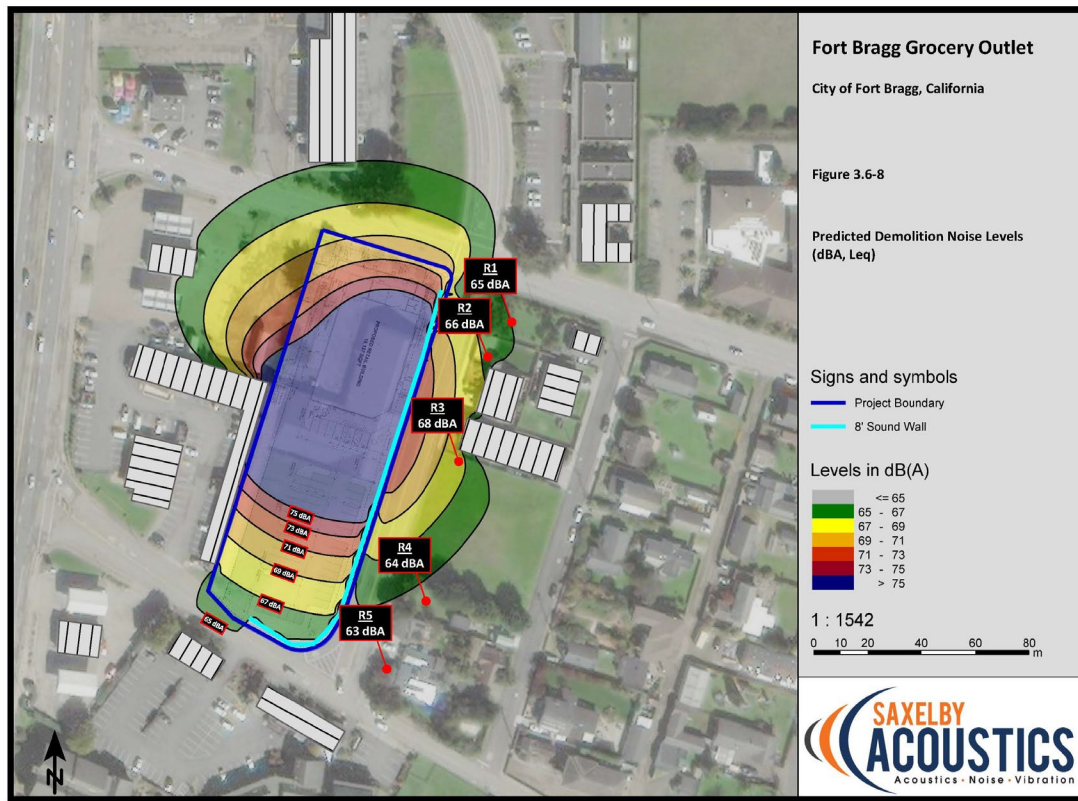
Additionally, Figures 3.6-6 and 3.6-7 in Section 3.6 were revised. The revised figures are shown below:

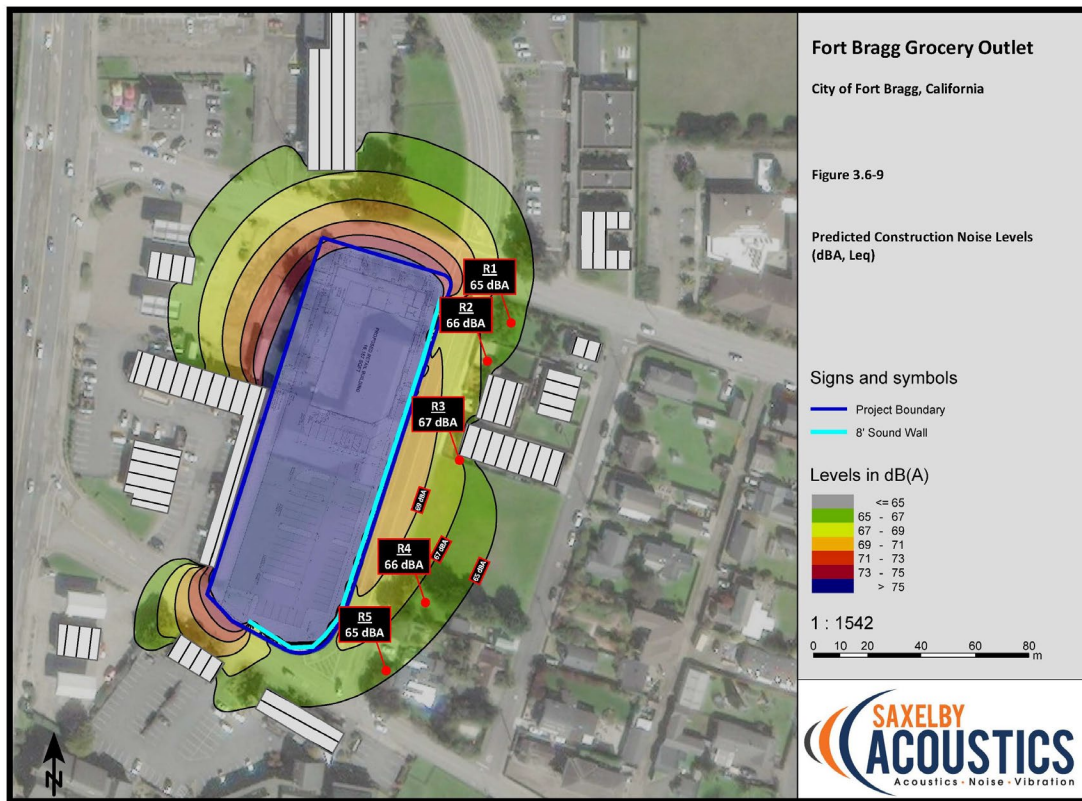




Further, two new noise-related figures, Figures 3.6-8 and 3.6-9, were added to Section 3.6. These new figures are shown below:







### 3.7 TRANSPORTATION AND CIRCULATION

The following change was made to page 3.7-2 of Section 3.7 of the Draft EIR:

This section analyzes the potential environmental impacts of the proposed Project on the transportation system. This section identifies the potential transportation impacts of future buildout of the Project and recommends mitigation measures to lessen their significance. Information in this section is derived primarily from the following (as well as other information described in this section):

- *Letter RE: Grocery Outlet Store, Fort Bragg, CA: Assessment of Effects of Change in Traffic Control at SR 1/N. Harbor Drive Intersection;*
- *Final Memorandum RE: Fort Bragg Grocery Outlet Project – CEQA VMT Analysis (Fehr & Peers, 2022);*
- *Traffic Impact Analysis for Grocery Outlet Store, Fort Bragg, California (KD Anderson & Associates, Inc., 2019);*
- *Addendum to Traffic Impact Analysis for Grocery Outlet Store, Fort Bragg, California (KD Anderson & Associates, Inc., 2021);*
- *Fort Bragg Coastal General Plan (City of Fort Bragg, July 2008);*
- *City of Fort Bragg 2009 Bicycle Master Plan (November 2009);*
- *State of California, Governor’s Office of Planning and Research (OPR), Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR, December 2018);*

## 3.0 REVISIONS

- *Trip Generation Manual, 10<sup>th</sup> Edition* (ITE, 2017); and
- *Trip Generation Handbook, 3<sup>rd</sup> Edition* (ITE, 2017).

The following changes were made to page 3.7-5 and 3.7-6 of Section 3.7 of the Draft EIR:

**Traffic Volume Counts.** The periods for intersection analysis were selected based on review of the hourly results from daily traffic volume counts. For this study during the weekday p.m. peak hour (4:00 to 6:00 pm) and Saturday midday peak hour (noon to 2:00 pm) were the highest volume periods. The highest hourly traffic volume period within each two hour window was identified as the peak hour and used for this analysis.

Figure 3.7-1 illustrates the intersection turning movement count data for study intersections. This figure also notes the geometric layout of each intersection and the location of traffic controls. This data has been used to determine the operating Level of Service (LOS) at each intersection.

As indicated in Table 3.7-2, each intersection delivers a peak hour Level of Service that satisfies minimum City of Fort Bragg requirements. It is worthwhile to note that at the SR 1 / North Harbor Drive intersection a few left turns and through traffic movements were made contrary to posted turn prohibitions. These movements were initially excluded from the LOS calculations completed in the original traffic analysis by KD Anderson & Associates in 2019. It is noted, however, that the turn prohibitions have since been removed. As such, in 2022, KD Anderson & Associates revised the LOS analysis to reflect changes in traffic movement prohibitions which occurred after 2019. The data in Table 3.7-2 and throughout this section reflects current conditions.

**TABLE 3.7-2: EXISTING INTERSECTION LEVEL OF SERVICE**

| INTERSECTION                               | CONTROL    | WEEKDAY PM PEAK HOUR |          |                         | SATURDAY PEAK HOUR |               |                         |
|--------------------------------------------|------------|----------------------|----------|-------------------------|--------------------|---------------|-------------------------|
|                                            |            | MIN                  | OBSERVED |                         | MIN                | OBSERVED      |                         |
|                                            |            |                      | LOS      | AVERAGE DELAY (SEC/VEH) |                    | LOS           | AVERAGE DELAY (SEC/VEH) |
| SR 1 - Main Street / Cypress Street        | Signal     | D                    | B        | 14                      | D <sup>1</sup>     | B             | 13                      |
| Cypress Street / Franklin Street           | AWS        | C                    | B        | 12                      | C                  | A             | 9                       |
| SR 1 – Main Street / South Street          | WB Stop    | D                    | B        | 11                      | D <sup>1</sup>     | B             | 11                      |
| Southbound left turn<br>Westbound approach |            |                      | C        | <del>203</del>          |                    | C             | <del>1722</del>         |
| South Street / Franklin Street             | NB/SB Stop | C                    | A        | 7                       | C                  | A             | 7                       |
| Westbound left turn                        |            |                      | A        | 8                       |                    | A             | 7                       |
| Eastbound left turn                        |            |                      | B        | 12                      |                    | B             | 11                      |
| Northbound approach                        |            |                      | B        | 12                      |                    | B             | 11                      |
| Southbound approach                        |            |                      |          |                         |                    |               |                         |
| SR 1 – Main Street / N Harbor Drive        | WB Stop    | D                    | B        | 11                      | D <sup>1</sup>     | B             | 11                      |
| Northbound left turn                       |            |                      | B        | 11                      |                    | B             | <del>124</del>          |
| Southbound left turn                       |            |                      | C        | 17                      |                    | <del>DB</del> | <del>2643</del>         |
| Eastbound approach <sup>2</sup>            |            |                      | B        | 14                      |                    | <del>DC</del> | <del>2946</del>         |
| Westbound approach <sup>2</sup>            |            |                      |          |                         |                    |               |                         |
| N Harbor Drive / Franklin Street           | AWS        | C                    | A        | 8                       | C                  | A             | 9                       |

<sup>1</sup> LOS F ACCEPTED ON SATURDAY SUMMER PEAK HOUR

<sup>2</sup> EXISTING LEFT TURN AND THROUGH TRAFFIC CONTRARY TO POSTED TRAFFIC CONTROLS IS NOT INCLUDED IN LOS CALCULATION

**BOLD** INDICATES CONDITIONS IN EXCESS OF ADOPTED STANDARD.

SOURCE: KDANDERSON & ASSOCIATES, 2022~~19~~.

The following changes were made to page 3.7-7 of Section 3.7 of the Draft EIR:

The volume of traffic occurring at unsignalized intersections was compared to peak hour traffic warrants, and the results are noted in Table 3.7-4. As shown, the current volume at the SR 1 (Main Street) / South Street intersection is close to satisfying warrants, but the volumes at this location remain below the minimum requirements for the side street approach (i.e., 100 vph). On Saturday, the peak hour volumes at the SR 1 (Main Street) / North Harbor Drive intersection reach the level that satisfy peak hour warrants, but because all of the side street approach volume was turning right, because the approach is limited to right turns only, a traffic signal is not justified.

**TABLE 3.7-4: CURRENT TRAFFIC SIGNAL WARRANTS**

| INTERSECTION                        | WEEKDAY PM PEAK HOUR |       |                           | SATURDAY PEAK HOUR |       |                           |
|-------------------------------------|----------------------|-------|---------------------------|--------------------|-------|---------------------------|
|                                     | VOLUME (VPH)         |       | WARRANT MET? <sup>1</sup> | VOLUME (VPH)       |       | WARRANT MET? <sup>1</sup> |
|                                     | MAJOR                | MINOR |                           | MAJOR              | MINOR |                           |
| Cypress Street / Franklin Street    | 533                  | 179   | No                        | 404                | 102   | No                        |
| SR 1 – Main Street / South Street   | 2,277                | 88    | No                        | 2,224              | 78    | No                        |
| South Street / Franklin Street      | 237                  | 143   | No                        | 238                | 63    | No                        |
| SR 1 – Main Street / N Harbor Drive | 2,330                | 72    | No                        | 2,338              | 130   | Yes                       |
| N Harbor Drive / Franklin Street    | 299                  | 69    | No                        | 382                | 89    | No                        |

<sup>1</sup>BASED ON RURAL PEAK HOUR VOLUME WARRANT ONLY

SOURCE: KDANDERSON & ASSOCIATES, 2020~~19~~.

The following changes were made to page 3.7-10 of Section 3.7 of the Draft EIR:

**TABLE 3.7-6: DIRECTIONAL TRIP DISTRIBUTION (PRIMARY TRIP)**

| DIRECTION | ROUTE                                                      | PERCENTAGE OF NEW TRIPS |
|-----------|------------------------------------------------------------|-------------------------|
| North     | SR 1 north of Cypress Street                               | 36%                     |
|           | Franklin Street north of Cypress Street                    | 10%                     |
| East      | Harbor Dr., South St. and Cypress St. east of Franklin St. | 4%                      |
| South     | SR 1 south of Noyo River                                   | 50%                     |
| Total     |                                                            | 100%                    |

SOURCE: KDANDERSON & ASSOCIATES, 2019.

Pass-by trips will be drawn from traffic already passing the site as part of other trips. In this case, because the volume of traffic on Main Street (SR 1) is much greater than that occurring on Franklin Street or North Harbor Drive adjoining the site, it has been assumed that pass-by traffic will mainly be diverted from the state highway. Because the volume of peak hour traffic headed northbound and southbound on SR 1 is relatively even, pass-by trips have been assumed to be diverted equally from each direction.

**Background Traffic Assumptions.** Based on the configuration of the local circulation system, motorists traveling northbound on Franklin Street and turning left onto westbound South Street are the most logical candidates for diversion to N. Harbor Drive. KD Anderson & Associates conservatively assumed that all of this traffic originated to the east on N. Harbor Drive and, instead of turning onto Franklin Street to reach South Avenue, would instead stay on N. Harbor Drive and turn left at SR 1. The TIA (2019) identified 17 such vehicles in the weekday p.m. peak hour and 31

vehicles in the Saturday peak. Figure 1 in Appendix I identifies the resulting background traffic volumes with the new traffic control.

**Grocery Outlet Store Traffic.** The TIA (2019) identified the share of Project trips that would have left the site and headed south, either as primary trips made specifically to visit the site or as pass-by trips drawn from traffic already on SR 1. Review of the proposed Project site plan indicates that the Project's N. Harbor Drive driveway would provide the shortest path to southbound SR 1. This analysis conservatively assumes that all of the Project traffic headed south uses this driveway and the SR 1 / N. Harbor Drive intersection. Figure 2 in Appendix I presents the assignment of GOS trips assuming left turn access is available at the SR 1 / N. Harbor Drive intersection. As shown, 36 Project trips make the left turn in the weekday p.m. peak hour and 41 Project trips make the left turn in the Saturday peak hour. Figure 3 in Appendix I presents the sum of adjusted background traffic and these Project trips under the "Existing Plus Project with Left Turn Access" condition.

**Cumulative Traffic Volumes.** The TIA (2019) identified future cumulative traffic volumes assuming regional growth and occupancy of identified approved projects. The same assumptions noted above were made to redirect future cumulative traffic to the SR 1 / N. Harbor Drive intersection, and the results are noted in Figure 4 in Appendix I. Project trips were superimposed onto the adjusted cumulative base, and the results are noted in Figure 5 in Appendix I.

The following changes were made to page 3.7-14 and 3.7-15 of Section 3.7 of the Draft EIR:

### Traffic Signal Warrants

The volume of traffic occurring at each intersection with development of the project was again compared to the CA MUTCD peak hour signal warrant thresholds, as noted in Table 3.7-11. Table 3.7-11 presents approach Existing and Existing plus Project traffic volumes and peak hour warrant results for conditions with left turns permitted at the SR 1 / N. Harbor Drive intersection. As indicated, with or without the GOS Project, the forecast traffic volume on Saturday continues to satisfy peak hour traffic signal warrants at that intersection. However, with the addition of GOS Project traffic, the volumes during the weekday p.m. peak hour also reach the level that satisfies those warrants. With the project, peak hour traffic signal warrants are met at the SR 1 (Main Street) / South Street intersection during the weekday p.m. and Saturday peak period. However, under General Plan policy this is not a significant impact because the approach Level of Service is acceptable (i.e., LOS D). The SR 1 (Main Street) / North Harbor Drive intersection would continue to carry volumes that satisfy peak hour warrants on Saturday, but because the Level of Service remains acceptable, the project's impact is not significant for purposes of compliance with the Coastal General Plan Circulation Element.



**TABLE 3.7-9: EXISTING PLUS GROCERY OUTLET STORE INTERSECTION LOS**

| INTERSECTION                                                       | CONTROL    | WEEKDAY PM PEAK HOUR |              |                            |                 |                            | SATURDAY PEAK HOUR |          |                            |                 |                            |
|--------------------------------------------------------------------|------------|----------------------|--------------|----------------------------|-----------------|----------------------------|--------------------|----------|----------------------------|-----------------|----------------------------|
|                                                                    |            | MIN                  | EXISTING     |                            | EX PLUS PROJECT |                            | MIN                | EXISTING |                            | EX PLUS PROJECT |                            |
|                                                                    |            |                      | LOS          | AVERAGE DELAY<br>(SEC/VEH) | LOS             | AVERAGE DELAY<br>(SEC/VEH) |                    | LOS      | AVERAGE DELAY<br>(SEC/VEH) | LOS             | AVERAGE DELAY<br>(SEC/VEH) |
| SR 1 - Main Street / Cypress Street                                | Signal     | D                    | B            | 14                         | B               | 14                         | D <sup>1</sup>     | B        | 13                         | B               | 13                         |
| Cypress Street / Franklin Street                                   | AWS        | C                    | B            | 12                         | B               | 12                         | C                  | A        | 9                          | B               | 10                         |
| SR 1 – Main Street / South Street                                  | WB Stop    | D                    | B            | 11                         | B               | 12                         | D <sup>1</sup>     | B        | 11                         | B               | 12                         |
| Southbound left turn<br>Westbound approach                         |            |                      | C            | <del>203</del>             | <del>C</del>    | <del>209</del>             |                    | C        | <del>1722</del>            | <del>C</del>    | <del>1729</del>            |
| South Street / Franklin Street                                     | NB/SB Stop | C                    | A            | 7                          | A               | 7                          | C                  | A        | 7                          | A               | 7                          |
| Westbound left turn                                                |            |                      | A            | 8                          | A               | 8                          |                    | A        | 7                          | A               | 7                          |
| Eastbound left turn                                                |            |                      | B            | 12                         | B               | <del>134</del>             |                    | B        | 11                         | B               | <del>112</del>             |
| Northbound approach<br>Southbound approach                         |            |                      | B            | 12                         | B               | 13                         |                    | B        | 11                         | B               | 11                         |
| SR 1 – Main Street / No Harbor Drive                               | WB Stop    | D                    | B            | 11                         | B               | 11                         | D <sup>1</sup>     | B        | 11                         | B               | 11                         |
| Northbound left turn                                               |            |                      | B            | 11                         | B               | 12                         |                    | B        | 11                         | B               | 12                         |
| Southbound left turn                                               |            |                      | <del>C</del> | <del>1743</del>            | <del>C</del>    | <del>2443</del>            |                    | B        | 13                         | <del>D</del>    | <del>2643</del>            |
| Eastbound approach <sup>2</sup><br>Westbound approach <sup>2</sup> |            |                      | B            | 14                         | <del>D</del>    | <del>2615</del>            |                    | C        | 16                         | <del>D</del>    | <del>2947</del>            |
| No Harbor Drive / Franklin Street                                  | AWS        | C                    | A            | 8                          | A               | 8                          | C                  | A        | 9                          | A               | 9                          |

<sup>1</sup> LOS F ACCEPTED ON SATURDAY SUMMER PEAK HOUR.

<sup>2</sup> EXISTING LEFT TURN AND THROUGH TRAFFIC CONTRARY TO POSTED TRAFFIC CONTROLS IS NOT INCLUDED IN LOS CALCULATION.

**BOLD** INDICATES CONDITIONS IN EXCESS OF ADOPTED STANDARD. **HIGHLIGHTED** VALUES ARE A SIGNIFICANT IMPACT.

SOURCE: KDANDERSON & ASSOCIATES, 2022~~19~~.

The following changes were made to page 3.7-17 of Section 3.7 of the Draft EIR:

**TABLE 3.7-11: EXISTING PLUS GROCERY OUTLET STORE TRAFFIC SIGNAL WARRANTS WITH LEFT TURN ACCESS PERMITTED AT SR 1/N. HARBOR DRIVE INTERSECTION**

| INTERSECTION                         | WEEKDAY PM PEAK HOUR <del>MODIFIED EXISTING</del> |        |                              | SATURDAY PEAK HOUR <del>MODIFIED EXISTING</del><br>PLUS PROJECT |        |                              |
|--------------------------------------|---------------------------------------------------|--------|------------------------------|-----------------------------------------------------------------|--------|------------------------------|
|                                      | VOLUME (VPH)                                      |        | WARRANT<br>MET? <sup>1</sup> | VOLUME (VPH)                                                    |        | WARRANT<br>MET? <sup>1</sup> |
|                                      | MAJOR                                             | MINOR  |                              | MAJOR                                                           | MINOR  |                              |
| WEEKDAY PM PEAK HOUR                 |                                                   |        |                              |                                                                 |        |                              |
| Cypress Street / Franklin Street     | 533556                                            | 179180 | NoNo                         | 544429                                                          | 180102 | NoNo                         |
| SR 1 – Main Street / South Street    | 2,2772,305                                        | 71132  | NoYes                        | 2,2972,254                                                      | 91128  | NoYes                        |
| South Street / Franklin Street       | 237289                                            | 143135 | NoNo                         | 265314                                                          | 14994  | NoNo                         |
| SR 1 – Main Street / No Harbor Drive | 2,3132,382                                        | 9083   | NoNo                         | 2,3412,296                                                      | 137141 | YesYes                       |
| No Harbor Drive / Franklin Street    | 205299                                            | 6969   | NoNo                         | 299387                                                          | 6989   | NoNo                         |
| SATURDAY PEAK HOUR                   |                                                   |        |                              |                                                                 |        |                              |
| Cypress Street / Franklin Street     | 404                                               | 102    | No                           | 416                                                             | 102    | No                           |
| SR 1 – Main Street / South Street    | 2,224                                             | 47     | No                           | 2,245                                                           | 69     | No                           |
| South Street / Franklin Street       | 207                                               | 63     | No                           | 242                                                             | 94     | No                           |
| SR 1 – Main Street / No Harbor Drive | 2,207                                             | 164    | Yes                          | 2,238                                                           | 216    | Yes                          |
| No Harbor Drive / Franklin Street    | 382                                               | 89     | No                           | 387                                                             | 89     | No                           |

<sup>1</sup>BASED ON RURAL PEAK HOUR VOLUME WARRANT ONLY  
SOURCE: KDANDERSON & ASSOCIATES, 20192022.

The following changes were made to page 3.7-18 and 3.7-19 of Section 3.7 the Draft EIR:

#### NO PROJECT CONDITIONS

Future conditions without the project were reviewed as noted in the text which follows.

**Levels of Service.** Peak hour intersection Levels of Service were recalculated for the future background condition assuming no change to current intersection geometries. ~~As shown in Table 3.7-12, without the project all study intersections will continue to operate with Levels of Service that satisfy minimum LOS D standard at intersections on SR 1 and LOS C at other locations.~~ Table 3.7-12 presents the intersection Level of Service results from the TIA (2019) assuming that left turns onto SR 1 were prohibited at the SR 1 / N. Harbor Drive intersection. Table 3.7-134 compares the Year 2040 Levels of Service at study area intersections with and without the GOSProject 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 (2019) on the westbound approach to the SR 1 / South Street intersection with the diversion of traffic to N. Harbor Drive. As shown in Table 3.7-12, the TIA (2019) indicated that the addition of GOSProject 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 3.7-13, 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 GOSProject trips. This result satisfies the City's minimum LOS D standard. On Saturday, the westbound approach operates at LOS D without GOSProject and at LOS E with

~~GOS~~the Project. 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~~Project' effect during summer Saturday peak hour conditions would be acceptable under that policy.

The following changes were made to page 3.7-21 of Section 3.7 the Draft EIR:

**TABLE 3.7-13: YEAR 2040 PLUS GROCERY OUTLET STORE INTERSECTION LOS WITH LEFT TURNS PERMITTED AT SR 1 /N. HARBOR DRIVE**

| <u>INTERSECTION</u>                  | <u>CONTROL</u> | <u>WEEKDAY PM PEAK HOUR</u> |                       |                                    |                          |                                    | <u>SATURDAY PEAK HOUR</u> |                       |                                    |                          |                                        |
|--------------------------------------|----------------|-----------------------------|-----------------------|------------------------------------|--------------------------|------------------------------------|---------------------------|-----------------------|------------------------------------|--------------------------|----------------------------------------|
|                                      |                | <u>MIN</u>                  | <u>YEAR 2040 BASE</u> |                                    | <u>BASE PLUS PROJECT</u> |                                    | <u>MIN</u>                | <u>YEAR 2040 BASE</u> |                                    | <u>BASE PLUS PROJECT</u> |                                        |
|                                      |                |                             | <u>LOS</u>            | <u>AVERAGE DELAY<br/>(SEC/VEH)</u> | <u>LOS</u>               | <u>AVERAGE DELAY<br/>(SEC/VEH)</u> |                           | <u>LOS</u>            | <u>AVERAGE DELAY<br/>(SEC/VEH)</u> | <u>LOS</u>               | <u>AVERAGE<br/>DELAY<br/>(SEC/VEH)</u> |
| SR 1 - Main Street / Cypress Street  | Signal         | D                           | B                     | 19                                 | B                        | 19                                 | D <sup>1</sup>            | B                     | 16                                 | B                        | 17                                     |
| Cypress Street / Franklin Street     | AWS            | C                           | B                     | 15                                 | B                        | 15                                 | C                         | B                     | 11                                 | B                        | 11                                     |
| SR 1 – Main Street / South Street    | WB Stop        | D                           | B                     | 13                                 | B                        | 13                                 | D <sup>1</sup>            | B                     | 13                                 | B                        | 13                                     |
| Southbound left turn                 |                |                             | D                     | 27                                 | D                        | 30                                 |                           | D                     | 22                                 | D                        | 26                                     |
| Westbound approach                   | NB/SB Stop     | C                           | A                     | 7                                  | A                        | 8                                  | C                         | A                     | 7                                  | A                        | 7                                      |
| South Street / Franklin Street       |                |                             | A                     | 8                                  | A                        | 8                                  |                           | A                     | 7                                  | A                        | 7                                      |
| Westbound left turn                  |                |                             | B                     | 13                                 | B                        | 14                                 |                           | B                     | 11                                 | B                        | 12                                     |
| Eastbound left turn                  |                |                             | B                     | 14                                 | B                        | 15                                 |                           | B                     | 11                                 | B                        | 12                                     |
| Northbound approach                  |                |                             | B                     | 14                                 | B                        | 15                                 |                           | B                     | 11                                 | B                        | 12                                     |
| Southbound approach                  |                |                             | B                     | 14                                 | B                        | 15                                 |                           | B                     | 11                                 | B                        | 12                                     |
| SR 1 – Main Street / No Harbor Drive | WB Stop        | D                           | B                     | 12                                 | B                        | 12                                 | D <sup>1</sup>            | B                     | 12                                 | B                        | 12                                     |
| Northbound left turn                 |                |                             | B                     | 13                                 | B                        | 13                                 |                           | B                     | 13                                 | B                        | 13                                     |
| Southbound left turn                 |                |                             | D                     | 30                                 | D                        | 31                                 |                           | B                     | 33                                 | B                        | 34                                     |
| Eastbound approach <sup>3</sup>      |                |                             | C                     | 22                                 | D                        | 30                                 |                           | C                     | 26                                 | E                        | 36                                     |
| Westbound approach <sup>3</sup>      |                |                             | C                     | 22                                 | D                        | 30                                 |                           | C                     | 26                                 | E                        | 36                                     |
| No Harbor Drive / Franklin Street    | AWS            | C                           | A                     | 9                                  | A                        | 9                                  | C                         | A                     | 9                                  | A                        | 9                                      |

<sup>1</sup> LOS F ACCEPTED ON SATURDAY SUMMER PEAK HOUR

**BOLD** INDICATES CONDITIONS IN EXCESS OF ADOPTED STANDARD. **HIGHLIGHTED** VALUES ARE A SIGNIFICANT IMPACT

SOURCE: KDANDERSON &amp; ASSOCIATES, 2022.

The following changes were made to page 3.7-22 and 3.7-23 of Section 3.7 the Draft EIR:

**Traffic Signal Warrants.** Table 3.7-154 notes Year 2040 background traffic volumes and identifies the status of resulting peak hour traffic signal warrants. As indicated, ~~the SR 1 (Main Street) / South Street intersection carries volumes that satisfy warrants in the weekday p.m. peak hour, while the SR 1 (Main Street) / North Harbor Drive intersection satisfies peak hour warrants in the Saturday peak hour.~~

~~Table 7 provides similar data for Year 2040 conditions. Without~~without the proposed Project, GOS the projected traffic volumes at the SR 1 / N. Harbor Drive intersection satisfy peak hour warrants during both the weekday p.m. and Saturday peak hour. That remains true with the addition of ~~GOS~~Project trips, but the projected volume also satisfies peak hour warrants on Saturday at the SR 1 / South Street intersection. As a practical matter, it is very unlikely that Caltrans would elect to install signals at both intersections as they are only about 400 feet apart.

**TABLE 3.7-154: YEAR 2040 PLUS GROCERY OUTLET STORE TRAFFIC SIGNAL WARRANTS WITH LEFT TURN ACCESS PERMITTED AT SR 1/N. HARBOR DRIVE INTERSECTION**

| INTERSECTION                      | WEEKDAY PM PEAK HOUR YEAR 2040 |        |                           | SATURDAY PEAK HOUR YEAR 2040 PLUS PROJECT |        |                           |
|-----------------------------------|--------------------------------|--------|---------------------------|-------------------------------------------|--------|---------------------------|
|                                   | VOLUME (VPH)                   |        | WARRANT MET? <sup>1</sup> | VOLUME (VPH)                              |        | WARRANT MET? <sup>1</sup> |
|                                   | MAJOR                          | MINOR  |                           | MAJOR                                     | MINOR  |                           |
| WEEKDAY PM PEAK HOUR              |                                |        |                           |                                           |        |                           |
| Cypress Street / Franklin Street  | 6245                           | 205215 | No                        | 465640                                    | 120216 | No                        |
| SR 1 – Main Street / South Street | 2,6320                         | 9400   | NoYes                     | 2,565650                                  | 90118  | YesNo                     |
| South Street / Franklin Street    | 29574                          | 17065  | No                        | 275323                                    | 70176  | No                        |
| SR 1 – Main Street / N Harbor Dr  | 2,6738                         | 10685  | YesNo                     | 2,575701                                  | 14150  | Yes                       |
| N Harbor Drive / Franklin Street  | 345                            | 80     | No                        | 445350                                    | 80405  | No                        |
| SATURDAY PEAK HOUR                |                                |        |                           |                                           |        |                           |
| Cypress Street / Franklin Street  | 486                            | 125    | No                        | 501                                       | 125    | No                        |
| SR 1 – Main Street / South Street | 2,575                          | 65     | No                        | 2,596                                     | 97     | No                        |
| South Street / Franklin Street    | 245                            | 85     | No                        | 294                                       | 116    | No                        |
| SR 1 – Main Street / N Harbor Dr  | 2,560                          | 188    | Yes                       | 2,591                                     | 226    | Yes                       |
| N Harbor Drive / Franklin Street  | 445                            | 105    | No                        | 450                                       | 105    | No                        |

<sup>1</sup> BASED ON RURAL PEAK HOUR VOLUME WARRANT ONLY

SOURCE: KDANDERSON & ASSOCIATES, 202219.

**Plus Project Conditions.** Year 2040 conditions with the addition of Grocery Outlet Store were evaluated and the significance of project impacts was determined.

**Level of Service.** As noted in Table 3.7-132, the addition of project trips increases delays somewhat and at one intersection the operating Level of Service will be in excess of the LOS D minimum. At the SR 1 (Main Street) / South Street intersection the Level of Service on the westbound approach will drop to LOS E in the weekday p.m. peak hour and in the peak Saturday



hour. LOS E exceeds the weekday p.m. peak hour standard of LOS D, but is accepted under the General Plan policy for peak summer conditions.

**Peak Queues.** As noted in Table 3.7-14~~3~~, the project will add westbound left turns at the SR 1 (Main Street) / Cypress Street intersection, and the 95<sup>th</sup> percentile queue may increase by about 10 feet during peak periods. However as noted in the discussion of existing plus project impacts, the queue will continue to extend into the transition area between the left turn lane and the adjoining TWLT lane but will not spillover into the adjoining through lane. Because the through travel lane is not affected, the project's impact is not significant for purposes of compliance with the Coastal General Plan Circulation Element.

**Traffic Signal Warrants.** Table 3.7-16~~5~~ notes Year 2040 Plus Project traffic volumes and identifies the status of resulting peak hour traffic signal warrants. As indicated, peak hour traffic signal warrants would be satisfied at the same intersections identified under the background Year 2040 conditions. The SR 1 (Main Street) / South Street intersection would carry volumes that satisfy warrants in both the weekday p.m. peak hour and Saturday peak hour, while the SR 1 (Main Street) / North Harbor Drive intersection satisfies peak hour warrants in the Saturday peak hour.

The following changes were made to page 3.7-25 of Section 3.7 the Draft EIR:

Table 3.7-13~~2~~ also presents the Levels of Service occurring during the weekday p.m. peak hour with the Grocery Outlet Store as these treatments are pursued. As indicated, prohibiting left turns would result in LOS C at the intersection. While traffic diverted will likely make a right turn before making a u-turn at Cypress Street, the SR 1 (Main Street) / Cypress Street intersection would still operate at LOS C with this additional traffic. The cost to sign and stripe the intersection for these new controls would be minimal. Either a traffic signal or roundabout would yield LOS A, a Level of Service that satisfies the City's minimum standard, but the feasibility of either option at an intersection that is only 700 feet from the Cypress Street traffic signal will need to be confirmed. The cost of a traffic signal on the state highway would likely be about \$500,000, depending on the extent of ancillary intersection improvements required under Caltrans standards. The cost to retrofit an existing intersection to a two-lane roundabout would likely be in the range of \$1.5 to \$2.5 million.

Because any improvements within the state right of way require Caltrans approval, it is important to consider the steps needed to gain approval for any mitigation. Caltrans policy regarding applicable traffic controls has recently been expanded based on **Traffic Operations Policy Directive 13-02**. This directive requires that Caltrans consider the relative merits of alternative traffic controls when it becomes necessary to stop traffic on state highways. Roundabouts are the default intersection control, but all-way stops and traffic signals are to be considered. The policy directive requires preparation of an **Intersection Control Evaluation (ICE)** to determine the preferred traffic control. A preliminary ICE report would consider issues such as comparative traffic operations, right of way requirements, effects on adjoining access, etc. City of Fort Bragg preferences amongst feasible alternatives can also be considered. After an applicable solution is identified and funded, work would be completed in the Caltrans right of way under an encroachment permit from Caltrans.

**Mitigations.** The Grocery Outlet Store project proponents should contribute their fair share to the cost of regional circulation improvements by paying adopted fees and making frontage

improvements. In addition, the project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection.

Table 3.7-17~~6~~ notes the Grocery Outlet Store project's relative contribution to future traffic volumes at each study intersection based on the method recommended in Caltrans traffic study guidelines. As shown, project trips represent 16.1% of the future new traffic at the SR 1 / South Street intersection. Assuming a \$500,000 traffic signal, the project's contribution could be \$84,500.

**TABLE 3.7-17~~6~~: FAIR SHARE CALCULATION**

| LOCATION                   | WEEKDAY PM PEAK HOUR TRAFFIC (VPH) |            |              |              |                   | FAIR SHARE |
|----------------------------|------------------------------------|------------|--------------|--------------|-------------------|------------|
|                            | EXISTING                           | YEAR 2040  |              | PROJECT ONLY | NET FUTURE GROWTH |            |
|                            |                                    | NO PROJECT | PLUS PROJECT |              |                   |            |
|                            | A                                  | B          | C            | C-B          | C-A               |            |
| SR 1 / Cypress St          | 2,392                              | 2,780      | 2,827        | 47           | 435               | 10.8%      |
| Cypress St / Franklin St   | 815                                | 965        | 989          | 24           | 175               | 13.7%      |
| SR 1 / South St            | 2,365                              | 2,740      | 2,812        | 72           | 447               | 16.1%      |
| South St / Franklin St     | 458                                | 559        | 655          | 96           | 197               | 48.7%      |
| SR 1 / No Harbor Dr        | 2,413                              | 2,788      | 2,851        | 63           | 438               | 14.4%      |
| No Harbor Dr / Franklin St | 363                                | 425        | 430          | 5            | 67                | 7.5%       |

SOURCE: KDA~~NDERSON~~ & ASSOCIATES, 2019.

The following changes were made to pages 3.7-48 and 3.7-49 of Section 3.7 the Draft EIR:

The relevant applicable analysis scenarios were analyzed using the methodologies described above, and the VMT analysis results are summarized in Table 3.7-18~~7~~. The results in Table 3.7-18~~7~~ indicate that the Project would result in a net increase in VMT over baseline conditions. However, the model considers a very limited amount of re-routing of Fort Bragg residents that currently go to the Grocery Outlet store located in Willits for grocery shopping. As such, the VMT calculation was adjusted for re-routing.

According to information provided by Grocery Outlet, over the last 12 months (June 2021 to June 2022), around 9% of the people that visit their Willits store come from Fort Bragg. Considering that the length of a one-way trip from Fort Bragg to the Willits Grocery Outlet store is approximately 35 miles, and one mile from Fort Bragg to the Project, 990 VMT is equivalent to the re-routing of 30 one-way trips or 15 round trips from the Willits Grocery Outlet store to the Project store. Per the Institute of Transportation Engineers *Trip Generation Manual, 11th Edition*, a grocery store such as the one in Willits generates approximately 3,500 daily one-way trips.

Therefore, in conclusion, the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions. Table 3.7-19~~8~~ shows the adjusted VMT results accounting for a trip redistribution from the Willits Grocery Outlet to the Fort Bragg Grocery Outlet of 1% and 9%.

**TABLE 3.7-187: PROJECT EFFECT ON VMT AFTER INITIAL MODELING (WITHOUT RE-ROUTING)**

| ANALYSIS HORIZON YEAR                        | SCENARIO               | SCENARIO VMT |
|----------------------------------------------|------------------------|--------------|
| Model Base Year 2009                         | No Project             | 659,672      |
|                                              | Plus Project           | 658,755      |
|                                              | <b>Year 2009 Delta</b> | <b>-917</b>  |
| Model Future Year 2030                       | No Project             | 763,620      |
|                                              | Plus Project           | 764,610      |
|                                              | <b>Year 2030 Delta</b> | <b>+990</b>  |
| <b>Interpolated Baseline Year 2022 Delta</b> |                        | <b>+ 263</b> |

SOURCE: FEHR &amp; PEERS, 2022.

**TABLE 3.7-198: PROJECT EFFECT ON VMT ACCOUNTING FOR TRIP REDISTRIBUTION FROM WILLITS GROCERY OUTLET TO FORT BRAGG GROCERY OUTLET**

| ANALYSIS HORIZON YEAR                        | SCENARIO               | SCENARIO VMT<br>(1% REDISTRIBUTION) | SCENARIO VMT<br>(9% REDISTRIBUTION) |
|----------------------------------------------|------------------------|-------------------------------------|-------------------------------------|
| Model Base Year 2009                         | No Project             | 659,672                             | 659,672                             |
|                                              | Plus Project           | 657,565                             | 648,045                             |
|                                              | <b>Year 2009 Delta</b> | <b>-2,107</b>                       | <b>-11,627</b>                      |
| Model Future Year 2030                       | No Project             | 763,620                             | 763,620                             |
|                                              | Plus Project           | 763,420                             | 753,900                             |
|                                              | <b>Year 2030 Delta</b> | <b>-200</b>                         | <b>-9,720</b>                       |
| <b>Interpolated Baseline Year 2022 Delta</b> |                        | <b>-927</b>                         | <b>-10,447</b>                      |

SOURCE: FEHR &amp; PEERS, 2022.

The following changes were made to page 3.7-50 of Section 3.7 the Draft EIR:

The Project does not propose any new roadways or transportation facilities that would be inconsistent with applicable design standards for the City of Fort Bragg. As discussed above, the Site is accessed on the north end via a paved entrance to South Street, and an existing dirt driveway runs across the southern parcel from S. Franklin Street to N. Harbor Drive. The proposed project includes construction of new, defined entrances to S. Franklin Street and N. Harbor Drive on the south and east end of the Site to accommodate the retail store entrance. The existing driveway on the north end of the Site would be removed as part of the project. The project will additionally include an internal system of walkways and crosswalks to provide pedestrian connectivity between the parking lot, building, and sidewalk. A sidewalk would be constructed along the South Street, S. Franklin Street, and N. Harbor Drive frontages, as required by City standards to provide pedestrian access around the Site, and where required, existing sidewalks would be upgraded to meet City standards. The City standards which the Project would be subject to are designed to prevent hazards due to geometric design features. Additionally, it is noted that the proposed Project would be subject to a Special Condition which<sup>25</sup> requires stop signs at all four points of the intersection at South Street and South Franklin. The Applicant will be legally bound to comply with Special Conditions, and the City will be bound to enforce them.

### 3.8 UTILITIES AND SERVICE SYSTEMS

The following changes were made to page 3.8-25 of Section 3.8 the Draft EIR:

About half of the Project site is currently impervious from the existing paved surface and building. The other half of the Project site is currently pervious and would need storm drainage control. ~~The following mitigation measure~~ Current City requirements requires the Project applicant to install storm drainage infrastructure that meets standards and specifications of the City of Fort Bragg (i.e., City of Fort Bragg Design Specifications and Standards). Prior to the issuance of a building or grading permit, the Project applicant would be required to submit a drainage plan to the City of Fort Bragg for review and approval. The plan would be an engineered storm drainage plan that calculates the runoff volume and describes the volume reduction measures, if needed, 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. Overall, drainage impacts would be reduced to ***less than significant***.

#### 4.0 OTHER CEQA-REQUIRED TOPICS

The following changes were made to page 4.0-6 of Chapter 4.0 the Draft EIR:

~~As discussed under Impact 3.1.1 in Section 3.1, the proposed Project would result in increased emissions primarily from vehicle miles travelled associated with Project implementation. Specifically, the proposed Project is anticipated to lead to a slight increase in existing VMT. The relevant Mendocino County Air Quality Management District (MCAQMD) CEQA operations-related criteria-pollutant emissions thresholds of significance are as follows: 54 pounds per day of oxides of nitrogen (NOx), 54 pounds per day of reactive organic gases (ROG), 82 pounds per day of PM<sub>10</sub>, 54 pounds per year of particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>); 10 tons per year of NOx, 10 tons per year of ROG, 10 tons per year of PM<sub>10</sub>, and 10 tons per year of PM<sub>2.5</sub>. Moreover, the MCAQMD has issued clarification (in a December 2013 Advisory) that MCAQMD's indirect and permitting rules allow 125 tons per year of CO. The MCAQMD's criteria-pollutant emissions thresholds of significance were specifically developed to identify projects that would generate a cumulative impact related to criteria pollutant emissions. Those projects that would exceed the MCAQMD's criteria-pollutant emissions thresholds of significance are therefore assumed to generate a cumulative impact on the region's air quality, while those projects that would generate emissions below the MCAQMD's criteria-pollutant emissions thresholds of significance would not have a significant air quality impact.~~

The following changes were made to pages 4.0-11 and 4.0-12 of Chapter 4.0 the Draft EIR:

The proposed Project would not conflict with any of the GHG reduction measures contained with the CARB's 2017 Scoping Plan Update and the MCOG's RPT. Moreover, the proposed Project is anticipated to reduce overall VMT, when accounting for even a modest trip redistribution from the VMT currently generated from trips from Fort Bragg to the Willits Grocery outlet. Therefore, the proposed Project would be consistent with the State GHG reduction targets, and would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. For the reasons discussed above, implementation of the proposed Project would have a ***less than significant*** cumulative impact relative to this environmental topic. As such, impacts related to geologic and soil resources would result in a ***less than cumulatively considerable*** contribution. ~~Therefore, implementation of the proposed Project would have a ***significant and unavoidable*** and ***cumulatively considerable*** contribution.~~

The following changes were made to page 4.0-25 of Chapter 4.0 the Draft EIR:

The cumulative context for cumulative impacts on solid waste facilities includes the Redwood Waste Solutions ~~Waste Management~~ service area. Redwood Waste Solutions provides weekly curbside residential and commercial garbage, recycling, and green waste collection within the City of Fort Bragg. Waste collected by Redwood Waste Solutions is taken to a transfer station in Willits for processing and transport. The waste is then disposed of at the Potrero Hills Landfill. ~~Waste Management, provides weekly curbside residential and commercial garbage, recycling, and green waste collection within the City of Fort Bragg. Waste collected by Waste Management is taken to Fort Bragg Disposal located at 219 Pudding Creek Road in Fort Bragg for processing and transport. The disposal facility has a maximum daily permitted throughput capacity of 4,330 tons per day99 tons and per day. The disposal facility is approximately 9.2 acres.~~

## 5.0 ALTERNATIVES TO THE PROPOSED PROJECT

The following changes were made to pages 5.0-14 and 5.0-15 of Chapter 5.0 the Draft EIR:

The Decreased Density Alternative would result in development on the Project site, but the development would be reduced with 0.49 acres remaining in its current condition. The 0.49 acres that would remain undeveloped would be located in the southern portion of the site, which is largely undeveloped. As such, because a portion of the area not currently developed would remain open and undeveloped, and would the open and undeveloped area would retain whatever biological values are associated with that condition. The same mitigation measures required for the proposed Project would be required for this alternative. For this reason, the Decreased Density Alternative would have a somewhat reduced impact to the proposed Project.

## 6.0 REPORT PREPARERS

No changes were made to Chapter 6.0 of the Draft EIR.

## 7.0 REFERENCES

The following changes were made to page 7.0-6 of Chapter 6.0 the Draft EIR:

City of Fort Bragg. 2022. Fort Bragg Citywide Design Guidelines. Available at: <https://www.city.fortbragg.com/departments/community-development/general-plan-zoning-information/citywide-design-guidelines>.

City of Fort Bragg. 2022. Fort Bragg Municipal Code. Current through Ordinance 981, passed April 25, 2022.

City of Fort Bragg. 2022. Fort Bragg Fire Department. Accessed March 2022. Available at: <https://fortbraggfire.specialdistrict.org/>.

City of Fort Bragg. 2021. Agenda Item Summary. July 26, 2021.

City of Fort Bragg. 2021. Agenda Item Summary Report. May 26, 2021.

City of Fort Bragg. 2021. Agenda Item Summary Report. June 9, 2021.



City of Fort Bragg. 2020. Initial Study and Environmental Checklist for Best Development Grocery Outlet. December 2020.

City of Fort Bragg. 2014. City of Fort Bragg Design Guidelines – Chapter 2 Commercial District Design Guidelines. Accessed March 2022. Available at: <https://www.city.fortbragg.com/home/showpublisheddocument/2544/637726447452770000>.

City of Fort Bragg. 2002. Fort Bragg General Plan Revision Draft Environmental Impact Report. August 2002.

City of Fort Bragg. 2002. Fort Bragg General Plan Revision Final Environmental Impact Report. ~~November~~ November 2002.

The following change was made to page 7.0-7 of Chapter 6.0 the Draft EIR:

Superior Court of California, County of Mendocino. Petition for Writ of Mandate (Case No. 21CV00652), FB Local Business Matters and Leslie Kashiwada vs. City of Fort Bragg. August 24, 2021.

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This document is the Final Mitigation Monitoring and Reporting Program (FMMRP) for the Best Development Grocery Outlet (Project). This FMMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A FMMRP is required for the proposed Project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the Draft EIR.

## 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

The FMMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Fort Bragg will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Project.

The FMMRP is presented in tabular form on the following pages. The components of the FMMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR in the same order that they appear in that document.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

**TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM**

| ENVIRONMENTAL IMPACT                                                                                                                                                                                                                                                                                                                                          | MITIGATION MEASURE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | MONITORING RESPONSIBILITY                   | TIMING                                                                                                                                            | VERIFICATION (DATE/INITIALS) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| BIOLOGICAL RESOURCES                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                             |                                                                                                                                                   |                              |
| 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.              | <p><b>Mitigation Measure 3.3-1:</b> The Project proponent shall implement the following measure to avoid or minimize impacts on protected bird species that may occur on the site:</p> <ul style="list-style-type: none"> <li>Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of Project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.</li> </ul> <p>If any active nests, or behaviors indicating that active nests are present, are observed, appropriately protective buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from Project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that Project activity is not resulting in detectable adverse effects on nesting birds or their young. No Project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.</p> | Fort Bragg Community Development Department | Within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area |                              |
| 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. | <p><b>Mitigation Measure 3.3-2:</b> The Project proponent shall implement the following measure to avoid or minimize impacts on special-status bat species that may occur on the site:</p> <ul style="list-style-type: none"> <li>A bat survey shall be conducted by a qualified biologist prior to demolition of the existing on-site building. The surveys shall be conducted from dusk until dark. If the weather during the bat survey makes visual observations difficult or impossible, another survey shall occur when the weather is appropriate for visual observations. If no bats or maternity roosts are found in the existing building, no further mitigation is required.</li> </ul> <p>If bats or bat roosts are discovered, prior to demolition of the existing building, the bat(s) or bat roost(s) shall be removed through live exclusion or similar</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Fort Bragg Community Development Department | Prior to demolition of the existing on-site building.                                                                                             |                              |

| ENVIRONMENTAL IMPACT                                                                                                                                                                                                                                                                   | MITIGATION MEASURE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | MONITORING RESPONSIBILITY                   | TIMING                                                                           | VERIFICATION (DATE/INITIALS) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------------------------------|------------------------------|
|                                                                                                                                                                                                                                                                                        | <i>means that do not harm bats. The removal strategy shall be determined and overseen by the qualified biologist. No bat or roost removal shall occur during the maternity season (typically late May through mid-August) to protect flightless baby bats. No Project activity shall commence within the building area until the end of the pupping season (August 1) or until a qualified biologist confirms the maternity roost is no longer active.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                             |                                                                                  |                              |
| NOISE                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                             |                                                                                  |                              |
| 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. | <p><b>Mitigation Measure 3.6-1:</b> To reduce potential construction noise impacts during Project construction, the following multi-part mitigation measure shall be implemented for the Project:</p> <ul style="list-style-type: none"> <li>• All construction equipment powered by internal combustion engines shall be properly muffled and maintained.</li> <li>• Quiet construction equipment, particularly air compressors, shall be selected whenever possible.</li> <li>• All stationary noise-generating construction equipment such as generators or air compressors shall be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.</li> <li>• Unnecessary idling of internal combustion engines shall be prohibited.</li> <li>• The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.</li> <li>• Exterior construction activities shall be limited to 7:00 a.m. to 8:00 p.m., and interior construction activities shall be limited to 7:00 a.m. to 10:00 p.m. All construction activities shall be limited to Monday to Friday, holidays excluded.</li> <li>• Staging areas on the Project site shall be located in areas that maximize, to the extent feasible, the distance between staging activity and sensitive receptors.</li> <li>• An 8-foot tall temporary construction sound wall shall be constructed along the east and south sides of the project site, as shown on Figures 3.6-8 and 3.6-9. The sound barrier fencing should consist of</li> </ul> | Fort Bragg Community Development Department | Prior to and during all demolition, grading, and construction related activities |                              |



| ENVIRONMENTAL IMPACT                                                                                               | MITIGATION MEASURE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | MONITORING RESPONSIBILITY                   | TIMING                                                                           | VERIFICATION (DATE/INITIALS) |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------------------------------------------------------------------|------------------------------|
|                                                                                                                    | <i>½" plywood or minimum STC 27 sound curtains placed to shield nearby sensitive receptors. The plywood barrier should be free from gaps, openings, or penetrations to ensure maximum performance.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                             |                                                                                  |                              |
| Impact 3.6-2: The proposed Project would not generate excessive groundborne vibration or groundborne noise levels. | <p><b>Mitigation Measure 3.6-2:</b> <i>To reduce potential vibration impacts during Project construction, the following mitigation measure shall be implemented for the Project:</i></p> <ul style="list-style-type: none"> <li><i>Any compaction required less than 26 feet from the adjacent residential structures to the south shall be accomplished by using static drum rollers which use weight instead of vibrations to achieve soil compaction. As an alternative to this requirement, pre-construction crack documentation and construction vibration monitoring should be conducted to ensure that construction vibrations do not cause damage to any adjacent structures. Any such documented damage would be required to be repaired by the applicant.</i></li> </ul> | Fort Bragg Community Development Department | Prior to and during all demolition, grading, and construction related activities |                              |