DRAFT EIR

FOR THE

BEST DEVELOPMENT GROCERY OUTLET
(SCH: 2022050308)

SEPTEMBER 2022

Prepared for:

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

Prepared by:

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De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

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INTRODUCTION

The City of Fort Bragg (City) has determined that the proposed Best Development Grocery Outlet (the Project) is a "project" within the definition of CEQA. CEQA requires the preparation of an environmental impact report (EIR) prior to approving any proposed project that may have a significant impact on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (Pub. Resources Code Section 21065; CEQA Guidelines Section 15378[a]).

The City of Fort Bragg Planning Commission (Commission) and City Council (Council) both previously approved the Project in the late spring and summer of 2021, with the Commission taking its action on June 9, 2021, and the City Council denying appeals of the Planning Commission action on July 26, 2021. In approving the Project, these two City bodies had relied on a Mitigated Negative Declaration (MND) prepared by City staff with input from an environmental consultant. On August 24, 2021, Petitioners FB Local Business Matters and Leslie Kashiwada filed in Mendocino County Superior Court a lawsuit alleging that the City's approvals violated the California Environmental Quality Act (CEQA). More specifically, the lawsuit alleged that the City should have prepared an EIR, rather than an MND, prior to approving the Project. Petitioners also alleged that the Project was not consistent with certain City policies.

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 EIR contains a description of the Project, a description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. This EIR also identifies issues determined to have no impact or a less than significant impact, relying as permitted by CEQA Guidelines section 15128 on the Initial Study checklist attached as Appendix A to this Draft EIR, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in this EIR.

PROJECT DESCRIPTION

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

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

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

AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

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 City of Fort Bragg received written comment letters on the NOP for the proposed Project. A copy the letters are provided in Appendix A of this Draft EIR. The commenting agency/citizen is provided below. Based on input received on the Project as described above, the following subjects could be described as areas of controversy relating to the Project:

- whether the Project site contains wetlands;
- whether the Project site provides valuable habitat for wildlife such as blue herons;
- whether the building demolition required for the Project will deal adequately with any bats that may be inhabiting the existing on-site structure;

- whether the Project would have significant construction-related and operational air quality effects;
- whether the Project would have a cumulatively considerable contribution to a cumulatively significant increased risk of cancer due to air pollutant emissions;
- whether the Project would cause significant construction-related and operational noise impacts on adjacent residential properties;
- whether greenhouse gas emissions from the Project will cause significant environmental impacts;
- whether the Project will result in adverse aesthetic effects compared with baseline conditions;
- whether the Project's design and water quality mitigation will sufficiently address water quality impacts;
- whether the City has a sufficient reliable water supply for the Project;
- whether the Project will have significant transportation-related impacts;
- whether pedestrians traveling to and from the Project site could be subject to risk of accidents from increased traffic;
- whether the Project is consistent with all applicable City General Plan policies and Local Coastal Program policies; and
- whether the existing structure on the Project site can be feasibly repurposed and reused.

ALTERNATIVES TO THE PROPOSED PROJECT

The CEQA Guidelines require an EIR to describe a reasonable range of alternatives to the Project or to the location of the Project which would reduce or avoid significant impacts, and which could feasibly accomplish most of the basic objectives of the proposed Project. Three alternatives to the proposed Project were developed based on input from City staff, the public during the NOP review period, and the technical experts addressing 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.

Alternatives are described in detail in Chapter 5.0. Table ES-1 provides a comparison of the alternatives using a qualitative matrix that compares each alternative relative to the other Project alternatives.

TABLE ES-1: COMPARISON OF ALTERNATIVE PROJECT IMPACTS TO THE PROPOSED PROJECT

ENVIRONMENTAL TOPIC	*PROPOSED PROJECT*[1]	*NO PROJECT (NO BUILD) ALTERNATIVE*	*BUILDING REUSE ALTERNATIVE*	*DECREASED DENSITY ALTERNATIVE*
SECTION 3.1, AESTHETICS				
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
SECTION 3.2, AIR QUALITY				
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
SECTION 3.3, BIOLOGICAL RESOURCES				
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
SECTION 3.4, GREENHOUSE GASES, CLIMATE CHANGE AND ENERGY				
GHG Impact 3.4-1	LS	Less	Less	Less
GHG Impact 3.4-2	LS	Less	Less	Less
SECTION 3.5, LAND USE				
LU Impact 3.5-1	LS	Less	Equal	Equal
LU Impact 3.5-2	LS	Less	Equal	Equal
SECTION 3.6, NOISE				
NOI Impact 3.6-1	LS/MM	Less	Equal	Less
NOI Impact 3.6-2	LS/MM	Less	Less	Less
SECTION 3.7, TRANSPORTATION AND CIRCULATION				
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

ENVIRONMENTAL TOPIC	*PROPOSED PROJECT*[1]	*NO PROJECT (NO BUILD) ALTERNATIVE*	*BUILDING REUSE ALTERNATIVE*	*DECREASED DENSITY ALTERNATIVE*
TC Impact 3.7-4	LS	Less	Equal	Less
SECTION 3.8, UTILITIES AND SERVICE SYSTEMS				
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

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 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. This is a fact that City decisionmakers, at the time of action on the proposed Project after certification of the Final EIR, can account for in assessing the feasibility of these Alternatives. (See *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506–09 [upholding CEQA findings rejecting alternatives in reliance on applicant's project objectives]; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314–15 [court upholds an agency action rejecting an alternative because it would not "entirely fulfill" a particular project objective and "would be 'substantially less effective' in meeting" the lead agency's "goals"]; and *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 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"].)

SUMMARY OF IMPACTS AND MITIGATION MEASURES

In accordance with the CEQA Guidelines, this EIR focuses on the significant effects on the environment. The CEQA Guidelines defines a significant effect as a substantial adverse change in the physical conditions which exist in the area affected by the proposed Project. A less than significant effect is one in which there is no long or short-term significant adverse change in environmental conditions. Some impacts are reduced to a less than significant level with the implementation of mitigation measures and/or compliance with regulations.

The environmental impacts of the proposed Project, the impact level of significance prior to mitigation, the proposed mitigation measures and/or adopted policies and standard measures that are already in place to mitigate an impact, and the impact level of significance after mitigation are summarized in Table ES-2.

TABLE ES-2: PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES

ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
AESTHETICS			
Impact 3.1-1: Project implementation would not result in substantial adverse effects on a scenic vista	LS		--
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	LS		--
Impact 3.1-3: Project implementation would not conflict with an applicable zoning or other regulation governing scenic quality within an urbanized area	LS		--
Impact 3.1-4: Project implementation would not result in substantial light or glare which would adversely affect day or nighttime views in the area	LS		--
AIR QUALITY			
Impact 3.2-1: Project operation would not 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.	LS		--
Impact 3.2-2: Proposed Project construction activities have the potential to result in a	LS		--

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PS – potentially significant *B – beneficial impact* *SU – significant and unavoidable*

ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
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.			
Impact 3.2-3: The proposed Project would not expose sensitive receptors to substantial pollutant concentrations from carbon monoxide hotspot impacts.	LS		--
Impact 3.2-4: The proposed Project would not expose sensitive receptors to substantial pollutant concentrations from toxic air contaminants.	LS		--
Impact 3.2-5: The proposed Project would not cause exposure to other emissions (such as those leading to odors) adversely affecting a substantial number of people.	LS		--
BIOLOGICAL RESOURCES			
Impact 3.3-1: The proposed Project would not have a direct or indirect effect on special-status invertebrate, reptile, amphibian, fish, and plant species, including through the substantial reduction of habitat or range restriction for fish or wildlife, resulting in a fish or wildlife population to drop below self-sustaining levels, or threatening to eliminate a plant or animal community.	LS		--

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ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
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.	PS	***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.*	LS
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.	PS	***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.* • *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 means that do not harm bats. The removal strategy shall be determined and*	LS

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ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
		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 conforms the maternity roost is no longer active.	
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 .	LS		--
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.	LS		--
Impact 3.3-6: The proposed Project would not result in interference with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites.	LS		--
Impact 3.3-7: The proposed Project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community	LS		--

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Conservation Plan, or other approved local, regional, or state habitat conservation plan.			
GREENHOUSE GASES, CLIMATE CHANGE AND ENERGY			
Impact 3.4-1: Project implementation would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	LS		--
Impact 3.4-2: Project implementation would not result in the inefficient, wasteful, or unnecessary use of energy resources.	LS		--
LAND USE			
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	LS		--
Impact 3.5-2: Impacts related to the physical deterioration and urban decay of existing retail commercial development in the City of Fort Bragg and surrounding area	LS		--
NOISE			
Impact 3.6-1: The proposed Project would not generate a substantial temporary or permanent	PS	***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*	LS

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ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
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.		*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 Friday, 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 3.6-8 and 3.6-9. 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.*	
Impact 3.6-2: The proposed Project would not generate excessive groundborne vibration or groundborne noise levels.	PS	***Mitigation Measure 3.6-2:*** *To reduce potential vibration impacts during Project construction, the following mitigation measure shall be implemented for the Project:* *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*	LS

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ENVIRONMENTAL IMPACT	*LEVEL OF SIGNIFICANCE WITHOUT MITIGATION*	*MITIGATION MEASURE*	*RESULTING LEVEL OF SIGNIFICANCE*
		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.	
TRANSPORTATION AND CIRCULATION			
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.	LS		--
Impact 3.7-2: Project implementation would not conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	LS		--
Impact 3.7-3: Project implementation would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LS		--
Impact 3.7-4: Project implementation would not result in inadequate emergency access	LS		--
UTILITIES AND SERVICE SYSTEMS			
Impact 3.8-1: The proposed Project does not have the potential to exceed wastewater treatment requirements of the applicable	LS		--

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Regional Water Quality Control Board.			
Impact 3.8-2: The proposed Project will require or result in the construction of new wastewater treatment or collection facilities, but the construction of them will not cause significant environmental effects.	LS		--
Impact 3.8-3: The proposed Project does not have the potential to result in a determination by the wastewater treatment and/or collection provider which serves or may serve the Project that is does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.	LS		--
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.	LS		--
Impact 3.8-5: The proposed Project has the potential to have insufficient water supplies available to serve the Project from existing entitlements and resources.	LS		--
Impact 3.8-6: The proposed Project will require or result in the construction of new storm water drainage facilities, but the construction of them will not cause significant environmental effects.	LS		--

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Impact 3.8-7: The proposed Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	LS		--
CUMULATIVE IMPACTS			
Impact 4.1: Cumulative Impact on Aesthetics and Visual Resources	LS and LCC		--
Impact 4.2: Cumulative Impact on Agriculture and Forest Resources	LS and LCC		--
Impact 4.3: Cumulative Impact on the Region's Air Quality	LS and LCC		--
Impact 4.4: Cumulative Loss of Biological Resources Including Habitats and Special Status Species	LS and LCC		--
Impact 4.5: Cumulative Impact on Cultural and Tribal Cultural Resources	LS and LCC		--
Impact 4.6: Cumulative Impact on Geology and Soils	LS and LCC		--

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Impact 4.7: Cumulative Impact on Climate Change from Increased Project-Related Greenhouse Gas Emissions	LS and LCC		--
Impact 4.8: Cumulative Impact Related to Hazards and Hazardous Materials	LS and LCC		--
Impact 4.9: Cumulative Impact on Hydrology and Water Quality	LS and LCC		--
Impact 4.10: Cumulative Impact on Communities and Local Land Uses	LS and LCC		--
Impact 4.11: Cumulative Impact on Mineral Resources	LS and LCC		--
Impact 4.12: Cumulative Exposure of Existing Noise-Sensitive Land Uses to Increased Noise Resulting from Cumulative Development	LS and LCC		--
Impact 4.13: Cumulative Impact on Population and Housing	LS and LCC		--
Impact 4.14: Cumulative Impact on Public Services and Recreation	LS and LCC		--
Impact 4.15: Under Cumulative conditions, the proposed Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)	LS and LCC		--

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Impact 4.16: Under Cumulative conditions, the proposed Project would not adversely affect pedestrian and bicycle facilities	LS and LCC		--
Impact 4.17: Cumulative Impact on Wastewater Utilities	LS and LCC		--
Impact 4.18: Cumulative Impact on Water Utilities	LS and LCC		--
Impact 4.19: Cumulative Impact on Stormwater Facilities	LS and LCC		--
Impact 4.20: Cumulative Impact on Solid Waste Facilities	LS and LCC		--
Impact 4.21: Cumulative Impact on Wildfire	LS and LCC		--

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DRAFT EIR

Chapters **Page Numbers**

Executive Summary ES-1

1.0 Introduction 1.0-1

1.1 Purpose and Intended Uses of the EIR 1.0-1

1.2 Type of EIR 1.0-2

1.3 Known Responsible and Trustee Agencies 1.0-2

1.4 Environmental Review Process 1.0-2

1.5 Organization and Scope 1.0-5

1.6 Comments Received on the Notice of Preparation 1.0-7

2.0 Project Description 2.0-1

2.1 Project Location 2.0-1

2.2 Project Setting 2.0-1

2.3 Project Goals and Objectives 2.0-2

2.4 Project Characteristics and Description 2.0-2

2.5 Uses of the EIR and Required Agency Approvals 2.0-6

3.1 Aesthetics 3.1-1

3.1.1 Environmental Setting 3.1-1

3.1.2 Regulatory Setting 3.1-11

3.1.3 Impacts and Mitigation Measures 3.1-15

3.2 Air Quality 3.2-1

3.2.1 Environmental Setting 3.2-1

3.2.2 Regulatory Setting 3.2-11

3.2.3 Impacts and Mitigation Measures 3.2-15

3.3 Biological Resources 3.3-1

3.3.1 Environmental Setting 3.3-3

3.3.2 Regulatory Setting 3.3-15

3.3.3 Impacts and Mitigation Measures 3.3-23

3.4 Greenhouse Gases, Climate Change and Energy 3.4-1

3.4.1 Environmental Setting 3.4-1

3.4.2 Regulatory Setting 3.4-6

3.4.3 Impacts and Mitigation Measures 3.4-23

3.5 Land Use 3.5-1

3.5.1 Environmental Setting 3.5-1

3.5.2 Regulatory Setting 3.5-2

3.5.3 Impacts and Mitigation Measures 3.5-4

3.6 Noise 3.6-1

3.6.1 Environmental Setting 3.6-1

3.6.2 Regulatory Setting 3.6-6

3.6.3 Impacts and Mitigation Measures 3.6-7

3.7 Transportation and Circulation 3.7-1

3.7.1 Environmental Setting 3.7-2

3.7.2 Regulatory Setting 3.7-25

3.7.3 Impacts and Mitigation Measures 3.7-41

3.8 Utilities and Service Systems 3.8-1

3.8.1 Wastewater Services 3.8-1

3.8.2 Water Supplies 3.8-9

3.8.3 Storm Water 3.8-18

3.8.4 Solid Waste 3.8-26

4.0 Other CEQA-Required Topics 4.0-1

4.1 Cumulative Setting and Impact Analysis 4.0-1

4.2 Significant Irreversible Effects 4.0-25

4.3 Significant Irreversible Effects 4.0-26

4.4 Impacts Found to be Less than Significant in the Initial Study 4.0-26

5.0 Alternatives to the Proposed Project 5.0-1

5.1 CEQA Requirements 5.0-1

5.2 Alternatives Considered in this EIR 5.0-2

5.3 Environmental Analysis 5.0-3

6.0 Report Preparers 6.0-1

7.0 References 7.0-1

Tables **Page Numbers**

Table ES-1: Comparison Summary of Alternatives to the Proposed Project ES-4

Table ES-2: Project Impacts and Proposed Mitigation Measures ES-7

Table 2.0-1: Proposed Parcel Merger 2.0-3
Table 3.2-1: Federal and State Ambient Air Quality Standards 3.2-7
Table 3.2-2: State and National Attainment Status 3.2-8
Table 3.2-3: Ambient Air Quality Monitoring Data Summary (Mendocino County) - Ozone 3.2-9
Table 3.2-4: Ambient Air Quality Monitoring Data Summary (North Coast Air Basin) - PM_{10} 3.2-9
Table 3.2-5: Ambient Air Quality Monitoring Data Summary (Mendocino County) - $PM_{2.5}$ 3.2-9
Table 3.2-6: Air Quality Construction-Related CEQA Thresholds of Significance (lbs/day) 3.2-16
Table 3.2-7: Air Quality Operation-Related CEQA Thresholds of Significance 3.2-16
Table 3.2-8: Operational Buildout Generated Emissions 3.2-21
Table 3.2-9: Construction Project Generated Emissions (tons per year) 3.2-22
Table 3.2-10: CARB Minimum Separation Recommendations on Siting Sensitive Land Uses 3.2-24
Table 3.3-1: Plant Species Identified on the South Parcel 3.3-4
Table 3.3-2: Special-Status Plant Species Which May Occur in Project Area 3.3-8
Table 3.3-3: Special-Status Wildlife and Fish Species Which May Occur in Project Area 3.3-12
Table 3.4-1: Maximum Construction GHG Emissions (Mitigated Average Metric Tons/Yr) 3.4-27
Table 3.4-2: Operational GHG Emissions at Buildout (Mitigated Metric Tons/Yr) 3.4-27
Table 3.4-3: Consistency with the SB 32 2017 Scoping Plan Update 3.4-33
Table 3.4-4: Consistency with the MCOG 2017 RTP 3.4-35
Table 3.4-5: On-Road Mobile Fuel Generated by Project Construction Activities – By Phase 3.4-39
Table 3.5-1: General Plan Policy Consistency 3.5-7
Table 3.6-1: Typical Noise Levels 3.6-3
Table 3.6-2: Summary of Existing Background Noise Measurement Data 3.6-4
Table 3.6-3: Existing Traffic Noise Levels 3.6-6
Table 3.6-4: City of Fort Bragg General Plan Non-Transportation Noise Standards 3.6-7
Table 3.6-5: Effects of Vibration on People and Buildings 3.6-9
Table 3.6-6: Existing and Existing Plus Project Traffic Noise Levels 3.6-10
Table 3.6-7: Cumulative and Cumulative Plus Project Traffic Noise Levels 3.6-10
Table 3.6-8: Construction Equipment Noise Levels for Primary Construction Phases 3.6-12
Table 3.6-9: Predicted Construction Noise Levels Phase 3.6-14
Table 3.6-10: Vibration Levels for Various Construction Equipment 3.6-17
Table 3.7-1: Daily Traffic Volumes on Fort Bragg Streets 3.7-4
Table 3.7-2: Existing Intersection Level of Service 3.7-5
Table 3.7-3: Existing Intersection Queues 3.7-6
Table 3.7-4: Current Traffic Signal Warrants 3.7-7
Table 3.7-5: Project Trip Generation Rates and Estimates 3.7-9
Table 3.7-6: Directional Trip Distribution (Primary Trip) 3.7-10
Table 3.7-7: Level of Service Definitions 3.7-11
Table 3.7-8: City of Fort Bragg Minimum LOS Standards 3.7-12
Table 3.7-9: Existing Plus Grocery Outlet Store Intersection LOS 3.7-14

Table 3.7-10: Existing Plus Grocery Outlet Store Intersection Queues 3.7-15
Table 3.7-11: Existing Plus Grocery Outlet Store Traffic Signal Warrants 3.7-16
Table 3.7-12: Year 2040 Plus Grocery Outlet Store Intersection LOS 3.7-18
Table 3.7-13: Year 2040 Plus Grocery Outlet Store Intersection Queues 3.7-19
Table 3.7-14: Year 2040 Plus Grocery Outlet Store Traffic Signal Warrants 3.7-20
Table 3.7-15: Year 2040 Plus Grocery Outlet Store Traffic Signal Warrants 3.7-21
Table 3.7-16: Fair Share Calculation 3.7-22
Table 3.7-17: Project Effect on VMT After Initial Modeling 3.7-45
Table 3.8-1: City of Fort Bragg Wastewater Flow Data 2013-2016 ..... 3.8-2
Table 3.8-2: City of Fort Bragg Water Appropriations 3.8-10
Table 3.8-3: City of Fort Bragg Water Storage 3.8-10
Table 3.8-4: City of Fort Bragg 2015-2016 Water Demand (mgd) 3.8-11
Table 3.8-5: City of Fort Bragg Historic Annual Water Demand (mg) 3.8-11
Table 3.8-6: Estimated Solid Waste Generation 3.8-28
Table 4.0-1: Growth Projections 4.0-2
Table 5.0-1: Comparison of Alternative Project Impacts to the Proposed Project 5.0-18

Figures Page Numbers

Note: Figures are located at the end of the chapters.

Figure 2.0-1 Regional Location Map
Figure 2.0-2 Vicinity Map
Figure 2.0-3 Aerial View of Project Site
Figure 2.0-4 Existing General Plan and Zoning
Figure 2.0-5 Site Plan
Figure 2.0-6 Perspectives
Figure 2.0-7 Preliminary Sewer and Water Plan
Figure 2.0-8 Preliminary Grading and Drainage Plan
Figure 2.0-9 Preliminary Storm Water Management Plan
Figure 3.1-1 Visual Simulation View A
Figure 3.1-2 Visual Simulation View B
Figure 3.1-3 Visual Simulation View C
Figure 3.1-4 Visual Simulation View D
Figure 3.3-1 California Natural Diversity Database 6-Quad Search
Figure 3.3-2 Land Cover Types
Figure 3.6-1 Noise Measurement Sites
Figure 3.6-2 Daytime (7:00 a.m. to 10:00 p.m.) Project Noise Contours (dBA L_{eq})

Figure 3.6-3 Nighttime (10:00 p.m. to 7:00 a.m.) Project Noise Contours (dBA L_{eq})
Figure 3.6-4 Daytime (7:00 a.m. to 10:00 p.m.) Maximum Noise Contours (dBA L_{max})
Figure 3.6-5 Nighttime (10:00 p.m. to 7:00 a.m.) Maximum Noise Contours (dBA L_{max})
Figure 3.6-6 Predicted Demolition Noise Levels (dBA, L_{eq})
Figure 3.6-7 Predicted Construction Noise Levels (dBA, L_{eq})
Figure 3.7-1 Existing Traffic Volumes and Lane Configurations
Figure 3.7-2 Project Only Traffic Volumes and Lane Configurations
Figure 3.7-3 Existing Plus Project Traffic Volumes and Lane Configurations
Figure 3.7-4 Cumulative 2040 Base Traffic Volumes and Lane Configurations
Figure 3.7-5 Cumulative Plus Project Traffic Volumes and Lane Configurations

Appendices

Appendix A: Initial Study, Notice of Preparation, and NOP Comments
Appendix B: Air Quality, Greenhouse Gas, and Energy Appendices
Appendix B.1: CalEEMod Outputs
Appendix B.2: Energy Outputs
Appendix B.3: Analysis of Models and Tools to Correlate Project-Generated Pollutants to Health End Points
Appendix B.4: GHG Metric Calculation Methodology
Appendix C: Biological Review with Updated (2022) Database Records
Appendix D: Wetland Report
Appendix E: Environmental Noise Assessment
Appendix F: Traffic Impact Analysis
Appendix G: Addendum to the Traffic Impact Analysis
Appendix H: CEQA VMT Analysis

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1.1 PURPOSE AND INTENDED USES OF THE EIR

The City of Fort Bragg (City), as the lead agency, determined that the proposed Best Development Grocery Outlet Project (the Project) is a "project" within the definition of CEQA. CEQA requires the preparation of an environmental impact report (EIR) prior to approving any proposed project that may have a significant impact on the environment which cannot be mitigated below a level of significance. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (Public Resources Code Section 21065; CEQA Guidelines Section 15378[a]).

The City of Fort Bragg Planning Commission (Commission) and City Council (Council) both previously approved the Project in the late spring and summer of 2021, with the Commission taking its action on June 9, 2021, and the City Council denying appeals of the Planning Commission action on July 26, 2021. In approving the Project, these two City bodies had relied on a Mitigated Negative Declaration (MND) prepared by City staff with input from an environmental consultant. On August 24, 2021, Petitioners FB Local Business Matters and Leslie Kashiwada filed in Mendocino County Superior Court a lawsuit alleging that the City's approvals violated the California Environmental Quality Act (CEQA). More specifically, the lawsuit alleged that the City should have prepared an EIR, rather than an MND, prior to approving the Project. Petitioners also alleged that the Project was not consistent with certain City policies.

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.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize significant environmental impacts of proposed development. CEQA also requires agency decision-makers, when considering the approval of projects with significant unavoidable environmental effects, to balance a variety of public objectives, including economic, environmental, and social factors.

The City of Fort Bragg, as the lead agency, has prepared this Draft EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from implementation of the proposed Project. The environmental review process enables interested parties to evaluate the proposed Project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the proposed Project. This EIR will be used by the decisionmakers of the City of Fort Bragg to determine whether to approve, modify, or deny the proposed Project and associated approvals in light of the Project's environmental effects. The EIR will be used as the primary environmental document to evaluate full development, all associated infrastructure improvements, and permitting actions associated with the proposed Project. All of the actions and components of the proposed Project are described in detail in Chapter 2.0, Project Description.

1.2 TYPE OF EIR

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Project-level EIR, described in State CEQA Guidelines § 15161 as: "The most common type of EIR (which) examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation." The project-level analysis considers the broad environmental effects of the proposed Project.

1.3 RESPONSIBLE AND TRUSTEE AGENCIES

CEQA generally requires that Notices of Preparation (NOPs) and EIRs be circulated to "responsible agencies" and "trustee agencies." The term "Responsible Agency" includes all public agencies other than the Lead Agency that have discretionary approval power over the proposed Project or an aspect of the proposed Project (CEQA Guidelines Section 15381). For the purpose of CEQA, a "Trustee" agency has jurisdiction by law over natural resources that are held in trust for the people of the State of California (CEQA Guidelines Section 15386).

Because of the comparatively small size and location of the proposed Project, there are no responsible agencies that must grant approvals. Rather, all required approvals will come from the City of Fort Bragg. The only Trustee Agency for the proposed Project is the California Department of Fish and Wildlife (CDFW). CDFW is a trustee agency "with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department" (CEQA Guidelines Section 15386[a]).

1.4 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION AND INITIAL STUDY

The City of Fort Bragg circulated an Initial Study (IS) and Notice of Preparation (NOP) of an EIR for the proposed Project on May 19, 2022 to the State Clearinghouse, CDFW, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was held on June 7, 2022. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The IS, NOP, and comments received on the NOP by interested parties, including those received at the public Scoping Meeting, are presented in Appendix A.

DRAFT EIR

This document constitutes the Draft EIR. The Draft EIR contains a description of the proposed Project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. This Draft EIR identifies issues determined to have no impact or a less than significant impact, relying as permitted by CEQA Guidelines section 15128 on the Initial Study checklist attached as Appendix A to this Draft EIR, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in this EIR. Upon completion of the Draft EIR, the City of Fort Bragg will file the Notice of Completion (NOC) with the State Clearinghouse of the Governor's Office of Planning and Research to begin the public review period for state agencies. Additionally, the Town of Fort Bragg will file the Notice of Availability with the County Clerk and have it published in a newspaper of regional circulation to begin the local public review period.

PUBLIC NOTICE/PUBLIC REVIEW

The City of Fort Bragg will provide a public notice of availability for the Draft EIR, and invite comment from the general public, agencies, organizations, and other interested parties. Consistent with CEQA, the review period for this Draft EIR is forty-five (45) days. Public comment on the Draft EIR will be accepted in written form. All comments or questions regarding the Draft EIR should be addressed to:

Attn: Heather Gurewitz, Associate Planner
City of Fort Bragg
Community Development Department
416 N. Franklin Street
Fort Bragg, CA 95437
(707) 961-2827
hgurewitz@fortbragg.com

Additionally, in accordance with Fort Bragg's Coastal Land Use and Development Code section 17.72.100, there will be an additional public hearing to accept comments on this Draft EIR during the 45-day review period.

RESPONSE TO COMMENTS/FINAL EIR

Following the public review period, a Final EIR will be prepared. The Final EIR will include written responses to all significant environmental issues in the written comments received during the public review period and to oral comments received at any public hearing during such review period.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The Planning Commission of the City of Fort Bragg will hold a public hearing in which they will review and make a recommendation to City Council on certification of the EIR and the proposed Project. The City Council will then hold a public hearing to consider the Final EIR along with the proposed Project. If, after holding a public meeting and hearing public testimony, that body is inclined to approve the proposed Project, the Council will first have to "certify" the EIR. Certification consists of three separate findings and determinations: (1) the Final EIR has been completed in compliance with CEQA; (2) the Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) the Final EIR reflects the lead agency's independent judgment and analysis (CEQA Guidelines Section 15090).

For purposes of assessing whether the Final EIR has been completed in compliance with CEQA, the Planning Commission should consider whether:

1) The EIR shows a good faith effort at full disclosure of environmental information; and

2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Following review and consideration of the Final EIR, the City Council may take action to approve, modify, or reject the proposed Project. If the City Council approves or modifies the proposed Project, or chooses to approve one of the project alternatives set forth in this EIR, the City Council will have to adopt "CEQA Findings" pursuant to CEQA Guidelines section 15091. These findings are necessary to effectuate the substantive mandate of CEQA, as set forth Public Resources Code section 21002. That statute provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects."

The mandate announced in section 21002 is implemented, in part, through the requirement that agency decisionmakers must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving body must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential conclusion is that specific economic, legal, social, technological, or other considerations,

including provision of employment opportunities, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (See CEQA Guidelines Section 15091[a]; see also Public Resources Code Section 21081[a].)

Approval by the City Council would also require findings to be made under CEQA Guidelines Section 15093 which requires a balancing of benefits against unavoidable environmental impacts. These findings are separate and apart from the findings required under Section 15091.

At the time of Project approval, the approving body must also adopt a Mitigation Monitoring Program, as described below, prepared in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097. The Program must include any mitigation measures that have been incorporated into or imposed upon the proposed Project to reduce or avoid significant effects on the environment. This Mitigation Monitoring Program will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

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.

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

July 2021; the 2021 lawsuit discussed previously; responses to the Notice of Preparation (NOP); and environmental and planning documentation prepared for recent projects located within the City of Fort Bragg, applicable local and regional planning documents.

This Draft EIR is organized in the following manner:

EXECUTIVE SUMMARY

The Executive Summary summarizes the characteristics of the proposed project, known areas of controversy and issues to be resolved, and provides a concise summary matrix of the proposed Project's environmental impacts and possible mitigation measures. The Executive Summary also identifies the alternatives that reduce or avoid at least one significant environmental effect of the proposed Project.

CHAPTER 1.0 – INTRODUCTION

Chapter 1.0 briefly describes the purpose of the environmental evaluation; identifies the lead and trustee agencies; summarizes the process associated with preparation and certification of an EIR, and the procedural steps associated with project approval; and identifies the scope and organization of the Draft EIR.

CHAPTER 2.0 – PROJECT DESCRIPTION

Chapter 2.0 provides a detailed description of the proposed Project, including the location, intended objectives, background information, the physical and technical characteristics, including the decisions subject to CEQA, related improvements, and a list of related agency action requirements.

CHAPTER 3.0 – ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Chapter 3.0 contains an analysis of environmental topic areas as identified below. Each subchapter addresses a topical area and is organized as follows:

Environmental Setting. A description of the existing environment as it pertains to the topical area.

Regulatory Setting. A description of the regulatory environment that may be applicable to the proposed Project.

Impacts and Mitigation Measures. Identification of the thresholds of significance by which impacts are determined, a description of project-related impacts associated with the environmental topic, identification of appropriate mitigation measures, and a conclusion as to the significance of each impact.

The following environmental topics are addressed in this section:

- Aesthetics and Visual Resources
- Air Quality
- Biological Resources

- Greenhouse Gases, Climate Change, and Energy
- Land Use
- Noise
- Transportation and Circulation
- Utilities and Service Systems

Impacts found to be less-than-significant in the Initial Study prepared for the Project are summarized in Section 4.4 of Chapter 4.0, Other CEQA-Required Topics.

CHAPTER 4.0 – OTHER CEQA-REQUIRED TOPICS

Chapter 4.0 evaluates and describes the following CEQA required topics: impacts considered less-than-significant, significant and irreversible impacts, growth-inducing effects, cumulative, and significant and unavoidable environmental effects.

CHAPTER 5.0 – ALTERNATIVES TO THE PROJECT

State CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the proposed Project, which could feasibly attain most of the basic objectives of the proposed Project and avoid and/or lessen any significant environmental effects of the proposed Project. Chapter 5.0 provides a comparative analysis between the environmental impacts of the proposed Project and the selected alternatives.

CHAPTER 6 – REPORT PREPARERS

This section lists all authors and agencies that assisted in the preparation of the EIR, by name, title, and company or agency affiliation.

APPENDICES

This section includes all notices and other procedural documents pertinent to the EIR, as well as technical material prepared to support the analysis.

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.

- 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).

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2.1 PROJECT LOCATION

The Project site is located at 825, 845, and 851 S. Franklin Street in the City of Fort Bragg, Mendocino County, California. The 1.63-acre site is located on the north side of N. Harbor Drive, the west side of S. Franklin Street, and the south side of South Street. The Project site is located approximately 230 to 450 feet east of S. Main Street/Highway 1 (a four-lane conventional highway managed by the California Department of Transportation [Caltrans]) and is located in the City's Coastal Zone and is appealable to the California Coastal Commission because it is within 300 feet of what is considered a coastal bluff. Properties within the Coastal Zone are regulated by the Coastal Land Use and Development Code (CLUDC), also known as Fort Bragg Municipal Code (FBMC) Title 17. The Project site consists of three parcels identified by Assessor's Parcel Numbers (APNs) 018-120-47, 018-120-48 and 018-120-49.

Figures 2.0-1 and 2.0-2 show the Project's regional location and vicinity.

2.2 PROJECT SETTING

EXISTING SITE CONDITIONS

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 square-foot (sf) vacant former office building and associated 47-space parking lot are located in the northern half of the site. The building, locally referred to as the "Old Social Services Building", has not been leased since 2010 but has been used as storage since then. Wooden fencing is currently located along the western property line and adjacent to the south side of the building. Shrubs and trees are located in the northern portion of the site. The southern-most lot is vacant with one-third bare soil and two-thirds covered with annual grasses and forbs with scattered shrubs.

The Project site does not contain any creeks/streams, riparian areas, or wetlands on-site (Wildland Resources Manager, 2021). The Project site is located in Zone "X", area of minimal flood hazard, as shown on Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer FIRMette map number 06045C1016G, effective July 18, 2017.

Figure 2.0-3 shows the aerial view of the Project site.

SITE TOPOGRAPHY

The Project site is relatively flat with site elevations ranging from approximately 117 feet to 122 feet above mean sea level (msl).

EXISTING SURROUNDING USES

The 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. To the east of the site across S. Franklin Street are five single-family residences, one multi-family residential building, and two vacant lots.

GENERAL PLAN LAND USE AND ZONING

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.

The City General Plan land use designations and zoning designations for the Project site and surrounding area are shown on Figure 2.0-4.

2.3 PROJECT GOALS AND OBJECTIVES

Consistent with California Environmental Quality Act (CEQA) Guidelines Section 15124(b), a clear statement of objectives and the underlying purpose of the proposed Project shall be discussed. The underlying purpose of the proposed Project is to construct and operate a Grocery Outlet retail store at a location within the City of Fort Bragg on which the existing General Plan and zoning designations allow for such a use.

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

- Develop a grocery store that provides its customers with comparatively affordable groceries at a convenient location for their shopping needs.
- Develop a grocery store that would generate additional revenues to the City in the form of increased sales and property tax revenues.
- Develop a grocery store that would create new jobs in the City.
- Develop an aesthetically attractive grocery store and landscaping on an infill site.
- Design a site plan that minimizes circulation conflicts between automobiles and pedestrians.

2.4 PROJECT CHARACTERISTICS AND DESCRIPTION

PROJECT CHARACTERISTICS

The proposed Project includes demolition of the existing 16,436-sf vacant former office building and parking area and subsequent development and operation of a 16,157-sf Grocery Outlet (retail grocery store) with associated improvements on the Project site. Grocery Outlet is a value grocer, meaning that it sells brand name products at bargain prices due to their opportunity buying style. Associated improvements include a parking lot, loading dock and trash enclosure, circulation and access improvements, and utility infrastructure. The proposed site plan is shown in Figure 2.0-5.

The proposed Project would also include a merger of three existing parcels (lots) to create one 71,002 sf (1.63 acres) parcel (see Table 2.0-1) to accommodate the footprint of the proposed retail store within the resulting parcel.

TABLE 2.0-1: PROPOSED PARCEL MERGER

EXISTING PARCELS	*PROPOSED PARCEL*
APN 018-120-47, ±17,119 SF (±0.393 acres)	APN to be determined ±71,002 SF (±1.6299816 acres)
APN 018-120-48, ±14,723 SF (±0.338 acres)	
APN 018-120-49, ±38,986 SF (±0.895 acres)	

SOURCE: BEST DEVELOPMENT GROUP, 2021.

Retail Operations

The proposed Project would be operated by 15 to 25 full-time staff and two managers. The Project would be open from 8:00 AM to 10:00 PM, seven days per week with two different shifts covering operating hours.

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.

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

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 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 (MWELO). The MWELO is also referenced by Title 24, Part 11, of the CalGreen Building Code. The purpose of MWELO 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.

UTILITIES AND SERVICES

The Project site is currently served by electrical, propane, city water and wastewater, solid waste, and telecommunication services. The proposed Project would connect to existing City infrastructure to provide water, sewer, and storm drainage utilities. The Project would be served by the following existing service providers:

1. City of Fort Bragg for water;
2. City of Fort Bragg for wastewater collection and treatment;
3. City of Fort Bragg for stormwater collection;

4. Pacific Gas and Electric Company (PG&E) for electricity;
5. C&S Waste Solutions for Waste and Recycling Collection.

Water

A six-inch fire service line water connection currently exists on South Street. As part of the proposed Project, this line would be the main water service to the building, and a new six-inch fire connection would be constructed to the east of the existing connection. A total of three fire hydrants with valve lines are proposed for fire suppression on the site.

The proposed preliminary sewer and water plan is shown in Figure 2.0-7.

Wastewater

A four-inch sewer lateral currently extends from the existing manhole on South Street. As part of the proposed Project, this lateral would be removed and replaced with a new six-inch sewer lateral per City standards. Wastewater generated on-site would be collected, treated, and disposed of by the City of Fort Bragg Municipal Improvement District No. 1. The District is larger than the City and includes much of the proposed Sphere of Influence. Currently, the District facility serves residences and businesses within the City.

The proposed preliminary sewer and water plan is shown in Figure 2.0-7.

Stormwater Drainage

Currently, stormwater typically infiltrates in the undeveloped portion of the Project site or flows to the northwest and southwest towards the neighboring property in the developed portion of the site. As part of the proposed Project, on-site drainage will be managed utilizing post-construction Low Impact Development (LID) site design measures and Best Management Practices (BMPs). For example, bioretention facilities would be sized to capture and treat runoff from the proposed impervious surfaces produced by the 24-hour, 85th percentile rain event. Additionally, landscaped areas would be provided throughout the site to encourage natural stormwater infiltration. Perimeter improvements, such as sidewalk curbs, gutters, pervious pavement, and landscaping would be required to convey flows from the Project site to the existing Caltrans stormwater drainage system located west of the Site on State Highway 1, which does not currently exist in the vicinity of the site.

The proposed preliminary grading and drainage plan is shown in Figure 2.0-8. The proposed storm water management plan is shown in Figure 2.0-9.

Other Utilities and Services

As noted previously, electricity would be provided by PG&E. Gas service, if needed, would be provided via a propane tank located on the northern portion of the site.

C&S Waste Solutions would provide solid waste collection services, which would be collected from a trash bin enclosure to be installed in the western portion of the site.

Xfinity (Comcast) provides cable TV and internet services, with various telecommunication companies providing land-line telephone service to the surrounding area. All utility lines within the Project site would be underground.

2.5 USES OF THE EIR AND REQUIRED AGENCY APPROVALS

This EIR may be used for the following direct and indirect approvals and permits associated with adoption and implementation of the proposed Project.

CITY OF FORT BRAGG

The City of Fort Bragg will be the Lead Agency for the proposed Project, pursuant to the State Guidelines for Implementation of CEQA, Section 15050. Pursuant to Section 17.72.060 of the Fort Bragg Coastal Land Use and Development Code, the City Council is the review authority for all EIRs. Additionally, pursuant to section 17.70.030 of the Coastal Development Code, where there are multiple actions for the same project, the applications are to be processed concurrently and are to be reviewed and acted upon by the highest review authority for any of the applications. Because the City Council is the highest decision maker for the lot merger, it will make the final decision on all the applications. If the City Council certifies the EIR in accordance with CEQA requirements, the City may use the EIR to support the following actions:

- Adoption of a Mitigation Monitoring and Reporting Program (MMRP);
- Approval of a Zoning Clearance (ZC);
- Approval of a Coastal Development Permit (CDP);
- Approval of Design Review;
- Approval of a Parcel Merger;
- Approval of a Sign Permit;
- Approval of an Encroachment Permit;
- Approval of a Grading Permit;
- Approval of a Building Permit.

OTHER GOVERNMENTAL AGENCY APPROVALS

The proposed Project is subject to a number of existing requirements of regulatory agencies other than the City of Fort Bragg, but will not require any specific discretionary approvals from such agencies, unless appealed. The proposed Project is subject to the policies of the Local Coastal Program governing portions of the City and requires a coastal development permit from the City. However, the approval by the City of such a permit for the proposed Project can be appealed to the California Coastal Commission due to the character and location of the Project site. Public Resources Code section 30606, which is part of the California Coastal Act, provides that, where an approved local coastal program is in place, the Coastal Commission has appellate authority over local governments' approvals of coastal development permits for coastal development projects that include:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

(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.

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 Prevention Plan (SWPPP) identifying specific best management practices (BMPs) to be implemented to minimize the amount of sediment and other pollutants associated with construction sites from being discharged in stormwater runoff. SWPPPs must be submitted to the applicable Regional Water Quality Control Board (here, the North Coastal Regional Water Quality Control Board), but advance approval of the SWPPP by that state agency is not required.

Discharges of stormwater and non-stormwater from the Municipal Separate Storm Sewer System (MS4) within the jurisdictional boundary of the City of Fort Bragg are subject to Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS00004, Waste Discharge Requirements for Storm Water Discharges from MS4s (Phase II MS4 Permit). The Phase II MS4 Permit authorizes the City to discharge stormwater runoff and certain non-stormwater discharges from its MS4 to waters of the United States and provides a framework and requirements for the implementation of the City MS4 Program. The proposed Project can operate within the parameters of these existing authorizations without the need for any specific discretionary approvals from the North Coastal Regional Water Quality Control Board, the United States Environmental Protection Agency, or any other federal or state agency.

Finally, construction activities of the proposed Project will be subject to the Mendocino County Air Quality Management District (MCAQMD), but no individual permit is required for project construction or operation to proceed.

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Legend

- Project Location
- Incorporated Area
- County Boundary

Sources: California State Geoportal.
Map date: November 29, 2021.

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 2.0-1. Regional Location Map

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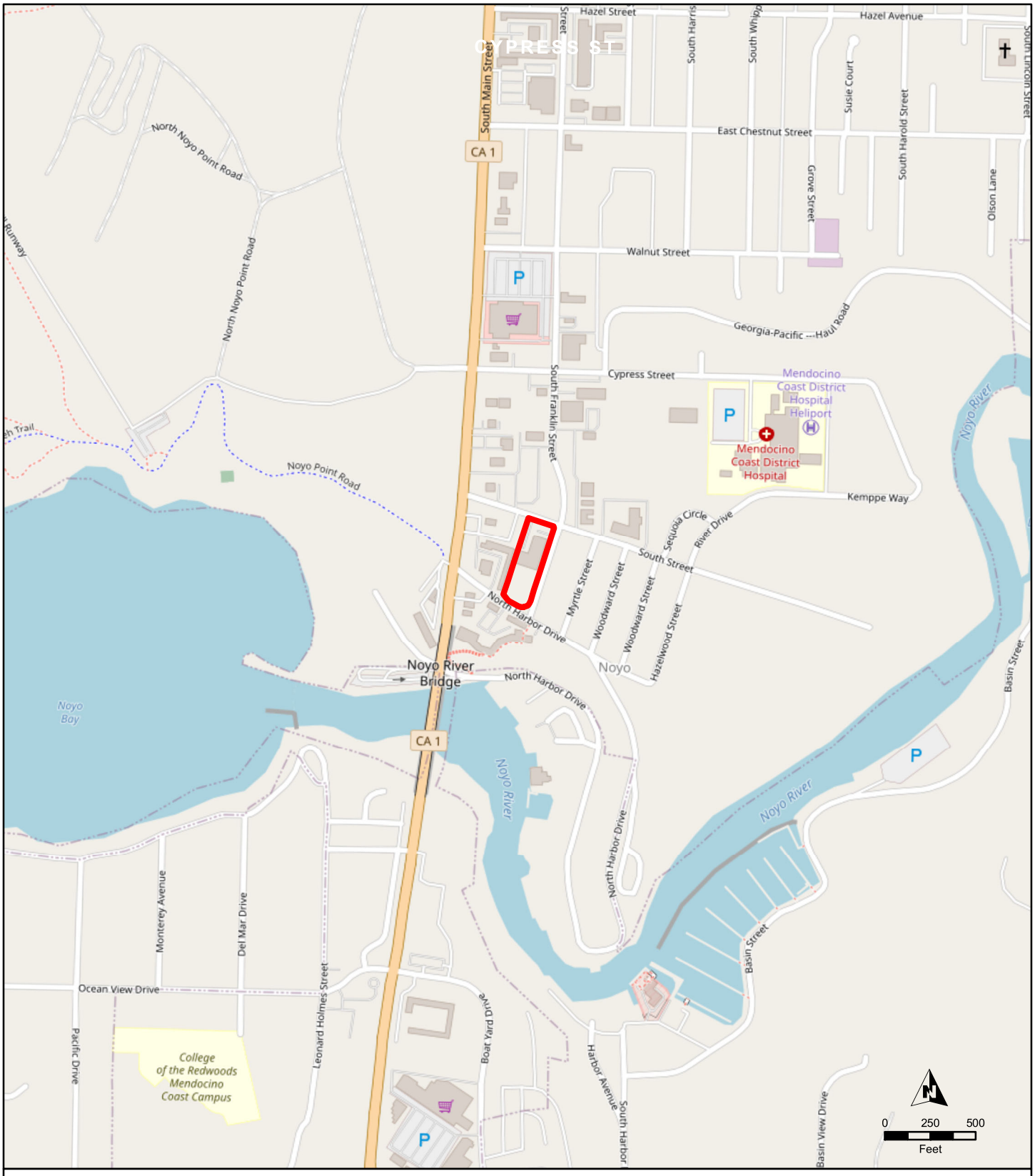

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 2.0-2. Vicinity Map

Legend

Project Boundary

Sources: Mendocino County; ArcGIS Online OpenStreetMap Map Service.
Map date: November 29, 2021.

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A Land Use Planning, Design, and Environmental Firm

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FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Legend

Project Boundary

Figure 2.0-3. Aerial View of Project Site

Sources: Mendocino County; ArcGIS Online World Imagery Map Service, 3/13/2020.
Map date: November 29, 2021.

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A Land Use Planning, Design, and Environmental Firm

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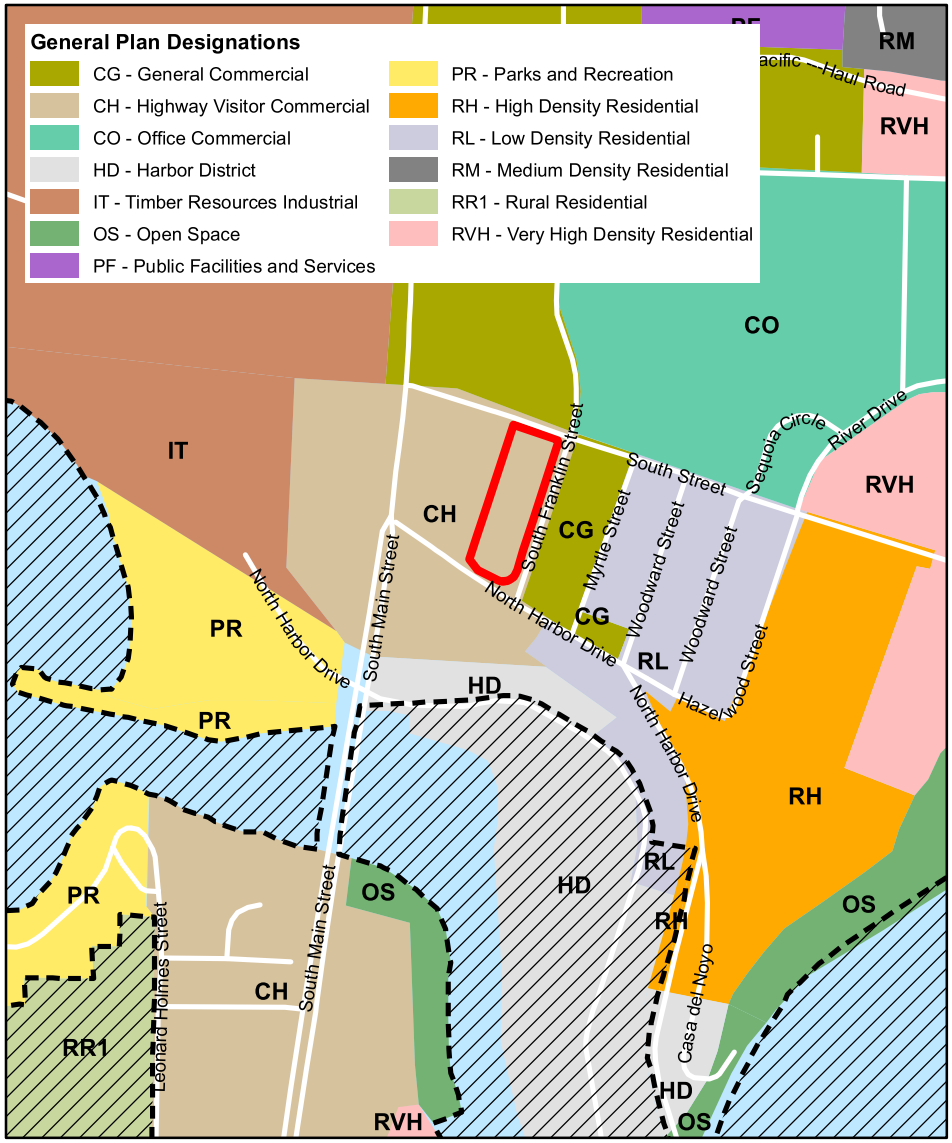

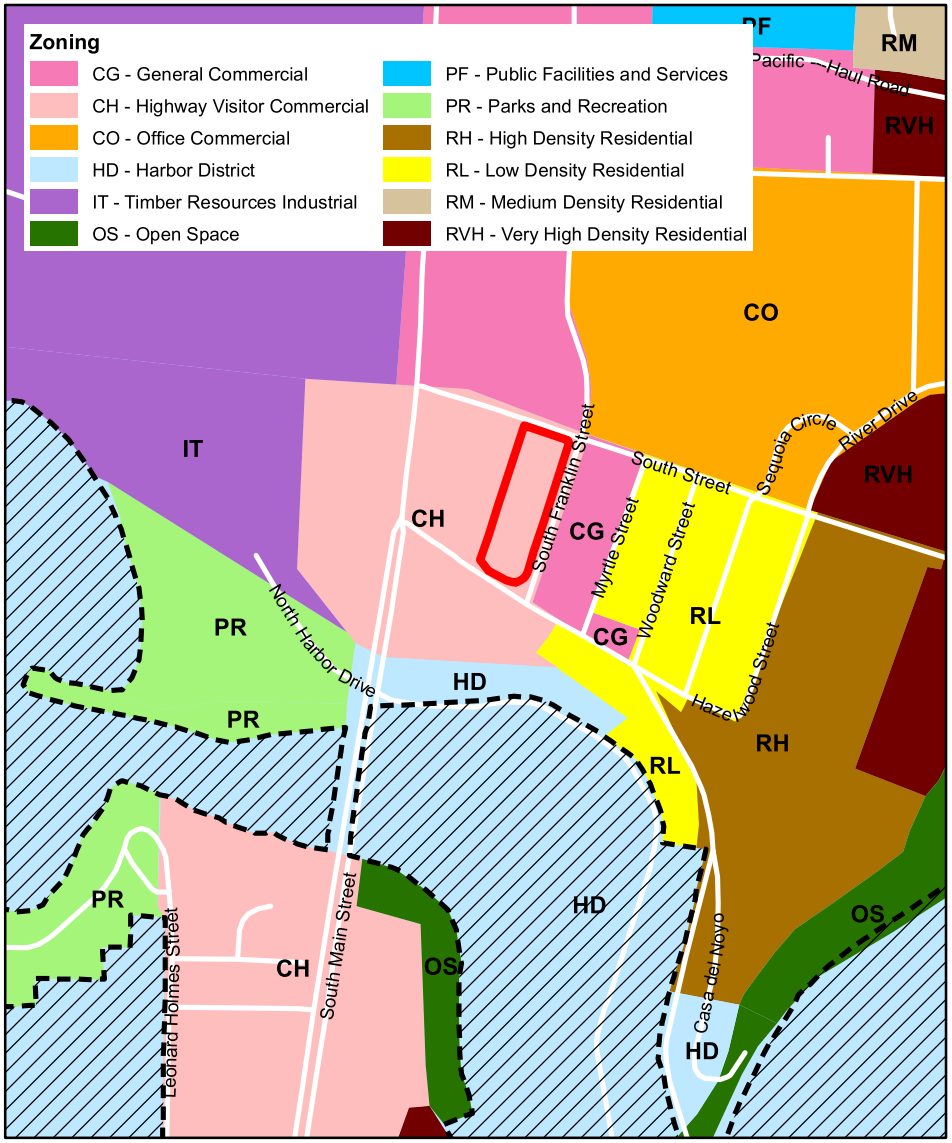

Legend

- Project Boundary
- Fort Bragg City Boundary
- Unincorporated Mendocino County

0 250 500
Feet

Sources: City of Fort Bragg Map LU-1 Land Use Designations, July 2008; City of Fort Bragg 7A Att4 New 2016 Zoning Map.
Map date: December 2, 2021.

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 2.0-4. Existing General Plan and Zoning

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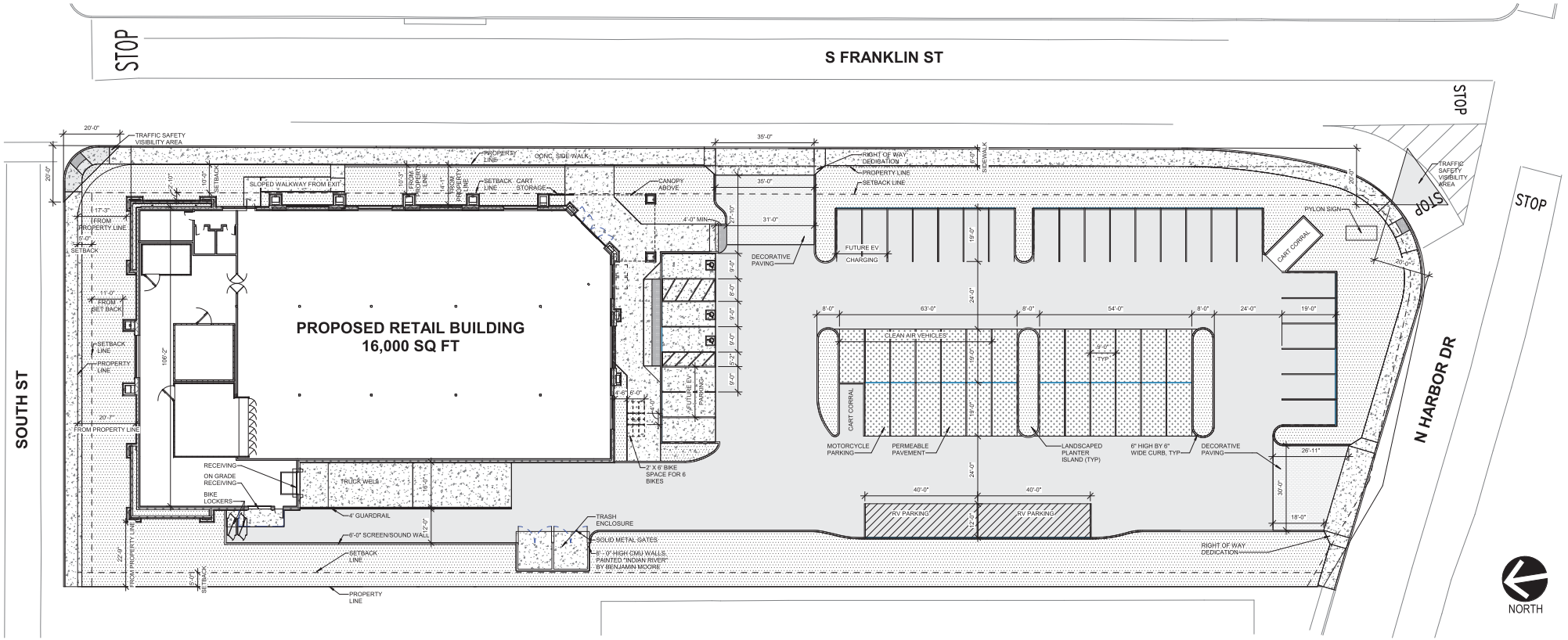

PROPERTY LINE

SET BACK

DECORATIVE PAVING

AC PAVEMENT

LANDSCAPE AREA

TRUNCATED DOMES

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 2.0-5. Site Plan

Source: BRR Architecture; 7/1/2021. Map date: June 30, 2022.

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Entrance Perspective

Parking Lot Perspective

South St Corner Perspective

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 2.0-6. Perspectives

Sources: BRR Architects, 7/1/2021.
Map date: June 30, 2022.

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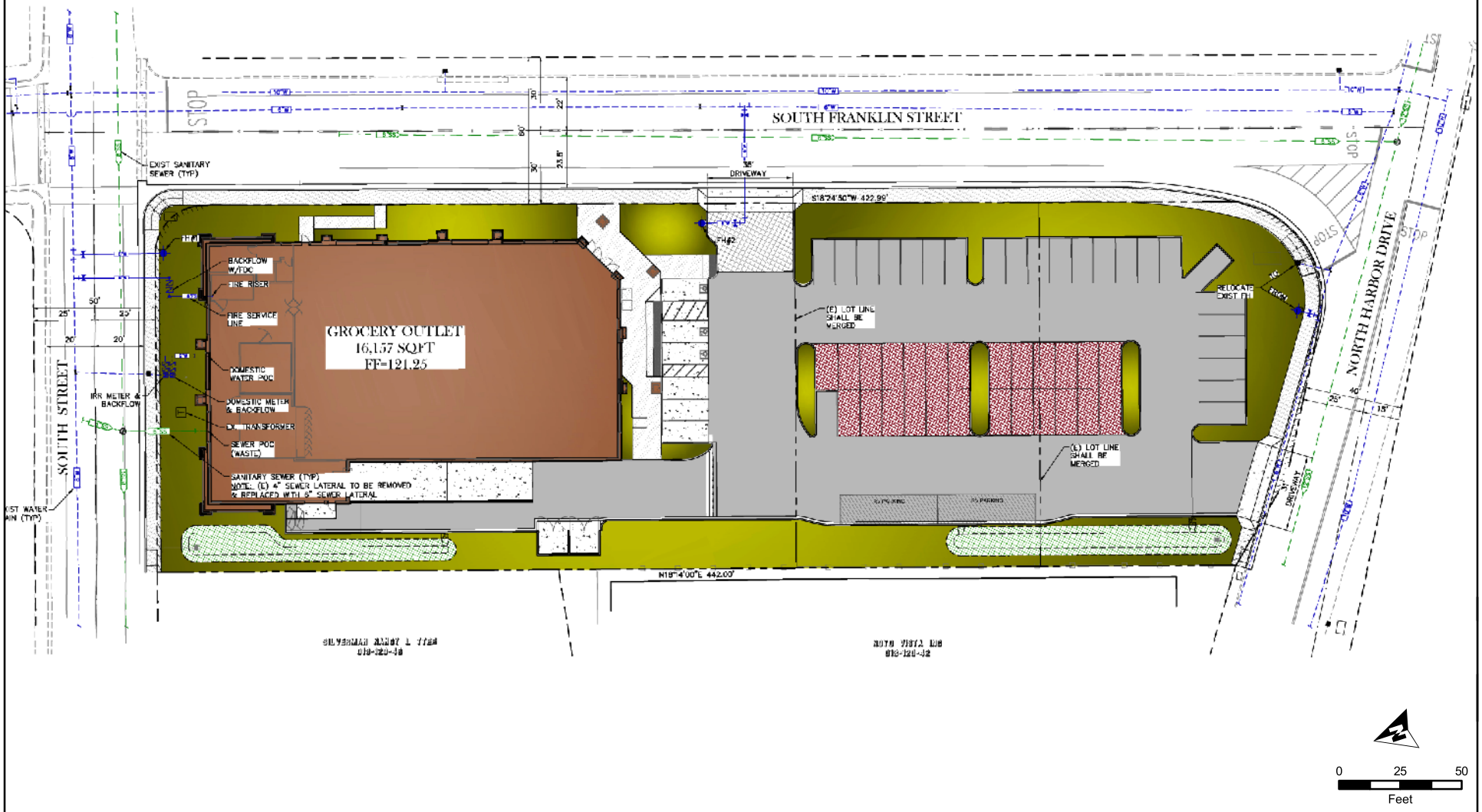

ASPHALT PAVEMENT
BUILDING AREA
LANDSCAPE AREA
P.C.C. CONCRETE
BIO RETENTION BASIN
CONCRETE SIDEWALK
PERMEABLE PAVEMENT
DECORATIVE PAVEMENT

8"W WATER MAIN
6"FS FIRE SERVICE
FIRE DEPARTMENT CONNECTION (FDC)
METER & BACKFLOW
6"SS SANITARY SEWER

Sources: TSD Engineering, Inc., 6/30/2021. Map date: July 1, 2022.

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 2.0-7. Preliminary Sewer and Water Plan

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

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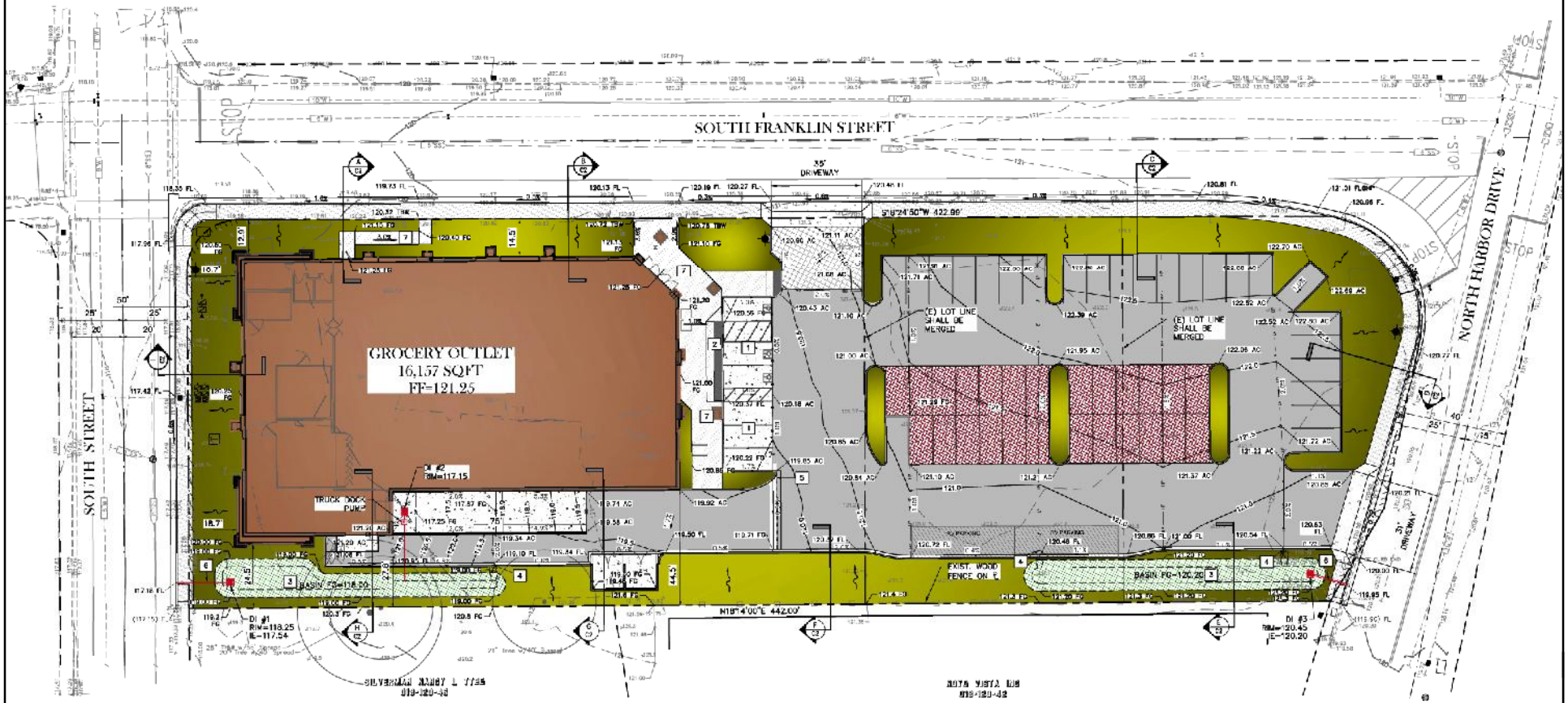

0 25 50
Feet

168.0 AC — ELEVATION

SIDEWALK DRAIN

DRAINAGE INLET

ASPHALT PAVEMENT

BUILDING AREA

LANDSCAPE AREA

P.C.C. CONCRETE

BIO RETENTION BASIN

CONCRETE SIDEWALK

PERMEABLE PAVEMENT

DECORATIVE PAVEMENT

DRAINAGE DIRECTION

1 ACCESSIBLE PARKING/LOADING ZONE

2 ACCESSIBLE CURB RAMP

3 BIO-RETENTION BASIN

4 1-FOOT CURB OPENING INTO BASIN

5 CONCRETE VALLEY GUTTER

6 (2) 3" PVC SIDEWALK DRAIN PIPE

7 SIDEWALK

Sources: TSD Engineering, Inc., 6/30/2021. Map date: July 1, 2022.

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 2.0-8. Preliminary Grading and Drainage Plan

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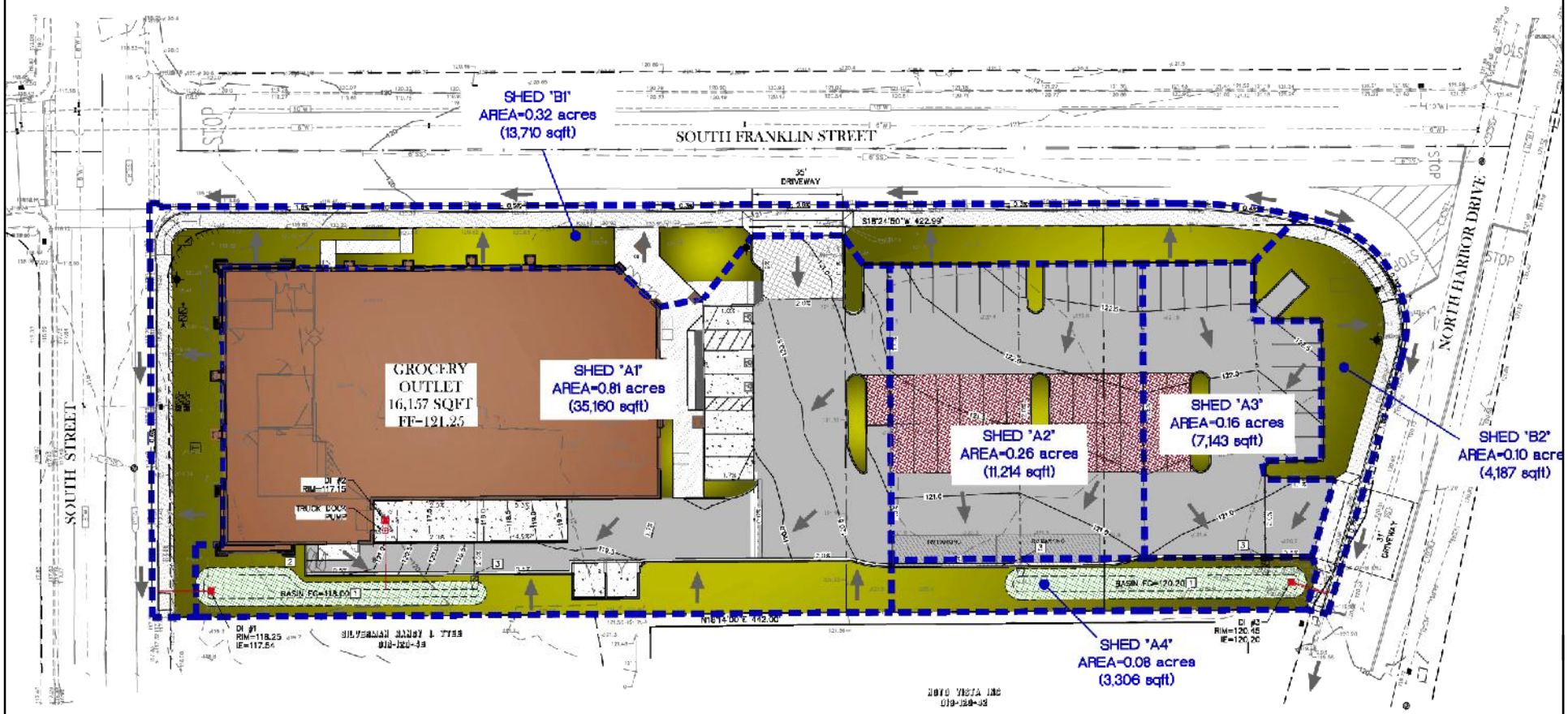

0 25 50
Feet

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

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 2.0-9. Preliminary Storm Water Management Plan

Sources: TSD Engineering, Inc., 6/30/2021. Map date: July 1, 2022.

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This section provides an overview of the visual character, scenic resources, views, and sources of light and glare that are encountered on the Project site and the vicinity. This section concludes with an evaluation of the impacts and recommendations for mitigating impacts. Information in this section is derived primarily from the *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), the Fort Bragg Municipal Code (City of Fort Bragg, 2021), and the Visual Analysis completed for the proposed Project (Carl M. Maxey, Architect, 2022).

One comment was received during the public review period for the Notice of Preparation regarding this topic from Leslie Kashiwada (June 20, 2022). The portion of this comment related to this topic is addressed within this section. Full comments received are included in Appendix A.

3.1.1 ENVIRONMENTAL SETTING

REGIONAL SCENIC RESOURCES

Visual resources are generally classified into two categories: scenic views and scenic resources. Scenic views are elements of the broader viewshed such as mountain ranges, valleys, and ridgelines. They are usually mid-ground or background elements of a viewshed that can be seen from a range of viewpoints, often along a roadway or other corridor. Scenic resources are specific features of a viewing area (or viewshed) such as trees, rock outcroppings, and historic buildings. They are specific features that act as the focal point of a viewshed and are usually foreground elements.

Aesthetically significant features occur in a diverse array of environments within the region, ranging in character from urban centers to rural agricultural lands to natural water bodies. Features of the built environment that may also have visual significance include individual or groups of structures that are distinctive due to their aesthetic, historical, social, or cultural significance or characteristics. Examples of the visually significant built environment may include bridges or overpasses, architecturally appealing buildings or groups of buildings, landscaped freeways, and a location where a historic event occurred.

The City of Fort Bragg contains many significant visual resources, including views of the Noyo Harbor, Noyo River, Pudding Creek, Hare Creek, and the ocean. Except for the development in the Noyo Harbor, there is little development below the bank tops along these streams. These views of streams and open space are enjoyed by residents and travelers alike as it is difficult to take even a short trip in Fort Bragg without crossing or approaching one of these streams.

The views of the ocean from public vantage points (mainly public streets) are primarily distant background blue water views. There are only a few locations where one can see the beach, strand, or white water views. Locations where such views are possible include Highway 1 and local roads near the Pudding Creek beach area, at the bluffs near the mouth of Pudding Creek, the bluffs on Noyo Point, the Noyo River Bridge, and the bluffs on Todd Point. More distant views of the ocean are possible from a number of streets and highways. Between the Noyo River and Pudding Creek, views of the coast from Highway 1 are blocked by roadside development and landscaping. However, views of the ocean are possible from a number of east-west streets to the east of Main Street and

from residences at higher elevations to the east of Main Street. The distant ocean views define much of the character of the City by visually identifying it as a coastal town.

Additionally, Map CD-1 of the City's Community Design Element of the Coastal General Plan shows scenic views in the coastal zone, including potential scenic views toward the ocean or the Noyo River, and scenic views on the former Mill Site. As shown, the nearest potential scenic views toward the ocean or the Noyo River located within the vicinity of the Project site are generally located north and east of Noyo River and south and west of North Harbor Drive. This potential scenic view area is located approximately 0.08 miles or further south of the Project site. Additionally, scenic views on the former Mill Site shown in Map CD-1 are located west of Main Street/Highway 1, east of the City boundary, and north of the Noyo River. This scenic view area is located approximately 0.07 miles or further west of the Project site.

PROJECT SITE

The Project site is located within the City of Fort Bragg city limits on urban and built-up land, surrounded by parcels utilized for commercial businesses, residences, and two vacant lots. The Project site contains existing development primarily within the northern half of the Project site. The northern lot is 95 percent covered by a paved parking area with shrubbery planted around the edges. The existing 16,436 square foot (sf) vacant former office building is located on the middle lot. The southern-most lot is vacant with one-third bare soil and two-thirds covered with annual grasses and forbs with scattered shrubs. Currently, the Project site is accessed on the north end via a paved entrance from South Street. There is an existing dirt driveway that runs across the southern parcel from S. Franklin Street to N. Harbor Drive. Figures 2.0-1 and 2.0-2 in Chapter 2.0, Project Description, illustrate the regional location and Project vicinity.

The Project site is bordered to the north by South Street, to the east by S. Franklin Street, to the south by N. Harbor Drive, and to the west by a Super 8, Mountain Mike's Pizza, and Chevron. The existing site conditions and surrounding area are shown in Figures 3.1-1 through 3.1-4.

EXISTING SURROUNDING USES

The 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. To the east of the site across S. Franklin Street are five single-family residences, one multi-family residential building, and two vacant lots.

SCENIC HIGHWAYS

Scenic Highways

Neither of the two highways near the Project site, State Highway 1 and State Highway 20, are state scenic highways. Per Caltrans Scenic Highway System Lists, State Highway 1 and State Highway 20

are eligible state scenic highways, although they have not been designated as scenic (Caltrans, 2019).

3.1.2 REGULATORY SETTING

STATE

Nighttime Sky – Title 24 Outdoor Lighting Standards

The California legislature passed a bill in 2001 requiring the California Energy Commission (CEC) to adopt energy efficiency standards for outdoor lighting for both the public and private sectors. In addition to improved energy efficiency standards, Title 24 standards regulate lighting characteristics such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off. Different lighting standards are set by classifying areas by lighting zone. The classification is based on population figures of the 2010 Census. Areas can be designated as LZ1 (dark), LZ2 (rural), or LZ3 (urban). Lighting requirements for dark and rural areas are stricter in order to protect the areas from new sources of light pollution and light trespass.

LOCAL

Fort Bragg Coastal General Plan

The Fort Bragg Coastal General Plan includes a number of policies relevant to aesthetics and visual resources. The following policies apply to the proposed Project.

CONSERVATION, OPEN SPACE, ENERGY, AND PARKS ELEMENT

> ***Policy OS-15.1*** Open Space: Plan for and condition new development to implement the City's priorities for open space. Refer to the Community Design Element for specific policies and programs dealing with scenic view corridors.

COMMUNITY DESIGN ELEMENT

> ***Policy CD-1.1*** Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.
>
> ***Policy CD-1.4*** New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.
>
> ***Policy CD-1.5*** All new development shall be sited and designed to minimize alteration of natural landforms by:
>
> 1. Conforming to the natural topography.

2. Preventing substantial grading or reconfiguration of the project site.
3. Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.
4. Requiring that man-made contours mimic the natural contours.
5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.
6. Minimizing grading permitted outside of the building footprint.
7. Clustering structures to minimize site disturbance and to minimize development area.
8. Minimizing height and length of cut and fill slopes.
9. Minimizing the height and length of retaining walls.
10. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.

Policy CD-1.6: Fences, walls, and landscaping shall minimize blockage of scenic areas from roads, parks, beaches, and other public viewing areas.

Policy CD-1.9: Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, and shielded so that no light shines beyond the boundary of the property.

Policy CD-1.11: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

Policy CD-2.1 Design Review: All development that has the potential to affect visual resources shall be subject to Design Review, unless otherwise exempt from Design Review pursuant to Coastal Land Use & Development Code Section 18.71.050. Design Review approval requirements shall not replace, supersede or otherwise modify the independent requirement for a coastal development permit approved pursuant to the applicable policies and standards of the certified LCP. Ensure that development is constructed in a manner consistent with the Citywide Design Guidelines.

Policy CD-2.2 Large Commercial Development: Ensure that large commercial development, such as shopping centers, big box retail, and mixed use development, fits harmoniously with the scale and design of existing buildings and streetscape of the City.

Policy CD-2.7 Landscaping: Encourage attractive native and drought-tolerant landscaping in residential and commercial developments.

Policy CD-6.1 Security: Establish standards to ensure that on-site lighting is adequate to provide security while not producing excessive glare.

Policy CD-6.2 Lighting Design Guidelines: Apply lighting design guidelines contained in the Citywide Design Guidelines.

City of Fort Bragg Citywide Design Guidelines

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. The guidelines are also an integral part of the Mill Site Specific Plan, and will help guide the design and redevelopment of the western third of the city. The guidelines are less quantitative and rigid than the mandatory development standards of the Development Code, and may be interpreted with some flexibility in the application to specific projects.

The City of Fort Bragg's current Design Guidelines were initially adopted by the City Council in 2004 and were recently updated in April 2022. In 2019, the Planning Commission considered revisions to the Citywide Design Guidelines at three public meetings related to reuse of the former Mill Site. However, this document was never formally adopted by City Council. As a result of these meetings, an ad hoc committee was appointed - composed of two Councilmembers (Albin-Smith and Morsell-Haye) and two Planning Commissioners (Andreis and Rogers), to refine and update the City's Design Guidelines. This ad hoc committee met multiple times from February 2021 to February 2022. The intent was not to start "from scratch," but rather to reorganize and finalize the work done in 2019. The 2022 Citywide Design Guidelines contain standards for massing, architectural form, materials and colors, lighting, site planning, landscaping, fencing and screening, and other topics 2022.

City of Fort Bragg Coastal Land Use and Development Code

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.

Chapter 17.38, Signs, of the City's Coastal Land Use and Development Code aims to:

A. Avoid traffic safety hazards to motorists, bicyclists, and pedestrians, caused by visual distractions and obstructions;
B. Promote the aesthetic and environmental values of the community by providing for signs that do not impair the attractiveness of the City as a place to live, work, and shop;
C. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically proportioned in relation to adjacent structures and the structures to which they are attached;
D. Safeguard and protect the public health, safety, and general welfare; and
E. Advance community design standards and safety standards as set forth in the Community Design and Safety Elements of the General Plan.

Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, or signs that emit a varying intensity of light or color, except time and temperature displays (which are not considered signs), are prohibited. Additionally, 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.

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;
- 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.

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 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

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.

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.

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.

VISUAL SIMULATIONS

Visual simulations are a standardized representation of proposed projects shown in context of the surroundings. The purpose of the visual simulations for the proposed Project is to provide the community and decision makers an impartial visual representation of the proposed grocery store in neighborhood context alongside a photo of existing conditions. Visual simulations of the proposed grocery store are shown in Figures 3.1-1 through 3.1-4.

The visual simulations were created by photo collage method that combines a rendered scale model view of the proposed housing facility with a photograph of the site and context. A normal (50 millimeter planar) lens was used to photograph the site from several vantage points and the same angle of view and eye height was used in the model to create the renderings. Several ground and aerial references were placed in the scene for position and height accuracy verification.

VISUAL ANALYSIS OF SIMULATIONS

Several established design criteria exist for evaluating buildings in neighborhoods. The most fundamental visual considerations are what the Project would present to the community from a visual and social perspective (or, how the proposed design address community interests and mitigates neighborhood concerns).

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

constraints. It is desirable for buildings to face the street, and for building architecture and streetscape improvements to establish clear visual definition of the public right of way. Pedestrian scale appropriate for the area would be established with the combination of building articulation, varied roof heights, application of contrasting wood siding, wood shingles, colored concrete unit masonry, and stone exterior finish materials, fenestration (doors and windows) pattern, and scale and the use of a wood trellis at the market entry.

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.

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.

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

pedestrian level. Specific design elements employed to accomplish this include wall articulation, varied roof heights, lower gable roofs and pilasters, varied finish materials, and large divided lite windows. The increased setbacks that would be softscaped from the back of sidewalk to the building help reduce perceived building scale and help the neighborhood transition to single family homes.

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

View D: 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.

CONCLUSIONS

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.

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. (Less than Significant)

The proposed Project would be located on city streets and not along any highway. Neither of the two highways near the Project site, State Highway 1 and State Highway 20, are state scenic highways. Per Caltrans Scenic Highway System Lists, State Highway 1 and State Highway 20 are eligible state scenic highways, although they have not been designated as scenic (Caltrans, 2019). Additionally, the proposed Project would be separated from State Highway 1 by an existing hotel and gas station. Although the proposed Project would likely be visible from State Highway 1, it would only be visible behind the existing commercial development. This view is east of State Highway 1 and away from the Pacific Ocean. In addition, the existing vacant former office building slated to be demolished is not listed on any local, state, or federal historic list or registry, as it was constructed sometime between 1996 and 1998 as indicated in the Cultural Survey, prepared by Genesis Society, dated August 15, 2019.

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.

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

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.

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.

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.

Impact 3.1-4: Project implementation would not result in substantial light or glare which would adversely affect day or nighttime views in the area. (Less than Significant)

The Project site is currently mostly developed and contains one vacant building with associated parking. Existing lighting at the Project site includes exterior building lighting, interior building lighting, and street lighting. There is a potential for the proposed Project to create new sources of light and glare, although the amount of light and glare would likely be similar to the existing conditions in the immediate vicinity of the Project site. Examples of lighting would include construction lighting, exterior building lighting, interior building lighting, and automobile lighting. Examples of glare would include reflective building materials and automobiles.

The proposed Project has the potential to increase light and glare and impact nighttime views as compared to existing conditions, as the Project site's current development consists of a former office

building that has been vacant since 2010. A six-foot illuminated monument sign on the southeast corner of the Project site is proposed, in addition to an 83.3 sf illuminated channel sign located on the sign parapet along the front elevation of the retail store. 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.

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 Project would be subject to the 2022 Citywide Design Guidelines, which contain standards for lighting. 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 would be reviewed to ensure spillover lighting onto adjacent properties would be minimized.

Vehicle parking would occur along the perimeter of the Project site and could create new sources of glare. However, parked vehicles within the Project site would be screened from view by the proposed landscaping, proposed building, and existing adjacent building to the west of the site. The proposed driveway exit is located opposite vacant land that is designated for future commercial development. Thus, significant impacts from the potential glare from parked vehicles within the site are not anticipated.

The following materials are proposed on the exterior walls of the proposed grocery store building: smooth face concrete masonry units, Hardie Board composite wood paneling and half round “fish scale” paneling, wood roof shingles, and cultured stone (country ledgestone). These finishing types typically do not induce significant glare impacts. Windows would remain clear glass for lighting a view out. 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. Windows traditionally have the highest potential of resulting in glare impacts.

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.

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

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 3.1-1.
Visual Simulation View A

CAMERA LOCATION

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

Source: Carl M. Maxey, AICP, Architect, July 15, 2022. Map date: July 22, 2022.

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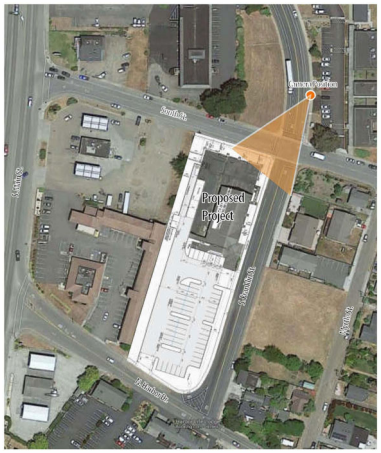
FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 3.1-2.
Visual Simulation View B

CAMERA LOCATION



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

Source: Carl M. Maxey, AICP, Architect, July 15, 2022. Map date: July 22, 2022.

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A Land Use Planning, Design, and Environmental Firm

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FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 3.1-3.
Visual Simulation View C

CAMERA LOCATION

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

Source: Carl M. Maxey, AICP, Architect, July 15, 2022. Map date: July 22, 2022.

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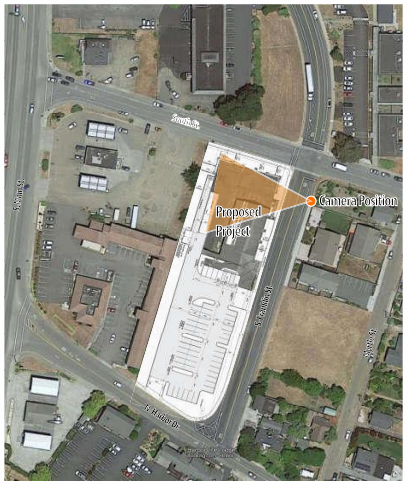
FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 3.1-4.
Visual Simulation View D

CAMERA LOCATION



Field of View: 46 degrees (Zeiss 50/f1.4 Planar lens)
View Origin and Direction shown above
Shadows: 2:30 PM 23 June 2022
5.5 Ft. Eye Height above Sidewalk

Source: Carl M. Maxey, AICP, Architect, July 15, 2022. Map date: July 22, 2022.

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This section describes the regional air quality, current attainment status of the air basin, local sensitive receptors, emission sources, 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 to urban uses. Following this discussion is an assessment of consistency of the proposed Project with applicable policies and local plans. The Greenhouse Gases and Climate Change analysis is located in a separate section of this document. This section is based in part on the following technical studies: *Air Quality and Land Use Handbook: A Community Health Perspective* (California Air Resources Board [CARB], 2007), *Mendocino County Air Quality Management District – Adopted Air Quality CEQA Thresholds of Significance- June 2, 2010* and CalEEMod *(v.2020.4.0)*.

One comment was received during the public review period for the Notice of Preparation regarding this topic from Leslie Kashiwada (June 20, 2022). The portion of this comment related to this topic is addressed within this section. Full comments received are included in Appendix A.

3.2.1 ENVIRONMENTAL SETTING

Air quality in a region is determined by its topography, meteorology, and existing air pollutant sources. These factors are discussed below, along with the current regulatory structure that applies to the Mendocino County Air Quality Management District (MCAQMD), which encompasses the Project Site, pursuant to the regulatory authority of the MCAQMD.

Ambient air quality is commonly characterized by climate conditions, the meteorological influences on air quality, and the quantity and type of pollutants released. The air basin is subject to a combination of topographical and climatic factors that reduce the potential for high levels of regional and local air pollutants. The following section describes the pertinent characteristics of the air basin and provides an overview of the physical conditions affecting pollutant dispersion in the Project Area.

The California Air Resources Board (CARB) divides the state into air basins that share similar meteorological and topographical features. Mendocino County lies in the North Coast Air Basin (NCAB), which includes Del Norte, Humboldt, Trinity, Mendocino, and northern Sonoma counties. Mendocino County lies entirely within the Coast Range Geomorphic Province of California with a western limit marked by the Pacific Ocean. The province is characterized by a series of northwest-trending mountain ranges and intervening canyons or valleys. The eastern portion of Mendocino County is characterized by warm, dry summers and cool, wet winters. While the Pacific Ocean moderates temperature, maritime influences in the eastern valleys are lower. Climate becomes more continental due to the distance from the ocean and the mountain ridges that block the inland flow of marine air.

Prevailing winds are from the northwest, with local variations due to topography. During daylight hours, up-canyon local winds predominate. In the evening hours, down-canyon winds along watercourses predominate. The entire county is affected by inversion layers, where warm air overlays cooler air. Inversion layers trap pollutants close to the ground. In the winter, these

pollutant-trapping, ground-based inversions are formed during windless, clear-sky conditions because cold air collects in low-lying areas such as valleys and canyons. Mendocino County has a high frequency of both ground-based and elevated inversions. During the winter months, strong inversions that persist for several days at a time are common.

Both the U.S. Environmental Protection Agency (USEPA) and the CARB have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants representing safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. The six criteria pollutants are O_3 (precursor emissions include nitrogen oxide [NOx] and reactive organic gases [ROG]), carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and lead. Areas that meet ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as nonattainment areas. The Mendocino County portion of the NCAB is designated as nonattainment for the state standards of PM_{10} and is in attainment or unclassified for state and federal standards for all other air quality emissions (CARB 2019). Further detail on these criteria pollutants is discussed below.

The MCAQMD's primary responsibility is ensuring that the federal and state ambient air quality standards are attained and maintained in the NCAB. The MCAQMD is responsible for permitting and inspection of stationary sources, enforcement of regulations (including setting fees, levying fines, and enforcement actions), and ensuring that public nuisances are minimized. MCAQMD Regulation 4, Particulate Matter Reduction Measures, would apply to construction operations for the Project. This Regulation contains general limitations associated with air emission source operations including those relating to public nuisance, visible emissions, particulate matter emissions, and fugitive dust.

CRITERIA POLLUTANTS

All criteria pollutants can have human health and environmental effects at certain concentrations. The United States Environmental Protection Agency (U.S. EPA) uses six "criteria pollutants" as indicators of air quality and has established for each of them a maximum concentration above which adverse effects on human health may occur. These threshold concentrations are called National Ambient Air Quality Standards (NAAQS). In addition, California establishes ambient air quality standards, called California Ambient Air Quality Standards (CAAQS). California law does not require that the CAAQS be met by a specified date as is the case with NAAQS.

The ambient air quality standards for the six criteria pollutants (as shown in Table 3.2-1) are set to public health and the environment within an adequate margin of safety (as provided under Section 109 of the Federal Clean Air Act). Epidemiological, controlled human exposure, and toxicology studies evaluate potential health and environmental effects of criteria pollutants, and form the scientific basis for new and revised ambient air quality standards. Principal characteristics and possible health and environmental effects from exposure to the six primary criteria pollutants generated by the Project are discussed below.

Ozone (O_3) is a photochemical oxidant and the major component of smog. While O_3 in the upper atmosphere is beneficial to life by shielding the earth from harmful ultraviolet radiation from the sun, high concentrations of O_3 at ground level are a major health and environmental concern. O_3 is not emitted directly into the air but is formed through complex chemical reactions between precursor emissions of volatile organic compounds (ROG) and oxides of nitrogen (NO_x) in the presence of sunlight. These reactions are stimulated by sunlight and temperature so that peak O_3 levels occur typically during the warmer times of the year. Both ROGs and NO_x are emitted by transportation and industrial sources. ROGs are emitted from sources as diverse as autos, chemical manufacturing, dry cleaners, paint shops and other sources using solvents. Relatedly, reactive organic compounds (ROG) are defined as the subset of ROGs that are reactive enough to contribute substantially to atmospheric photochemistry.

The reactivity of O_3 causes health problems because it damages lung tissue, reduces lung function and sensitizes the lungs to other irritants. Scientific evidence indicates that ambient levels of O_3 not only affect people with impaired respiratory systems, such as asthmatics, but healthy adults and children as well. Exposure to O_3 for several hours at relatively low concentrations has been found to significantly reduce lung function and induce respiratory inflammation in normal, healthy people during exercise. This decrease in lung function generally is accompanied by symptoms including chest pain, coughing, sneezing and pulmonary congestion.

Studies show associations between short-term ozone exposure and non-accidental mortality, including deaths from respiratory issues. Studies also suggest long-term exposure to ozone may increase the risk of respiratory-related deaths (U.S. EPA, 2019a). The concentration of ozone at which health effects are observed depends on an individual's sensitivity, level of exertion (i.e., breathing rate), and duration of exposure. Studies show large individual differences in the intensity of symptomatic responses, with one study finding no symptoms to the least responsive individual after a 2-hour exposure to 400 parts per billion of ozone and a 50 percent decrement in forced airway volume in the most responsive individual. Although the results vary, evidence suggest that sensitive populations (e.g., asthmatics) may be affected on days when the 8-hour maximum ozone concentration reaches 80 parts per billion (U.S. EPA, 2019b). The average background level of ozone in California and Nevada is approximately 48.3 parts per billion, which represents approximately 77 percent of the total ozone in the western region of the U.S. (NASA, 2015).

In addition to human health effect, ozone has been tied to crop damage, typically in the form of stunted growth, leaf discoloration, cell damage, and premature death. O_3 can also act as a corrosive and oxidant, resulting in property damage such as the degradation of rubber products and other materials.

Carbon monoxide (CO) is a colorless, odorless and poisonous gas produced by incomplete burning of carbon in fuels. Carbon monoxide is harmful because it binds to hemoglobin in the blood, reducing the ability of blood to carry oxygen. This interferes with oxygen delivery to the body's organs. The most common effects of CO exposure are fatigue, headaches, confusion, and dizziness due to inadequate oxygen delivery to the brain. For people with cardiovascular disease, short-term CO exposure can further reduce their body's already compromised ability to respond to the increased oxygen demands of exercise, exertion, or stress. Inadequate oxygen delivery to the heart muscle

leads to chest pain and decreased exercise tolerance. Unborn babies whose mothers experience high levels of CO exposure during pregnancy are at risk of adverse developmental effects. Exposure to CO at high concentrations can also cause fatigue, headaches, confusion, dizziness, and chest pain. There are no ecological or environmental effects to ambient CO (CARB, 2019a).

Very high levels of CO are not likely to occur outdoors. However, when CO levels are elevated outdoors, they can be of particular concern for people with some types of heart disease. These people already have a reduced ability for getting oxygenated blood to their hearts in situations where the heart needs more oxygen than usual. They are especially vulnerable to the effects of CO when exercising or under increased stress. In these situations, short-term exposure to elevated CO may result in reduced oxygen to the heart accompanied by chest pain also known as angina (U.S. EPA, 2016). Such acute effects may occur under current ambient conditions for some sensitive individuals, while increases in ambient CO levels increases the risk of such incidences.

Nitrogen oxides (NO_x) is a brownish, highly reactive gas that is present in all urban atmospheres. The main effect of increased NO_2 is the increased likelihood of respiratory problems. Under ambient conditions, NO_2 can irritate the lungs, cause bronchitis and pneumonia, and lower resistance to respiratory infections. Nitrogen oxides are an important precursor both to ozone (O_3) and acid rain and may affect both terrestrial and aquatic ecosystems. Longer exposures to elevated concentrations of NO_2 may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma, as well as children and the elderly are generally at greater risk for the health effects of NO_2.

The major mechanism for the formation of NO_2 in the atmosphere is the oxidation of the primary air pollutant nitric oxide (NO_x). NO_x plays a major role, together with ROGs, in the atmospheric reactions that produce O_3. NO_x forms when fuel is burned at high temperatures. The two major emission sources are transportation and stationary fuel combustion sources such as electric utility and industrial boilers.

Sulfur dioxide (SO_2) is one of the multiple gaseous oxidized sulfur species and is formed during the combustion of fuels containing sulfur, primarily coal and oil. The largest anthropogenic source of SO_2 emissions in the U.S. is fossil fuel combustion at electric utilities and other industrial facilities. SO_2 is also emitted from certain manufacturing processes and mobile sources, including locomotives, large ships, and construction equipment.

SO_2 affects breathing and may aggravate existing respiratory and cardiovascular disease in high doses. Sensitive populations include asthmatics, individuals with bronchitis or emphysema, children and the elderly. SO_2 is also a primary contributor to acid deposition, or acid rain, which causes acidification of lakes and streams and can damage trees, crops, historic buildings and statues. In addition, sulfur compounds in the air contribute to visibility impairment in large parts of the country. This is especially noticeable in national parks. Ambient SO_2 results largely from stationary sources such as coal and oil combustion, steel mills, refineries, pulp and paper mills and from nonferrous smelters.

Short-term exposure to ambient SO_2 has been associated with various adverse health effects. Multiple human clinical studies, epidemiological studies, and toxicological studies support a causal relationship between short-term exposure to ambient SO_2 and respiratory morbidity. The observed health effects include decreased lung function, respiratory symptoms, and increased emergency department visits and hospitalizations for all respiratory causes. These studies further suggest that people with asthma are potentially susceptible or vulnerable to these health effects. In addition, SO_2 reacts with other air pollutants to form sulfate particles, which are constituents of fine particulate matter ($PM_{2.5}$). Inhalation exposure to $PM_{2.5}$ has been associated with various cardiovascular and respiratory health effects (U.S. EPA, 2017). Increased ambient SO_2 levels would lead to increased risk of such effects.

SO_2 emissions that lead to high concentrations of SO_2 in the air generally also lead to the formation of other sulfur oxides (SOx). SOx can react with other compounds in the atmosphere to form small particles. These particles contribute to particulate matter (PM) pollution. Small particles may penetrate deeply into the lungs and in sufficient quantity can contribute to health problems.

Particulate matter (PM) includes dust, dirt, soot, smoke and liquid droplets directly emitted into the air by sources such as factories, power plants, cars, construction activity, fires and natural windblown dust. Particles formed in the atmosphere by condensation or the transformation of emitted gases such as SO_2 and ROGs are also considered particulate matter. PM is generally categorized based on the diameter of the particulate matter: PM_{10} is particulate matter 10 micrometers or less in diameter (known as respirable particulate matte*r*), and $PM_{2.5}$ is particulate matter 2.5 micrometers or less in diameter (known as fine particulate matter).

Based on studies of human populations exposed to high concentrations of particles (sometimes in the presence of SO_2) and laboratory studies of animals and humans, there are major effects of concern for human health. These include effects on breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular disease, alterations in the body's defense systems against foreign materials, damage to lung tissue, carcinogenesis and premature death. Small particulate pollution causes health impacts even at very low concentrations – indeed no threshold has been identified below which no damage to health is observed.

Respirable particulate matter (PM_{10}) consists of small particles, less than 10 microns in diameter, of dust, smoke, or droplets of liquid which penetrate the human respiratory system and cause irritation by themselves, or in combination with other gases. Particulate matter is caused primarily by dust from grading and excavation activities, from agricultural activities (as created by soil preparation activities, fertilizer and pesticide spraying, weed burning and animal husbandry), and from motor vehicles, particularly diesel-powered vehicles. PM_{10} causes a greater health risk than larger particles, since these fine particles can more easily penetrate the defenses of the human respiratory system.

$PM_{2.5}$ consists of fine particles, which are less than 2.5 microns in size. Similar to PM_{10}, these particles are primarily the result of combustion in motor vehicles, particularly diesel engines, as well as from industrial sources and residential/agricultural activities such as burning. It is also formed through the reaction of other pollutants. As with PM_{10}, these particulates can increase the chance of

respiratory disease, and cause lung damage and cancer. In 1997, the U.S. EPA created new Federal air quality standards for $PM_{2.5}$.

The major subgroups of the population that appear to be most sensitive to the effects of particulate matter include individuals with chronic obstructive pulmonary or cardiovascular disease or influenza, asthmatics, the elderly and children. Particulate matter also impacts soils and damages materials and is a major cause of visibility impairment.

Numerous studies have linked PM exposure to premature death in people with preexisting heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lunch function, and increased respiratory symptoms. Studies show that every 1 microgram per cubic meter reduction in $PM_{2.5}$ results in a one percent reduction in mortality rate for individuals over 30 years old (Bay Area Air Quality Management District, 2017). Long-term exposures, such as those experienced by people living for many years in areas with high particle levels, have been associated with problems such as reduced lung function and the development of chronic bronchitis – and even premature death. Additionally, depending on its composition, both PM_{10} and $PM_{2.5}$ can also affect water quality and acidity, deplete soil nutrients, damage sensitive forests and crops, affect ecosystem diversity, and contribute to acid rain (U.S. EPA, 2019c).

Lead (Pb) exposure can occur through multiple pathways, including inhalation of air and ingestion of Pb in food, water, soil or dust. Once taken into the body, lead distributes throughout the body in the blood and is accumulated in the bones. Depending on the level of exposure, lead can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system. Lead exposure also affects the oxygen carrying capacity of the blood. Excessive Pb exposure can cause seizures, mental retardation and/or behavioral disorders. Low doses of Pb can lead to central nervous system damage. Recent studies have also shown that Pb may be a factor in high blood pressure and subsequent heart disease.

Lead is persistent in the environment and can be added to soils and sediments through deposition from sources of lead air pollution. Other sources of lead to ecosystems include direct discharge of waste streams to water bodies and mining. Elevated lead in the environment can result in decreased growth and reproductive rates in plants and animals, and neurological effects in vertebrates.

Lead exposure is typically associated with industrial sources; major sources of lead in the air are ore and metals processing and piston-engine aircraft operating on leaded aviation fuel. Other sources are waste incinerators, utilities, and lead-acid battery manufacturers. The highest air concentrations of lead are usually found near lead smelters. As a result of the U.S. EPA's regulatory efforts, including the removal of lead from motor vehicle gasoline, levels of lead in the air decreased by 98 percent between 1980 and 2014 (U.S. EPA, 2019d). Based on this reduction of lead in the air over this period, and since most new developments do not generate an increase in lead exposure, the health impacts of ambient lead levels are not typically monitored by the California Air Resources Board (CARB).

AMBIENT AIR QUALITY STANDARDS

Both the U.S. EPA and the CARB have established ambient air quality standards for common pollutants. These ambient air quality standards represent safe levels of contaminants that avoid specific adverse health effects associated with each pollutant.

The federal and State ambient air quality standards are summarized in Table 3.2-1 for important pollutants. The federal and State ambient standards were developed independently, although both processes attempted to avoid health-related effects. As a result, the federal and State standards differ in some cases. In general, the California standards are more stringent. This is particularly true for ozone, $PM_{2.5}$, and PM_{10}. The U.S. EPA signed a final rule for the federal ozone eight-hour standard of 0.070 ppm on October 1, 2015, and was effective as of December 28, 2015 (equivalent to the California state ambient air quality eight-hour standard for ozone).

In 1997, new national standards for fine particulate matter diameter 2.5 microns or less ($PM_{2.5}$) were adopted for 24-hour and annual averaging periods. The existing PM_{10} standards were retained, but the method and form for determining compliance with the standards were revised.

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TACs) are another group of pollutants of concern. TACs are injurious in small quantities and are regulated despite the absence of criteria documents. The identification, regulation, and monitoring of TACs is relatively recent compared to that for criteria pollutants. Unlike criteria pollutants, TACs are regulated on the basis of risk rather than specification of safe levels of contamination.

TABLE 3.2-1: FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS

POLLUTANT	*AVERAGING TIME*	*FEDERAL PRIMARY STANDARD*	*STATE STANDARD*
Ozone	1-Hour 8-Hour	-- 0.070 ppm	0.090 ppm 0.070 ppm
Carbon Monoxide	8-Hour 1-Hour	9.0 ppm 35.0 ppm	9.0 ppm 20.0 ppm
Nitrogen Dioxide	Annual 1-Hour	0.053 ppm 0.100 ppm	0.03 ppm 0.18 ppm
Sulfur Dioxide	Annual 24-Hour 1-Hour	0.030 ppm 0.140 ppm 0.075 ppm	-- 0.04 ppm 0.25 ppm
PM_{10}	Annual 24-Hour	-- 150 ug/m^3	20 ug/m^3 50 ug/m^3
$PM_{2.5}$	Annual 24-Hour	12 ug/m^3 35 ug/m^3	12 ug/m^3 --
Lead	30-Day Avg. 3-Month Avg.	-- 0.15 ug/m^3	1.5 ug/m^3 --

NOTES: PPM = PARTS PER MILLION, UG/M^3 = MICROGRAMS PER CUBIC METER

SOURCE: CALIFORNIA AIR RESOURCES BOARD, 2019B.

Existing air quality concerns within Mendocino County and the entire air basin are related to increases of regional criteria air pollutants (e.g., ozone and particulate matter), exposure to toxic air contaminants, odors, and increases in greenhouse gas emissions contributing to climate change. The primary source of ozone (smog) pollution is motor vehicles which account for 70 percent of the

ozone in the region. Particulate matter is caused by dust, primarily dust generated from construction and grading activities, and smoke which is emitted from fireplaces, wood-burning stoves, and agricultural burning.

Attainment Status

In accordance with the California Clean Air Act (CCAA), the CARB is required to designate areas of the State as attainment, nonattainment, or unclassified with respect to applicable standards. An "attainment" designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A "nonattainment" designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria.

Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An "unclassified" designation signifies that the data do not support either an attainment or nonattainment status. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The U.S. EPA designates areas for ozone, carbon monoxide, and nitrogen dioxide as "does not meet the primary standards," "cannot be classified," or "better than national standards." For sulfur dioxide, areas are designated as "does not meet the primary standards," "does not meet the secondary standards," "cannot be classified," or "better than national standards." However, the CARB terminology of attainment, nonattainment, and unclassified is more frequently used.

Mendocino County has a State designation Attainment or Unclassified for all criteria pollutants except for PM_{10}. Mendocino County has a national designation of either Unclassified or Attainment for all criteria pollutants. Table 3.2-2 presents the state and nation attainment status for Mendocino County.

TABLE 3.2-2: STATE AND NATIONAL ATTAINMENT STATUS IN MENDOCINO COUNTY

CRITERIA POLLUTANTS	*STATE DESIGNATIONS*	*NATIONAL DESIGNATIONS*
Ozone (O_3)	Attainment	Unclassified/Attainment
PM_{10}	Nonattainment	Unclassified
$PM_{2.5}$	Attainment	Unclassified/Attainment
Carbon Monoxide (CO)	Attainment	Unclassified/Attainment
Nitrogen Dioxide (NO_2)	Attainment	Unclassified/Attainment
Sulfur Dioxide (SO_2)	Attainment	Unclassified/Attainment
Sulfates	Attainment	
Lead	Attainment	Unclassified/Attainment
Hydrogen Sulfide	Unclassified	
Visibility Reducing Particles	Unclassified	

SOURCE: CALIFORNIA AIR RESOURCES BOARD, 2022.

Mendocino County Air Quality Monitoring

The MCAQMD and the CARB maintain air quality monitoring sites throughout Mendocino County that collect data for ozone and $PM_{2.5}$. In addition, air quality monitoring sites for PM_{10} are located throughout the North Coast Air Basin (though not in Mendocino County). It is important to note that while the State retains the one-hour standard, the federal ozone 1-hour standard was revoked by the U.S. EPA and is no longer applicable for federal standards. Best available data obtained from the monitoring sites between 2018 and 2020 (latest year of data available) is shown in Table 3.2-3, Table 3.2-4, and Table 3.2-5.

TABLE 3.2-3 AMBIENT AIR QUALITY MONITORING DATA SUMMARY (MENDOCINO COUNTY) - OZONE

YEAR	DAYS > STANDARD				1-HOUR OBSERVATIONS			8-HOUR AVERAGES				YEAR COVERAGE	
	STATE		NATIONAL			STATE	NAT'L	STATE		NATIONAL			
	1-HR	8-HR	1-HR	8-HR	MAX.	D.V.[1]	D.V.[2]	MAX.	D.V.[1]	MAX.	D.V.[2]	MIN	MAX
2020	0	0	0	0	0.088	0.07	0.075	0.062	0.062	0.062	0.054	98	98
2019	0	0	0	0	0.062	0.07	0.070	0.055	0.060	0.054	0.053	95	95
2018	0	0	0	0	0.075	0.07	0.070	0.060	0.059	0.060	0.052	99	99

NOTES: ALL CONCENTRATIONS EXPRESSED IN PARTS PER MILLION. THE NATIONAL 1-HOUR OZONE STANDARD WAS REVOKED IN JUNE 2005 AND IS NO LONGER IN EFFECT. STATISTICS RELATED TO THE REVOKED STANDARD ARE SHOWN IN ITALICS. D.V. [1]= STATE DESIGNATION VALUE. D.V. [2]= NATIONAL DESIGN VALUE.

SOURCE: CALIFORNIA AIR RESOURCES BOARD (AEROMETRIC DATA ANALYSIS AND MANAGEMENT SYSTEM OR IADAM) AIR POLLUTION SUMMARIES.

TABLE 3.2-4: AMBIENT AIR QUALITY MONITORING DATA SUMMARY (NORTH COAST AIR BASIN) – PM_{10}

YEAR	EST. DAYS > STD.		ANNUAL AVERAGE		HIGH 24-HR AVERAGE		YEAR COVERAGE
	NAT'L	STATE	NAT'L	STATE	NAT'L	STATE	
2020	2.1	6.4	21.3	16.3	189.8	196.2	0 - 0
2019	0.0	1.0	15.1	13.0	85.6	86.6	0 – 0
2018	2.1	13.5	18.6	19.3	259.1	278.6	0 – 0

NOTES: THE NATIONAL ANNUAL AVERAGE PM_{10} STANDARD WAS REVOKED IN DECEMBER 2006 AND IS NO LONGER IN EFFECT. AN EXCEEDANCE IS NOT NECESSARILY A VIOLATION. STATISTICS MAY INCLUDE DATA THAT ARE RELATED TO AN EXCEPTIONAL EVENT. STATE AND NATIONAL STATISTICS MAY DIFFER FOR THE FOLLOWING REASONS: STATE STATISTICS ARE BASED ON CALIFORNIA APPROVED SAMPLERS, WHEREAS NATIONAL STATISTICS ARE BASED ON SAMPLERS USING FEDERAL REFERENCE OR EQUIVALENT METHODS. STATE AND NATIONAL STATISTICS MAY THEREFORE BE BASED ON DIFFERENT SAMPLERS. NATIONAL STATISTICS ARE BASED ON STANDARD CONDITIONS. STATE CRITERIA FOR ENSURING THAT DATA ARE SUFFICIENTLY COMPLETE FOR CALCULATING VALID ANNUAL AVERAGES ARE MORE STRINGENT THAN THE NATIONAL CRITERIA. ND=THERE WAS INSUFFICIENT (OR NO) DATA AVAILABLE TO DETERMINE THE VALUE.

SOURCE: CALIFORNIA AIR RESOURCES BOARD (AEROMETRIC DATA ANALYSIS AND MANAGEMENT SYSTEM OR IADAM) AIR POLLUTION SUMMARIES.

TABLE 3.2-5 AMBIENT AIR QUALITY MONITORING DATA SUMMARY (MENDOCINO COUNTY) - $PM_{2.5}$

YEAR	EST. DAYS > NAT'L '06 STD.	ANNUAL AVERAGE		NAT'L ANN. STD. D.V.[1]	STATE ANNUAL D.V.[2]	NAT'L '06 STD. 98TH PERCENTILE	NAT'L '06 24-HR STD. D.V.[1]	HIGH 24-HOUR AVERAGE		YEAR COVERAGE	
		NAT'L	STATE					NAT'L	STATE	MIN	MAX
2020	21.0	12.4	12.8	9.2	13	62.2	46	433.8	433.8	100	100
2019	0.0	6.0	6.0	8.9	11	15.9	36	24.7	24.7	98	99
2018	20.3	11.3	11.4	9.1	11	59.5	36	263.2	263.2	99	99

NOTES: ALL CONCENTRATIONS EXPRESSED IN PARTS PER MILLION. STATE AND NATIONAL STATISTICS MAY DIFFER FOR THE FOLLOWING REASONS: STATE STATISTICS ARE BASED ON CALIFORNIA APPROVED SAMPLERS, WHEREAS NATIONAL STATISTICS ARE BASED ON SAMPLERS USING FEDERAL REFERENCE OR EQUIVALENT METHODS. STATE AND NATIONAL STATISTICS MAY THEREFORE BE BASED ON DIFFERENT SAMPLERS. STATE CRITERIA FOR ENSURING THAT

DATA ARE SUFFICIENTLY COMPLETE FOR CALCULATING VALID ANNUAL AVERAGES ARE MORE STRINGENT THAN THE NATIONAL CRITERIA. D.V. [1] = STATE DESIGNATION VALUE. D.V. [2]= NATIONAL DESIGN VALUE
SOURCE: CALIFORNIA AIR RESOURCES BOARD (AEROMETRIC DATA ANALYSIS AND MANAGEMENT SYSTEM OR IADAM) AIR POLLUTION SUMMARIES.

ODORS

Typically, odors are regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

With respect to odors, the human nose is the sole sensing device. The ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals have the ability to smell minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; in fact, an odor that is offensive to one person (e.g., from a fast-food restaurant) may be perfectly acceptable to another.

It is also important to note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity.

Quality and intensity are two properties present in any odor. The quality of an odor indicates the nature of the smell experience. For instance, if a person describes an odor as flowery or sweet, then the person is describing the quality of the odor. Intensity refers to the strength of the odor. For example, a person may use the word "strong" to describe the intensity of an odor. Odor intensity depends on the odorant concentration in the air.

When an odorous sample is progressively diluted, the odorant concentration decreases. As this occurs, the odor intensity weakens and eventually becomes so low that the detection or recognition of the odor is quite difficult. At some point during dilution, the concentration of the odorant reaches a detection threshold. An odorant concentration below the detection threshold means that the concentration in the air is not detectable by the average human.

SENSITIVE RECEPTORS

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiorespiratory diseases. A sensitive receptor is a location where human populations, especially children, seniors, and sick persons, are present and where there is a reasonable expectation of continuous human exposure to pollutants. Examples of sensitive receptors include residences, hospitals, and schools. The closest sensitive receptors to the Project site include existing residences located directly east of the Project site.

3.2.2 REGULATORY SETTING

FEDERAL

Clean Air Act

The Federal Clean Air Act (FCAA) was first signed into law in 1970. In 1977, and again in 1990, the law was substantially amended. The FCAA is the foundation for a national air pollution control effort, and it is composed of the following basic elements: NAAQS for criteria air pollutants, hazardous air pollutant standards, state attainment plans, motor vehicle emissions standards, stationary source emissions standards and permits, acid rain control measures, stratospheric ozone protection, and enforcement provisions.

The U.S. EPA is responsible for administering the FCAA. The FCAA requires the U.S. EPA to set NAAQS for several problem air pollutants based on human health and welfare criteria. Two types of NAAQS were established: primary standards, which protect public health (with an adequate margin of safety, including for sensitive populations such as children, the elderly, and individuals suffering from respiratory diseases), and secondary standards, which protect the public welfare from non-health-related adverse effects such as visibility reduction.

NAAQS standards define clean air and represent the maximum amount of pollution that can be present in outdoor air without any harmful effects on people and the environment. Existing violations of the ozone and $PM_{2.5}$ ambient air quality standards indicate that certain individuals exposed to these pollutants may experience certain health effects, including increased incidence of cardiovascular and respiratory ailments.

NAAQS standards have been designed to accurately reflect the latest scientific knowledge and are reviewed every five years by a Clean Air Scientific Advisory Committee (CASAC), consisting of seven members appointed by the U.S. EPA administrator. Reviewing NAAQS is a lengthy undertaking and includes the following major phases: Planning, Integrated Science Assessment (ISA), Risk/Exposure Assessment (REA), Policy Assessment (PA), and Rulemaking. The process starts with a comprehensive review of the relevant scientific literature. The literature is summarized and conclusions are presented in the ISA. Based on the ISA, U.S. EPA staff perform a risk and exposure assessment, which is summarized in the REA document. The third document, the PA, integrates the findings and conclusions of the ISA and REA into a policy context, and provides lines of reasoning that could be used to support retention or revision of the existing NAAQS, as well as several alternative standards that could be supported by the review findings. Each of these three documents is released for public comment and public peer review by the CASAC. Members of CASAC are appointed for their expertise in one or more of the subject areas covered in the ISA. The CASAC's role is to peer review the NAAQS documents, ensure that they reflect the thinking of the scientific community, and advise the Administrator on the technical and scientific aspects of standard setting. Each document goes through two to three drafts before CASAC deems it to be final.

Although there is some variability among the health effects of the NAAQS pollutants, each has been linked to multiple adverse health effects including, among others, premature death, hospitalizations

and emergency department visits for exacerbated chronic disease, and increased symptoms such as coughing and wheezing. NAAQS standards were last revised for each of the six criteria pollutant as listed below, with detail on what aspects of NAAQS changed during the most recent update:

- Ozone: On October 1, 2015, the U.S. EPA lowered the national eight-hour standard from 0.075 ppm to 0.070 ppm, providing for a more stringent standards consistent with the current California state standard.
- CO: In 2011, the primary standards were retained from the original 1971 level, without revision. The secondary standards were revoked in 1985.
- NO_2: The national NO_2 standard was most recently revised in 2010 following an exhaustive review of new literature that pointed to evidence for adverse effects in asthmatics at lower NO_2 concentrations than the existing national standard.
- SO_2: On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99^{th} percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb.
- PM: the national annual average $PM_{2.5}$ standard was most recently revised in 2012 following an exhaustive review of new literature pointed to evidence for increased risk of premature mortality at lower $PM_{2.5}$ concentrations than the existing standard.
- Lead: The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. In 2016, the primary and secondary standards were retained.

The law recognizes the importance for each state to locally carry out the requirements of the FCAA, as special consideration of local industries, geography, housing patterns, etc. are needed to have full comprehension of the local pollution control problems. As a result, the U.S. EPA requires each state to develop a State Implementation Plan (SIP) that explains how each state will implement the FCAA within their jurisdiction. A SIP is a collection of rules and regulations that a particular state will implement to control air quality within their jurisdiction. The CARB is the state agency that is responsible for preparing the California SIP.

Transportation Control Measures

One particular aspect of the SIP development process is the consideration of potential control measures as a part of making progress towards clean air goals. While most SIP control measures are aimed at reducing emissions from stationary sources, some are typically also created to address mobile or transportation sources. These are known as transportation control measures (TCMs). TCM strategies are designed to reduce vehicle miles traveled and trips, or vehicle idling and associated air pollution. These goals are achieved by developing attractive and convenient alternatives to single-occupant vehicle use. Examples of TCMs include ridesharing programs, transportation infrastructure improvements such as adding bicycle and carpool lanes, and expansion of public transit.

STATE

CARB Mobile-Source Regulation

The State of California is responsible for controlling emissions from the operation of motor vehicles in the State. Rather than mandating the use of specific technology or the reliance on a specific fuel, the CARB motor vehicle standards specify the allowable grams of pollution per mile driven. In other words, the regulations focus on the reductions needed rather than on the manner in which they are achieved. Towards this end, the CARB has adopted regulations which require auto manufacturers to phase in less polluting vehicles.

California Clean Air Act

The California Clean Air Act (CCAA) was first signed into law in 1988. The CCAA provides a comprehensive framework for air quality planning and regulation, and spells out, in statute, the state's air quality goals, planning and regulatory strategies, and performance. The CARB is the agency responsible for administering the CCAA. The CARB established ambient air quality standards pursuant to the California Health and Safety Code (CH&SC) [§39606(b)], which are similar to the federal standards.

California Air Quality Standards

Although NAAQS are determined by the U.S. EPA, states have the ability to set standards that are more stringent than the federal standards. As such, California established more stringent ambient air quality standards. Federal and state ambient air quality standards have been established for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulates and lead. In addition, California has created standards for pollutants that are not covered by federal standards. Although there is some variability among the health effects of the CAAQS pollutants, each has been linked to multiple adverse health effects including, among others, premature death, hospitalizations and emergency department visits for exacerbated chronic disease, and increased symptoms such as coughing and wheezing. The existing state and federal primary standards for major pollutants are shown in Table 3.2-1.

Air quality standard setting in California commences with a critical review of all relevant peer reviewed scientific literature. The Office of Environmental Health Hazard Assessment (OEHHA) uses the review of health literature to develop a recommendation for the standard. The recommendation can be for no change, or can recommend a new standard. The review, including the OEHHA recommendation, is summarized in a document called the draft Initial Statement of Reasons (ISOR), which is released for comment by the public, and also for public peer review by the Air Quality Advisory Committee (AQAC). AQAC members are appointed by the President of the University of California for their expertise in the range of subjects covered in the ISOR, including health, exposure, air quality monitoring, atmospheric chemistry and physics, and effects on plants, trees, materials, and ecosystems. The Committee provides written comments on the draft ISOR. The ARB staff next revises the ISOR based on comments from AQAC and the public. The revised ISOR is then released for a 45-day public comment period prior to consideration by the Board at a regularly scheduled Board hearing.

In June of 2002, the CARB adopted revisions to the PM_{10} standard and established a new $PM_{2.5}$ annual standard. The new standards became effective in June 2003. Subsequently, staff reviewed the published scientific literature on ground-level ozone and nitrogen dioxide and the CARB adopted revisions to the standards for these two pollutants. Revised standards for ozone and nitrogen dioxide went into effect on May 17, 2006 and March 20, 2008, respectively. These revisions reflect the most recent changes to the CAAQS.

Tanner Air Toxics Act (TACs)

California regulates TACs primarily through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). The Tanner Act sets forth a formal procedure for CARB to designate substances as TACs. This includes research, public participation, and scientific peer review before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and has adopted U.S. EPA's list of hazardous air pollutants (HAPs) as TACs. Most recently, diesel PM was added to the CARB list of TACs. Once a TAC is identified, CARB then adopts an Airborne Toxics Control Measure (ATCM) for sources that emit that particular TAC. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate Best Available Control Technologies (BACT) to minimize emissions.

AB 2588 requires that existing facilities that emit toxic substances above a specified level prepare a toxic-emission inventory, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures. CARB has adopted diesel exhaust control measures and more stringent emission standards for various on-road mobile sources of emissions, including transit buses and off-road diesel equipment (e.g., tractors, generators). In February 2000, CARB adopted a new public-transit bus-fleet rule and emission standards for new urban buses. These rules and standards provide for (1) more stringent emission standards for some new urban bus engines, beginning with 2002 model year engines; (2) zero-emission bus demonstration and purchase requirements applicable to transit agencies; and (3) reporting requirements under which transit agencies must demonstrate compliance with the urban transit bus fleet rule.

Omnibus Low-NOx Rule

The CARB approved the Omnibus Low-NOx Rule on August 28, 2020, which will require engine NOx emissions to be cut to approximately 75% below current standards beginning in 2024, and 90% below current standards in 2027. The rule also places nine additional regulatory requirements on new heavy-duty truck and engines. Those additional requirements include a 50% reduction in particulate matter emissions, stringent new low-load and idle standards, a new in-use testing protocol, extended deterioration requirements, a new California-only credit program, and extended mandatory warranty requirements. The regulatory requirements in the Omnibus Low-NOX Rule will first become effective in 2024, at the same time as the Advanced Clean Trucks regulations that CARB approved that mandate that manufacturers convert increasing percentages of their heavy-duty trucks sold in California to zero-emission vehicles.

LOCAL

Fort Bragg Coastal General Plan

The Fort Bragg Coastal General Plan includes two policies relevant to air quality. The following policies apply to the proposed Project.

CONSERVATION, OPEN SPACE, ENERGY, AND PARKS ELEMENT

> ***Policy OS-7.1***. Participate in Regional Planning to Improve Air Quality: Continue to cooperate with the Mendocino County Air Quality Management District (MCAQMD) in meeting the Regional Clean Air Plan.
>
> ***Policy OS-7.2***. Air Quality Standards: Seek to comply with State and Federal standards for air quality.

Mendocino County Air Quality Management District

MCAQMD RULES AND REGULATIONS

- 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.

3.2.3 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Appendix G to the CEQA Guidelines states that "[w]here available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations." Consistent with this approach, and with the

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:

- 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.

CRITERIA POLLUTANT EMISSIONS MODELING

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, below.

TABLE 3.2-6: AIR QUALITY CONSTRUCTION-RELATED CEQA THRESHOLDS OF SIGNIFICANCE (LBS/DAY)

POLLUTANT	*CO*	*NOX*	*ROG*	*PM_{10} (EXHAUST)*	*$PM_{2.5}$ (EXHAUST)*
THRESHOLD	N/A	54	54	82	54

SOURCES: MCAQMD, 2010.

TABLE 3.2-7: AIR QUALITY OPERATION-RELATED CEQA THRESHOLDS OF SIGNIFICANCE

POLLUTANT	*CO*	*NOX*	*ROG*	*PM_{10}*	*$PM_{2.5}$*
AVERAGE DAILY EMISSIONS (LBS/DAY)					
THRESHOLD	N/A	42	180	82	54
MAXIMUM ANNUAL EMISSIONS (TONS/YEAR)					
THRESHOLD	125	10	10	10	10

SOURCES: MCAQMD, 2010.

CRITERIA POLLUTANT EMISSIONS MODELING

California Emission Estimator Model (CalEEMod)™ (v.2040.4.0), developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with California air districts, was used to estimate emissions for the proposed Project. Project construction was assumed to be completed in 2023.

The assumptions for the modeling: Supermarket (16,160 square feet); Parking Lot (1.18 acres). Vehicle trips and fleet mix estimated in the modeling are consistent with those as provided by KD Anderson in their traffic impact analysis (see Appendix F for further detail). The construction phase includes demolition, site preparation, grading, building construction, paving, and architectural coating phases. See Appendix B.1 for further detail.

The construction schedule modeled in CalEEMod for the proposed project is as follows:[1]

- Demolition: 8/1/2022 – 8/26/2022
- Site Preparation: 8/27/2022 – 8/30/2022
- Grading: 8/31/2022 – 9/5/2022
- Building Construction: 9/6/2022 – 1/23/2023
- Paving: 1/24/2023 – 2/6/2023
- Architectural Coating: 2/7/2023 – 2/20/2023

IMPACTS RELATED TO PROJECT-GENERATED POLLUTANTS OF HUMAN HEALTH CONCERN

In December 2018, the California Supreme Court issued its decision in *Sierra Club v. County of Fresno* (226 Cal.App.4th 704) (hereafter referred to as the Friant Ranch Decision). The case reviewed the long-term, regional air quality analysis contained in the EIR for the proposed Friant Ranch development. The Friant Ranch Project is a 942-acre master-plan development in unincorporated Fresno County within the San Joaquin Valley Air Basin. The Court found that the air quality analysis was inadequate because it failed to provide enough detail "for the public to translate the bare [criteria pollutant emissions] numbers provided into adverse health impacts or to understand why such a translation is not possible at this time." The Court's decision clarifies that the agencies authoring environmental documents must make reasonable efforts to connect a Project's air quality impacts to specific health effects or explain why it is not technically feasible to perform such an analysis.

All criteria pollutants that would be generated by the Project are associated with some form of health risk (e.g., asthma). Criteria pollutants can be classified as either regional or localized pollutants. Regional pollutants can be transported over long distances and affect ambient air quality far from the emissions source. Localized pollutants affect ambient air quality near the emissions source. Ozone is considered a regional criteria pollutant, whereas CO, NO_2, SO_2, and lead (Pb) are localized pollutants. PM can be both a local and a regional pollutant, depending on its composition. As discussed above, the primary criteria pollutants of concern generated by the Project are ozone precursors (ROG and NO_x) and PM (including Diesel PM). The MCAQMD does not currently have a methodology that would correlate the expected air quality emissions of Projects to the likely health

[1] It should be noted that the actual construction schedule would be later than the construction schedule modeled in CalEEMod. Therefore, the modeling provides for a more conservative estimate of Project construction-related emissions that is anticipated to actually occur, since State-level regulations that affect construction-related (on- and off-road) vehicle emissions become more stringent over time.

consequences of the increased emissions of these pollutants. Nor is the City aware of any methodology that could make such a correlation for a proposed development as small as the proposed Project. Modeling that could reasonably link secondary pollution formation to specific health effects in a meaningful context from one project *alone* was not readily available for use by lead agencies. These modeling limitations are discussed in more detail below.

Regional Project-Generated Criteria Pollutants (Ozone Precursors and Regional PM)

Adverse health effects induced by regional criteria pollutant emissions generated by the Project (ozone precursors and PM) are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, the number and character of exposed individuals [e.g., age, gender]). For these reasons, ozone precursors (ROG and NO_x) contribute to the formation of ground-borne ozone on a regional scale, where emissions of ROG and NO_x generated in one area may not equate to a specific ozone concentration in that same area. Similarly, some types of particulate pollutants may be transported over long-distances or formed through atmospheric reactions. As such, the magnitude and locations of specific health effects from exposure to increased ozone or regional PM concentrations are the product of emissions generated by numerous sources throughout a region, as opposed to a single individual project.

Models and tools have been developed to correlate regional criteria pollutant emissions to potential community health impacts. Appendix B.3 contains a table that summarizes many of these tools, identifies the analyzed pollutants, describes their intended application and resolution, and analyzes whether they could be used to reasonably correlate project-level emissions to specific health consequences. As provided in Appendix B.3, while there are models capable of quantifying ozone and secondary PM formation and associated health effects, these tools were developed to support regional planning and policy analysis and have limited sensitivity to small changes in criteria pollutant concentrations induced by individual projects. Therefore, translating project generated criteria pollutants to the locations where specific health effects could occur or the resultant number of additional days of nonattainment cannot be estimated with a high degree of accuracy.

Technical limitations of existing models to correlate project-level regional emissions to specific health consequences are recognized by air quality management districts throughout the state, including the San Joaquin Valley Air Pollution Control District (SJVAPCD) and South Coast Air Quality Management District (SCAQMD), both of which provided amici curiae briefs for the Friant Ranch legal proceedings in the California Supreme Court. In its brief, SJVAPCD (2015) acknowledges that while health risk assessments for localized air toxics, such as DPM, are commonly prepared, “it is not feasible to conduct a similar analysis for criteria air pollutants because currently available computer modeling tools are not equipped for this task.” The air district further notes that emissions solely from the Friant Ranch Project (which equate to less than one-tenth of one percent of the total NO_x and VOC in the Valley) is not likely to yield valid information,” and that any such information should not be “accurate when applied at the local level.” SCAQMD presents similar information in its brief, stating that “it takes a large amount of additional precursor emissions to cause a modeled

increase in ambient ozone levels"[2]. Notably, the Friant Ranch project involved the construction of approximately 2,500 new homes in a highly polluted air basin, whereas here the proposed Project proposes a single 16,436 square-foot structure in a comparatively clean air basin on a site located very close to the Pacific Ocean.

As discussed above, air districts develop region-specific CEQA thresholds of significance in consideration of existing air quality concentrations and attainment or nonattainment designations under the NAAQS and CAAQS. The NAAQS and CAAQS are informed by a wide range of scientific evidence that demonstrates there are known safe concentrations of criteria pollutants. While recognizing that air quality is cumulative problem, air districts typically consider projects that generate criteria pollutant and ozone precursor emissions below these thresholds to be minor in nature and would not adversely affect air quality such that the NAAQS or CAAQS would be exceeded. Emissions generated by the Project could increase photochemical reactions and the formation of tropospheric ozone and secondary PM, which at certain concentrations, could lead to increased incidence of specific health consequences. Although these health effects are associated with ozone and particulate pollution, the effects are a result of cumulative and regional emissions. As such, a project's incremental contribution cannot be traced to specific health outcomes on a regional scale without speculation, and a quantitative correlation of project-generated regional criteria pollutant emissions to specific human health impacts is not included in this analysis. This is particularly true for a project as small as the proposed Project.

Models and Tools to Correlate Project-generated Criteria Pollutant Emissions to Health Impacts

Although available tools to correlate Project-generated criteria pollutant emissions to health impacts are designed to be used at the national, state, regional, and/or city-levels rather than the project level, this impact analysis includes CalEEMod modeling to identify criteria pollutant emissions that affect health. The higher the emissions generated by a project, the higher the chance that a given individual's health would be affected by the development of a particular project.

The impact analysis does not directly evaluate airborne lead. Neither construction nor future operations would generate quantifiable lead emissions because of regulations that require unleaded fuel and that prohibit lead in new building materials.

TAC emissions associated with Project construction and operation that could affect surrounding areas are evaluated in comparison to OEHHA guidance.[3]

[2] For example, SCAQMD's analysis of its 2012 Air Quality Attainment Plan showed that modeled NO_x and ROG reductions of 432 and 187 tons per day, respectively, only reduced ozone levels by 9 parts per billion. Analysis of SCAQMD's Rule 1315 showed that emissions of NO_x and ROG of 6,620 and 89,180 pounds per day, respectively, contributed to 20 premature deaths per year and 89,947 school absence (South Coast Air Quality Management District, 2015).

[3] OEHHA's *Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessment,* 2015.

Lastly, the MCAQMD recommends that odor impacts be addressed in a qualitative manner. Such an analysis must determine if the Project would result in excessive nuisance odors.

IMPACTS AND MITIGATION MEASURES

Impact 3.2-1: Project operation would not 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. (Less than Significant)

The MCAQMD is tasked with implementing programs and regulations required by the Federal Clean Air Act and the California Clean Air Act. In that capacity, the MCAQMD has prepared plans to attain Federal and State ambient air quality standards. Projects with emissions below the thresholds of significance for criteria pollutants provided by the MCAQMD would be determined to "Not conflict or obstruct implementation of the District's air quality plan".

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).

The relevant MCAQMD CEQA operations-related 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 particulate matter of 10 microns or less in size (PM_{10}), 54 pounds per year of particulate matter of 2.5 microns or less in size ($PM_{2.5}$); 10 tons per year of NOx, 10 tons per year of ROG, 10 tons per year of PM10, and 10 tons per year of PM2.5. 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.

If the proposed Project's emissions will exceed the applicable threshold of significance for operational-generated emissions, the proposed Project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions to the extent feasible.

CalEEMod™ (v.2020.4.0) was used to model operational emissions of the proposed Project. The MCAQMD provides a list of applicable air quality emissions thresholds. Table 3.2-8 shows proposed Project emissions as provided by CalEEMod with certain mitigation applied. As shown in Table 3.2-8 above, operational emissions would not exceed any of the applicable criteria pollutant thresholds.

TABLE 3.2-8: OPERATIONAL PROJECT GENERATED EMISSIONS

POLLUTANT	CO	NOX	ROG	PM_{10}	$PM_{2.5}$
AVERAGE DAILY EMISSIONS (LBS/DAY)					
THRESHOLD	N/A	42	180	82	54
EMISSIONS	24.1	4.4	4.4	2.7	1.1
EXCEEDS THRESHOLD?	**N**	**N**	**N**	**N**	**N**
MAXIMUM ANNUAL EMISSIONS (TONS/YEAR)					
THRESHOLD	125	10	10	10	10
EMISSIONS	4.4	0.8	0.8	0.5	0.2
EXCEEDS THRESHOLD?	**N**	**N**	**N**	**N**	**N**

SOURCES: CALEEMOD (V.2020.4.0); MCAQMD, 2010.

The results shown in Table 3.2-8 above differ from those included within the Mitigated Negative Declaration adopted by the City Council on July 26, 2021, and later vacated by the City Council. As was explained by City Associate Planner Heather Gurewitz during her presentation to the City Council on July 26, 2021, the person who prepared the CalEEMod work in support of the MND erroneously included an assumption that the Project site was served by dirt roads rather than paved roads. This error resulted in estimated particulate emissions that were wildly inaccurate and misleading. This error was corrected in the new CalEEMod work done in support of this EIR. The new results show that the emissions from the proposed Project are far below all applicable MCAQMD significance thresholds, including those for PM_{10} and $PM_{2.5}$.

It should be noted that, for reasons discussed earlier, the emissions of ozone precursors such as ROG and NO_x attributable to the proposed Project would not be substantial enough on a regional basis for the City to be able to, with currently available technical tools, predict how the emissions of such pollutants would translate into either physical environmental changes, such as measurable effects on ambient ozone concentrations within the air basin, or health effects, such as increased respiratory problems, within any discrete population within the City or the region. Such an analysis is not reasonably feasible within the meaning of CEQA because it would require a high level of speculation.

It should also be noted that the proposed Project has the potential to 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 a large overestimate for project net mobile emissions. The 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.

CONCLUSION

As shown in Table 3.2-8, the Project's operational emissions would not exceed any of the applicable operational-related criteria pollutant thresholds. Therefore, the Project's criteria pollutant emissions would be considered to have a ***less than significant*** impact.

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. (Less than Significant)

Emissions from construction activities represent temporary impacts that are typically short in duration, depending on the size, phasing, and type of project. Air quality impacts can nevertheless be acute during construction periods, resulting in significant localized impacts to air quality. Construction-related activities would result in Project-generated emissions from site preparation, grading, paving, building construction, and architectural coatings. CalEEMod™ (v.2020.4.0) was used to estimate construction emissions for the proposed Project. Table 3.2-9, below, provides the construction criteria pollutant emissions associated with implementation of the proposed Project.

TABLE 3.2-9: CONSTRUCTION PROJECT GENERATED EMISSIONS (TONS PER YEAR)

POLLUTANT	*CO*	*NOX*	*ROG*	*PM_{10}*	*$PM_{2.5}$*
THRESHOLD	N/A	54	54	82	54
MAXIMUM EMISSIONS	0.8	0.8	0.2	5.6	0.6
EXCEEDS THRESHOLD?	**N**	**N**	**N**	**N**	**N**

SOURCES: CALEEMOD (V.2020.4.0); MCAQMD, 2010.

If the proposed Project's emissions will exceed the applicable threshold of significance for construction-generated emissions, the proposed Project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions. As shown in Table 3.2-9, the proposed Project does not exceed the applicable thresholds of significance for construction criteria pollutants. Indeed, the anticipated construction emissions from the proposed Project represent only a small fraction of the amounts that would have to be generated to exceed the significance thresholds.

CONCLUSION

The proposed Project does not exceed any of the construction-related criteria pollutant thresholds, as shown in Table 3.2-9. Therefore, the Project's construction-related criteria pollutant emissions would be considered to have a ***less than significant*** impact.

Impact 3.2-3: The proposed Project would not expose sensitive receptors to substantial pollutant concentrations from carbon monoxide hotspot impacts. (Less than Significant)

Very high levels of CO are not likely to occur outdoors. However, when CO levels are elevated outdoors, they can be of particular concern for people with some types of heart disease. These people already have a reduced ability for getting oxygenated blood to their hearts in situations where the heart needs more oxygen than usual. They are especially vulnerable to the effects of CO when exercising or under increased stress. In these situations, short-term exposure to elevated CO may result in reduced oxygen to the heart accompanied by chest pain also known as angina (U.S. EPA, 2016). Such acute effects may occur under current ambient conditions for some sensitive individuals, while increases in ambient CO levels could increase the risk of such incidences.

The Project site is located in a State attainment area and a federal attainment-unclassified area for carbon monoxide. In addition, CO emissions under Project operation are far below the applicable significance threshold promulgated by the MCAQMD. Increases in proposed Project VMT would increase concentrations of carbon monoxide (CO) along streets and intersections that provide access to the Project site. Carbon monoxide is a local pollutant (i.e., high concentrations are normally only found very near sources), and can form local elevated concentrations under specific conditions. The major source of carbon monoxide, a colorless, odorless, poisonous gas, is automobile traffic. Elevated concentrations (i.e., hotspots), therefore, are usually only found near areas of very high traffic volume and congestion.

Several factors combine to make substantial concentrations of carbon monoxide unlikely. Firstly, CO emissions would not be substantial, as provided in Table 3.2-8 (above). Moreover, existing physical constraints such as high-density, high-profile buildings or other obstructions that could prevent dispersion of carbon monoxide are largely absent. Predominant weather conditions in the area include air movement 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.

CONCLUSION

This Project is located in an area that is designated attainment and attainment-unclassified for carbon monoxide. Substantial concentrations of carbon monoxide are not expected at or along any streets or intersections affected by the development of the Project site. Impacts associated with carbon monoxide hotspots would be ***less than significant,*** and no additional mitigation is required.

Impact 3.2-4: The proposed Project would not expose sensitive receptors to substantial pollutant concentrations from toxic air contaminants. (Less than Significant)

A toxic air contaminant (TAC) is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are

usually present in minute quantities in the ambient air. However, their high toxicity or health risk may pose a threat to public health even at very low concentrations. In general, for those TACs that may cause cancer, there is no concentration that does not present some risk. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the state and federal governments have set ambient air quality standards.

Controlling air toxic emissions became a national priority with the passage of the Clean Air Act Amendments (CAAA) of 1990, whereby Congress mandated that the U.S. EPA regulate 188 air toxics, also known as hazardous air pollutants. The U.S. EPA has assessed this expansive list in their latest rule on the Control of Hazardous Air Pollutants from Mobile Sources (Federal Register, Vol. 72, No. 37, page 8430, February 26, 2007) and identified a group of 93 compounds emitted from mobile sources. In addition, the U.S. EPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from their 1999 National Air Toxics Assessment. These are acrolein, benzene, 1,3-butidiene, diesel particulate matter plus diesel exhaust organic gases (diesel PM), formaldehyde, naphthalene, and polycyclic organic matter.

The 2007 U.S. EPA rule requires controls that will dramatically decrease Mobile Source Air Toxics (MSAT) emissions through cleaner fuels and cleaner engines. According to an FHWA analysis using EPA's MOBILE6.2 model, even if vehicle activity (VMT) increases by 145 percent, a combined reduction of 72 percent in the total annual emission rate for the priority MSAT is projected from 1999 to 2050. California maintains stricter standards for clean fuels and emissions compared to the national standards, therefore it is expected that MSAT trends in California will decrease consistent with or more than the U.S. EPA's national projections.

The California Air Resources Board (CARB) published the *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB, 2005) to provide information to local planners and decision-makers about land use compatibility issues associated with emissions from industrial, commercial and mobile sources of air pollution. The CARB Handbook indicates that mobile sources continue to be the largest overall contributors to the State's air pollution problems, representing the greatest air pollution health risk to most Californians. The most serious pollutants on a statewide basis include diesel exhaust particulate matter (diesel PM), benzene, and 1,3-butadiene, all of which are emitted by motor vehicles. These mobile source air toxics are largely associated with freeways and high traffic roads. Non-mobile source air toxics are largely associated with industrial and commercial uses. Table 3.2-10 provides the California Air Resources Board minimum separation recommendations on siting sensitive land uses.

TABLE 3.2-10: CARB MINIMUM SEPARATION RECOMMENDATIONS ON SITING SENSITIVE LAND USES

SOURCE CATEGORY	*ADVISORY RECOMMENDATIONS*
Freeways and High-Traffic Roads	• Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.[1]
Distribution Centers	• Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).

SOURCE CATEGORY	*ADVISORY RECOMMENDATIONS*
	• Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.
Rail Yards	• Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard. • Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.
Ports	• Avoid siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the CARB on the status of pending analyses of health risks.
Refineries	• Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.
Chrome Platers	• Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.
Dry Cleaners Using Perchloro-ethylene	• Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with the local air district. • Do not site new sensitive land uses in the same building with perc dry cleaning operations.
Gasoline Dispensing Facilities	• Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

SOURCES: AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE" (CARB 2005)

There are no traditional sensitive receptors such as residences, hospitals, or schools that are proposed as part of the proposed Project. The closest sensitive receptors are residences located adjacent to the east of the Project site.

Heavy-duty trucks are a common source of Diesel Particulate Matter (DPM), in contrast to passenger vehicles (such as light-duty cars and trucks). The inhalation of DPM generates cancer and non-cancer health risks, especially where concentrations are chronically elevated for long periods of time, and for younger sensitive receptors. However, according to the Traffic Impact Analysis for the proposed Project prepared by KD Anderson & Associates, the proposed Project would only generate approximately 8 heavy-duty truck trips per week, which would require loading/unloading at the Project site loading dock. It is anticipated that half of these truck trips would be for refrigerated goods. Separately, it is anticipated that the proposed Project would generate approximately 4 to 5 daily medium-duty truck trips (delivering items such as bread, beverages, and chips). Therefore, although residences are adjacent to the Project site to the east, the frequency of heavy- and medium-duty truck trips generated by the proposed Project is very small, and therefore would not represent a significant risk of TACs from DPM. Moreover, construction would cause only temporary and minor TACs from DPM, given the size and the proposed Project. No other TACs are anticipated to be generated by the proposed Project, either during Project operation or construction.

It should be noted that, although the proposed Project itself does not represent a significant risk of TACs, existing TACs are present under baseline conditions. For example, relatively high traffic roads such as Highway 1 are located near the Project site. As previously stated, mobile sources are the largest overall contributors to the State's air pollution problems, representing the greatest air

pollution health risk to most Californians. This is not unique to the proposed Project. Moreover, TACs from mobile sources in Fort Bragg are not particularly high, when compared to other parts of California that experience much higher traffic levels. Furthermore, crucially, CEQA only requires analysis of the impact of the proposed Project compared with baseline conditions. That is, CEQA requires analysis of the potential impact of proposed Project (i.e. the difference between the baseline conditions and the proposed Project scenario), not the potential impact of baseline conditions. Lastly, as provided in the *CEQA VMT Analysis* prepared for the proposed Project by Fehr & Peers, the proposed Project would generate a net decrease in VMT, due to the effects of the trip redistribution from the Willits Grocery Outlet to the proposed Project. Therefore, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations from TACs.

Overall, the proposed Project, in and of itself, would not result in a significant increased exposure of receptors to localized concentrations of TACs. Risk of residential cancer risk, workplace cancer risk, and chronic and acute non-cancer risks would not exceed the applicable thresholds. Implementation of the proposed Project would cause a ***less than significant*** impact relative to this topic.

Impact 3.2-5: The proposed Project would not cause exposure to other emissions (such as those leading to odors) adversely affecting a substantial number of people (Less than Significant)

The following discussion addresses odors. Other emissions (including criteria pollutants and TACs) are addressed in Impacts 3.2-1 through 3.2-4.

While offensive odors rarely cause any physical harm, they can be very unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and the MCAQMD. The general nuisance rule (Health and Safety Code §41700) is the basis for the threshold.

Examples of facilities that are known producers of odors include: Wastewater Treatment Facilities, Chemical Manufacturing, Sanitary Landfill, Fiberglass Manufacturing, Painting/Coating Operations (e.g. auto body shops), Composting Facility, Food Processing Facility, Petroleum Refinery, Feed Lot/Dairy, Asphalt Batch Plant, and Rendering Plant.

If a project proposes to locate receptors and known odor sources in proximity to each other, further analysis may be warranted. However, if a project would not locate receptors and known odor sources in proximity to each other, then further analysis is not warranted. The proposed Project itself is a small grocery store, which is a kind of project that is not typically known to generate odors. The proposed Project does not include new industrial uses or other potential odor-generating uses that are not already present in the vicinity of the Project site. Moreover, Air district Rule 402 prohibits any mobile or stationary source generating an objectionable odor, with the exception of odors emanating from certain agricultural operations. California Health and Safety Code §41700 and Air District Rule 402 prohibit emissions of air contaminants from any source that causes nuisance or annoyance to a considerable number of people or that present a threat to public health or cause property damage. Compliance with these rules would preclude land uses proposed under the proposed Project from emitting objectionable odors.

CONCLUSION

The proposed Project does not propose sensitive receptors that would be exposed to odors in the vicinity; nor does it propose uses that would create new odors that would expose substantial numbers of people. Therefore, operation of the proposed Project would not result in significant objectionable odors. Impacts associated with exposure to odors would be ***less than significant.***

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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 2022).

Two comments were received during the public review period for the Notice of Preparation regarding this topic from the following: Jacob Patterson (June 7, 2022) and Leslie Kashiwada (June 20, 2022). The portion of these comment related to this topic are addressed within this section. Full comments received are included in Appendix A.

PRE-FIELD INVESTIGATIONS AND FIELD SURVEY METHODOLOGIES

Pre-Field Investigation (De Novo Planning Group, 2022)

Prior to the field investigation, numerous maps, databases, and reports were reviewed including:

- U.S. Geological Survey (USGS) 7.5-minute Quadrangle
- USGS National Hydrography Data Set
- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps
- National Resource Conservation Service (NRCS) Soil Survey
- California Wildlife Habitat Relationships (CWHR) maps
- CNDDB
- CNPS Inventory of Rare and Endangered Plants
- USFWS IPac
- USFWS Official List

Field Survey (De Novo Planning Group, 2022)

Field surveys were completed by Principal Biologist Steve McMurtry on March 29, 2022 and April 20, 2022 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 habitat observed during these surveys was consistent with the site conditions reported in the past studies on the Project site: *Biological Review* (Wildland Resource Managers, August 2019) and *Wetland Report* (Wildland Resource Managers, March 2021). The details of what was observed in these recent 2022 surveys by De Novo Planning serves 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.

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 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.

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.

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

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 this Draft EIR.

3.3.1 ENVIRONMENTAL SETTING

GEOMORPHIC PROVINCES/BIOREGION

The City of Fort Bragg is located in the northwestern portion of the Coast Ranges Geomorphic Province of California. The Coast Ranges are northwest-trending mountain ranges (2,000 to 4,000, occasionally 6,000 feet elevation above sea level), and valleys. The ranges and valleys trend northwest, subparallel to the San Andreas Fault. Strata dip beneath alluvium of the Great Valley. To the west is the Pacific Ocean. The coastline is uplifted, terraced and wave-cut. The Coast Ranges are composed of thick Mesozoic and Cenozoic sedimentary strata. The northern and southern ranges are separated by a depression containing the San Francisco Bay. The northern Coast Ranges are dominated by irregular, knobby, landslide-topography of the Franciscan Complex. The eastern border is characterized by strike-ridges and valleys in Upper Mesozoic strata. In several areas, Franciscan rocks are overlain by volcanic cones and flows of the Quien Sabe, Sonoma and Clear Lake volcanic fields. The San Andreas is more than 600 miles long, extending from Pt. Arena to the Gulf of California. West of the San Andreas is the Salinian Block, a granitic core extending from the southern extremity of the Coast Ranges to the north of the Farallon Islands.

The City of Fort Bragg is located within the Klamath/North Coast Bioregion, which makes up a major portion of northwestern California continuing into southwestern Oregon to near Roseburg. In California, the bioregion lies primarily between the Northern California Coast bioregion on the west and the southern Cascade Range to the east. The southern boundary is made up of the Northern California Coast Ranges and Northern California Interior Coast Ranges. The very steep and complex terrain of the Klamath Mountains covers approximately 22,500 square kilometers (km^2) (or 8,690 square miles [mi^2]), or six percent of California. The bioregion includes the Klamath and Trinity River systems, the headwaters of the Sacramento River, the most extensive exposure of ultramafic rocks in North America, and the most diverse conifer forests in North America.

The wetlands of this bioregion provide habitat for native and migrating birds and waterfowl. Examples of other wildlife in the bioregion are osprey, western sandpiper, black-tailed deer, mountain lion, and Karok Indian snail. Rare species include: Goshawk, black bear, Chinook salmon and Pacific fisher (a weasel-like mammal).

Threatened and endangered species: Oregon silverspot butterfly, lotis blue butterfly, Trinity bristle snail, red-legged frog, Siskiyou Mountains salamander, Marbled murrelet, Aleutian Canada geese, California clapper rail, Swainson's hawk, American peregrine falcon, bank swallow, Northern spotted owl, willow flycatcher, bald eagle, Point Arena Mountain beaver and wolverine.

LOCAL SETTING

The Project site is located at 825, 845, and 851 S. Franklin Street in the City of Fort Bragg, Mendocino County, California. The 1.63-acre site is located on the north side of N. Harbor Drive, the west side

of S. Franklin Street, and the south side of South Street. The Project site is located approximately 230 to 450 feet east of S. Main Street/Highway 1 (a four-lane conventional highway managed by the California Department of Transportation [Caltrans]) and is located in the City's Coastal Zone. Properties within the Coastal Zone are regulated by the Coastal Land Use and Development Code (CLUDC), also known as Fort Bragg Municipal Code (FBMC) Chapter 17. The Project site is bordered to the north by South Street, to the east by S. Franklin Street, to the south by N. Harbor Drive, and to the west by a Super 8, Mountain Mike's Pizza, and Chevron.

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 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.

Drainage across the site appears to flow to the northwest and southwest. The nearest bodies of water are the Noyo River, which is located approximately 600 feet south of the site, and the Pacific Ocean, which is located approximately 1,200 feet west of the site. Regional drainage is controlled by the Noyo River.

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 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	*Aira caryophyllea*	No – Fac-Upland
sweet vernal grass	*Anthoxanthum odoratum*	No -Fac-Upland
capeweed	*Arctotheca calendula*	No -Upland
slender oats	*Avena barbata*	No - Upland
Quaking grass	*Briza minor*	No - Facultative
Ripgut brome	*Bromus diandrus*	No -Upland
Brome grass	*Bromus madritensis rubens*	No – Fac-Upland
Pampas grass	*Cortaderia selloana*	No – Fac-Upland
Cypress	*Cupressaceac spp.*	No -Upland
Wild rye	*Elymus glaucus*	No -Upland
California poppy	*Eschschoizia californica*	No -Upland

COMMON NAME	SCIENTIFIC NAME	HYDROPHYTE?
Velvet grass	*Holcus lanatus*	No -Upland
hawkbit	*Leontodon saxatilis*	No – Fac-Upland
Perennial rye grass	*Lolium multiflorum*	No -Upland
Bur clover	*Medicago polymorpha*	No – Fac-Upland
Bermuda buttercup	*Oxalis pes-caprae*	No -Upland
Switch grass	*Panicum virgatum*	No -Upland
English plantain	*Plantago lanceolata*	No - Facultative
Blue grass	*Poa bulbosa*	No – Fac-Upland
wild radish	*Raphanus sativa*	No -Upland
Himalayan blackberry	*Rubus discolor*	No - Facultative
sheep sorrel	*Rumex acetosella*	No – Fac-Upland
fall-dandelion	*Scorzoneroides autumnalis*	No – Fac-Upland
Dandelion	*Taraxacum officinale*	No – Fac-Upland
burrowing clover	*trifolium subterraneum*	No -Upland
Vetch	*Vicia villosa*	No -Upland
periwinkle	*Vinca major*	No -Upland

SOURCE: DE NOVO PLANNING GROUP, 2022.

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.

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 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.

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.

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.

Wildlife Evidence

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.

CALIFORNIA WILDLIFE HABITAT RELATIONSHIP SYSTEM

The CWHR habitat classification scheme has been developed to support the CWHR System, a wildlife information system and predictive model for California's regularly-occurring birds, mammals, reptiles and amphibians. When first published in 1988, the classification scheme had 53 habitats. At present, there are 59 wildlife habitats in the CWHR System: 27 tree, 12 shrub, 6 herbaceous, 4 aquatic, 8 agricultural, 1 developed, and 1 non-vegetated.

The Project site is considered to have low biological diversity due to the developed nature of the site. According to the California Wildlife Habitat Relationship System, the entire Project site has an Urban cover type (wildlife habitat classifications) out of 59 found in the State. Figure 3.3-1 illustrates the land cover type map for the Project site and below is a brief description of this CWHR habitat.

Urban habitats are not limited to any particular physical setting. Three urban categories relevant to wildlife are distinguished: downtown, urban residential, and suburbia. The heavily-developed downtown is usually at the center, followed by concentric zones of urban residential and suburbs. There is a progression outward of decreasing development and increasing vegetative cover. Species richness and diversity is extremely low in the inner cover. The structure of urban vegetation varies, with five types of vegetative structure defined: tree grove, street strip, shade tree/lawn, lawn, and shrub cover. A distinguishing feature of the urban wildlife habitat is the mixture of native and exotic species. The entire Project site is classified as urban habitat.

SPECIAL-STATUS SPECIES

The following discussion is based on a background search of special-status species that are documented in the CNDDB, the CNPS Inventory of Rare and Endangered Plants, and the USFWS records of listed endangered and threatened species from the IPAC database. The background search was regional in scope and focused on the documented occurrences within the six-quadrangle radius (approximately 10-mile radius) of the Project site. Table 3.3-2 provides a list of special-status plants and Table 3.3-3 provides a list of special-status animals. Figure 3.3-2 presents the documented occurrences within the six-quadrangle radius (approximately 10-mile radius) of the

Project site. The six quadrangles include: Fort Bragg, Inglenook, Dutchmans Knoll, Noyo Hill, Mathison Peak, and Mendocino. Within these six quadrangles, the CNDDB (2022) lists 29 animal species and 55 plant species, for a total of 84 species. The USFWS IPAC shows an additional 3 plants and six animals.

TABLE 3.3-2: SPECIAL-STATUS PLANT SPECIES WHICH MAY OCCUR IN PROJECT AREA

SPECIES	*STATUS (FED/CA/ CNPS)*	*HABITAT AND BLOOMING PERIOD*	*PRESENCE DETERMINATION*
alpine marsh violet *Viola palustris*	--/-- /2B.2	Coastal scrub, bogs and fens. Swampy, shrubby places in coastal scrub or coastal bogs. 0-150 m. March-August.	Not Present
angel's hair lichen *Ramalina thrausta*	--/-- /2B.1	North coast coniferous forest. On dead twigs and other lichens. 75-1,390 m.	Not Present
Baker's goldfields *Lasthenia californica ssp. bakeri*	--/-- /1B.2	Closed-cone coniferous forest, coastal scrub, meadows and seeps, marshes and swamps. Openings. 60-520 m. April-October.	Not Present
Blasdale's bent grass *Agrostis blasdalei*	--/-- /1B.2	Coastal dunes, coastal bluff scrub, coastal prairie. Sandy or gravelly soil close to rocks; often in nutrient-poor soil with sparse vegetation. 5-365 m. May-July.	Not Present
bluff wallflower *Erysimum concinnum*	--/-- /1B.2	Coastal dunes, coastal bluff scrub, coastal prairie. More or less a coastal generalist within coastal habitat types. 3-60 m. March-May.	Not Present
Bolander's beach pine *Pinus contorta ssp. bolanderi*	--/-- /1B.2	Closed-cone coniferous forest. Podzol-like soils with Mendocino cypress and bishop pine; within pygmy cypress forest. 35-185 m. July-August.	Not Present
bunchberry *Cornus canadensis*	--/-- /2B.2	North coast coniferous forest, bogs and fens, meadows and seeps. 75-1,920 m. May-July.	Not Present
Burke's goldfields *Lasthenia burkei*	E/E/1B.1	Vernal pools, meadows and seeps.. Most often in vernal pools and swales. 15-580 m. April-June.	Not Present
California sedge *Carex californica*	--/-- /2B.2	Bogs and fens, closed-cone coniferous forest, coastal prairie, meadows and seeps, marshes and swamps. Meadows, drier areas of swamps, marsh margins. 35-515 m. May-August.	Not Present
coast lily *Lilium maritimum*	--/-- /1B.1	Closed-cone coniferous forest, coastal prairie, coastal scrub, broadleafed upland forest, north coast coniferous forest, marshes and swamps. Historically in sandy soil, often on raised hummocks or bogs; today mostly in roadside ditches. 4-490 m. May-August.	Not Present
coastal bluff morning-glory *Calystegia purpurata ssp. saxicola*	--/-- /1B.2	Coastal dunes, coastal scrub, coastal bluff scrub, north coast coniferous forest. 4-165m. May-September.	Not Present
coastal triquetrella *Triquetrella californica*	--/-- /1B.2	Coastal bluff scrub, coastal scrub. Grows within 30m from the coast in coastal scrub, grasslands and in open gravels on roadsides, hillsides, rocky slopes, and fields. On gravel or thin soil over outcrops. 20-1175 m.	Not Present
congested-headed hayfield tarplant *Hemizonia congesta ssp. congesta*	--/-- /1B.2	Valley and foothill grassland. Grassy valleys and hills, often in fallow fields; sometimes along roadsides. 5-520 m. April-November	Not Present
Contra Costa goldfields *Lasthenia conjugens*	E/-- /1B.1	Valley and foothill grassland, vernal pools, alkaline playas, cismontane woodland.. Vernal pools, swales, low depressions, in open grassy areas. 1-450 m. March-June	Not Present
dark-eyed gilia *Gilia millefoliata*	--/-- /1B.2	Coastal dunes. 1-60 m. April-July.	Not Present
deceiving sedge *Carex saliniformis*	--/-- /1B.2	Coastal prairie, coastal scrub, meadows and seeps, marshes and swamps (coastal salt). Mesic sites. 2-230 m. June.	Not Present

SPECIES	*STATUS (FED/CA/ CNPS)*	*HABITAT AND BLOOMING PERIOD*	*PRESENCE DETERMINATION*
dwarf alkali grass *Carex saliniformis*	--/-- /2B.2	Marshes and swamps. Mineral spring meadows and coastal salt marshes. 1-10 m. June.	Not Present
great burnet *Sanguisorba officinalis*	--/-- /2B.2	Bogs and fens, meadows and seeps, broadleafed upland forest, marshes and swamps, north coast coniferous forest, riparian forest. Rocky serpentine seepage areas and along streams. 5-1400 m. July-October.	Not Present
green yellow sedge *Carex viridula ssp. viridula*	--/-- /2B.3	Bogs and fens, marshes and swamps (freshwater), north coast coniferous forest. Mesic sites. 0-1705 m. June-July.	Not Present
hair-leaved rush *Carex viridula ssp. viridula*	--/-- /2B.2	Marshes and swamps, bogs and fens. 82-121 m. June-July.	Not Present
Howell's spineflower *Chorizanthe howellii*	E/T/1B. 2	Coastal dunes, coastal prairie, coastal scrub. Sand dunes, sandy slopes, and sandy areas in coastal prairie. 4-20 m. May-July.	Not Present
Humboldt Bay owl's-clover *Castilleja ambigua var. humboldtiensis*	--/-- /1B.2	Marshes and swamps. In coastal saltmarsh with Spartina, Distichlis, Salicornia, Jaumea. 0-20 m. April-August.	Not Present
Humboldt County milk-vetch *Astragalus agnicidus*	-- /E/1B.1	Broadleafed upland forest, north coast coniferous forest. Disturbed openings in partially timbered forest lands; also along ridgelines; south aspects. 115-670 m. April-September.	Not Present
lagoon sedge *Carex lenticularis var. limnophila*	--/-- /2B.2	Bogs and fens, marshes and swamps, north coast coniferous forest. Lakeshores, beaches. Often in gravelly substrates. 0-6 m. June-August.	Not Present
leafy-stemmed mitrewort *Mitellastra caulescens*	--/--/4.2	Broadleafed upland forest, lower montane coniferous forest, meadows and seeps, north coast coniferous forest. Mesic sites. 5-1700 m. May-July	Not Present
livid sedge *Carex livida*	--/--/2A	Bogs and fens. Historically known from a sphagnum bog in California. June.	Not Present
Lyngbye's sedge *Carex lyngbyei*	--/-- /2B.2	Marshes and swamps (brackish or freshwater). 0-200 m. April-August.	Not Present
maple-leaved checkerbloom *Sidalcea malachroides*	--/--/4.2	Broadleafed upland forest, coastal prairie, coastal scrub, north coast coniferous forest, riparian forest. Woodlands and clearings near coast; often in disturbed areas. 4-765 m. April-August.	Not Present
marsh pea *Lathyrus palustris*	--/-- /2B.2	Bogs and fens, lower montane coniferous forest, marshes and swamps, north coast coniferous forest, coastal prairie, coastal scrub. Moist coastal areas. 2-140 m. March-August.	Not Present
Mendocino Coast paintbrush *Castilleja mendocinensis*	--/-- /1B.2	Coastal bluff scrub, coastal scrub, coastal prairie, closed-cone coniferous forest, coastal dunes. Often on sea bluffs or cliffs in coastal bluff scrub or prairie. 3-70 m. April-August.	Not Present
Mendocino dodder *Cuscuta pacifica var. papillata*	--/-- /1B.2	Coastal dunes. Interdune depressions. Annual parasitic vine observed on Gnaphalium, Silene and Lupinus. 3-7 m. July-October.	Not Present
Menzies' wallflower *Erysimum menziesii*	E/E/1B. 1	Coastal dunes. Localized on dunes and coastal strand. 1-25 m. March-April.	Not Present
Methuselah's beard lichen *Usnea longissima*	--/--/4.2	North coast coniferous forest, broadleafed upland forest. Grows in the "redwood zone" on tree branches of a variety of trees, including big leaf maple, oaks, ash, Douglas-fir, and bay. 45-1465 m in California.	Not Present

SPECIES	*STATUS (FED/CA/ CNPS)*	*HABITAT AND BLOOMING PERIOD*	*PRESENCE DETERMINATION*
Monterey clover *Trifolium trichocalyx*	E/E/1B. 1	Closed-cone coniferous forest. Openings, burned areas, and roadsides. Sandy soils. 105-215 m. April-June.	Not Present
North Coast phacelia *Phacelia insularis var. continentis*	--/-- /1B.2	Coastal bluff scrub, coastal dunes. Open maritime bluffs, sandy soil, sometimes rocky habitats. 0-155 m. March-May.	Not Present
northern microseris *Microseris borealis*	--/-- /2B.1	Bogs and fens, meadows and seeps, lower montane coniferous forest. 45-1070 m. June-September.	Not Present
Oregon coast paintbrush *Castilleja litoralis*	--/-- /2B.2	Coastal bluff scrub, coastal dunes, coastal scrub. Sandy sites. 5-255 m.	Not Present
Oregon goldthread *Coptis laciniata*	--/--/4.2	North coast coniferous forest, meadows and seeps. Mesic sites such as moist streambanks. 0-1000 m. March-April.	Not Present
Pacific gilia *Gilia capitata ssp. pacifica*	--/-- /1B.2	Coastal bluff scrub, chaparral, coastal prairie, valley and foothill grassland. 5-1345 m. April-August.	Not Present
perennial goldfields *Lasthenia californica ssp. macrantha*	--/-- /1B.2	Coastal bluff scrub, coastal dunes, coastal scrub. 5-185 m. January-November.	Not Present
pink sand-verbena *Abronia umbellata var. breviflora*	--/-- /1B.1	Coastal dunes and coastal strand. Foredunes and interdunes with sparse cover. A. umbellata var. breviflora is usually the plant closest to the ocean. 0-75 m. January-December.	Not Present
Point Reyes blennosperma *Blennosperma nanum var. robustum*	-- /R/1B.2	Coastal prairie, coastal scrub. On open coastal hills in sandy soil. 5-125. February-April.	Not Present
Point Reyes horkelia *Horkelia marinensis*	--/-- /1B.2	Coastal dunes, coastal prairie, coastal scrub. Sandy flats and dunes near coast; in grassland or scrub plant communities. 2-775 m. May-September.	Not Present
purple-stemmed checkerbloom *Sidalcea malviflora ssp. purpurea*	--/-- /1B.2	Broadleafed upland forest, coastal prairie. 15-85 m. May-June.	Not Present
pygmy cypress *Hesperocyparis pygmaea*	--/-- /1B.2	Closed-cone coniferous forest. On podzol-like blacklock soil in pygmy cypress forest community. 30-430 m.	Not Present
pygmy manzanita *Arctostaphylos nummularia ssp. mendocinoensis*	--/-- /1B.2	Closed-cone coniferous forest. Acidic, sandy-clay soils in dwarf coniferous forest. 90-185 m. January.	Not Present
round-headed Chinese-houses *Collinsia corymbosa*	--/-- /1B.2	Coastal dunes. 0-30 m. April-June.	Not Present
running-pine *Lycopodium clavatum*	--/--/4.1	Lower montane coniferous forest, north coast coniferous forest, marshes and swamps. Forest understory, edges, openings, roadsides; mesic sites with partial shade and light. 45-1225 m. June-August.	Not Present
seacoast ragwort *Lycopodium clavatum*	--/-- /2B.2	Coastal scrub, north coast coniferous forest. Sometimes along roadsides. 30-915 m. April-May.	Not Present

SPECIES	*STATUS (FED/CA/ CNPS)*	*HABITAT AND BLOOMING PERIOD*	*PRESENCE DETERMINATION*
short-leaved evax *Hesperevax sparsiflora var. brevifolia*	--/-- /1B.2	Coastal bluff scrub, coastal dunes, coastal prairie. Sandy bluffs and flats. 0-640 m. March-June.	Not Present
Showy Indian clover (aka two-fork clover) Trifolium amoenum	E/-- /1B.1	Valley and foothill grassland, coastal bluff scrub. Sometimes on serpentine soil, open sunny sites, swales. Most recently cited on roadside and eroding cliff face. 5-310 m. April-June.	Not Present
supple daisy *Erigeron supplex*	--/-- /1B.2	Coastal bluff scrub, coastal prairie. Usually in grassy sites. 5-185 m. May-July.	Not Present
swamp harebell *Campanula californica*	--/-- /1B.2	Bogs and fens, closed-cone coniferous forest, coastal prairie, meadows and seeps, freshwater marsh, north coast coniferous forest. Bogs and marshes in a variety of habitats; uncommon where it occurs. 1-520 m. June-October.	Not Present
Thurber's reed grass *Calamagrostis crassiglumis*	--/-- /2B.1	Coastal scrub, marshes and swamps. Usually in marshy swales surrounded by grassland or coastal scrub. 5-50 m. May-July.	Not Present
white beaked-rush *Rhynchospora alba*	--/-- /2B.2	Bogs and fens, meadows and seeps, marshes and swamps. Freshwater marshes and sphagnum bogs. 60-1875 m. July-August.	Not Present
white-flowered rein orchid *Piperia candida*	--/-- /1B.2	North Coast coniferous forest, lower montane coniferous forest, broadleafed upland forest. Sometimes on serpentine. Forest duff, mossy banks, rock outcrops, and muskeg. 20-1615 m. May-September.	Not Present
Whitney's farewell-to-spring *Clarkia amoena ssp. whitneyi*	--/-- /1B.1	Coastal bluff scrub, coastal scrub. 5-125 m. June-August.	Not Present
Wolf's evening-primrose *Oenothera wolfii*	--/-- /1B.1	Coastal bluff scrub, coastal dunes, coastal prairie, lower montane coniferous forest. Sandy substrates; usually mesic sites. 0-125 m. May-October.	Not Present

SOURCE: DE NOVO PLANNING GROUP (JANUARY 2022).

NOTE: CNPS = CALIFORNIA NATIVE PLANT SOCIETY

FEDERAL STATUS EXPLANATIONS:

E = ENDANGERED UNDER THE FEDERAL ENDANGERED SPECIES ACT.

STATE STATUS EXPLANATIONS:

E = ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.

T = THREATENED UNDER THE FEDERAL CALIFORNIA ENDANGERED SPECIES ACT.

R = RARE UNDER THE CALIFORNIA ENDANGERED SPECIES ACT

CALIFORNIA NATIVE PLANT SOCIETY STATUS EXPLANATIONS:

1B = RARE, THREATENED, OR ENDANGERED IN CALIFORNIA AND ELSEWHERE.

2 = RARE, THREATENED, OR ENDANGERED IN CALIFORNIA, BUT MORE COMMON ELSEWHERE.

4 = PLANTS OF LIMITED DISTRIBUTION – A WATCH LIST

.1 = SERIOUSLY ENDANGERED IN CALIFORNIA (OVER 80% OF OCCURRENCES THREATENED-HIGH DEGREE AND IMMEDIACY OF THREAT).

.2 = FAIRLY ENDANGERED IN CALIFORNIA (20-80% OCCURRENCES THREATENED).

.3 = NOT VERY ENDANGERED IN CALIFORNIA (<20% OF OCCURRENCES THREATENED).

TABLE 3.3-3: SPECIAL-STATUS WILDLIFE AND FISH SPECIES WHICH MAY OCCUR IN PROJECT AREA

SPECIES	*STATUS (FED/CA)*	*HABITAT REQUIREMENTS*	*PRESENCE DETERMINATION*
INVERTEBRATES			
Mendocino leptonetid spider *Calileptoneta wapiti*	--/--	Known only from the type locality, Elk, and nearby sites in Mendocino County.	Not Present
Behren's silverspot butterfly *Speyeria zerene behrensii*	E/--	Restricted to the Pacific side of the Coast Ranges, from Point Arena to Cape Mendocino, Mendocino Co. Inhabits coastal terrace prairie habitat. Foodplant is Viola sp.	Not Present
globose dune beetle *Coelus globosus*	--/--	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile Creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation.	Not Present
lotis blue butterfly *Plebejus anna lotis*	E/--	Inhabits wet meadows or poorly-drained sphagnum-willow bogs, where soils are waterlogged and acidic; north coastal Calif. Inhabits upper edges of peat bog between peat and surrounding low willows; host plant is suspected to be Hosackia gracilis.	Not Present
obscure bumble bee *Bombus caliginosus*	--/--	Coastal areas from Santa Barbara County to north to Washington state. Food plant genera include Baccharis, Cirsium, Lupinus, Lotus, Grindelia and Phacelia.	Not Present
western bumble bee *Bombus occidentalis*	--/--	Once common and widespread, species has declined precipitously from central CA to southern B.C., perhaps from disease.	Not Present
Ten Mile shoulderband *Noyo intersessa*	--/--	Found in coastal dunes, coastal scrub, and riparian redwood forest habitats.	Not Present
AMPHIBIANS			
California red-legged frog *Rana aurora draytoni*	T/-- (SSC)	Found along the coast and coastal mountain ranges of California from Marin County to San Diego County and in the Sierra Nevada from Tehama County to Fresno County. Permanent and semi-permanent aquatic habitats, such as creeks and cold-water ponds, with emergent and submergent vegetation. May estivate in rodent burrows or cracks during dry periods.	Not Present
foothill yellow-legged frog *Rana boylii*	-- /E(SSC)	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying. Needs at least 15 weeks to attain metamorphosis.	Not Present
northern red-legged frog *Rana aurora*	--/-- (SSC)	Humid forests, woodlands, grasslands, and streamsides in northwestern California, usually near dense riparian cover. Generally near permanent water, but can be found far from water, in damp woods and meadows, during non-breeding season.	Not Present
Pacific tailed frog *Ascaphus truei*	--/-- (SSC)	Occurs in montane hardwood-conifer, redwood, Douglas-fir and ponderosa pine habitats. Restricted to perennial montane streams. Tadpoles require water below 15 degrees C.	Not Present
red-bellied newt *Taricha rivularis*	--/-- (SSC)	Coastal drainages from Humboldt County south to Sonoma County, inland to Lake County. Isolated population of uncertain origin in Santa Clara County. Lives in terrestrial habitats, juveniles generally underground, adults active at surface in moist environments. Will migrate over 1 km to breed, typically in streams with moderate flow and clean, rocky substrate.	Not Present
southern torrent salamander *Rhyacotriton variegatus*	--/-- (SSC)	Coastal redwood, Douglas-fir, mixed conifer, montane riparian, and montane hardwood-conifer habitats. Old growth forest. Cold, well-shaded, permanent streams and seepages, or within splash zone or on moss-covered rocks within trickling water.	Not Present

SPECIES	STATUS (FED/CA)	HABITAT REQUIREMENTS	PRESENCE DETERMINATION
BIRDS			
ashy storm-petrel *Hydrobates homochroa*	--/-- (SSC)	Colonial nester on off-shore islands. Usually nests on driest part of islands. Forages over open ocean. Nest sites on islands are in crevices beneath loosely piled rocks or driftwood, or in caves.	Not Present
great blue heron *Ardea herodias*	--/--	Colonial nester in tall trees, cliffsides, and sequestered spots on marshes. Rookery sites in close proximity to foraging areas: marshes, lake margins, tide-flats, rivers and streams, wet meadows.	Not Present
marbled murrelet *Brachyramphus marmoratus*	T/E	Feeds near-shore; nests inland along coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz. Nests in old-growth redwood-dominated forests, up to six miles inland, often in Douglas-fir.	Not Present
northern goshawk *Accipiter gentilis*	--/-- (SSC)	Within, and in vicinity of, coniferous forest. Uses old nests, and maintains alternate sites. Usually nests on north slopes, near water. Red fir, lodgepole pine, Jeffrey pine, and aspens are typical nest trees.	Not Present
northern spotted owl *Strix occidentalis caurina*	T/T	Old-growth forests or mixed stands of old-growth and mature trees. Occasionally in younger forests with patches of big trees. High, multistory canopy dominated by big trees, many trees with cavities or broken tops, woody debris, and space under canopy.	Not Present
osprey *Pandion haliaetus*	--/-- (WL)	Ocean shore, bays, freshwater lakes, and larger streams. Large nests built in tree-tops within 15 miles of a good fish-producing body of water.	Not Present
purple martin *Progne subis*	--/-- (SSC)	Inhabits woodlands, low elevation coniferous forest of Douglas-fir, ponderosa pine, and Monterey pine. Nests in old woodpecker cavities mostly; also in human-made structures. Nest often located in tall, isolated tree/snag.	Not Present
tufted puffin *Fratercula cirrhata*	--/-- (SSC)	Open-ocean bird; nests along the coast on islands, islets, or (rarely) mainland cliffs. Requires sod or earth into which the birds can burrow, on island cliffs or grassy island slopes.	Not Present
western snowy plover *Charadrius nivosus nivosus*	T/-- (SSC)	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Not Present
western yellow-billed cuckoo *Coccyzus americanus occidentalis*	T (BCC)/E	Nests along the upper Sacramento, lower Feather, south fork of the Kern, Amargosa, Santa Ana, and Colorado Rivers. Wide, dense riparian forests with a thick understory of willows for nesting; sites with a dominant cottonwood overstory are preferred for foraging; may avoid valley oak riparian habitats where scrub jays are abundant	Not Present
FISH			
coho salmon - central California coast ESU *Oncorhynchus kisutch pop. 4*	E/E	Federal listing = pops between Punta Gorda and San Lorenzo River. State listing = pops south of Punta Gorda. Require beds of loose, silt-free, coarse gravel for spawning. Also need cover, cool water and sufficient dissolved oxygen.	Not Present
Pacific lamprey *Entosphenus tridentatus*	--/-- (SSC)	Found in Pacific Coast streams north of San Luis Obispo County, however regular runs in Santa Clara River. Size of runs is declining. Swift-current gravel-bottomed areas for spawning with water temps between 12-18 C. Ammocoetes need soft sand or mud.	Not Present
steelhead - northern California DPS *Oncorhynchus mykiss irideus pop. 16*	T/--	Coastal basins from Redwood Creek south to the Gualala River, inclusive. Does not include summer-run steelhead.	Not Present

SPECIES	*STATUS (FED/CA)*	*HABITAT REQUIREMENTS*	*PRESENCE DETERMINATION*
tidewater goby *Eucyclogobius newberryi*	E/--	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	Not Present
MAMMALS			
hoary bat *Lasiurus cinereus*	--/--	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Potentially Present
North American porcupine *Erethizon dorsatum*	--/--	Forested habitats in the Sierra Nevada, Cascade, and Coast ranges, with scattered observations from forested areas in the Transverse Ranges. Wide variety of coniferous and mixed woodland habitat.	Not Present
Sonoma tree vole *Arborimus pomo*	--/-- (SSC)	North coast fog belt from Oregon border to Sonoma County. In Douglas-fir, redwood and montane hardwood-conifer forests. Feeds almost exclusively on Douglas-fir needles. Will occasionally take needles of grand fir, hemlock or spruce.	Not Present
Townsend's big-eared bat *Corynorhinus townsendii*	--/-- (SSC)	Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Potentially Present
Pacific marten (Coastal DPS) *Martes caurina*	T/--	Uses cavities, snags, logs and rocky areas for cover and denning. Needs large areas of mature, dense forest. Needs variety of different-aged stands, particularly old-growth conifers and snags which provide cavities for dens/nests.	Not Present
REPTILE			
western pond turtle *Emys marmorata*	--/-- (SSC)	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Not Present
Green Sea Turtle *Chelonia mydas*	T/--	Green sea turtles originating from the East Pacific Ocean, bounded by the following lines and coordinates: 41 degrees N., 143 degrees W. in the northwest; 41 degrees N. Lat. in the north; along the western coasts of the Americas; 40 degrees S. Lat. in the south; and 40 degrees S., 96 degrees W. in the southwest	Not Present
Leatherback Sea Turtle Dermochelys coriacea	E/--	The species historical range included the oceans off of Alabama, Alaska, American Samoa, California, Connecticut, Delaware, Florida, Georgia, Guam, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Northern Mariana Islands, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Virginia, Virgin Islands, Washington.	Not Present

SOURCE: DE NOVO PLANNING GROUP (JANUARY 2022).

FEDERAL STATUS EXPLANATIONS:

E = ENDANGERED UNDER THE FEDERAL ENDANGERED SPECIES ACT.
T = THREATENED UNDER THE FEDERAL ENDANGERED SPECIES ACT.
PE = PROPOSED FOR ENDANGERED UNDER THE FEDERAL ENDANGERED SPECIES ACT.
PT = PROPOSED FOR THREATENED UNDER THE FEDERAL ENDANGERED SPECIES ACT.
C = CANDIDATE SPECIES FOR LISTING UNDER THE FEDERAL ENDANGERED SPECIES ACT.
D = DELISTED FROM FEDERAL LISTING STATUS.
BCC = BIRD OF CONSERVATION CONCERN

STATE STATUS EXPLANATIONS:

E = ENDANGERED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.
T = THREATENED UNDER THE CALIFORNIA ENDANGERED SPECIES ACT.
C = CANDIDATE SPECIES FOR LISTING UNDER THE STATE ENDANGERED SPECIES ACT.
FP = FULLY PROTECTED UNDER THE CALIFORNIA FISH AND GAME CODE.
SSC = SPECIES OF SPECIAL CONCERN IN CALIFORNIA.

3.3.2 REGULATORY SETTING

There are a number of regulatory agencies whose responsibility includes the oversight of the natural resources of the state and nation including the California Department of Fish and Wildlife (CDFW), USFWS, U.S. Army Corps of Engineers (USACE), and the Regional Water Quality Control Board (RWQCB). These agencies often respond to declines in the quantity of a particular habitat or plant or animal species by developing protective measures for those species or habitat type. The following is an overview of the federal, state and local regulations that are applicable to the proposed project.

FEDERAL

Federal Endangered Species Act

The Federal Endangered Species Act (FESA), administered by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), provides protection to plant and wildlife species listed as endangered or threatened. In general, USFWS has jurisdiction over terrestrial and fresh-water species, while NMFS has jurisdiction over ocean-going species.

Section 9 of FESA generally prohibits all persons from causing the "take" of any member of a listed species. (16 U.S.C. § 1538.) This prohibition applies mainly to animals; it only extends to plants in areas “under federal jurisdiction” and plants already protected under state law. (Id., subd. (a)(2)(B); see also Northern Cal. River Watch v. Wilcox (9th Cir. 2010) 620 F.3d 1075.)

“Take” is defined in statute as, "... to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." (16 U.S.C. § 1532(19).) “Harass” is defined in regulation as "...an intentional or negligent act or omission that creates the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering." (See 50 CFR § 17.3.) “Harm” is defined in regulation as "...significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering.” (Id.) Despite the general prohibition against take, FESA in some circumstances permits “incidental take,” which means take that is incidental to, but not the purpose of, the carrying out of an otherwise lawful activity. (16 U.S.C. § 1539(a).) Under section 10 of FESA, persons seeking permission to engage in actions that could result in such incidental take can obtain such permission through the approval of a habitat conservation plan (HCP) by either USFWS or NMFS. (16 U.S.C., § 1539(a).)

Proposed federal actions that would result in take of a federal-listed or proposed species require consultation with USFWS or NMFS under section 7 of FESA. (Id., § 1536.) The objective of consultation is to determine whether the proposed federal action would jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat. Where such an outcome would not occur, USFWS or NMFS must still impose reasonable and prudent measures to minimize the effects of the incidental taking. Where such an outcome could occur, USFWS or NMFS must

propose reasonable and prudent alternatives that, if implemented, would avoid such an outcome. (Id.)

Compliance with ESA can be achieved under Section 7 or 10 of FESA depending on the involvement of the federal government. Section 7 requires federal agencies to make a finding on all federal actions, including the approval by an agency of a public or private action, such as the issuance of a "404 permit" for filling wetlands by the U.S. Army Corps of Engineers (USACE), on the potential of the action to jeopardize the continued existence of any listed species impacted by the action or to result in the destruction or adverse modification of such species' critical habitat. Provisions of Section 10 are implemented when there is no federal involvement in a project except compliance with FESA. A take not specifically allowed by federal permit under Section 7 or Section 10(a)(1)(B) of the FESA is subject to enforcement through civil or criminal proceedings under Section II of the FESA.

Migratory Bird Treaty Act

To kill, possess, or trade a migratory bird, bird part, nest, or egg is a violation of the Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., §703, Supp. I, 1989), unless it is in accordance with the regulations that have been set forth by the Secretary of the Interior.

Federal Bald and Golden Eagle Protection Act

The Federal Bald and Golden Eagle Protection Act provide regulations to protect bald and golden eagles as well as their nests and eggs from willful damage or injury.

Clean Water Act – Section 404

Section 404 of the CWA regulates all discharges of dredged or fill material into waters of the U.S. Discharges of fill material including the placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes and subaqueous utility lines [33 C.F.R. §328.2(f)]. Waters of the U.S. include lakes, rivers, streams, intermittent drainages, mudflats, sandflats, wetlands, sloughs, and wet meadows. 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)]. Waters of the U.S. exhibit a defined bed and bank and ordinary high-water mark (OHWM). The OHWM is defined by the USACE as "that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" [33 C.F.R. §328.3(e)].

Clean Water Act – Section 401

Section 401 of the CWA (33 U.S.C. 1341) requires an applicant who is seeking a 404 permit to first obtain a water quality certification from the RWQCB. To obtain the water quality certification, the CVRWQCB must indicate that the proposed fill would be consistent with the standards set forth by the state.

Rivers and Harbors Act of 1899

The Rivers and Harbors Act prohibits the obstruction or alteration of any navigable water of the United States. The Act requires authorization from the USACE for any excavation or deposition of materials into these waters or for any work that could affect the course, location, condition, or capacity of rivers or harbors.

STATE

Fish and Game Code §2050-2097 - California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) administers a number of laws and programs designed to protect fish and wildlife resources. Principal of these is the California Endangered Species Act of 1984 ("CESA'" Fish and Game Code Section 2050 et seq.), which regulates the listing and take of state endangered and threatened species, as well as candidate species. Under Section 2081 of CESA, CDFW may authorize take of an endangered and/or threatened species, or candidate species, by an incidental take permit or Memorandum of Understanding (MOU) for scientific, educational, or management purposes. In approving an incidental take permit, CDFW must ensure, among other things, that "[t]he impacts of the authorized take shall be minimized and fully mitigated." Further, "[t]he measures required to meet this obligation shall be roughly proportional in extent to the impact of the authorized taking on the species. Where various measures are available to meet this obligation, the measures required shall maintain the applicant's objectives to the greatest extent possible. All required measures shall be capable of successful implementation." To be consistent with Federal regulations, CESA created the categories of "threatened" and "endangered" species. It converted all "rare" animals into the Act as threatened species, but did not do so for rare plants, as previously designated under the California Native Plant Protection Act (discussed below). Thus, there are three listing categories for plants in California: rare, threatened, and endangered. Under State law, plant and animal species may be formally designated by official listing by the California Fish and Game Commission.

Fish and Game Code §2800-2835 – Natural Communities Conservation Planning Act

The Natural Communities Conservation Planning Act is set forth in Fish and Game Code Sections 2800–2835. The intent of the legislation is to provide for conservation planning as an officially recognized policy that can be used as a tool to eliminate conflicts between the protection of natural resources and the need for growth and development. In addition, the legislation promotes conservation planning as a means of coordination and cooperation among private interests, agencies, and landowners, and as a mechanism for multispecies and multi-habitat management and conservation. The development of Natural Community Conservation Plans (NCCPs) is an alternative to obtaining take authorization under Section 2081 of the Fish and Game Code.

Fish and Game Code §1900-1913 – California Native Plant Protection Act

In 1977 the State Legislature passed the Native Plant Protection Act (NPPA) in recognition of rare and endangered plants of the state. The intent of the law was to preserve, protect, and enhance

endangered plants. The NPPA gave the California Fish and Game Commission the power to designate native plants as endangered or rare, and to require permits for collecting, transporting, or selling such plants. The NPPA includes provisions that prohibit the taking of plants designated as "rare" from the wild, and a salvage mandate for landowners, which requires notification of the CDFW 10 days in advance of approving a building site.

Fish and Game Code §3503, 3503.5, 3800 – Predatory Birds

Under California Fish and Game Code section 3503, "[i]t is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." Under section 3503.5, "[i]t is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird, except as otherwise provided by this code or any regulation adopted pursuant thereto." Section 3503 allows some destruction of nests or eggs (it cannot be done "needlessly"), while section 3503.5 prohibits such destruction outright. Under section 3800, it is generally unlawful to take "any nongame bird," with some exceptions. Any activity that would cause a nest to be abandoned or cause a reduction or loss in a reproductive effort is commonly understood to be a take. This generally includes construction activities.

Fish and Game Code §1601-1603 – Streambed Alteration

Under the California Fish and Game Code, CDFW has jurisdiction over any proposed activities that would substantially divert or obstruct the natural flow or change the bed, channel, or bank of any lake or stream. Private landowners or project proponents must obtain a "Streambed Alteration Agreement" from CDFW prior to any alteration of a lake bed, stream channel, or their banks. Through this agreement, the CDFW may impose conditions to limit and fully mitigate impacts on fish and wildlife resources. These agreements are usually initiated through the local CDFW warden and will specify timing and construction conditions, including any mitigation necessary to protect fish and wildlife from impacts of the work.

Fish and Game Code §3511, 3513, 4700, and 5050 – Fully Protected Species

Fish and Game Code Sections 3511, 3513, 4700, and 5050 pertain to fully protected wildlife species (birds in Sections 3511 and 3513, mammals in Section 4700, and reptiles and amphibians in Section 5050) and strictly prohibit the take of these species. CDFW cannot issue a take permit for fully protected species, except under narrow conditions for scientific research or the protection of livestock, or if an NCCP has been adopted.

California Environmental Quality Act Guidelines § 15380 – Unlisted Species Worth of Protection

The CEQA Guidelines provide that a species that is not listed on the federal or state endangered species list may nevertheless be considered rare or endangered if the species meets certain criteria. (CEQA Guidelines § 15380.) Species that are not listed under FESA or CESA, but are otherwise eligible

for listing (i.e., candidate, or proposed) may be protected by the local government until the opportunity to list the species arises for the responsible agency.

Species that may be considered for review are included on a list of "Species of Special Concern," developed by the CDFW. Additionally, the California Native Plant Society (CNPS), a nongovernmental organization, maintains a list of plant species native to California that have low populations, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. List 1A contains plants that are believed to be extinct. List 1B contains plants that are rare, threatened, or endangered in California and elsewhere. List 2 contains plants that are rare, threatened, or endangered in California, but more numerous elsewhere.

California Wetlands Conservation Policy

In August 1993, the Governor announced the "California Wetlands Conservation Policy." The goals of the policy are to establish a framework and strategy that will:

- Ensure no overall net loss and to achieve a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California in a manner that fosters creativity, stewardship, and respect for private property.
- Reduce procedural complexity in the administration of State and federal wetland conservation programs.
- Encourage partnerships to make landowner incentive programs and cooperative planning efforts the primary focus of wetland conservation and restoration.

The Governor also signed Executive Order W-59-93, which incorporates the goals and objectives contained in the new policy and directs the Resources Agency to establish an Interagency Task Force to direct and coordinate administration and implementation of the policy.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) is California's primary water quality control statute. But its protections extend to wetlands, and in some instances wetlands that are not subject to federal jurisdiction under the Clean Water Act. Under the Porter-Cologne Act definition, waters of the state are "any surface water or groundwater, including saline waters, within the boundaries of the state." (Wat. Code, § 13050[e].) Although all waters of the United States that are within the borders of California are also waters of the state, the reverse is not necessarily true. Therefore, California retains authority to regulate discharges of waste into any waters of the state, discharges to receiving waters more broadly than the CWA does.

Waters of the state fall under the jurisdiction of the nine Regional Water Quality Control Boards (RWQCBs). Under Porter-Cologne, each RWQCB must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control nonpoint and point sources of pollution. California Water Code Section 13260 requires any person discharging waste, or proposing to discharge waste, in any region that could affect the waters of the state to file a report of discharge (an application for waste

discharge requirements [WDRs]) with the applicable RWQCB. Construction activities that may discharge wastes into the waters of the state must meet the discharge control requirements of the Porter-Cologne Act.

On April 2, 2019, the State Water Resources Control Board (State Water Board) adopted Resolution 2019-0015, thereby adopting a document entitled, "State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State" ("Procedures") for inclusion in the Water Quality Control Plans for Inland Surface Waters, Enclosed Bays, and Estuaries of California.[1]

In taking this action, the State Water Board noted that under the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) (Wat. Code, Div. 7, § 13000 et seq.), discharges of dredged or fill material to waters of the state are subject to waste discharge requirements or waivers thereof. The State Water Board further explained that "although the state has historically relied primarily on requirements in the Clean Water Act to protect wetlands, U.S. Supreme Court rulings reducing the jurisdiction of the Clean Water Act over wetland areas by limiting the definition of 'waters of the United States' have necessitated the use of California's independent authorities under the Porter-Cologne Act to protect these vital resources."

The Office of Administrative Law (OAL) approved the Procedures on August 28, 2019. Pursuant to the Procedures, the effective date is nine months upon OAL approval. Accordingly, the Procedures will be effective May 28, 2020.

By adopting the Procedures, the State Water Board mandated and standardized the evaluation of impacts and protection of waters of the state from impacts due to dredge and fill activities. The Procedures include: 1) a wetland definition; 2) a jurisdictional framework for determining if a feature that meets the wetland definition is a water of the state; 3) wetland delineation procedures; and 4) procedures for application submittal, and the review and approval of dredge or fill activities.

The Procedures define an area as a wetland if it meets three criteria: wetland hydrology, wetland soils, and (if vegetated) wetland plants. An area is a wetland if: (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

Waters of the State, by definition, includes more aquatic features than Waters of the U.S., which defines the jurisdiction of the federal government. Waters of the State are not so limited. In addition, the federal definition of a wetland requires a prevalence of wetland vegetation under normal circumstances. To account for wetlands in arid portions of the state, the State Water Board's definition differs from the federal definition in that an area may be a wetland even if it does not support vegetation. If vegetation is present, however, the State Water Board's definition requires

[1] See: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/procedures_conformed.pdf

that the vegetation be wetland vegetation. The State Water Board's definition clarifies that vegetated and unvegetated wetlands will be regulated in the same manner.

The Procedures also include a jurisdictional framework that applies to aquatic features that meet the wetland definition. The jurisdictional framework will guide applicants and staff in determining whether an aquatic feature that meets the wetland definition will be regulated as a water of the state. The jurisdictional framework is intended to exclude from regulation any artificially-created, temporary features, such as tire ruts or other transient depressions caused by human activity, while still capturing small, naturally-occurring features, such as seasonal wetlands and small vernal pools that may be outside of federal jurisdiction. The Procedures do not expand the State Water Board's jurisdiction beyond areas already under State Water Board's jurisdiction.

The Procedures exclude the following agricultural features from the protections accorded to wetlands: (1) ditches with ephemeral flow that are not a relocated water of the state or excavated in a water of the state; (2) ditches with intermittent flow that are not a relocated water of the state or excavated in a water of the state, or that do not drain wetlands other than any wetlands described in (4) or (5) below; (3) ditches that do not flow, either directly or through another water, into another water of the state; (4) artificially irrigated areas that would revert to dry land should application of waters to that area cease; or (5) artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, and settling basins.

The Procedures clarify what information and analysis the applicant needs to submit to have a complete application. The Procedures standardize when an alternative analysis needs to be conducted and set a minimum mitigation ratio for any permanent impacts to waters of the state resulting from dredge and fill activities.

When an alternatives analysis is required, the applicant must demonstrate that the proposed alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA). The term practicable means available and capable of being done after taking into consideration cost, existing technology, and other logistics in light of the overall project purpose.

Water Quality Control Plan for the North Coast Region

The Water Quality Control Plan for the North Coast Region (North Coast Basin Plan) is designed to provide a definitive program of actions to preserve and enhance water quality and protect beneficial uses of all regional waters. The Basin Plan addresses many factors and activities, which may affect water quality. It includes actions to be taken by the SWRCB and the RWQCB.

Specifically, the Basin Plan:

- Designates beneficial uses of surface waters and groundwaters.
- Sets narrative and numeric objectives that must be attained or maintained to protect beneficial uses.
- Defines implementation programs that include specific prohibitions, action plans, and policies to achieve the water quality objectives.
- Describes the RWQCB's monitoring activities.

Additionally, the Basin Plan describes the RWQCB's provisions for public participation and provides the framework for the development of discharge regulation. SWRCB water quality control plans and policies also apply within the North Coast Region.

The Basin Plan is the basis for the RWQCB's regulatory programs. RWQCB orders cite the Basin Plan's beneficial uses, water quality objectives, and prohibitions applicable to a particular discharge. The Basin Plan is used by other agencies in their permitting and resource management activities. Other state offices, departments, and boards shall comply with the Basin Plan when carrying out activities that may affect water quality unless otherwise directed or authorized by statute. The Basin Plan also serves as an educational document for the RWQCB's technical staff and dischargers. Finally, the Basin Plan provides valuable information to members of the public about local water quality issues.

LOCAL

Fort Bragg Coastal General Plan

The Fort Bragg Coastal General Plan includes a number of policies relevant to biological resources and the conservation of sensitive environmental resources. The following policies apply to the proposed Project.

CONSERVATION, OPEN SPACE, ENERGY, AND PARKS ELEMENT

Policy OS-5.1. Native Species: Preserve native plant and animal species and their habitat.

Policy OS-5.2. To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

Policy OS-5.3. Require site planning and construction to maintain adequate open space to permit effective wildlife corridors for animal movement between open spaces.

Policy 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.

Policy 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.

City of Fort Bragg Municipal Code

Chapter 17.34, Landscaping Standards, establishes requirements for landscaping to enhance the appearance of development projects, reduce heat and glare, control soil erosion, conserve water, screen potentially incompatible land uses, preserve the integrity of neighborhoods, improve air quality, and improve pedestrian and vehicular traffic and safety.

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:

- 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.

IMPACTS AND MITIGATION

Impact 3.3-1: The proposed Project would not have a direct or indirect effect on special-status invertebrate, reptile, amphibian, fish, and plant species, including through the substantial reduction of habitat or range restriction for fish or wildlife, resulting in a fish or wildlife population to drop below self-sustaining levels, or threatening to eliminate a plant or animal community (Less than Significant)

INVERTEBRATE

There are seven special-status invertebrates that are documented within the six-quadrangle region for the Project site according to the CNDDB, including: Mendocino leptonetid spider (*Calileptoneta wapiti*), Behren's silverspot butterfly (*Speyeria zerene behrensii*), globose dune beetle (*Coelus*

globosus), lotis blue butterfly (*Plebejus anna lotis*), obscure bumble bee (*Bombus caliginosus*), western bumble bee (*Bombus occidentalis*), and Ten Mile shoulderband (*Noyo intersessa*) (Refer to Table 3.3-3).

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 the of these most recent surveys by De Novo Planning Group 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 Planning 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.

The Project site is located within a built-up, urban environment and is comprised of an existing building, paved parking lot, and annual grasses and forbs with scattered shrubs that do not provide suitable habitat for the above-listed species. These seven special-status invertebrates have not been documented on the Project site, and appropriate habitat is not present. No special-status invertebrates 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. Because adequate habitat for invertebrate species is not found on-site, the Project would not reduce habitat for these species, or cause invertebrate populations to drop below-sustaining levels. As such, Project implementation would not substantially reduce the number or restrict the range of an endangered, rare or threatened invertebrate species.

Overall, the proposed Project would have a ***less than significant*** impact on special-status invertebrate species.

REPTILE AND AMPHIBIAN

There are five special-status amphibians and one special-status reptile that are documented within the six-quadrangle area for the Project site according to the CNDDB, including: foothill yellow-legged frog (*Rana boylii*), northern red-legged frog (*Rana aurora*), Pacific tailed frog (*Ascaphus truei*), red-bellied newt (*Taricha rivularis*), southern torrent salamander (*Rhyacotriton variegatus*), and western pond turtle (*Emys marmorata*). In addition, the USFWS IPAC indicates California red-legged frog (*Rana draytonii*) could occur in the region, along with two species of sea turtles. (Refer to Table 3.3-3).

As noted previously, the Project site is located within a built-up, urban environment and is comprised of an existing building, paved parking lot, and annual grasses and forbs with scattered shrubs that do not provide suitable habitat for the above-listed species. The Project site does not contain wetlands or other aquatic habitats. These six special-status amphibians and three special-status reptiles have not been documented on the Project site, and appropriate habitat is not present. No special-status amphibians or reptiles 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. Because adequate habitat for amphibian or reptile species is not found on-site,

the Project would not reduce habitat for these species, or cause amphibian or reptile populations to drop below-sustaining levels. As such, Project implementation would not substantially reduce the number or restrict the range of an endangered, rare or threatened amphibian or reptile species.

Overall, the proposed Project would have a ***less than significant*** impact on special-status reptile and amphibian species.

FISH

There are four special-status fish that are documented within the six-quadrangle area for the Project site according to the CNDDB, including: coho salmon - central California coast ESU (*Oncorhynchus kisutch pop. 4*), Pacific lamprey (*Entosphenus tridentatus*), steelhead - northern California DPS (*Oncorhynchus mykiss irideus pop. 16*), and tidewater goby (*Eucyclogobius newberryi*). (Refer to Table 3.3-3).

As noted previously, the Project site is located within a built-up, urban environment and is comprised of an existing building, paved parking lot, and annual grasses and forbs with scattered shrubs. The Project site does not provide suitable habitat for the above-listed species as the site does not contain wetlands or other aquatic habitats. These four special-status fish have not been documented on the Project site. No special-status fish were observed within the Project site during field surveys and none would be affected by the proposed Project based on the lack of appropriate habitat. Because adequate habitat for fish species is not found on-site, the Project would not reduce habitat for fish species, or cause fish populations to drop below-sustaining levels. As such, Project implementation would not substantially reduce the number or restrict the range of an endangered, rare or threatened fish species.

Overall, the proposed Project would have a ***less than significant*** impact on special-status fish species.

PLANT

There are 55 special-status plants that are documented within the six-quadrangle area for the Project site. In addition, the USFWS IPAC indicates there are an additional 3 species that could occur in the region. (Refer to Table 3.3-3).

The Project site is located within a built-up, urban environment and is comprised of an existing building, paved parking lot, and annual grasses and forbs with scattered shrubs. The Project site does not contain wetlands or other aquatic habitats, which is discussed in more detail under Impact 3.3-4. None of the plant species identified in the plant inventory are classified as wetland plants (hydrophytes) in the National Wetland Plant List. 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.

No special-status plants were observed within the Project site during the most recent field surveys (2022), or the past field surveys (2019). No special status plants are expected to be affected by the

proposed Project based on the lack of appropriate habitat. Because adequate habitat for these plant species is not found on-site, the Project would not threaten to eliminate a plant or animal community.

Overall, the proposed Project would have a ***less than significant*** impact on special-status plant species.

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(Less than Significant with Mitigation)

There are eight special-status birds that are documented in the CNDDB within the six-quadrangle area for the Project site according to the CNDDB, including: ashy storm-petrel (*Hydrobates homochroa*), great blue heron (*Ardea herodias*), marbled murrelet (*Brachyramphus marmoratus*), northern goshawk (*Accipiter gentilis*), osprey (*Pandion haliaetus*), purple martin (*Progne subis*), tufted puffin (*Fratercula cirrhata*), and western snowy plover (*Charadrius nivosus nivosus*). In addition, the USFWS IPAC indicates northern spotted owl (*Strix occidentalis caurina*) and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) could occur in the region. (Refer to Table 3.3-3).

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.

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.

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.

As noted previously, the Project site is located within a built-up, urban environment. Four ornamental trees are located in the northern portion of the site along South Street. These trees were inspected for evidence of nesting, which was not present.

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.

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.

MITIGATION MEASURE(S)

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.*

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 (Less than Significant with Mitigation)

There are four special-status mammals that are documented within the six-quadrangle area for the Project site, including: hoary bat (*Lasiurus cinereus*), North American porcupine (*Erethizon dorsatum*), Sonoma tree vole (*Arborimus pomo*), and Townsend's big-eared bat (*Corynorhinus townsendii*). In addition, the USFWS IPAC indicates Pacific marten (Coastal Distinct Population Segment) (*Martes caurina*) could occur in the region. (Refer to Table 3.3-3).

The Project site is located within a built-up, urban environment and is comprised of an existing building, paved parking lot, and annual grasses and forbs with scattered shrubs. The Project site does not provide suitable habitat for the above-listed species, with the exception of bats. These special-status have not been documented on the Project site. No special-status species were observed within the Project site during field surveys and none would be affected by the proposed Project based on the lack of appropriate habitat.

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

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 would be ***less than significant***.

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.*

- *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.*

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.

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.

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.

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

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.

The CNDDB record search revealed documented occurrences of seven sensitive habitats within the six-quadrangle area for the Project site: Coastal and Valley Freshwater Marsh, Coastal Brackish Marsh, Fen, Grand Fir Forest, Mendocino Pygmy Cypress Forest, Northern Coastal Salt Marsh, and Sphagnum Bog. These sensitive natural communities do not occur within the Project site.

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

Impact 3.3-6: The proposed Project would not result in interference with the movement of native fish or wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites (Less than Significant)

The site is located in a developed, urban area, and the property is not part of any corridor through which wildlife could move. The 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. To the east of the site across S. Franklin Street are five single-family residences, one multi-family residential building, and two vacant lots.

The Project would not be anticipated to substantially interfere 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. The Project site does not contain any streams, creeks, or wetland areas, and is located within an urban built-up environment with no existing wildlife corridors.

There are no existing wildlife nursery sites within or near the site that could be impacted by the project. The CNDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the Project site. Therefore, the proposed Project would have a ***less than significant*** impact relative to this topic.

Impact 3.3-7: The proposed Project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (Less than Significant)

The City of Fort Bragg's Coastal General Plan contains policies related to the protection and enhancement of natural resources. The Project site is not mapped for open space or environmentally sensitive areas as indicated on Map OS-1 Open Space and Environmentally Sensitive Habitat Areas.

The relevant Conservation, Open Space, Energy, and Parks Element of the General Plan establish numerous policies related to biological resources as listed below:

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.

> ***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.*

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*

building and associated 47-space parking lot are located in the northern half of the site. Wooden fencing is currently located along the western property line and adjacent south 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. There is no designated open space on-site. However, the southern portion of the site is vacant and has characteristics of openness. Nevertheless, any vacant or open space on site is surrounded by urban development, and the southern portion of the site is not connected to a larger corridor through which wildlife can move without interruption.

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.

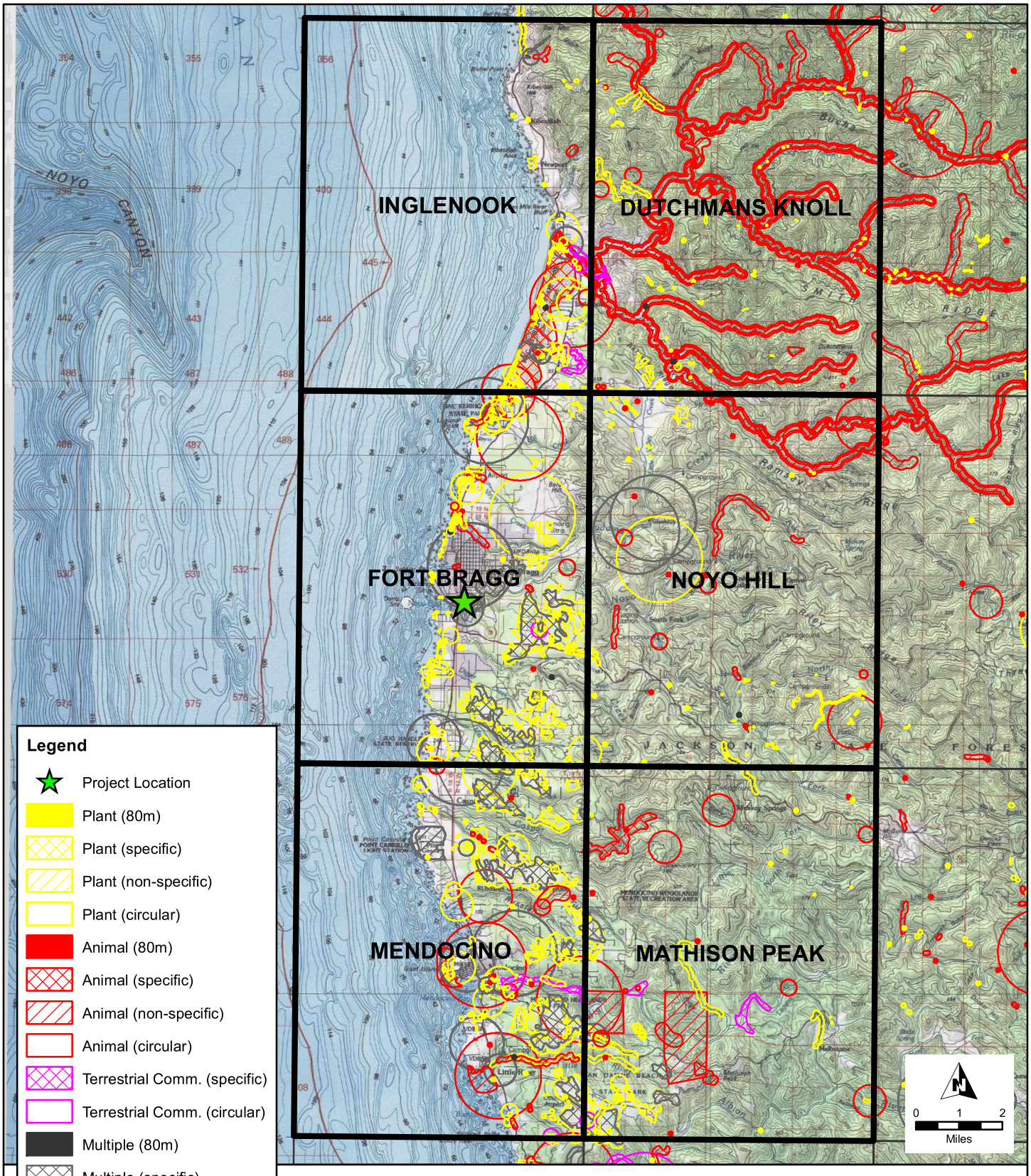
***Consistent**: As noted previously, four ornamental trees are located in the northern portion of the site along South Street, and additional ornamental trees are located along the South Street frontage. It is possible that the existing trees could be preserved as part of the proposed landscaping plan; 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 deemed undesirable by the City would not be utilized in the proposed landscaping.*

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.*

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 to this topic.



FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 3.3-1. California Natural Diversity Database 6-Quad Search

CNDDB version 1/4/2022. Please Note: the occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not been surveyed and/or mapped. Lack of information in the CNDDB about a species or an area can never be used as proof that no special status species occur in an area. Basemap: USGS Topographic Map. Map date: January 5, 2022.

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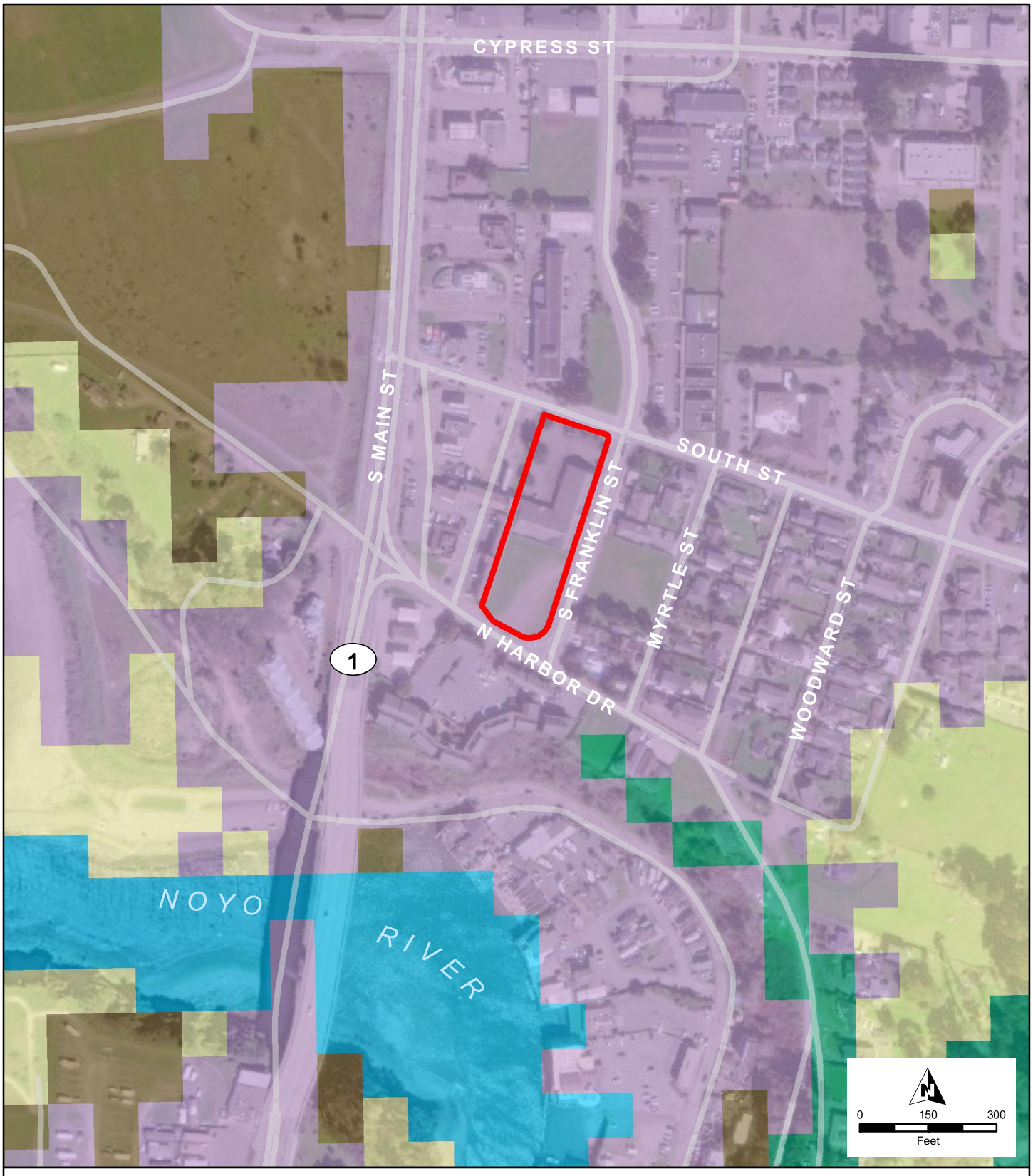

Legend

- Project Boundary
- Annual Grassland
- Barren
- Closed-Cone Pine-Cypress
- Riverine
- Urban

FORT BRAGG BEST DEVELOPMENT
GROCERY OUTLET PROJECT

Figure 3.3-2. Land Cover Types

Sources: Mendocino County; CALFIRE FRAP Vegetation (fveg) 1-1-2015; ArcGIS Online World Imagery Map Service, 4/1/2020. Map date: January 5, 2022.

De Novo Planning Group
A Land Use Planning, Design, and Environmental Firm

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This section discusses regional greenhouse gas (GHG) emissions, climate change, and energy conservation impacts that could result from Project implementation. The analysis contained in this section is intended to be at a Project-level. This section provides a background discussion of greenhouse gases and climate change linkages and effects of global climate change. This section is organized with an existing setting, regulatory setting, approach/methodology, and impact analysis. The analysis and discussion of the GHG, climate change, and energy conservation impacts in this section focuses on the proposed Project's consistency with local, regional, and statewide climate change planning efforts and discusses the context of these planning efforts as they relate to the proposed Project. Disclosure and discussion of the Project's estimated energy usage and greenhouse gas emissions are provided.

There were no comments received during the public review period for the Notice of Preparation regarding this topic. Full comments received are included in Appendix A.

3.4.1 ENVIRONMENTAL SETTING

GREENHOUSE GASES AND CLIMATE CHANGE LINKAGES

Various gases in the Earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere from space, and a portion of the radiation is absorbed by the Earth's surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation.

Naturally occurring GHGs include water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also GHGs, but they are, for the most part, solely a product of industrial activities. Although the direct GHGs CO_2, CH_4, and N_2O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2011, concentrations of these three GHGs have increased globally by 40, 150, and 20 percent, respectively (IPCC, 2013).

GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs).

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. In California, the transportation sector is the largest emitter of GHGs, followed by the industrial and electricity generation sectors (California Energy Commission, 2020).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern,

respectively. California produced 440 million gross metric tons of carbon dioxide equivalents ($MMTCO_2e$) in 2016 (California Air Resources Board, 2018a).

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2017, accounting for 41% of total GHG emissions in the state. This category was followed by the industrial sector (24%), the electricity generation sector (including both in-state and out of-state sources) (15%), the agriculture sector (8%), the residential energy consumption sector (7%), and the commercial energy consumption sector (5%) (California Air Resources Board, 2020c).

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 21st 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 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.

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.

ENERGY CONSUMPTION

Energy in California is consumed from a wide variety of sources. Fossil fuels (including gasoline and diesel fuel, natural gas, and energy used to generate electricity) are most widely used form of energy in the State. However, renewable sources of energy (such as solar and wind) are growing in proportion to California's overall energy mix. A large driver of renewable sources of energy in California is the State's current Renewable Portfolio Standard (RPS), which requires the State to derive at least 33% of electricity generated from renewable resources by 2020, 60 percent by 2030, and to achieve zero-carbon emissions by 2045 (as passed in September 2018, under AB 100).

Overall, in 2018, California's per capita energy usage was ranked fourth-lowest in the nation (U.S. EIA, 2020b). California's per capita rate of energy usage has remained relatively constant since the 1970's. Many State regulations since the 1970's, including new building energy efficiency standards, vehicle fleet efficiency measures, as well as growing public awareness, have helped to keep per capita energy usage in the State in check.

The consumption of non-renewable energy (i.e., fossil fuels) associated with the operation of passenger, public transit, and commercial vehicles, results in GHG emissions that contribute to global climate change. Alternative fuels such as natural gas, ethanol, and electricity (unless derived from solar, wind, nuclear, or other energy sources that do not produce carbon emissions) also result in GHG emissions and contribute to global climate change.

Electricity Consumption

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. In 2016, more than one-fourth of the electricity supply came from facilities outside of the State. Much of the power delivered to California from states in the Pacific Northwest was generated by wind. States in the Southwest delivered power generated at coal-fired power plants, at natural gas-fired power plants, and from nuclear generating stations (U.S. EIA, 2020a). In 2016, approximately 50 percent of California's utility-scale net electricity generation was fueled by natural gas. In addition, about 25 percent of the State's utility-scale net electricity generation came from non-hydroelectric renewable technologies, such as solar, wind, geothermal, and biomass. Another 14 percent of the State's utility-scale net electricity generation came from hydroelectric generation, and nuclear energy powered an additional 11 percent. The amount of electricity generated from coal negligible (approximately 0.2 percent) (U.S. EIA, 2020a). The percentage of renewable resources as a proportion of California's overall energy portfolio is increasing over time, as directed the State's Renewable Portfolio Standard (RPS).

According to the California Energy Commission (CEC), total statewide electricity consumption increased from 166,979 gigawatt-hours (GWh) in 1980 to 228,038 GWh in 1990, which is an estimated annual growth rate of 3.66 percent. The statewide electricity consumption in 1997 was 246,225 GWh, reflecting an annual growth rate of 1.14 percent between 1990 and 1997 (U.S. EIA, 2020b). Statewide consumption was 274,985 GWh in 2010, an annual growth rate of 0.9 percent

between 1997 and 2010. In 2019, electricity consumption in Mendocino County was 581 GWh (California Energy Commission, 2022).

Oil

The primary energy source for the United States is oil, which is refined to produce fuels like gasoline, diesel, and jet fuel. Oil is a finite, nonrenewable energy source. World consumption of petroleum products has grown steadily in the last several decades. As of 2016, world consumption of oil had reached 96 million barrels per day. The United States, with approximately five percent of the world's population, accounts for approximately 19 percent of world oil consumption, or approximately 18.6 million barrels per day (U.S. EIA, 2020c). The transportation sector relies heavily on oil. In California, petroleum-based fuels currently provide approximately 96 percent of the State's transportation energy needs.

Natural Gas/Propane

The State produces approximately 12 percent of its natural gas, while obtaining 22 percent from Canada and 65 percent from the Rockies and the Southwest (California Energy Commission, 2012). In 2006, California produced 325.6 billion cubic feet of natural gas (California Energy Commission, 2012). In 2020, natural gas consumption in Mendocino County was 9.7 million therms (California Energy Commission, 2022).

3.4.2 REGULATORY SETTING

FEDERAL

Clean Air Act

The Federal Clean Air Act (FCAA) was first signed into law in 1970. In 1977, and again in 1990, the law was substantially amended. The FCAA is the foundation for a national air pollution control effort, and it is composed of the following basic elements: NAAQS for criteria air pollutants, hazardous air pollutant standards, State attainment plans, motor National Ambient Air Quality Standards (NAAQS) vehicle emissions standards, stationary source emissions standards and permits, acid rain control measures, stratospheric ozone protection, and enforcement provisions.

The EPA is responsible for administering the FCAA. The FCAA requires the EPA to set NAAQS for several problem air pollutants based on human health and welfare criteria. Two types of NAAQS were established: primary standards, which protect public health, and secondary standards, which protect the public welfare from non-health-related adverse effects such as visibility reduction.

On April 2, 2007, in the court case of *Massachusetts et al. vs. the USEPA et al*. (549 U.S. 497), the U.S. Supreme Court found that GHGs are air pollutants covered by the federal Clean Air Act (42 USC Sections 7401-7671q). The Supreme Court held that the Administrator of the United States Environmental Protection Agency must determine whether or not emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the Administrator is required to follow the language of Section

202(a) of the Clean Air Act. On December 7, 2009, the Administrator signed two distinct findings regarding GHGs under Section 202(a) of the Clean Air Act:

- Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) in the atmosphere threaten the public health and welfare of current and future generations.

- Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action was a prerequisite for implementing GHG emission standards for vehicles. In collaboration with the National Highway Traffic Safety Administration (NHTSA) and CARB, the USEPA developed emission standards for light-duty vehicles (2012-2025 model years), and heavy-duty vehicles (2014-2027 model years).

Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 sought to ensure that all vehicles sold in the U.S. would meet certain fuel economy goals. Through this Act, Congress established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the Act, the National Highway Traffic and Safety Administration, which is part of the U.S. Department of Transportation (USDOT), is responsible for establishing additional vehicle standards and for revising existing standards.

Since 1990, the fuel economy standard for new passenger cars has been 27.5 mpg. Since 1996, the fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 mpg. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is determined on the basis of each manufacturer's average fuel economy for the portion of its vehicles produced for sale in the U.S. The Corporate Average Fuel Economy (CAFE) program, which is administered by the EPA, was created to determine vehicle manufacturers' compliance with the fuel economy standards. The EPA calculates a CAFE value for each manufacturer based on city and highway fuel economy test results and vehicle sales. Based on the information generated under the CAFE program, the USDOT is authorized to assess penalties for noncompliance.

Energy Policy Act of 1992

The Energy Policy Act of 1992 (EPAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally fueled fleets in metropolitan areas. EPAct requires certain federal, State, and local government and private fleets to purchase a percentage of light duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are included in EPAct. Federal tax deductions will be allowed for businesses and individuals to cover the

incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs.

Energy Policy Act of 2005

The Energy Policy Act of 2005 was signed into law on August 8, 2005. Generally, the act provides for renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for a clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Federal Climate Change Policy

According to the EPA, "the United States government has established a comprehensive policy to address climate change" that includes slowing the growth of emissions; strengthening science, technology, and institutions; and enhancing international cooperation. To implement this policy, "the Federal government is using voluntary and incentive-based programs to reduce emissions and has established programs to promote climate technology and science." The EPA administers multiple programs that encourage voluntary GHG reductions, including "ENERGY STAR", "Climate Leaders", and Methane Voluntary Programs. However, as of this writing, there are no adopted federal plans, policies, regulations, or laws directly regulating GHG emissions.

Mandatory Greenhouse Gas Reporting Rule

In 2009, EPA issued a final rule for mandatory reporting of GHGs from large GHG emissions sources in the United States. In general, this national reporting requirement will provide EPA with accurate and timely GHG emissions data from facilities that emit 25,000 metric tons or more of CO_2 per year. This publicly available data will allow the reporters to track their own emissions, compare them to similar facilities, and aid in identifying cost effective opportunities to reduce emissions in the future. Reporting is at the facility level, except that certain suppliers of fossil fuels and industrial GHGs along with vehicle and engine manufacturers will report at the corporate level. An estimated 85% of the total U.S. GHG emissions, from approximately 10,000 facilities, are covered by this final rule.

STATE

The California Legislature has enacted a series of statutes in recent years addressing the need to reduce GHG emissions all across the State. These statutes can be categorized into four broad categories: (i) statutes setting numerical statewide targets for GHG reductions, and authorizing CARB to enact regulations to achieve such targets; (ii) statutes setting separate targets for increasing the use of renewable energy for the generation of electricity throughout the State; (iii) statutes addressing the carbon intensity of vehicle fuels, which prompted the adoption of regulations by CARB; and (iv) statutes intended to facilitate land use planning consistent with statewide climate objectives. The discussion below will address each of these key sets of statutes, as well as CARB "Scoping Plans" intended to achieve GHG reductions under the first set of statutes and recent building code requirements intended to reduce energy consumption.

Statutes Setting Statewide GHG Reduction Targets

ASSEMBLY BILL 32 (GLOBAL WARMING SOLUTIONS ACT)

In 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006 (Health & Safety Code Section 38500 et seq.), also known as Assembly Bill (AB) 32 (Stats. 2006, ch. 488). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction was to be accomplished through an enforceable statewide cap on GHG emissions that was phased in starting in 2012. To effectively implement the cap, AB 32 directed the California Air Resources Board (CARB) to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

SENATE BILL 32

SB 32 (Stats. 2016, ch. 249) added Section 38566 to the Health and Safety Code. It provides that "[i]n adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by [Division 25.5 of the Health and Safety Code], [CARB] shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." In other words, SB 32 requires California, by 2030, to reduce its statewide GHG emissions so that they are 40 percent below those that occurred in 1990.

Between AB 32 (2006) and SB 32 (2016), the Legislature has codified some of the ambitious GHG reduction targets included within certain high-profile Executive Orders issued by the last two Governors. The 2020 statewide GHG reduction target in AB 32 was consistent with the second of three statewide emissions reduction targets set forth in former Governor Arnold Schwarzenegger's 2005 Executive Order known as S-3-05, which is expressly mentioned in AB 32. (See Health & Safety Code Section 38501, subd. (i).) That Executive Branch document included the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. To meet the targets, the Governor directed several State agencies to cooperate in the development of a climate action plan. The Secretary of Cal-EPA leads the Climate Action Team, whose goal is to implement global warming emission reduction programs identified in the Climate Action Plan and to report on the progress made toward meeting the emission reduction targets established in the executive order.

In 2015, Governor Brown issued Executive Order, B-30-15, which created a "new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 is established in order to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050." SB 32 codified this target.

In 2018, Governor Brown issued Executive Order B-55-18, which established a statewide goal to "achieve carbon neutrality as soon as possible, and no later than 2045, and maintain and achieve negative emissions thereafter." The order directs the CARB to work with other State agencies to identify and recommend measures to achieve those goals.

Notably, the Legislature has not yet set a 2045 or 2050 target in the manner done for 2020 and 2030 through AB 32 and SB 32, though references to a 2050 target can be found in statutes outside the Health and Safety Code. Senate Bill 350 (SB 350) (Stats. 2015, ch. 547) added to the Public Utilities Code language that essentially puts into statute the 2050 GHG reduction target already identified in Executive Order S-3-05, albeit in the limited context of new state policies (i) increasing the overall share of electricity that must be produced through renewable energy sources and (ii) directing certain State agencies to begin planning for the widespread electrification of the California vehicle fleet. Section 740.12(a)(1)(D) of the Public Utilities Code now states that "[t]he Legislature finds and declares [that] … [r]educing emissions of [GHGs] to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification." Furthermore, Section 740.12(b) now states that the California Public Utilities Commission (PUC), in consultation with CARB and the California Energy Commission (CEC), must "direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, … and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050."

Statute Setting Target for the Use of Renewable Energy for the Generation of Electricity

CALIFORNIA RENEWABLES PORTFOLIO STANDARD

In 2002, the Legislature enacted Senate Bill 1078 (Stats. 2002, ch. 516), which established the Renewables Portfolio Standard program, requiring retail sellers of electricity, including electrical corporations, community choice aggregators, and electric service providers, to purchase a specified minimum percentage of electricity generated by eligible renewable energy resources such as wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. (See Pub. Utilities Code, Section 399.11 et seq. [subsequently amended].) The legislation set a target by which 20 percent of the State's electricity would be generated by renewable sources. (Pub. Utility Code, Section 399.11, subd. (a) [subsequently amended].) As described in the Legislative Counsel's Digest, Senate Bill 1078 required "[e]ach electrical corporation … to increase its total procurement of eligible renewable energy resources by at least one percent per year so that 20 percent of its retail sales are procured from eligible renewable energy resources. If an electrical corporation fails to procure sufficient eligible renewable energy resources in a given year to meet an annual target, the electrical corporation would be required to procure additional eligible renewable resources in subsequent years to compensate for the shortfall, if funds are made available as described. An electrical corporation with at least 20 percent of retail sales procured from eligible renewable energy resources in any year would not be required to increase its procurement in the following year."

In 2006, the Legislature enacted Senate Bill 107 (Stats. 2006, ch. 464), which modified the Renewables Portfolio Standard to require that at least 20 percent of electricity retail sales be served by renewable energy resources by year 2010. (Pub. Utility Code, Section 399.11, subd (a) [subsequently amended].)

Senate Bill X1-2 (Stats. 2011, 1st Ex. Sess., ch. 1) set even more aggressive statutory targets for renewable electricity, culminating in the requirement that 33 percent of the State's electricity come from renewables by 2020. This legislation applies to all electricity retailers in the State, including publicly owned utilities, investor-owned utilities, electricity service providers, and community choice aggregators. All of these entities were required to meet renewable energy goals of 20 percent of retail sales from renewables by the end of 2013, 25 percent by the end of 2016, and 33 percent by the end of 2020. (See Pub. Utility Code, Section 399.11 et seq. [subsequently amended].) These goals were met.

SB 350, discussed above, increased the Renewable Portfolio Standard to require 50 percent of electricity generated to be from renewables by 2030. (Pub. Utility Code, Section 399.11, subd. (a); see also Section 399.30, subd. (c)(2).) Of equal significance, Senate Bill 350 also embodies a policy encouraging a substantial increase in the use of electric vehicles. As noted earlier, Section 740.12(b) of the Public Utilities Code now states that the PUC, in consultation with CARB and the CEC, must "direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, … and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050."

Executive Order, B-16-12, issued in 2012, embodied a similar vision of a future in which zero-emission vehicles (ZEV) will play a big part in helping the State meet its GHG reduction targets. Executive Order B-16-12 directed State government to accelerate the market for in California through fleet replacement and electric vehicle infrastructure. The Executive Order set the following targets:

- By 2015, all major cities in California will have adequate infrastructure and be "ZEV ready";
- By 2020, the State will have established adequate infrastructure to support 1 million ZEVs in California;
- By 2025, there will be 1.5 million ZEVs on the road in California; and
- By 2050, virtually all personal transportation in the State will be based on ZEVs, and GHG emissions from the transportation sector will be reduced by 80 percent below 1990 levels.

In 2018, Senate Bill 100 (Stats. 2018, ch. 312) revised the above-described deadlines and targets so that the State will have to achieve a 50% renewable resources target by December 31, 2026 (instead of by 2030) and achieve a 60% target by December 31, 2030. The legislation also establishes a State policy that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all State agencies by December 31, 2045.

In summary, California has set a statutory goal of requiring that, by 2030, 60 percent of the electricity generated in California should be from renewable sources, with increased generation capacity sufficient to allow the mass conversion of the statewide vehicle fleet from petroleum-fueled vehicles to electrical vehicles and/or other ZEVs. By 2045, all electricity must come from renewable resources and other carbon-free resources. Former Governor Brown had an even more ambitious goal for the State of achieving carbon neutrality as soon as possible and by no later than 2045. The Legislature

is thus looking to California drivers to buy electric cars, powered by green energy, to help the State meet its aggressive statutory goal, created by SB 32, of reducing statewide GHG emissions by 2030 to 40 percent below 1990 levels. Another key prong to this strategy is to make petroleum-based fuels less carbon-intensive. A number of statutes in recent years have addressed that strategy. These are discussed immediately below.

Statutes and CARB Regulations Addressing the Carbon Intensity of Petroleum-based Transportation Fuels

ASSEMBLY BILL 1493, PAVLEY CLEAN CARS STANDARDS

In 2002, the Legislature enacted Assembly Bill 1493 ("Pavley Bill") (Stats. 2002, ch. 200), which directed the CARB to develop and adopt regulations that achieve the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks beginning with model year 2009. (See Health and Safety Code Section 43018.5.) In September 2004, pursuant to this directive, CARB approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year. These regulations created what are commonly known as the "Pavley standards." In September 2009, CARB adopted amendments to the Pavley standards to reduce GHG emissions from new motor vehicles through the 2016 model year. These regulations created what are commonly known as the "Pavley II standards." (See California Code of Regulations, Title 13, Sections 1900, 1961, and 1961.1 et seq.)

In 2012, CARB adopted an Advanced Clean Cars (ACC) program aimed at reducing both smog-causing pollutants and GHG emissions for vehicles model years 2017-2025. This historic program, developed in coordination with the USEPA and NHTSA, combined the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The regulations focus on substantially increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies. The components of the ACC program are the Low-Emission Vehicle (LEV) regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the Zero-Emission Vehicle (ZEV) regulation, which requires manufacturers to produce an increasing number of pure ZEVs (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles in the 2018 through 2025 model years. (See California Code of Regulations, Title 13, Sections 1900, 1961, 1961.1, 1961.2, 1961.3, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, and 2317 et seq.)

It is expected that the Pavley regulations will reduce GHG emissions from California passenger vehicles by about 34 percent below 2016 levels by 2025, all while improving fuel efficiency and reducing motorists' costs.

Cap and Trade Program

In 2011, CARB adopted the final cap-and-trade program for California (See California Code of Regulations, Title 17, Sections 95801-96022.) The California cap-and-trade program creates a market-based system with an overall emissions limit for affected sectors. The program is intended

to regulate more than 85 percent of California's emissions and staggers compliance requirements according to the following schedule: (1) electricity generation and large industrial sources (2012); (2) fuel combustion and transportation (2015).

According to 2012 CARB guidance, "[t]he Cap-and-Trade Program will reduce GHG emissions from major sources (covered entities) by setting a firm cap on statewide GHG emissions while employing market mechanisms to cost-effectively achieve the emission-reduction goals. The statewide cap for GHG emissions from major sources, which is measured in metric tons of carbon dioxide equivalent (MTCO2e), will commence in 2013 and decline over time, achieving GHG emission reductions throughout the program's duration. Each covered entity will be required to surrender one permit to emit (the majority of which will be allowances, entities are also allowed to use a limited number of CARB offset credits) for each ton of GHG emissions they emit. Some covered entities will be allocated some allowances and will be able to buy additional allowances at auction, purchase allowances from others, or purchase offset credits."

The guidance goes on to say that "[s]tarting in 2012, major GHG-emitting sources, such as electricity generation (including imports), and large stationary sources (e.g., refineries, cement production facilities, oil and gas production facilities, glass manufacturing facilities, and food processing plants) that emit more than 25,000 $MTCO_2e$ per year will have to comply with the Cap-and-Trade Program. The program expands in 2015 to include fuel distributors (natural gas and propane fuel providers and transportation fuel providers) to address emissions from transportation fuels, and from combustion of other fossil fuels not directly covered at large sources in the program's initial phase." In early April 2017, the Third District Court of Appeal upheld the lawfulness of the cap-and-trade program as a "fee" rather than a "tax." (See *California Chamber of Commerce et al. v. State Air Resources Board et al.* (2017) 10 Cal.App.5th 604.)

AB 398 (Stats. 2017, ch. 135) extended the life of the existing Cap and Trade Program through December 2030.

Statute Intended to Facilitate Land Use Planning Consistent with Statewide Climate Objectives

CALIFORNIA SENATE BILL 375 (SUSTAINABLE COMMUNITIES STRATEGY)

This 2008 legislation built on AB 32 by setting forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. CARB is required to set GHG reduction targets for each metropolitan region for 2020 and 2035. Each of California's metropolitan planning organizations then prepares a sustainable communities strategy that demonstrates how the region will meet its GHG reduction target through integrated land use, housing, and transportation planning. Once adopted by the metropolitan planning organizations, the sustainable communities strategy is to be incorporated into that region's federally enforceable regional transportation plan. If a metropolitan planning organization is unable to meet the targets through the sustainable communities strategy, then an alternative planning strategy must be developed which demonstrates how targets could be achieved, even if meeting the targets is deemed to be infeasible.

Climate Change Scoping Plans

AB 32 SCOPING PLAN

In 2008, CARB adopted its first Climate Change Scoping Plan, which contained the main strategies California would have to implement to achieve reduction of approximately 118 million metric tons (MMT) CO_2e, or approximately 22 percent from the State's projected 2020 emission level of 545 MMT of CO_2e under a business-as-usual scenario. This was a reduction of 47 MMT CO_2e, or almost 10 percent, from 2008 emissions. CARB's original 2020 projection was 596 MMT CO_2e, but this revised 2020 projection took into account the economic downturn that occurred in 2008. The Scoping Plan also included CARB recommended GHG reductions for each emissions sector of the State GHG inventory. CARB estimated the largest reductions in GHG emissions would be by implementing the following measures and standards:

- improved emissions standards for light-duty vehicles (26.1 MMT CO_2e);
- the Low Carbon Fuel Standard (15.0 MMT CO_2e);
- energy efficiency measures in buildings and appliances (11.9 MMT CO_2e); and
- renewable portfolio and electricity standards for electricity production (23.4 MMT CO_2e).

In 2011, CARB adopted a cap-and-trade regulation. The cap-and-trade program covers major sources of GHG emissions in the State such as refineries, power plants, industrial facilities, and transportation fuels. The cap-and-trade program includes an enforceable emissions cap that will decline over time. The State distributes allowances, which are tradable permits, equal to the emissions allowed under the cap. Sources under the cap are required to surrender allowances and offsets equal to their emissions at the end of each compliance period. Enforceable compliance obligations started in 2013. The program applies to facilities that comprise 85 percent of the State's GHG emissions.

With regard to land use planning, the Scoping Plan reflected CARB's expectation that reductions of approximately 3.0 MMT CO_2e would be achieved through implementation of Senate Bill (SB) 375, which is discussed further below.

2014 SCOPING PLAN UPDATE

CARB next revised and reapproved the Scoping Plan, and prepared the First Update to the 2008 Scoping Plan in 2014 (2014 Scoping Plan). The 2014 Scoping Plan contained the main strategies California would implement to achieve a reduction of 80 MMT of CO_2e emissions, or approximately 16 percent, from the State's projected 2020 emission level of 507 MMT of CO_2e under the business-as-usual scenario defined in the 2014 Scoping Plan. The 2014 Scoping Plan also included a breakdown of the amount of GHG reductions CARB recommended for each emissions sector of the State's GHG inventory. Several strategies to reduce GHG emissions were included: the Low Carbon Fuel Standard, the Pavley Rule, the ACC program, the Renewable Portfolio Standard, and the Sustainable Communities Strategy.

2017 SB 32 SCOPING PLAN

With the passage of SB 32, the Legislature also passed companion legislation AB 197, which provides additional direction for developing the scoping plan. In response, CARB adopted an updated Scoping Plan in December 2017, which remains operative. The document reflects the 2030 target of reducing statewide GHG emissions by 40 percent below 1990 levels codified by SB 32. The GHG reduction strategies in the plan that CARB will implement to meet the target include:

- SB 350 - achieve 50 percent Renewables Portfolio Standard (RPS) by 2030 and doubling of energy efficiency savings by 2030;
- Low Carbon Fuel Standard - increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020);
- Mobile Source Strategy (Cleaner Technology and Fuels Scenario) - maintaining existing GHG standards for light- and heavy-duty vehicles, put 4.2 million zero-emission vehicles on the roads, and increase zero-emission buses, delivery and other trucks.
- Sustainable Freight Action Plan - improve freight system efficiency, maximize use of near-zero emission vehicles and equipment powered by renewable energy, and deploy over 100,000 zero-emission trucks and equipment by 2030;
- Short-Lived Climate Pollutant Reduction Strategy - reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030 and reduce emissions of black carbon 50 percent below 2013 levels by 2030;
- SB 375 Sustainable Communities Strategies - increased stringency of 2035 targets;
- Post-2020 Cap-and-Trade Program - declining caps, continued linkage with Québec, and linkage to Ontario, Canada;
- 20 percent reduction in GHG emissions from the refinery sector; and
- By 2018, develop an Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Building Code Requirements Intended to Reduce GHG Emissions

CALIFORNIA ENERGY CODE

The California Energy Code (California Code of Regulations, Title 24, Part 6), which is incorporated into the Building Energy Efficiency Standards, was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. Although these standards were not originally intended to reduce GHG emissions, increased energy efficiency results in decreased GHG emissions because energy efficient buildings require less electricity and thus less consumption of fossil fuels, which emit GHGs. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The current 2019 Building Energy Efficiency Standards, commonly referred to as the "Title 24" standards, include changes from the previous standards that were adopted, to do the following:

- Provide California with an adequate, reasonably priced, and environmentally sound supply of energy.

- Respond to Assembly Bill 32, the Global Warming Solutions Act of 2006, which mandated that California must reduce its GHG emissions to 1990 levels by 2020.
- Pursue California energy policy that energy efficiency is the resource of first choice for meeting California's energy needs.
- Act on the California Energy Commission's Integrated Energy Policy Report, which finds that standards are the most cost-effective means to achieve energy efficiency, states an expectation that the Building Energy Efficiency Standards will continue to be upgraded over time to reduce electricity and peak demand, and recognizes the role of the Building Energy Efficiency Standards in reducing energy related to meeting California's water needs and in reducing GHG emissions.
- Meet the West Coast Governors' Global Warming Initiative commitment to include aggressive energy efficiency measures into updates of State building codes.
- Meet Executive Order S-20-04, the Green Building Initiative, to improve the energy efficiency of non-residential buildings through aggressive standards.

The most recent Title 24 standards are the 2019 Title 24 standards. The 2019 Building Energy Efficiency Standards improve upon the 2016 Energy Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Buildings permitted on or after January 1, 2020, must comply with the 2019 Standards. The California Energy Commission updates the standards every three years.

Single-family homes built with the 2019 standards will use about 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards. Once rooftop solar electricity generation is factored in, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards. This requirement will reduce greenhouse gas emissions by 700,000 metric tons over three years, equivalent to taking 115,000 fossil fuel cars off the road. Nonresidential buildings will use about 30 percent less energy due mainly to lighting upgrades.

CALIFORNIA GREEN BUILDING STANDARDS CODE

The purpose of the California Green Building Standards Code (California Code of Regulations Title 24, Part 11) is to improve public health and safety and to promote the general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories: 1) planning and design; 2) energy efficiency; 3) water efficiency and conservation; 4) material conservation and resource efficiency; and 5) environmental quality. The California Green Building Standards, which became effective on January 1, 2011, instituted mandatory minimum environmental performance standards for all ground-up new construction of commercial, low-rise residential uses, and State-owned buildings, as well as schools and hospitals. The mandatory standards require the following:

- 20 percent mandatory reduction in indoor water use relative to baseline levels;
- 50 percent construction/demolition waste must be diverted from landfills;
- Mandatory inspections of energy systems to ensure optimal working efficiency; and

- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards.

The voluntary standards require the following:

- **Tier I:** 15 percent improvement in energy requirements, stricter water conservation requirements for specific fixtures, 65 percent reduction in construction waste, 10 percent recycled content, 20 percent permeable paving, 20 percent cement reduction, and cool/solar reflective roof.
- **Tier II:** 30 percent improvement in energy requirements, stricter water conservation requirements for specific fixtures, 75 percent reduction in construction waste, 15 percent recycled content, 30 percent permeable paving, 30 percent cement reduction, and cool/solar reflective roof.

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.
> - 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

may significantly contribute new GHG emissions, either individually or cumulatively, directly or indirectly (e.g., transportation impacts).

- Although climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment. CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project.

The OPR Guidance did not require Executive Order S-3-05 to be used as a significance threshold under CEQA. Rather, OPR recognized that, until the CARB establishes a statewide standard, selecting an appropriate threshold was within the discretion of the lead agency.

In 2010, the California Natural Resources Agency added Section 15064.4 to the CEQA Guidelines, providing new legal requirements for how agencies should address GHG-related impacts in their CEQA documents. As amended in 2019, Section 15064.4 provides as follows:

> (a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:
>
> (1) Quantify greenhouse gas emissions resulting from a project; and/or
>
> (2) Rely on a qualitative analysis or performance-based standards.
>
> (b) In determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. A lead agency should consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:
>
> (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
>
> (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

> (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions (see, e.g., section 15183.5(b)). Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.
>
> (c) A lead agency may use a model or methodology to estimate greenhouse gas emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

Section 15126.4, subdivision (c), provides guidance on how to formulate mitigation measures addressing GHG-related impacts:

> Consistent with section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:
>
> (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;
>
> (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F;
>
> (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;
>
> (4) Measures that sequester greenhouse gases;
>
> (5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plans for the reduction of greenhouse gas emissions,

mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

California Supreme Court Decisions

THE "NEWHALL RANCH" CASE

On November 30, 2015, the California Supreme Court released its opinion on *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (hereafter referred to as the Newhall Ranch Case).

Because of the importance of the Supreme Court as the top body within the California Judiciary, and because of the relative lack of judicial guidance regarding how GHG issues should be addressed in CEQA documents, the opinion provides very important legal guidance to agencies charged with preparing EIRs.

The case involved a challenge to an EIR prepared by the California Department of Fish and Wildlife (CDFW) for the Newhall Ranch development project in Los Angeles County, which consists of approximately 20,000 dwelling units as well as commercial and business uses, schools, golf courses, parks and other community facilities in the City of Santa Clarita.

In relation to GHG analysis, the Newhall Ranch Case illustrates the difficulty of complying with statewide GHG reduction targets at the local level using CEQA to determine whether an individual project's GHG emissions will create a significant environmental impact triggering an EIR, mitigation, and/or statement of overriding consideration. The EIR utilized compliance with AB 32's GHG reduction goals as a threshold of significance and modelled its analysis on the CARB's business-as-usual (BAU) emissions projections from the 2008 Scoping Plan. The EIR quantified the project's annual emissions at buildout and projected emissions in 2020 under a BAU scenario, in which no additional regulatory actions were taken to reduce emissions. Since the Scoping Plan determined a reduction of 29 percent from BAU was needed to meet AB 32's 2020 reduction goal, the EIR concluded that the project would have a less-than-significant impact because the project's annual GHG emissions were projected to be 31 percent below its BAU estimate.

The Supreme Court concluded that the threshold of significance used by the EIR was permissible; however, the BAU analysis lacked substantial evidence to demonstrate that the required percentage reduction from BAU is the same for an individual project as for the entire State. The court expressed skepticism that a percentage reduction goal applicable to the State as a whole would apply without change to an individual development project, regardless of its size or location. Therefore, the Supreme Court determined that the EIR's GHG analysis was not sufficient to support the conclusion that GHG impacts would be less than significant.

In addition, the Supreme Court provided the following guidance regarding potential alternative approaches to GHG impact assessment at the project level for lead agencies:

1. The lead agency determination of what level of GHG emission reduction from business-as-usual projection that a new land development at the proposed location would need to achieve to comply with statewide goals upon examination of data behind the Scoping Plan's business-as-usual emission projections. The lead agency must provide substantial evidence and account for the disconnect between the Scoping Plan, which dealt with the State as a whole, and an analysis of an individual project's land use emissions (the same issues with CEQA compliance addressed in this case);

2. The lead agency may use a project's compliance with performance based standards – such as high building energy efficiency – adopted to fulfill a statewide plan to reduce or mitigate GHG emissions to assess consistency with AB 32 to the extent that the project features comply with or exceed the regulation (See Guidelines Section 15064.4(a)(2), (b)(3); see also Guidelines Section 15064(h)(3)). A significance analysis would then need to account for the additional GHG emissions – such as transportation emissions – beyond the regulated activity. Transportation emissions are in part a function of the location, size, and density or intensity of a project, and thus can be affected by local governments' land use decision making. Additionally, the lead agency may use a programmatic effort including a general plan, long range development plan, or a separate plan to reduce GHG emissions (such as Climate Action Plan or a SB 375 metropolitan regional transportation impact Sustainable Communities Strategy) that accounts for specific geographical GHG emission reductions to streamline or tier project level CEQA analysis pursuant to Guidelines 15183.5(a)-(b) for land use and Public Resources Code Section 21155.2 and 21159.28 and Guidelines Section 15183.5(c) for transportation.

3. The lead agency may rely on existing numerical thresholds of significance for GHG emissions (such as the Bay Area Air Quality Management District's proposed threshold of significance of 1,100 MT CO_2E in annual emission for CEQA GHG emission analysis on new land use projects). The use of a numerical value provides what is "normally" considered significant but does not relieve a lead agency from independently determining the significance of the impact for the individual project (See Guidelines Section 15064.7).

THE SANDAG CASE

In *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497 (*SANDAG)*, the Supreme Court addressed the extent to which, if any, an EIR for a Regional Transportation Plan (RTP) with a Sustainable Communities Strategy (SCS) must address the proposed project's consistency with the 2050 target set forth in Executive Order S-03-05 (i.e., 80 percent below 1990 levels). The Court held that SANDAG did not abuse its discretion by failing to treat the 2050 GHG emissions target as a threshold of significance. The Court cautioned, however, that its decision applies narrowly to the facts of the case and that the analysis in the challenged EIR should not be used as an example for other lead agencies to follow going forward. Notably, the RTP itself covered a planning period that extended all the way to 2050.

The Court acknowledged the parties' agreement that "the Executive Order lacks the force of a legal mandate binding on SANDAG[.]" (*Id*. at p. 513.) This conclusion was consistent with the Court's

earlier decision in *Professional Engineers in California Government v. Schwarzenegger* (2010) 50 Cal.4th 989, 1015, which held the Governor had acted in excess of his executive authority in ordering the furloughing of State employees as a money-saving strategy. In that earlier case, which is not mentioned in the *SANDAG* decision, the Court held that the decision to furlough employees was legislative in character, and thus could only be ordered by the Legislature, and not the Governor, who, under the State constitution, may only exercise executive authority. In *SANDAG*, the Court thus impliedly recognized that Governors do not have authority to set statewide legislative policy, particularly for decades into the future. Even so, however, the Court noted, and did not question, the parties' agreement that "the Executive Order's 2050 emissions reduction target is grounded in sound science." (3 Cal.5th at p. 513.) Indeed, the Court emphasized that, although "the Executive Order 'is not an adopted GHG reduction plan' and that 'there is no legal requirement to use it as a threshold of significance,'" the 2050 goal nevertheless "expresses the pace and magnitude of reduction efforts that the scientific community believes necessary to stabilize the climate. This scientific information has important value to policymakers and citizens in considering the emission impacts of a project like SANDAG's regional transportation plan." (*Id*. at p. 515.)

Towards the end of the decision, the Court even referred to "the state's 2050 climate goals" as though the 2050 target from E.O. S-03-05 had some sort of standing under California law. (*Id*. at p. 519.) The Court seemed to reason that, because the Legislature had enacted both AB 32 and SB 32, which followed the downward GHG emissions trajectory recommended in the Executive Order, the Legislature, at some point, was also likely to adopt the 2050 target as well: "SB 32 … reaffirms California's commitment to being on the forefront of the dramatic greenhouse gas emission reductions needed to stabilize the global climate." (*Id*. at p. 519.) Finally, the Court explained that "planning agencies like SANDAG must ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes." (*Ibid*.)

In sum, the Court recognized that the Executive Order did not carry the force of law, but nevertheless considered it to be part of "state climate policy" because the Legislature, in enacting both AB 32 and SB 32, seems to be following both the IPCC recommendations for reducing GHG emissions worldwide and evolving science. Nothing in the decision, however, suggests that all projects, regardless of their buildout period, must address the 2050 target or treat it as a significance threshold.

LOCAL

Fort Bragg Coastal General Plan

The Fort Bragg Coastal General Plan includes two policies relevant to air quality. The following policies apply to the proposed Project.

CONSERVATION, OPEN SPACE, ENERGY, AND PARKS ELEMENT

> ***Policy OS-7.1***. Participate in Regional Planning to Improve Air Quality: Continue to cooperate with the Mendocino County Air Quality Management District (MCAQMD) in meeting the Regional Clean Air Plan.

Policy OS-7.2. Air Quality Standards: Seek to comply with State and Federal standards for air quality.

3.4.3 IMPACTS AND MITIGATION MEASURES

GREENHOUSE GAS EMISSIONS THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, climate change-related impacts are considered significant if implementation of the proposed Project would do any of the following:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The vast majority of individual projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence to climate change; therefore, the issue of climate change typically involves an analysis of whether a project's contribution towards an impact is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15355).

For future projects, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds, or consistency with a regional GHG reduction plan (such as a Climate Action Plan). The City of Fort Bragg has not adopted a GHG Reduction Plan. In addition, the City has not completed the GHG inventory, benchmarking, or goal-setting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for SB 97 and clarifications provided in the CEQA Guidelines amendments adopted on December 28, 2018.

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*.

An approach that became popular around the State in the aftermath of the *Newhall Ranch* decision was to use an "efficiency metric" based on GHG emissions that would occur on a per capita basis or, under some more sophisticated analyses, under a "per service population" basis, with "service population" defined as the number of residents plus the number of jobs. Such efficiency metrics were seen as a way of identifying "fair share" GHG reductions attributable to the residents, employers, and workers who would live within new development.

The ability to use this approach was thrown into question, however, with the Court of Appeal decision in *Golden Door Properties, LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 904-905 (*Golden Door*), which set aside a significance threshold using an efficiency metric because the threshold, as developed by San Diego County, was based on needed *statewide* GHG reductions, was not tailored to San Diego County, and assumed that all projects within the County could be treated alike, regardless of their land uses or locations. The court in that case also struck down a "Guidance Document" that attempted to justify the efficiency metric threshold. The court reasoned as follows:

> The Efficiency Metric, which relies on statewide standards, must be justified by substantial evidence to explain why it is sufficient for use in projects in the County. The 2016 Guidance Document explains the recommended Efficiency Metric "represents the rate of emissions needed to achieve a fair share of the State's emissions mandate embodied in AB 32 and Executive Orders B-30-15 and S-3-05." It identifies a quantitative efficiency metric for 2020 to be 4.9 metric tons of CO2e per service population per year. The County argues this supplies San Diego specific data. However, as noted by the trial court, the service population number relies on statewide service population and GHG inventory data; it does not address the County specifically, and it does not explain why using statewide data is appropriate for setting the metric for the County. Additionally, the Efficiency Metric "allows the threshold to be applied evenly to most project types," but it does not account for variations between different types of development; nor does it explain why the per person limit would be appropriately evenly applied despite project differences. Without substantial evidence explaining why statewide GHG reduction levels would be properly used in this context, the County fails to comply with CEQA Guidelines.
>
> (27 Cal.App.5th at pp. 904-905.)

In the aftermath of this decision, environmental consultants specializing in GHG analyses, aware of both the *Newhall Ranch* and *Golden Door* decisions, have found it to be virtually impossible to fashion efficiency metrics to support significance thresholds that can account for both geography-specific and industry-specific factors and data. In other words, these consultants have not been able to credibly develop efficiency metrics that quantitatively express the precise per capita or per service population GHG reductions that would be needed for specific proposed projects at specific locations. There are simply too many variables at work. Here, there is no credible efficiency metric that can be feasibly developed to quantitively express the "fair share" of emissions reductions needed by the proposed Project.

Therefore, the analysis below foregoes any attempt to formulate a quantitative efficiency metric for use as a project-specific significance threshold. Instead, consistent with the Supreme Court's statements in *Newhall Ranch*, as mentioned earlier, the analysis focuses on the proposed project's

consistency with the State's climate goals, though as updated to reflect SB 32 (as opposed to just AB 32). In doing so, the analysis assesses whether the proposed project, with its various design features and its obligation to comply with various stringent building code requirements, is doing its *fair share* to meet these state climate goals.

Most of GHG emissions from the proposed project are being targeted at a statewide level through the implementation of existing legislation and the development and implementation of new regulations and ever-tightening building codes. As discussed earlier in this Section (3.4) of this Draft EIR, the State of California is attacking climate change on a number of fronts, and in a number of sectors. In summary, the Legislature has set a statutory goal of requiring that, by 2030, 60 percent of the electricity generated in California should be from renewable sources, with increased generation capacity intended to be sufficient to allow for the mass conversion of the statewide vehicle fleet from petroleum-fueled vehicles to electrical vehicles and/or other ZEVs. By 2045, all electricity must come from renewable resources and other carbon-free resources. Former Governor Brown had an even more ambitious goal for the State of achieving carbon neutrality as soon as possible and by no later than 2045. The Legislature is thus looking to California drivers to buy electric cars, powered by green energy, to help the State meet its aggressive statutory goal, created by SB 32, of reducing statewide GHG emissions by 2030 to 40 percent below 1990 levels. Another key prong to this strategy is to make petroleum-based fuels less carbon-intensive. Most of these mandates are wholly independent of the proposed project.

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.

Conclusion

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

- 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.

THRESHOLDS OF SIGNIFICANCE (ENERGY CONSERVATION)

Consistent with Appendices F and G of the CEQA Guidelines, energy-related impacts are considered significant if implementation of the proposed Project would do the following:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation;
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency;

In order to determine whether or not the proposed Project would result in a significant impact on energy use, this EIR includes an analysis of proposed Project energy use, as provided under *Impacts and Mitigation Measures* below.

IMPACTS AND MITIGATION MEASURES

Impact 3.4-1: Project implementation would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (Less than Significant)

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions, but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. Implementation of the proposed Project would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO_2 and other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O), from mobile sources and utility usage.

The proposed Project's short-term construction-related and long-term operational GHG emissions were estimated using the California Emission Estimator Model (CalEEMod)™ (v.2020.4.0). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO_2 equivalent units of measure (i.e., MT CO_2e), based on the global warming potential of the individual pollutants.

SHORT-TERM CONSTRUCTION GHG EMISSIONS

Estimated maximum mitigated GHG emissions associated with construction of the proposed Project are summarized in Table 3.4-1. These emissions include all worker vehicle, vendor vehicle, hauler

vehicle, and off-road construction vehicle GHG emissions. For the purposes of this analysis, based on input from the Project applicants, the proposed Project is assumed to commence construction in 2022 and finish in early 2023. It should be noted that this schedule is an approximation and may change.[1]

TABLE 3.4-1: MAXIMUM CONSTRUCTION GHG EMISSIONS (MITIGATED AVERAGE MT CO_2E/YEAR)

YEAR	BIO- CO_2	NON-BIO- CO_2	TOTAL CO_2	CH_4	N_2O	CO_2E
2022	0	122.8	122.8	<0.1	<0.1	123.9
2023	0	25.4	25.4	<0.1	<0.1	25.6
Maximum	**0**	**122.8**	**122.8**	**<0.1**	**<0.1**	**132.9**

SOURCES: CALEEMOD (V.2020.4.0)

As presented in the table, short-term construction emissions of GHGs are estimated at a maximum of approximately 132.9 MT CO_2e per year. To account for the contribution of construction emissions to the project's non mobile source annual emissions profile, construction emissions are amortized over an assumed 30-year operational timeframe; amortized annual emissions equal 4.43 MT CO_2e.

OPERATIONAL GHG EMISSIONS

The operational GHG emissions estimate for the proposed Project includes on-site area, energy, mobile, waste, and water emissions generated by the Project during its operation. Estimated GHG emissions associated with the proposed Project are summarized in Table 3.4-2, below.

As shown in the following table, as conservatively modeled (as described in further detail below), the annual mitigated GHG emissions associated with the proposed Project would be approximately 696.5 MT CO_2e/year. Total annual mitigated emissions without mobile emissions would be approximately 124.5 MT CO_2e/year.

TABLE 3.4-2: OPERATIONAL GHG EMISSIONS AT BUILDOUT (MITIGATED METRIC TONS/YEAR)

	BIO- CO_2	NON-BIO- CO_2	TOTAL CO_2	CH_4	N_2O	CO_2E
Area	0	<0.1	<0.1	0	0	<0.1
Energy	0	74.3	74.3	<0.1	<0.1	75.0
Mobile	0	558.0	558.0	0.1	<0.1	571.9
Waste	18.5	0	18.5	1.1	0	45.8
Water	0.6	1.0	1.6	0.1	<0.1	3.7
Total	**19.1**	**633.4**	**652.5**	**1.2**	**<0.1**	**696.5**
Total without Mobile	**19.1**	**75.3**	**94.4**	**1.2**	**0**	**124.5**

SOURCES: CALEEMOD (V.2020.4.0)

[1] It should be noted that the actual construction schedule would be later than the construction schedule modeled in CalEEMod. Therefore, the modeling provides for a more conservative estimate of Project construction-related emissions that is anticipated to actually occur, since State-level regulations that affect construction-related (on- and off-road) vehicle emissions become more stringent over time.

VMT and Mobile Source GHG Emissions. It should be noted that CalEEMod does not account for Governor Newsom's Zero-Emission by 2035 Executive Order (N-79-20), which requires that all new cars and passenger trucks sold in California be zero-emission vehicles by 2035. This is anticipated to substantially reduce the operational emissions associated with passenger vehicles (i.e. mobile emissions) over time. Therefore, the operational emissions results provided in Table 3.4-2 are likely an overestimate for mobile emissions, assuming the Executive Order is implemented.

Moreover, as described in Section 3.6: Transportation and Circulation, and as described in the *CEQA VMT Analysis* prepared by Fehr & Peers (Fehr & Peers, 2022). the proposed Project has the potential to reduce net VMT (i.e. to lower VMT compared with the baseline condition), which would imply that the results in Table 3.4-2 likely represent a large overestimate for project net mobile emissions. The OPR advises that, for retail projects:

> ***Retail Projects**: Generally, lead agencies should analyze the effects of a retail project by assessing the change in total VMT because retail projects typically reroute travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.*

The 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. 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.

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. This redistribution of current traffic to a closer Grocery Outlet Store is consistent with OPR guidance.

Overall, by introducing a neighborhood retail use on an urban infill site, the proposed project would reduce VMT by offering customers more retail choices in closer proximity to trip origins. Based on guidance provided by the California Office of Planning and Research for implementing California Senate Bill 743, local serving retail uses with building sizes of 50,000 square feet or less can be presumed to have a less than significant impact from generating VMT. Given that the project VMT impact is less than significant, the mobile source GHG emissions the project generates can also be assumed to have a less than significant impact. In fact, the net reduction in existing levels of VMT should translate into a net reduction in existing levels of GHG emissions from persons using automobiles to engage in retail shopping in the retail area to be served by the proposed project. It should also be noted that, although a proportion of the new trips generated by the project would be generated by project employees (i.e. traveling to and from the project site), such trips are not

anticipated to represent more than a miniscule proportion of total daily trips generated by the project.[2]

Non-Mobile Source GHG Emissions. Project operations would generate GHG emissions from energy use (electricity), natural gas use (area source), waste generation, and water use, as shown in Table 3.4-2.

As previously noted, the bright line threshold adopted by the MCAQMD was developed to guide new development within each district with the goal of meeting the state's Assembly Bill 32 statewide GHG emissions reduction target of 20 percent below 1990 levels by 2020. Assembly Bill 32 was passed in 2006.

With the subsequent passage of Senate Bill 32 in 2016, the state set a deeper GHG reduction target of 40 percent below 1990 levels by 2030. Consequently, the bright line thresholds identified above are no longer valid after 2020. Reducing this bright line threshold by an additional 20 percent, to 880 MT CO_2e/year, would approximate bright line values of 40 percent below 1990 levels to meet the 2030 emissions reduction target. The MCAQMD has not adopted this scaled down value as a threshold of significance, nor has the air district or City adopted this value as such. Rather, this value is used to qualitatively assess the relative magnitude of non-mobile source emissions from the proposed project.

As provided in Table 3.4-2, total emissions (without mobile emissions) for the proposed project would be approximately 124.5 MT CO_2e/year, which is well below the scaled down threshold. The project emissions volume is substantially below the value of 880 MT CO_2e/year, which indicates that the non-mobile source project emissions should not be considered to have a significant impact.

CONSISTENCY WITH CALIFORNIA'S POST-2020 TARGETS

The State's 2030 GHG goal was codified under SB 32 and is addressed by the 2017 Scoping Plan Update. The new plan provides a strategy that is capable of reaching the SB 32 target if the measures included in the plan are implemented and achieve reductions within the ranges expected. Under the Scoping Plan Update, local government plays a supporting role through its land use authority and control over local transportation infrastructure. The 2017 Scoping Plan Update includes reductions from implementation of SB 375 that applies to VMT from passenger vehicles. SB 375 is implemented with the MCOG's RTP. The MCOG's RTP envisions an increase in development density that would encourage fewer and shorter trips and more trips by transit, walking, and bicycling in amounts sufficient to achieve the SB 375 targets.

[2] Given that the project would generate approximately 1,094 new daily trips on a weekday and 1,818 on a Saturday (KD Anderson, 2019), and worker daily trips are anticipated to be no greater than approximately 29 new daily trips (based on the project size of 16,436 square feet and an estimate of one daily employee per 1,124 square feet [as estimated by the U.S. Department of Energy], and two new daily trips per employee), the proportion of employee trips would only be approximately 2-3% of new daily trips.

Now that the 2017 Scoping Plan has been adopted, new methodologies and threshold approaches are required to determine the fair-share contributions City projects would need to make to achieve the 2030 target. In the meantime, however, the discussion under "Consistency with SB 32" below addresses the consistency of the proposed project with SB 32, which provides the statutory underpinning of the 2017 Scoping Plan. The SB 32 target requires GHG emissions to be reduced from 1990 levels. As explained earlier, no consensus has been reached around the State on a new quantitative target for new development based on consistency with the SB 32 targets, and the *Golden Door* decision, in any event, disallows efficiency metrics based solely on statewide reduction targets.

The Executive Order S-3-05 2050 target has not been codified by legislation. However, studies have shown that, in order to meet the 2050 target, aggressive pursuit of technologies in the transportation and energy sectors, including electrification and the decarbonization of fuel, will be required. Because of the technological shifts required and the unknown parameters of the regulatory framework in 2050, quantitatively analyzing the project's impacts further relative to the 2050 goal is speculative for purposes of CEQA.

The CARB recognizes that AB 32 establishes an emissions reduction trajectory that will allow California to achieve the more stringent 2050 target: "These [greenhouse gas emission reduction] measures also put the State on a path to meet the long-term 2050 goal of reducing California's GHG emissions to 80 percent below 1990 levels. This trajectory is consistent with the reductions that are needed globally to stabilize the climate." In addition, the CARB's First Update "lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050," and many of the emission reduction strategies recommended by the ARB would serve to reduce the proposed project's post-2020 emissions level to the extent applicable by law:

- Energy Sector: Continued improvements in California's appliance and building energy efficiency programs and initiatives, such as the State's zero net energy building goals, would serve to reduce the proposed project's emissions level. Additionally, further additions to California's renewable resource portfolio would favorably influence the project's emissions level.

- Transportation Sector: Anticipated deployment of improved vehicle efficiency, zero-emission technologies, lower carbon fuels, and improvement of existing transportation systems all will serve to reduce the project's emissions level.

- Water Sector: The project's emissions level will be reduced as a result of further desired enhancements to water conservation technologies.

- Waste Management Sector: Plans to further improve recycling, reuse and reduction of solid waste will beneficially reduce the project's emissions level.

For the reasons described above, the project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

In his January 2015 inaugural address, Governor Brown expressed a commitment to achieve "three ambitious goals" that he would like to see accomplished by 2030 to reduce the State's GHG emissions:

- Increasing the State's Renewable Portfolio Standard from 33 percent in 2020 to 50 percent in 2030;
- Cutting the petroleum use in cars and trucks in half; and
- Doubling the efficiency of existing buildings and making heating fuels cleaner.

These expressions of executive branch policy may be manifested in adopted legislative or regulatory action through the State agencies and departments responsible for achieving the State's environmental policy objectives, particularly those relating to global climate change.[3]

Further, recent studies show that the State's existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the Statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the studies could allow the State to meet the 2050 target.[4]

Given the proportional contribution of mobile source-related GHG emissions to the State's inventory, recent studies also show that relatively new trends—such as the increasing importance of web-based shopping, the emergence of different driving patterns, and the increasing effect of web-based applications on transportation choices—are beginning to substantially influence transportation choices and the energy used by transportation modes. These factors have changed the direction of transportation trends in recent years and will require the creation of new models to effectively analyze future transportation patterns and the corresponding effect on GHG emissions. For the reasons described above, the proposed project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

Consistency with SB 32

As explained above, the 2017 Scoping Plan Update includes the strategy that the State intends to pursue to achieve the 2030 targets of Executive Order S-3-05 and SB 32. The 2017 Scoping Plan includes the following summary of its overall strategy for reaching the 2030 target:

[3] Brown, Edmund G. Jr. 2015. Press Release: California Establishes Most Ambitious Greenhouse Gas Goal in North America. April 29.
Website: https://agnetwest.com/governor-brown-establishes-most-ambitious-greenhouse-gas-reduction-target-in-north-america/. Accessed April 28, 2022.

[4] Energy and Environmental Economics. 2015. Pathways to Deep Decarbonization in the United States. Website: https://ww2.arb.ca.gov/sites/default/files/2020-07/williams.pdf. Accessed April 28, 2022.

- SB 350
    - Achieve 50 percent Renewables Portfolio Standard by 2030.
    - Doubling of energy efficiency savings by 2030.
- Low Carbon Fuel Standard
    - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
- Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
    - Maintaining existing GHG standards for light- and heavy-duty vehicles.
    - Put 4.2 million zero-emission vehicles (ZEVs) on the roads.
    - Increase ZEV buses, delivery, and other trucks.
- Sustainable Freight Action Plan
    - Improve freight system efficiency.
    - Maximize use of near Zero-Emission Vehicles and equipment powered by renewable energy.
    - Deploy over 100,000 zero-emission trucks and equipment by 2030.
- Short-Lived Climate Pollutant (SLCP) Reduction Strategy
    - Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
    - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
- SB 375 Sustainable Communities Strategies
    - Increased stringency of 2035 targets.
- Post-2020 Cap-and-Trade Program
    - Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
    - The ARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements. In fall 2016, ARB staff described potential future amendments including reducing the offset usage limit, redesigning the allocation strategy to reduce free allocation to support increased technology and energy investment at covered entities and reducing allocation if the covered entity increases criteria or toxics emissions over some baseline.
- By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Table 3.4-3 provides an analysis of the project's consistency with the 2017 Scoping Plan Update measures.

TABLE 3.4-3: CONSISTENCY WITH THE SB 32 2017 SCOPING PLAN UPDATE

SCOPING PLAN MEASURES	*PROJECT CONSISTENCY*
SB 350 50 percent Renewable Mandate. Utilities subject to the legislation will be required to increase their renewable energy mix from 33 percent in 2020 to 50 percent in 2030.	**Not applicable**. This measure would apply to utilities and not to individual projects. The proposed Project would purchase electricity from PG&E, a utility subject to the SB 350 Renewable Mandate and the RPS requirements. SB 100 has increased the 2030 RPS standards to 60 percent by 2030, superseding the increase required by SB 350. PG&E has been aggressively adding renewable energy to its energy mix over recent years. As of 2021, renewables accounting for approximately 50 percent of PG&E's 2021 electric power mix.[5] By 2030, PG&E will have in excess of 60 percent of its electric power mix as renewables.
SB 350 Double Building Energy Efficiency by 2030. This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels.	**Not applicable**. This measure applies to existing buildings. The proposed Project would not utilize existing buildings. New structures would be required to comply with Title 24 Energy Efficiency Standards that are expected to increase in stringency over time. The proposed Project would be required to comply with the applicable Title 24 Energy Efficiency Standards in effect at the time building permits are received.
Low Carbon Fuel Standard. This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030.	**Not applicable**. This is a Statewide measure that cannot be implemented by a project applicant or lead agency. However, vehicles accessing the project site would be required to adhere to these standards.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario). Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million ZEVs on the road by 2030 and increasing numbers of ZEV trucks and buses.	**Not applicable**. This is a Statewide measure that cannot be implemented by a project applicant or lead agency. However, vehicles accessing the project site would be required to adhere to these standards.
Sustainable Freight Action Plan. The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero-emission operation and maximize near zero-emission freight vehicles and equipment powered by renewable energy by 2030.	**Consistent**. This measure applies to owners and operators of trucks and freight operations. The proposed Project would support truck and freight operations that would benefit from this efficiency increase.
Short-Lived Climate Pollutant (SLCP) Reduction Strategy. The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030.	**Not applicable**. The proposed project would not include major sources of black carbon. This measure revolves around ARB's SLCP Reduction Strategy that was released in April 2016 as a result of SB 650. SB 650 required the State to develop a strategy to reduce emissions of SLCPs. Diesel particulate matter (DPM) reductions have come from strong efforts to reduce on-road vehicle emissions. Car and truck engines used to be the largest sources of anthropogenic black carbon emissions in California, but the State's existing air quality policies will virtually eliminate black carbon emissions from on-road diesel engines within 10 years. These policies are based on existing technologies.
SB 375 Sustainable Communities Strategies. Requires Regional Transportation Plans to include a sustainable communities strategy for reduction of per capita vehicle miles traveled.	**Not applicable**. The proposed project does not include the development of a Regional Transportation Plan.

Post-2020 Cap-and-Trade Program. The Post 2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers.	**Not applicable**. The proposed project is not one targeted by the cap-and-trade system regulations, and therefore, this measure does not apply to the project. However, the post-2020 Cap-and-Trade Program indirectly affects people and entities who use the products and services produced by the regulated industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers.
Natural and Working Lands Action Plan. The ARB is working in coordination with several other agencies at the federal, State, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land.	**Not applicable**. The proposed Project would not include land designated for agriculture, and is located at an infill site.

SOURCE: CALIFORNIA AIR RESOURCES BOARD (ARB). 2017. THE 2017 CLIMATE CHANGE SCOPING PLAN UPDATE. JANUARY 20. WEBSITE: HTTPS://WW2.ARB.CA.GOV/SITES/DEFAULT/FILES/CLASSIC/CC/SCOPINGPLAN/2030SP_PP_FINAL.PDF. ACCESSED APRIL 28, 2022.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the project would be required to comply with whatever measures are enacted that State lawmakers decide would lead to an 80 percent reduction below 1990 levels by 2050. In its 2008 Scoping Plan, the ARB acknowledged that the "measures needed to meet the 2050 are too far in the future to define in detail." In the First Scoping Plan Update; however, the ARB generally described the type of activities required to achieve the 2050 target: "energy demand reduction through efficiency and activity changes; large scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately." The 2017 Scoping Plan Update provides an intermediate target that is intended to achieve reasonable progress toward the 2050 target.

Accordingly, taking into account the proposed project's emissions, and the progress being made by the State toward reducing emissions in key sectors such as transportation, industry, and electricity, the project would be consistent with State GHG Plans and would further the State's goals of reducing GHG emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050, and does not obstruct their attainment.

Table 3.4-4 provides an analysis of the project's consistency with the MCOG's RTP measures.

[5] See: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page

TABLE 3.4-4: CONSISTENCY WITH THE MCOG 2017 RTP

SCOPING PLAN MEASURES	*PROJECT CONSISTENCY*
Goal 1: Build a combination of transportation facilities that, when evaluated as a group, will result in improved air quality, reduced transportation-related air toxins and greenhouse gas emissions in Mendocino County, and a more resilient transportation network.	**Consistent**. The proposed Project is anticipated to reduce net VMT, by rerouting some existing trips to the Willits Grocery Outlet (located approximately 35 miles from Fort Bragg) to the Project store. This would help to preserve the existing transportation facilities, and result in improved air quality and a reduction in transportation-related air toxics and greenhouse gases in Mendocino County.
Goal 2: Encourage coordination of land use and public investments in a way that improves accessibility to services, employment and housing – thereby strengthening the local and state economies.	**Consistent**. The proposed Project is an infill project, which improves accessibility to services and employment. Specifically, the proposed Project would develop a grocery store in an area that has a lack of existing grocery stores. Moreover, the proposed Project is anticipated to reroute existing trips to the Willits Grocery Store (located approximately 35 miles from Fort Bragg) to the Project store, thereby strengthening the local economy.
Goal 3: To improve our public spaces so the street, road and transportation system meets the needs of all surface transportation modes, including vehicular, bicycle, pedestrian and transit.	**Consistent**. The proposed Project is an infill project, which utilizes the existing street, road, and transportation system infrastructure. In addition, the Project site would be easily accessible by all surface transportation modes, including vehicular, bicycle, pedestrian, and transit modes.
Goal 4: A transportation system allowing the efficient free flow of goods and freight, including agricultural goods, within and through the region.	**Consistent**. The proposed Project is an infill project, which utilizes the existing transportation infrastructure. The proposed Project would not limit the free flow of goods and freight within and through the region; rather, development of the proposed Project would support the efficient free flow of goods and freight, including agricultural goods, within and through the region.
Goal 5: Provide a safe transportation system and enable rapid and safe evacuation and emergency response.	**Consistent**. The proposed Project is an infill project, which utilizes the existing transportation infrastructure. Therefore, development of the proposed Project would not hinder a safe transportation system, nor would it hinder a rapid and safe evacuation response.
Goal 6: Provide safe, efficient transportation for regional and interregional traffic while maintaining quality of life for residents of the county.	**Consistent**. The proposed Project is an infill project, which utilizes the existing transportation infrastructure. Additionally, net VMT is anticipated to be reduced after development of the proposed Project. Therefore, the proposed Project would not negatively impact the overall transportation system, and would support a safe, efficient transportation for regional and interregional traffic.
Goal 7: Provide a safe and efficient transportation network, connecting local community roads and major transportation corridors and meeting the transportation needs of the communities served by these facilities.	**Consistent**. The proposed Project is an infill project, which utilizes the existing transportation infrastructure. Additionally, net VMT is anticipated to be reduced after development of the proposed Project. Therefore, the proposed Project would not negatively impact the transportation network, and would meet the transportation needs of the community.
Goal 8: Provide a safe and useable network of bicycle and pedestrian facilities throughout the region as a means to lessen dependence on vehicular travel and improve the health of Mendocino County's residents.	**Consistent**. The proposed Project is an infill project, which utilizes the existing transportation infrastructure. The proposed Project would be easily accessible by bicycle and pedestrian modes of transportation. Therefore, the proposed Project would facilitate the existing safe and useable network of bicycle and pedestrian facilities located nearby.
Goal 9: Maximize investment in non-motorized transportation facilities through maintenance.	**Consistent**. The proposed Project is an infill project, which utilizes the existing transportation infrastructure. The proposed Project would be easily accessible by bicycle and pedestrian modes of transportation. Development of the proposed Project would generate additional funds to support nearby existing non-motorized transportation facilities. Therefore, the proposed Project would support non-motorized transportation facilities.

Goal 10: A coordinated and effective public transit system, which serves the needs of the citizens of Mendocino County, to the extent feasible.	**Consistent**. The proposed Project is an infill project, and is located near to the existing public transit system in Fort Bragg, including from the Mendocino Transit Authority. Therefore, it is anticipated that the public transit system would increase with development of the proposed Project. Development of the proposed Project would not hinder the existing public transit system.
Goal 11: A fully operational rail transportation system connecting Mendocino County to interregional, state and national rail system service, providing safe and efficient access for freight and passenger movement.	**Consistent**. The proposed Project is an infill project, which would not conflict with existing rail transportation.
Goal 12: A safe, efficient, and well maintained system of airports that meet the aviation needs of Mendocino County residents, visitors, commerce, and emergency services.	**Consistent**. The proposed Project is an infill project, which would not conflict with existing airports.
Goal 13: An adequate, well maintained, safe and efficient system of maritime facilities that meet the regional and interregional needs of commercial, recreational, and emergency services maritime vessels.	**Consistent**. The proposed Project is an infill project, which would not conflict with existing maritime facilities.
Goal 14: For Tribal residents within Mendocino County to have safe, effective, functional transportation systems, including streets, roads, pedestrian and bicycle facilities and transit.	**Consistent**. The proposed Project is an infill project, which would provide additional services to tribal residents within Mendocino County. Moreover, since the proposed Project is anticipated to reduce net VMT, the proposed Project would reduce the regional impact to the existing transportation systems, overall.
Goal 15: To provide proper stewardship of transportation resources and maximize the effectiveness of these resources to fulfill RTP goals and objectives.	**Consistent**. The proposed Project is an infill project. Since the proposed Project is anticipated to reduce net VMT, the proposed Project would reduce the regional impact to the existing transportation systems, overall.

SOURCE: MENDOCINO COUNCIL OF GOVERNMENTS. 2018. 2017 MENDOCINO COUNTY REGIONAL TRANSPORTATION PLAN. WEBSITE: HTTPS://WWW.MENDOCINOCOG.ORG/FILES/742330750/2017+RTP+AS+ADOPTED%28WEB+FORMAT%29.PDF

CONCLUSION

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, as provided above. 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. Therefore, the proposed Project's criteria pollutant emissions would be considered to have a ***less than significant*** impact.

Impact 3.4-2: Project implementation would not result in the inefficient, wasteful, or unnecessary use of energy resources (Less than Significant)

The CEQA Guidelines requires consideration of the potentially significant energy implications of a Project. CEQA requires mitigation measures to reduce "wasteful, inefficient and unnecessary" energy usage (Public Resources Code Section 21100, subdivision [b][3]). According to the CEQA

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.

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";[6] 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.

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.

ENERGY

Electricity used by the proposed Project would be used primarily to generate energy for the building and the outdoor parking lot lighting. As shown in the following tables, "Energy" is one of the categories that was modeled for GHG emissions. The total unmitigated and mitigated GHG emissions generated from the "Energy" category is 75.0 MT CO_2e.

[6] When a building is built to be solar ready, applicable Energy Code requirements prepare the building for future installation of a solar energy system.

ON-ROAD VEHICLES (OPERATION)

The proposed Project would generate vehicle trips during its operational phase. A description of Project operational on-road mobile energy usage is provided below.

According to the Traffic Study prepared for the proposed Project (KD Anderson, 2019), and as described in more detail in Section 3.6 of this EIR, the proposed Project would increase total vehicle trips by approximately 1,094 net new daily trips during weekdays, and 1,818 net new daily trips on a Saturday. In order to calculate operational on-road vehicle energy usage and emissions, De Novo Planning Group used fleet mix data from the CalEEMod (v2020.4.0) output for the proposed Project, Year 2023 gasoline and diesel MPG (miles per gallon) factors for individual vehicle classes as provided by EMFAC2021, weighted average MPG factors for gasoline and diesel were derived. Therefore, upon full buildout, the proposed Project would generate operational vehicle trips that would use a total of approximately 147 gallons of gasoline and 25 gallons of diesel per day, or 53,493 gallons of gasoline and 9,134 gallons of diesel per year.

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. 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.

TABLE 3.4-5: ON-ROAD MOBILE FUEL GENERATED BY PROJECT CONSTRUCTION ACTIVITIES – BY PHASE

CONSTRUCTION PHASE	# OF DAYS	TOTAL DAILY WORKER TRIPS(A)	TOTAL DAILY VENDOR TRIPS(A)	TOTAL HAULER WORKER TRIPS(A)	TOTAL GALLONS OF GASOLINE FUEL(B)	TOTAL GALLONS OF DIESEL FUEL(B)
Demolition	20	20	0	75	108	103
Site Preparation	2	8	0	0	7	0
Grading	4	10	0	0	17	0
Building Construction	100	27	11	0	1,134	75
Paving	10	13	0	0	55	0
Architectural Coatings	10	5	0	0	21	0
Total	**N/A**	**N/A**	**N/A**	**N/A**	**1,342**	**178**

NOTE: (A) PROVIDED BY CALEEMOD OUTPUT. (B)SEE APPENDIX B.2 OF THIS EIR FOR FURTHER DETAIL

SOURCE: CALEEMOD (V.2020.4.0); EMFAC2021.

OFF-ROAD VEHICLES (CONSTRUCTION)

Off-road construction vehicles would use diesel fuel during the construction phase of the proposed Project. A non-exhaustive list of off-road constructive vehicles expected to be used during the construction phase of the proposed Project includes: forklifts, generator sets, tractors, excavators, and dozers. Based on the total amount of CO_2 emissions expected to be generated by the proposed Project (as provided by the CalEEMod output), and standard conversion factors (as provided by the U.S. Energy Information Administration), the proposed Project would use a total of approximately 2,599 gallons of diesel fuel for off-road construction vehicles. Detailed calculations are provided in Appendix B.2 of this EIR.

CONCLUSION

The proposed Project would use energy resources for the operation of Project buildings (natural gas and electricity), outdoor lighting (electricity), for on-road vehicle trips (e.g. gasoline and diesel fuel) rerouted by the proposed Project, and from off-road and on-road construction activities associated with the proposed Project (e.g. diesel fuel). Each of these activities would require the use of energy resources. The proposed Project would be responsible for conserving energy, to the extent feasible.

The proposed Project would have to comply with all applicable federal, State, and local regulations regulating energy usage. For example, PG&E, the electric and natural gas provider to the proposed Project, is responsible for the mix of energy resources used to provide electricity for its customers, and it is in the process of implementing the statewide RPS to increase the proportion of renewable energy (e.g. solar and wind) within its energy portfolio. PG&E achieved its RPS requirement to achieve at least a 33% mix of renewable energy resources by 2020, and it on track to achieve at least a 60% mix of renewable energy by 2030. Other statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time.

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.

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).

One comment was received during the public review period for the Notice of Preparation regarding this topic from the following: Leslie Kashiwada (June 20, 2022). Each of the comments related to this topic are addressed within this section. Full comments received are included in Appendix A.

As discussed in the Initial Study prepared for the proposed project, development of the Project site would not result in physical barriers, such as a highway, wall, or other division, that would divide an existing community, but would serve as an orderly extension of existing and planned development. Therefore, the proposed Project would have ***no impact*** related to established communities. As such, this CEQA topic will not be further discussed.

3.5.1 ENVIRONMENTAL SETTING

EXISTING PHYSICAL ENVIRONMENT

The Project site is located at 825, 845, and 851 S. Franklin Street in the City of Fort Bragg, Mendocino County, California.

Project Site

The 1.63-acre site is located on the north side of N. Harbor Drive, the west side of S. Franklin Street, and the south side of South Street. The Project site is located approximately 230 to 450 feet east of S. Main Street/Highway 1 (a four-lane conventional highway managed by the California Department of Transportation [Caltrans]) and is located in the City's Coastal Zone. Properties within the Coastal Zone are regulated by the Coastal Land Use and Development Code (CLUDC), also known as Fort Bragg Municipal Code (FBMC) Title 17. The Project site consists of three parcels identified by Assessor's Parcel Numbers (APNs) 018-120-47, 018-120-48 and 018-120-49.

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 square-foot (sf) vacant former office building and associated 47-space parking lot are located in the northern half of the site. The building, locally referred to as the "Old Social Services Building", has not been leased since 2010 but has been used as storage since then. Wooden fencing is currently located along the western property line and adjacent to the south side of the building. Shrubs and trees are located in the northern portion of the site. The southern-most lot is vacant with one-third bare soil and two-thirds covered with annual grasses and forbs with scattered shrubs.

The Project site does not contain any creeks/streams, riparian areas, or wetlands on-site (USFWS, 2020). The Project site is located in Zone "X", area of minimal flood hazard, as shown on Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer FIRMette map number 06045C1016G, effective July 18, 2017.

GENERAL PLAN AND ZONING

The Project site has a Fort Bragg Coastal 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 proposed Project. The City General Plan land use designations and zoning designations for the Project site and surrounding area are shown on Figure 2.0-4 in Chapter 2.0.

SURROUNDING LAND USES

The 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 Chevron. 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. To the east of the site across S. Franklin Street are five single-family residences, one multi-family residential building, and two vacant lots.

3.5.2 REGULATORY SETTING

STATE

Government Code

California Government Code Section 65300 et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan is a comprehensive, long-term, and general document that describes plans for the physical development of a jurisdiction and of any land outside its boundaries that, in the jurisdiction's judgment, bears relation to its planning. The general plan addresses a broad range of topics, including, at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the jurisdiction's vision for the area. The general plan is a long-range document that typically addresses the physical character of an area over a substantial time period, such as 20 years. Although the general plan serves as a blueprint for future development and identifies the overall vision for the planning area, it remains general enough to allow for flexibility in the approach taken to achieve the plan's goals.

Chapter 4 of the State Planning and Zoning Law, entitled Zoning Regulations (California Government Code Section 65800 et seq.), establishes that, in general law cities such as Fort Bragg (as opposed to charter cities), zoning ordinances, which are laws that define allowable land uses within a specific district, are required to be consistent with the general plan and any applicable specific plans. When

amendments to the general plan are made, corresponding changes in the zoning ordinance may be required within a reasonable time to ensure the land uses designated in the general plan would also be allowable by the zoning ordinance (Government Code, Section 65860, subd. [c]).

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

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.

Fort Bragg Municipal Code – Coastal Land Use and Development Code

Title 17 of the Fort Bragg Municipal Code constitutes the City of Fort Bragg Coastal Land Use and Development Code, and in part, constitutes the Implementation Program portion of the City's Local Coastal Program and carries out the policies of the Fort Bragg Coastal General Plan, by classifying and regulating the uses of land and development within the geographic portion of the City located within the coastal zone, consistent with the Coastal General Plan. The Development Code is adopted to protect coastal resources, and to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Development Code are to:

A. Provide standards and guidelines for the continuing orderly growth and development within the coastal zone of the City that will assist in protecting the character and community identity of Fort Bragg;
B. Conserve and protect the City's coastal resources including public access opportunities, visitor and recreational facilities, marine resources, biological resources, environmentally sensitive habitat areas, archaeological resources, waterways, hills and trees, scenic vistas, and other historic and environmental resources;
C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
D. Minimize automobile congestion by promoting pedestrian-oriented development, safe and effective traffic circulation, and adequate off-street parking facilities;
E. Ensure compatibility between different types of development and land use;

F. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners; and
G. Prevent damage and injury from disasters such as flood, tsunamis, and geologic hazards.

ZONING MAP

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

CHAPTER 17.22, COMMERCIAL ZONING DISTRICTS

Chapter 17.22 of the Development Code lists the land uses that may be allowed within the commercial zoning districts established by Section 17.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

City of Fort Bragg Citywide Design Guidelines

The City of Fort Bragg Citywide Design Guidelines (2022) set expectations for site and building design in order to maintain and enhance the small-town, coastal, historic, and rural character of Fort Bragg. Property owners and professionals will use these guidelines when planning improvements and City staff, boards, and commissions will use them in development review. Consistency with the Citywide Design Guidelines is mandatory in the Design Review permit process, and these guidelines work in conjunction with other City regulations to ensure development throughout the City is functional and attractive. The Guidelines contain general standards and guidelines for all development, as well as for specific land uses and signs. Some standards are mandatory, while some of preferred.

Some of the applicable Design Guidelines which the Project would be subject to include, but are not limited to, the following:

Architectural Form & Detail Mandatory Standards

1. Franchise architecture is strongly discouraged. Buildings shall be readily reusable by other tenants and should not be identified with a design that is specific to a franchise.
2. Commercial development shall compliment and/or Incorporate design elements and features from the historic architectural styles of the Central Business District, such as bay windows, porches, projecting eaves, awnings, and similar elements that add visual interest to the development.

Architectural Form & Detail Preferred Standards

1. Commercial development should include a higher level of architectural detailing and higher quality materials at the pedestrian level of the building.
2. Architectural style should be compatible with the surrounding character, including building style, form, size, materials, and roofline.
3. The use of awnings, canopies, recesses, and arcades is strongly encouraged to provide protection for pedestrians and to add interest and color to buildings. Awning placement should fit within the scale, proportion, and rhythm created by the distinct architectural elements and should not cover piers, pilasters and other architectural details. Awnings should be compatible in color and design with the buildings. Awning frames and supports should be painted or coated metal or other non-corroding material and designed to withstand wind loads.

Lighting Mandatory Standards

1. Exterior lighting shall be designed as part of the overall architectural style of the building and should illuminate entries, driveways, walkways, and activity areas.
2. Entrances shall be well illuminated for safety and identification purposes.
3. Lighting sources shall be hidden unless the sources are an integral part of the design. Lighting fixtures should not project above the fascia or roofline of the building.
4. Partial or full cutoff lighting is required. Exterior lighting shall be located and designed to avoid shining directly onto nearby residential properties, and shall minimize off-site glare. The latest technical and operational energy conservation concepts should be considered in lighting designs.
5. Parking lot lighting fixtures shall be no taller than 16 feet in height and shall cast light downward without allowing glare or light to encroach upon neighboring properties.

Lighting Preferred Standards

1. Subtle and minimalist lighting may be used to accent architectural features and landscaping. Accent lighting should not contribute to glare or distract from the overall ambient night lighting in the neighborhood.
2. Exterior lighting should not have a color temperature above 4500 Kelvin.
3. Site lighting should minimize impact between the various uses (i.e. shielding commercial lighting from residential uses).

Overall Sign Guidelines Mandatory Standards

1. Signs shall be designed to relate to the architectural features of the building on which they are located and create visual continuity with other storefronts on the same or adjacent buildings.
2. Signs shall coordinate with the building design, materials, color, size, and placement.

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.

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:

- 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.

Additionally, this section provides an analysis of the potential for the proposed project to result in urban decay. 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 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.

IMPACTS AND MITIGATION MEASURES

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

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.

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.

City staff concludes that the proposed Project is consistent with the General Plan land use policies that encourage commercial development located within, contiguous with, or in close proximity to, existing developed areas and encourage employment- and tax-generating businesses that support the economic diversity of the City.

When land uses are not consistent with a General Plan there are two courses of action: 1) the uses are not allowed due to the inconsistency, or 2) the land uses are changed through an amendment to the General Plan to create consistency. The land uses as proposed are consistent with the General Plan designation for the property.

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.

TABLE 3.5-1: GENERAL PLAN POLICY CONSISTENCY

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
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	**Consistent.** 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.	**Consistent.** 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: **Location:** 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. **Scale:** 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.

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	Appearance: 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.
LU-4.3 Large-Scale Commercial Development: 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: **a) between the Noyo River and Pudding Creek Bridges - maximum 50,000 square feet;** **b) east of Highway One and north of Pudding Creek Bridge - maximum 30,000 square feet;** **c) west of Highway One and north of Pudding Creek Bridge and south of the Noyo River Bridge - maximum 15,000 square feet; and** **d) east of Highway One and south of Noyo River Bridge – maximum 40,000 square feet.**	**Consistent.** 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.
LU-4.4 Standards for Commercial Uses in Residential Areas: Commercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area.	**Consistent.** 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.

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	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.	**Consistent.** 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.	**Consistent.** 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. 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. 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

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	2013 study and re-verified in 2015, the last time the City conducted a complete pressure system test. Nothing has changed in system pressure since that time and there is no reason to believe that this business will create a significant change, however, pursuant of the California Building Codes, the water pressure will be tested to document pressures mentioned above.
PUBLIC FACILITIES	
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.	**Consistent.** 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.
PF-1.2: Ensure Adequate Services and Infrastructure for New Development. No permit for development shall be approved unless it can be demonstrated that such development will be served upon completion with adequate services, including but not limited to potable water; wastewater collection, treatment and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal; as applicable to the proposed development. **a. Demonstration of adequate water and sewer facilities shall include evidence that adequate capacity will be available within the system to serve the development and all other known and foreseeable development the system is committed to serving, and that the municipal system will provide such service for the development;** **b. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies; and (ii) that the traffic generated by the proposed development, and all other known and foreseeable development, will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS standards contained in Policy C-1.1 of the Circulation Element of the Coastal General Plan.**	**Consistent.** 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.
PF-1.3 Ensure Adequate Service Capacity for Priority Uses: **a. New development that increases demand for new services by more than one equivalent dwelling unit (EDU) shall only be permitted in the Coastal Zone if,** • **Adequate services do or will exist to serve the proposed development upon completion of the**	**Consistent. Water Supply.** 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

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
proposed development, and • **Adequate services capacity would be retained to accommodate existing, authorized, and probable priority uses upon completion. Such priority uses include, but are not limited to, coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational uses in commercial, industrial, parks and recreation, and public facilities districts. Probable priority uses are those that do not require an LCP amendment or zoning variance in the Coastal Zone.** **b. Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing, authorized, and probable priority uses identified above.**	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). 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. **Water and Wastewater Service.** 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. 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. 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

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	secure their Building Permit.
PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.	**Consistent.** The Project would be required to pay its share of capital improvements and the cost of public services. The Project would be conditioned to have a fair share agreement.
CONSERVATION, OPEN SPACE, ENERGY, AND PARKS	
OS-4.1 Preserve Archaeological Resources: New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.	**Consistent.** A Cultural Resources Inventory Survey (Cultural Survey) was prepared by Genesis Society on August 15, 2019, to evaluate the Project's potential to impact cultural resources in conformity with the City of Fort Bragg and Mendocino County rules and regulations, and in compliance with requirements of CEQA and the CEQA Guidelines. This study was reviewed for adequacy as part of the Initial Study that was circulated with the Notice of Preparation. The review determined that there is no potential for new cultural events or historical changes to have occurred on this site since the 2019 Cultural Study was performed. The 2019 Cultural Study was found to be adequate and remains valid. The Cultural Survey (Genesis Society, 2019) found that no historical resources or historic properties have been documented within the project area. While the proposed project includes the demolition of an existing building, the existing building is a contemporary (post-1996) commercial building. As a result, no impact would occur. The project is not anticipated to cause a substantial adverse change in the significance of an archaeological resource or disturb any human remains. Based on the records search conducted at the NWIC, the consultation undertaken with the 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 has been applied to the project. The proposed project is found consistent with policies of the City of Fort Bragg for protection of cultural resources, including human remains. It is also noted that the Sherwood Valley Tribe was previously notified of the Project in 2019. As noted in the tribe's response letter for the proposed Project consultation, "The Tribe originally reviewed a cultural resources inventory in 2019. At that time, the Tribe responded and stated no significant historical or unique

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	archaeological resources at this site. As of today, the Tribe, as the Most Likely Descendants (MLD), takes the stance that no significant historical or unique archaeological resources are prevalent at this site. The Sherwood Tribe has no objections to the proposed work at this time. As always, the Tribe requests that if any cultural sites or artifacts are uncovered during work, that work immediately cease and the Sherwood Valley Tribe be notified immediately."
OS-5.1 Native Species: Preserve native plant and animal species and their habitat.	**Consistent.** Limited habitat and native vegetation are located on-site. Four ornamental trees are located in the northern portion of the site along South Street. These trees would likely be removed and replaced with drought tolerant native species as will be required by a special condition. 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.
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.	**Consistent.** 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. These trees would likely be removed and replaced with landscaping selected for the local climate. Proposed landscaping would be native to the area.
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 in Section 3.2, Biological Resources, the site is located in a developed, urban area, and the property is not part of any corridor through which wildlife could move. The 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. To the east of the site across S. Franklin Street are five single-family residences, one multi-family residential building, and two vacant lots. The Project would not be anticipated to substantially interfere 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. The Project site does not contain any streams, creeks, or wetland areas, and is located within an urban built-up

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	environment with no existing wildlife corridors. There are no existing wildlife nursery sites within or near the site that could be impacted by the project. The CNDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the Project site.
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.** The proposed Project is conditioned so that landscaping would not include invasive non-native plants.
OS-6.1 Energy Conservation Measures in Buildings: Continue to require structures to comply with State energy conservation standards and encourage owners of existing dwellings to retrofit with energy-saving features.	**Consistent.** Construction of the proposed project would be subject to the 2019 California Energy Code, Part 6 of Title 24 of the California Code of Regulations, which contains energy conservation standards applicable to residential and non-residential buildings throughout California to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality.
OS-7.2 Air Quality Standards: Seek to comply with State and Federal standards for air quality.	**Consistent.** While the anticipated development at the Site would generate temporary emissions and direct and indirect emissions once construction is complete, the project would not include any source of visible emissions, including intentional fire/burning or manufacturing, and would control exhaust emissions from construction equipment by minimizing idling. In addition, the contractor would suppress fugitive dust during construction and operation, pursuant to Rule-1-430 (Fugitive Dust Emissions) of Chapter IV (Prohibitions) of Regulation 1 (Air Pollution Control Rules) of the Mendocino County Air Quality Management District (MCAQMD's) Rules and Regulations (February 2011), and would maintain all construction equipment in good working order such that exhaust and fugitive dust emissions are minimized. The project would be subject to current and future regulations adopted by MCAQMD, including the PM Attainment Plan (2005), and compliance with these regulations would ensure the project would not result in a substantial increase of PM10 within the vicinity of the Site. To further reduce the project's potential impact, Special Condition 8 is required. In accordance with a Special Condition, the project is required to comply with existing policies of the MCAQMD regarding the control of fugitive dust during these activities, which include maintaining all construction equipment in good working condition and limiting truck idling on-site to a maximum of five

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	minutes, pursuant to State law. Additionally, construction is required to comply with the City's dust management plan and the site-specific Dust Prevention and Control Plan required for construction of the project, pursuant to the City CLUDC. The Dust Prevention and Control Plan would be submitted in conjunction with a grading plan or other plan involving the movement of dirt.
OS-11.6: Use Permeable Pavement Materials. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.	**Does not Conflict.** The Plan Set Site Plans shows that the project would create more than 10,000 square feet of new impervious surfaces (buildings, sidewalks and Asphalt Concrete Parking). For that reason, the project is categorized as a project of Special Water Quality Concern by the CLUDC. The preliminary Grading and Drainage plan and Stormwater Low Impact Development (LID) Area plan (Attachment 2) included in the packet has been reviewed by the City's Public Works Department. Three Special Conditions (reproduced below) were developed for the project during the City staff's previous review and consideration of the Project. These special conditions remain applicable and will be imposed on the Project to ensure compliance with the stormwater and water quality requirements described above, and ensure compliance with the stormwater management requirements of the City's Coastal General Plan. It is noted that the Project does not include permeable pavement materials. 1) Bioretention features shall be sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (0.83" in 24-hours). A Maintenance and Operations agreement for ongoing maintenance of the bioretention features installed with this project shall be submitted to the City for review and approval and shall be recorded with the County Recorder's office to ensure that the bioretention features are maintained and remain effective. Recordation of the Maintenance Agreement shall be completed prior to Certificate of Occupancy. 2) Prior to issuance of the Building Permit the applicant shall submit a Water Quality Management Plan and/or a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer. 3) All work shall be done in compliance with all conditions required by the City of Fort Bragg Grading

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	Ordinance; Land Use Code Chapter 17.60-17.64 – Grading and Stormwater Runoff Requirements and Procedures. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.
OS-12.1: Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts, due to the development size, type of land use, impervious site coverage, or proximity to coastal waters. A development in one or more of the following categories shall be considered a "Development of Special Water Quality Concern," and shall be subject to additional requirements set forth in Policy OS-12.2 below to protect coastal water quality. Developments of Special Water Quality Concern include the following: **a) Housing developments of ten or more dwelling units.** **b) Hillside developments on slopes greater than 12 percent, located in areas with highly erodible soil.** **c) Developments that result in the creation, addition, or replacement of 10,000 square feet or more of impervious surface area.** **d) Parking lots with 5,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.** **e) Heavy industrial developments.** **f) Vehicle service facilities (including retail gasoline outlets, service stations, commercial car washes, and vehicle repair facilities).** **g) Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the review authority based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or waterbodies.** **h) All developments within 125 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody, if such development results in the creation, addition, or replacement of 2,500 square feet or more of impervious surface area.** **a. "Discharge directly to" the ocean or a waterbody means outflow from a drainage conveyance system that is composed entirely of**	**Consistent.** The preliminary Grading and Drainage plan and Stormwater Low Impact Development (LID) Area plan (Attachment 2) included in the packet has been reviewed by the City's Public Works Department. The above noted Special Conditions were developed for the project during the City staff's previous review and consideration of the Project. These special conditions remain applicable and will be imposed on the Project to ensure compliance with the stormwater and water quality requirements described above, and ensure compliance with the stormwater management requirements of the City's Coastal General Plan.

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands. **i) Any other development determined by the review authority to be a Development of Special Water Quality Concern.**	
OS-12.2: Additional Requirements for Developments of Special Water Quality Concern. All Developments of Special Water Quality Concern (as identified in Policy OS-12.1, above) shall be subject to the following four additional requirements to protect coastal water quality: **1) Water Quality Management Plan. The applicant for a Development of Special Water Quality Concern shall be required to submit for approval a Water Quality Management Plan (WQMP), prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.** **2) Selection of Structural Treatment Control BMPs. As set forth in Policy OS-10.4, if the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.** **3) 85th Percentile Design Standard for Treatment Control BMPs. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.**	**Consistent.** The preliminary Grading and Drainage plan and Stormwater Low Impact Development (LID) Area plan has been reviewed by the City's Public Works Department. The three special conditions noted above have been placed on the project to ensure compliance with the stormwater and water quality requirements described above, and ensure compliance with the stormwater management requirements of the City's Coastal General Plan.

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
4) Goal for Runoff Reduction. In Developments of Special Water Quality Concern, the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.	
OS-16.2 Right of Public Access: 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.	**Consistent.** 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.
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.
CIRCULATION	
C-1.3: Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met: **a) Revisions are incorporated in the proposed development project which prevent the Level of Service from deteriorating below the adopted Level of Service standards; or** **b) Funding of prorata share of the cost of circulation improvements and/or the construction of roadway improvements needed to maintain the established Level of Service is included as a condition or development standard of project approval.**	**Consistent.** 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. 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.
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.	**Consistent.** 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. Table 3.7-16 in Section 3.7 notes the Grocery Outlet Store

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	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.
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.
C-2.6: Traffic Studies for High Trip Generating Uses: Traffic studies shall be required for all major development proposals, including but not limited to, drive-through facilities, fast food outlets, convenience markets, major tourist accommodations, shopping centers, commercial development, residential subdivisions, and other generators of high traffic volumes that would affect a Level of Service. Traffic studies shall identify, at a minimum: **(a) the amount of traffic to be added to the street system by the proposed development;** **(b) other known and foreseeable projects and their effects on the street system;** **(c) the direct, indirect, and cumulative adverse impacts of project traffic on street system operations, safety, and public access to the coast;** **(d) mitigation measures necessary to provide for project traffic while maintaining City Level of Service standards;** **(e) the responsibility of the developer to provide improvements; and** **(f) the timing of all improvements.**	**Consistent.** As noted above in the discussion for Policy C-1.3, a Traffic Impact Analysis was completed for the Project.
C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.	**Consistent.** 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.
C-10.5 Bicycle Parking: Provide adequate and secure bicycle parking at public transit facilities, park and ride lots, schools, the library, parks, City offices, and commercial areas.	**Consistent.** Two bicycle parking racks would be provided on-site.
C-11.2: Handicapped Access. In conformance with State and Federal regulations, continue to review all projects	**Consistent.** The proposed pedestrian improvements would be Americans with Disabilities Act (ADA)-

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.
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.	**Consistent.** As noted above in the discussion for Policy C-1.3, a Traffic Impact Analysis was completed for the Project. 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.
COMMUNITY DESIGN	
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.	**Consistent.** 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 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.
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.	**Consistent.** 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

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	above in the discussion for Policy CD-1.1, the project is replacing an existing structure with one of approximately the same size, and 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. 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.
CD-1.5: All new development shall be sited and designed to minimize alteration of natural landforms by: **1. Conforming to the natural topography.** **2. Preventing substantial grading or reconfiguration of the project site.** **3. Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.** **4. Requiring that man-made contours mimic the natural contours.** **5. Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.** **6. Minimizing grading permitted outside of the building footprint.** **7. Clustering structures to minimize site disturbance and to minimize development area.** **8. Minimizing height and length of cut and fill slopes.** **9. Minimizing the height and length of retaining walls.** **10. Cut and fill operations may be balanced on-site, where the grading does not substantially alter the existing topography and blends with the surrounding area. Export of cut material may be required to preserve the natural topography.**	**Consistent.** The Project is nearly flat and does not contain significant grading or slopes. Limited retaining walls are proposed to the west of the proposed building.
CD-1.6: Fences, walls, and landscaping shall minimize blockage of scenic areas from roads, parks, beaches, and other public viewing areas.	**Consistent.** In the opinion of City staff, the project site is not located within a “scenic area” within the meaning of Policy CD 1.6, as the site is on the landward side of

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	Highway 1, and there is intervening commercial development between the site and Highway 1. As noted above in the discussion for Policy CD-1.1, the Project is replacing an existing structure with one of approximately the same size, and 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 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. The proposed building would be located approximately where the existing building is located. Limited fencing and walls would be developed on-site. The proposed landscaping would not block scenic areas.
CD-1.9: Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, and shielded so that no light shines beyond the boundary of the property.	**Consistent.** As discussed in Section I, Aesthetics and Visual Resources, of the Initial Study, the Project site currently contains limited lighting in the northern portion of the site. Upon development of the proposed grocery store, building and parking lot lighting would be provided. The lighting would be shielded and directed downward to eliminate light trespass. In order to assure compliance with Policy CD-1.9 a special condition has been added which says "Prior to issuance of a building permit, final lighting plan shall be approved the Public Works Director or their designee, and be consistent with the CLUDC and Dark Sky Standards. .
CD-1.11: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.	**Consistent.** Limited natural vegetation exists on-site. 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 likely that tree removal in some capacity would be required. Removal of some trees may also be necessary in order to have a viable Project design. 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

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	parking lot landscaping islands.
CD-2.2 Large Commercial Development: Ensure that large commercial development, such as shopping centers, big box retail, and mixed use development, fits harmoniously with the scale and design of existing buildings and streetscape of the City.	**Consistent.** The Project is not a large commercial development along the lines of a big box retail store. Rather, the Project's grocery store will only be 16,157 square feet in size. Even if the Project were subject to this policy, however, it would comply. Commercial uses are located to the west 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. The northern portion of the Project site contains existing development and the southern portion of the site is vacant with a dirt driveway. As noted above in the discussion for Policy LU-4.4, 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. 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.
CD-2.5 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.	**Consistent.** In the opinion of City staff, the project site does not current provide any "scenic views" or "scenic resources" within the meaning of Policy CD 2.5, 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 above in the discussion for Policy CD-1.1, 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 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

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	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. The current building is located in the central and northern portions of the site. The proposed building would be located approximately where the existing building is located. The southern portion of the site would contain the parking area and landscaping. As such, any views afforded in the southern portion of the site would generally be maintained.
CD-2.7 Landscaping: Encourage attractive native and drought-tolerant landscaping in residential and commercial developments.	**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 likely that tree removal in some capacity would be required. Removal of some trees may also be necessary in order to have a viable Project design. Should removal be required, and the trees would be replaced with landscaping selected for the local climate conditions. The proposed landscaping would be native and drought-tolerant. The project is conditioned to revise the landscaping plan to entirely consist of drought tolerant native species, per Special Condition 18.
CD-5.1 Parking Location: Wherever feasible, locate parking facilities to the rear of the development so that the building facade is contiguous with the street frontage, and parking areas are hidden from the street.	**Consistent.** The proposed building would be located approximately where the existing building is located. The southern portion of the site would contain the parking area and will be screened by landscaping. The proposed building would be contiguous with S Franklin Street, and walkways from the sidewalk to the proposed building would be provided.
CD-8.2 Provide Public Open Spaces: Encourage the development of public open spaces for gatherings and fairs in commercial areas of the City.	**Consistent.** The seating area was removed from the final plans and will not be there. Just a canopy to keep people dry.
SAFETY	
SF-2.2: Require professional inspection of foundations and excavations, earthwork, and other geotechnical aspects of site development during construction on those sites specified in soils, geologic, and geotechnical studies as being prone to moderate or high levels of seismic hazard	**Consistent.** To reduce the impact of seismic ground shaking, the proposed Project would be required to be constructed using standard engineering and seismic safety design techniques of the California Building Code. Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. Therefore, structures would be able to: (1) resist minor

GENERAL PLAN POLICY	*PROJECT CONSISTENCY*
	earthquakes without damage, (2) resist moderate earthquakes without structural damage but with some nonstructural damage, and (3) resist major earthquakes without collapse but with some structural as well as nonstructural damage.
SF-2.5: Review development proposals to ensure that new development is not in an area subject to tsunami damage and if such development is otherwise allowable that it is designed to withstand tsunami damage.	**Consistent.** According to the Mendocino County Tsunami Hazard Map maintained by the California Department of Conservation[1], the Project site is located outside the tsunami hazard area.
SF-3.5: Require, where necessary, the construction of siltation/detention basins to be incorporated into the design of development projects.	**Consistent.** The Project includes detention basins as part of the proposed storm drainage plan. The 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.
SF-5.1 Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.	**Consistent.** As discussed in Section XX, Wildfire, of the Initial Study, the California Department of Forestry and Fire Protection (CAL FIRE) designates the Project site as a Local Responsibility Area (LRA). The site is not within an area classified as a Very High Fire Hazard Severity Zone. The Project would be subject to the California Building Code, which requires fire sprinkler systems be installed.
SF-6.1 Demand for Police Services: Review development proposals for their demand for police services and implement measures to maintain adequate police services.	**Consistent.** The Project was reviewed for its demand on police services. As discussed in Section XV, Public Services, of the Initial Study, impacts related to police protection would be less than significant.
NOISE	
N-1.2 Reduce Noise Impacts: Avoid or reduce noise impacts first through site planning and project design. Barriers and structural changes may be used as mitigation techniques only when planning and design prove insufficient.	**Consistent.** As discussed in Section 3.5, Noise, the noise impacts were determined to be less-than-significant or less-than-significant with implementation of mitigation. Operational noise would be less-than-significant, while temporary construction noise and vibration impacts would require implementation of Mitigation Measures 3.5-1 and 3.5-2.
N-1.6 Mitigate Noise Impacts: Mitigate noise impacts to the maximum feasible extent.	**Consistent.** As noted in the discussion above for Policy N-1.2, the noise impacts were determined to be less-than-significant or less-than-significant with implementation of mitigation.

SOURCE: DE NOVO PLANNING GROUP, 2022.

Overall, the proposed Project would have a ***less than significant*** impact relative to the General Plan.

[1] Available at: https://www.conservation.ca.gov/cgs/tsunami/maps/mendocino

FORT BRAGG COASTAL LAND USE AND DEVELOPMENT CODE

Article 2, Section 17.22.020 E, of the CLUDC indicates that the CH zoning district's allowable land uses include lodging, restaurants, and retail stores. The City of Fort Bragg CLUDC defines "Groceries, specialty foods" as "a retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. The definition includes retail bakeries, where any on-site baking is only for on-site sales" and defines "General retail – 5,000 sf or larger" as "stores and shops selling many lines of merchandise." These are both permitted land uses in the CH district and have no "specific land use standards". As such, the proposed retail store would be a permitted use on-site, subject to the approval of a Zoning Clearance and Coastal Development Permit.

Per Chapter 17.22 – Commercial Zoning Districts, of the CLUDC, the proposed Project is consistent with the purpose of this chapter by meeting the following applicable requirements:

- Minimum parcel size;
- Minimum parcel width and maximum parcel depth;
- Front, interior, and street-side setbacks;
- Floor area ratio;
- Maximum floor area allowed for individual commercial buildings between the Noyo River and Pudding Creek bridges;
- Lot coverage; and
- Maximum height.

Per Chapter 17.30 – Standards for all Development and Land Uses, of the CLUDC, the proposed Project is consistent with the purpose of this chapter by meeting the following applicable requirements:

- Height of fencing, landscaping at street corners, and outdoor light fixtures;
- Outdoor lighting;
- Performance standards for dust;
- Public improvements (i.e. frontage);
- Solid waste/recyclable materials storage and enclosures; and
- Underground utility connections.

Per Chapter 17.34 – Landscaping Standards, of the CLUDC, the proposed Project is consistent with the purpose of this chapter by meeting the following applicable requirements:

- Submittal of preliminary landscape plan;
- Landscape setbacks and establishment in unused areas;
- Landscape buffers provided in parking areas, as well as adjacent to site or rear property lines, and structures;
- Amount and location of interior parking lot landscaping;
- Landscaping minimum dimensions;
- Size at time of planting and proposed groundcover and shrubs;

- Irrigation system for water efficiency and scheduling; and
- Proposed maintenance of landscaped areas.

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:

- 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.

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:

- 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 resources are not applicable:

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

- 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. 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.

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.

Impact 3.5-2: Impacts related to the physical deterioration and urban decay of existing retail commercial development in the City of Fort Bragg and surrounding area. (Less than Significant)

The decision by the Fifth District Court of Appeal in Bakersfield Citizens for Local Control v. The City of Bakersfield indicated that, in some instances, CEQA requires a lead agency to consider and analyze the potential for the introduction of planned retailers to result in adverse physical impacts on the environment by causing a chain reaction of store closures and long-term vacancies, otherwise referred to as a condition of "urban decay." This analysis is not required for all projects subject to CEQA, but only projects where there is concrete evidence of the potential for urban decay or deterioration to result.

The term "urban decay" is generally defined as, among other characteristics, visible symptoms of physical deterioration that invite vandalism, loitering, and graffiti that is caused by a downward spiral of business closures and long term vacancies. This physical deterioration to properties or structures is so prevalent, substantial, and lasting for a significant period of time that it impairs the proper utilization of the properties and structures, and the health, safety, and welfare of the surrounding community.

A key indicator from a CEQA perspective is impacts on the existing physical environment, which in this instance pertains to the commercial retail market, since most grocery facilities are located in retail space, or otherwise comprise commercial space most akin to retail space.

The proposed Project includes demolition of the existing 16,436-sf vacant former office building and parking area and subsequent development and operation of a 16,157-sf Grocery Outlet (retail grocery store) with associated improvements on the Project site. Grocery Outlet is a value grocer,

meaning that it sells brand name products at bargain prices due to their opportunity buying style. Associated improvements include a parking lot, loading dock and trash enclosure, circulation and access improvements, and utility infrastructure.

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. 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.

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-stie 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.

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This section provides a general description of the existing noise sources in the Project vicinity, a discussion of the regulatory setting, and identifies potential noise impacts associated with the proposed Project. Project impacts are evaluated relative to applicable noise level criteria and to the existing ambient noise environment. Mitigation measures have been identified for significant noise-related impacts.

There were no Notice of Preparation comments received regarding this topic. As discussed in the Initial Study (see Appendix A), the proposed Project is not located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The closest airport is the Fort Bragg Airport, which is privately owned and located approximately three miles north of the Project site. An airport land use plan for this airport has not been adopted. As such, there is ***no impact*** related to this topic. As such, this California Environmental Quality Act (CEQA) topic is not relevant to the proposed Project and will not be addressed further.

3.6.1 ENVIRONMENTAL SETTING

KEY TERMS

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given area consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of noise.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, defined as ten times the logarithm of the ratio of the sound pressure squared over the reference pressure squared.
CNEL	Community noise equivalent level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic acoustic signal, expressed in cycles per second or Hertz.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
L_{dn}	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
L_{eq}	Equivalent or energy-averaged sound level.
L_{max}	The highest root-mean-square (RMS) sound level measured over a given period of time.
$L_{(n)}$	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L_{50} is the sound level exceeded 50 percent of the time during the one-hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
Noise	Unwanted sound.
SEL	Sound exposure levels. A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.

FUNDAMENTALS OF ACOUSTICS

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn}, and shows very good correlation with community response to noise.

The day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment. CNEL is similar to L_{dn}, but includes

a +5 dB penalty for evening noise. Table 3.6-1 lists several examples of the noise levels associated with common situations.

TABLE 3.6-1: TYPICAL NOISE LEVELS

COMMON OUTDOOR ACTIVITIES	*NOISE LEVEL (DBA)*	*COMMON INDOOR ACTIVITIES*
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft)	--100--	
Gas Lawn Mower at 1 m (3 ft)	--90--	
Diesel Truck at 15 m (50 ft), at 80 km/hr (50 mph)	--80--	Food Blender at 1 m (3 ft) Garbage Disposal at 1 m (3 ft)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft)	--70--	Vacuum Cleaner at 3 m (10 ft)
Commercial Area Heavy Traffic at 90 m (300 ft)	--60--	Normal Speech at 1 m (3 ft)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

SOURCE: CALTRANS, TECHNICAL NOISE SUPPLEMENT, TRAFFIC NOISE ANALYSIS PROTOCOL. SEPTEMBER 2013.

EFFECTS OF NOISE ON PEOPLE

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction;
- Interference with activities such as speech, sleep, and learning; and
- Physiological effects such as hearing loss or sudden startling.

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a 1 dBA change cannot be perceived;
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference;

- A change in level of at least 5 dBA is required before any noticeable change in human response would be expected; and
- A 10 dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6 dB per doubling of distance from the source, depending on environmental conditions (i.e., atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

EXISTING NOISE LEVELS

Existing and Surrounding Land Uses

The Project site is located within the City of Fort Bragg, California. The Project site is within the Fort Bragg Coastal Region. The site contains an existing but unused commercial structure. The Project site is located at the southwest corner of the intersection of South Street and South Franklin Street.

The 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 Chevron. 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. To the east of the site across S. Franklin Street are five single-family residences, one multi-family residential building, and two vacant lots.

Existing Ambient Noise Levels

To quantify the existing ambient noise environment in the Project vicinity, one continuous (24-hour) noise level measurement was conducted near receptors adjacent to the Project site from January 10th to January 11th, 2022. A short-term noise level measurement was conducted at one location to the southeast of the project on January 10th, 2022. The noise measurement locations are shown on Figure 3.6-1. The noise level measurement survey results are provided in Table 3.6-2. Appendix B of Appendix E shows the complete results of the continuous noise monitoring at sites LT-1 and ST-1.

TABLE 3.6-2: SUMMARY OF EXISTING BACKGROUND NOISE MEASUREMENT DATA

			AVERAGE MEASURED HOURLY NOISE LEVELS, DB					
			DAYTIME (7AM-10PM)			*NIGHTTIME (10PM-7AM)*		
SITE	*LOCATION*	L_{DN}	L_{EQ}	L_{50}	L_{MAX}	L_{EQ}	L_{50}	L_{MAX}
CONTINUOUS (24-HOUR) NOISE LEVEL MEASUREMENTS								
LT-1	Eastern Project Boundary	60	58	53	80	52	46	72
SHORT-TERM NOISE LEVEL MEASUREMENTS								
ST-1	East of Project Boundary	N/A	56	52	70	N/A	N/A	N/A

SOURCE: SAXELBY ACOUSTICS, 2022.

The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value (L_{max}) represents the highest noise level measured during an interval. The average value (L_{eq}) represents the energy average of all of the noise measured during an interval. The median value (L_{50}) represents the sound level exceeded 50 percent of the time during an interval.

Larson Davis Laboratories (LDL) Model 820 and 831 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with an LDL Model CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

OFF-SITE TRAFFIC NOISE IMPACT ASSESSMENT METHODOLOGY

To predict existing and cumulative noise levels due to traffic, the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used. The model is based upon the Calveno reference noise emission factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions.

Traffic volumes for existing conditions were obtained from the traffic data prepared for the proposed Project (KD Anderson & Associates, 2019). Truck percentages and vehicle speeds on the local area roadways were estimated from field observations.

Traffic noise levels are predicted at the sensitive receptors located at the closest typical setback distance along each Project-area roadway segment. Where traffic noise barriers are predominately along a roadway segment, a -5 offset was added to the noise prediction model to account for various noise barrier heights. A -5 to dB offset was also applied where outdoor activity areas are shielded by intervening buildings. In some locations, sensitive receptors may be located at distances which vary from the assumed calculation distance and may experience shielding from intervening barriers or sound walls. However, the traffic noise analysis is believed to be representative of the majority of sensitive receptors located closest to the Project-area roadway segments analyzed in this report.

Table 3.6-3 shows the existing traffic noise levels in terms of L_{dn} at closest sensitive receptors along each roadway segment. A complete listing of the FHWA Model input data is contained in Appendix C of Appendix E.

TABLE 3.6-3: EXISTING TRAFFIC NOISE LEVELS

ROADWAY	*SEGMENT*	*EXTERIOR TRAFFIC NOISE LEVEL, DB L_{DN}*
Cypress St.	East of Main St.	59.7
Cypress St.	East of Franklin St.	59.3
Main St.	South of Cypress St.	66.6
Main St.	South of South St.	64.2
Main St.	South of North Harbor Dr.	67.5
Franklin St.	South of Cypress St.	61.3
Franklin St.	South of South St.	56.3
Franklin St.	North of North Harbor Dr.	57.2
South St.	East of Main St.	56.9
South St.	East of Franklin St.	59.8
N Harbor Dr.	East of Franklin St.	61.0

SOURCE: FHWA-RD-77-108 WITH INPUTS FROM KD ANDERSON & ASSOCIATES AND SAXELBY ACOUSTICS. 2022.

3.6.2 REGULATORY SETTING

FEDERAL

There are no federal regulations related to noise that apply to the proposed Project.

STATE

California Environmental Quality Act

CEQA Guidelines, Appendix G, includes questions that indicate that a significant noise impact may occur if a project exposes persons to noise or vibration levels in excess of local general plans or noise ordinance standards, or causes a substantial permanent or temporary increase in ambient noise levels. CEQA case law also addresses noise impacts. (See, e.g., *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 883-894.) CEQA standards are discussed more below under the Thresholds of Significance section.

LOCAL

The Project site is located within the Coastal Region of the City of Fort Bragg. The City addresses noise in the Noise Element of the Fort Bragg Coastal General Plan and in the Municipal Code.

Fort Bragg Coastal General Plan

The Noise Element of the Fort Bragg Coastal General Plan establishes standards to provide compatible noise environments for new development or redevelopment projects and to control excessive noise exposure of existing developments. Goals, policies, actions, and standards provided in the Noise Element provide the basis for decision-making on determining land use compatibility with noise sources associated with the proposed Project, as well as mitigation requirements.

Table N-4 of the Noise Element shows a summary of different land uses in the City and their associated acceptable and unacceptable noise levels. These guidelines state that environments with noise levels ranging up to 60 dBA L_{dn} are considered “normally acceptable” for new residential land

use development; environments with ambient noise levels greater than 60 dBA and up to 75 dBA L_{dn} are considered "conditionally acceptable" for new residential development and new construction should only be undertaken after a detailed analysis of noise reduction requirements are made and needed noise insulation features are included in the design.

Policy N-1.4 of the City of Fort Bragg Coastal Region General Plan establishes a standard of 45 Ldn for indoor noise levels for all new residential development including hotels and motels and a standard of 60 Ldn for outdoor noise at residences. These limits shall be reduced by 5 dB for senior housing and residential care facilities.

For non-transportation noise sources, the General Plan establishes the standards for sensitive uses. See Table 3.6-4 for the non-transportation noise standards.

TABLE 3.6-4: CITY OF FORT BRAGG GENERAL PLAN NON-TRANSPORTATION NOISE STANDARDS

NOISE LEVEL DESCRIPTOR	*OUTDOOR ACTIVITY AREA DAYTIME (7 A.M. TO 10 P.M.)*	*OUTDOOR ACTIVITY AREAS NIGHTTIME (10 P.M. TO 7 A.M.)*
Hourly equivalent sound level (L_{eq}), dB	55	45
Maximum sound level (L_{max}), dB	75	65

NOTE: THESE NOISE LEVELS APPLY TO THE RESIDENTIAL PROPERTY LINE NEAREST THE PROJECT. EACH OF THE NOISE LEVELS SHALL BE LOWERED BY FIVE DB FOR SIMPLE TONE NOISES, NOISES CONSISTING PRIMARY OF SPEECH OR MUSIC, OR FOR RECURRING IMPULSIVE NOISES. THESE NOISE LEVEL STANDARDS DO NOT APPLY TO RESIDENTIAL UNITS ESTABLISHED IN CONJUNCTION WITH INDUSTRIAL OR COMMERCIAL USES (E.G., CARETAKER DWELLINGS). CITY OF FORT BRAGG COASTAL REGION GENERAL PLAN NOISE ELEMENT TABLE N-5.

City of Fort Bragg Municipal Code

Section 9.44.020 of the City of Fort Bragg Municipal Code limits the hours construction-generated noise may occur. Between the hours of 10:00 p.m. and 7:00 a.m., it is unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to generate noise. This includes the operation of equipment or performance of any outside construction or repair work on buildings, structures, or projects or operation of construction-type devices.

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.

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).

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:

> 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.

VIBRATION STANDARDS

Vibration is like noise in that it involves a source, a transmission path, and a receiver. While vibration is related to noise, it differs in that in that noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration will depend on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Vibration can be measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration measures in terms of peak particle velocities in inches per second. Standards

pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of peak particle velocities.

The City of Fort Bragg does not have specific policies pertaining to vibration levels. Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 3.6-5 indicates that the threshold for damage to structures ranges from 0.2 to 0.6 peak particle velocity in inches per second (in/sec p.p.v). A threshold of 0.20 in/sec p.p.v. is considered to be a reasonable threshold for short-term construction projects.

TABLE 3.6-5: EFFECTS OF VIBRATION ON PEOPLE AND BUILDINGS

P.P.V.		HUMAN REACTION	EFFECT ON BUILDINGS
MM/SEC.	IN./SEC.		
0.15-0.30	0.006-0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
2.0	0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
2.5	0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of "architectural" damage to normal buildings
5.0	0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of "architectural" damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize "architectural" damage
10-15	0.4-0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause "architectural" damage and possibly minor structural damage.

SOURCE: CALTRANS. TRANSPORTATION RELATED EARTHBORN VIBRATIONS. TAV-02-01-R9601 FEBRUARY 20, 2002.

IMPACTS AND MITIGATION MEASURES

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

Project conditions. Appendix C of Appendix E provides the complete inputs and results of the FHWA traffic noise modeling.

TABLE 3.6-6: EXISTING AND EXISTING PLUS PROJECT TRAFFIC NOISE LEVELS

ROADWAY	SEGMENT	APPROX. RECEPTOR DISTANCE	NOISE LEVELS (L_{DN}, dB) AT NEAREST SENSITIVE RECEPTORS					
			EXIST.	PROJECT ONLY	EXIST. + PROJECT	CHANGE	CRITERIA	SIGNIFICANT?
Cypress St.	East of Main St.	40	59.7	44.7	59.8	0.1	+ 3 dB	No
Cypress St.	East of Franklin St.	35	59.3	37.8	59.3	0.0	+ 3 dB	No
Main St.	South of Cypress St.	85	66.6	49.8	66.7	0.1	+ 3 dB	No
Main St.	South of South St.	125	64.2	44.5	64.2	0.0	+ 3 dB	No
Main St.	South of North Harbor Dr.	75	67.5	50.8	67.6	0.1	+ 3 dB	No
Franklin St.	South of Cypress St.	30	61.3	49.6	61.6	0.3	+ 3 dB	No
Franklin St.	South of South St.	35	56.3	54.8	58.6	2.3	+ 3 dB	No
Franklin St.	North of North Harbor Dr.	35	57.2	41.8	57.4	0.2	+ 3 dB	No
South St.	East of Main St.	40	56.9	52.4	58.3	1.4	+ 3 dB	No
South St.	East of Franklin St.	30	59.8	38.8	59.8	0.0	+ 3 dB	No
N Harbor Dr.	East of Franklin St.	30	61.0	0.0	61.0	0.0	+ 3 dB	No

SOURCE: FHWA-RD-77-108 WITH INPUTS FROM KD ANDERSON & ASSOCIATES AND SAXELBY ACOUSTICS, 2022.

TABLE 3.6-7: CUMULATIVE AND CUMULATIVE PLUS PROJECT TRAFFIC NOISE LEVELS

ROADWAY	SEGMENT	APPROX. RECEPTOR DISTANCE	NOISE LEVELS (L_{DN}, dB) AT NEAREST SENSITIVE RECEPTORS					
			CUMU.	PROJECT ONLY	CUMU. + PROJECT	CHANGE	CRITERIA	SIGNIFICANT?
Cypress St.	East of Main St.	40	60.4	44.7	60.5	0.1	+ 3 dB	No
Cypress St.	East of Franklin St.	35	60.1	37.8	60.1	0.0	+ 3 dB	No
Main St.	South of Cypress St.	85	67.3	49.8	67.3	0.0	+ 3 dB	No
Main St.	South of South St.	125	64.8	44.5	64.9	0.1	+ 3 dB	No
Main St.	South of North Harbor Dr.	75	68.1	50.8	68.2	0.1	+ 3 dB	No
Franklin St.	South of Cypress St.	30	62.0	49.6	62.3	0.3	+ 3 dB	No
Franklin St.	South of South St.	35	57.2	54.8	59.1	1.9	+ 3 dB	No
Franklin St.	North of North Harbor Dr.	35	57.9	41.8	58.0	0.1	+ 3 dB	No
South St.	East of Main St.	40	57.8	52.4	58.9	1.1	+ 3 dB	No
South St.	East of Franklin St.	30	60.8	38.8	60.8	0.0	+ 3 dB	No
N Harbor Dr.	East of Franklin St.	30	61.7	0.0	61.7	0.0	+ 3 dB	No

SOURCE: FHWA-RD-77-108 WITH INPUTS FROM KD ANDERSON & ASSOCIATES AND SAXELBY ACOUSTICS, 2022.

PROJECT-GENERATED NON-TRANSPORTATION NOISE ENVIRONMENT AT OFF-SITE RECEPTORS

The primary non-transportation noise sources associated with the proposed Project are the proposed loading docks, on-site parking lot circulation, and HVAC equipment. In order to evaluate these noise sources at the nearest sensitive receptors, Saxelby Acoustics used the SoundPLAN noise prediction model to generate noise level predictions according to the assumptions outlined below.

The SoundPLAN noise prediction model was used to plot noise contours and to calculate noise levels at the sensitive receptors located around the Project site. Inputs to the SoundPLAN model included ground topography and ground type, noise source locations and heights, receiver locations, and sound power level data. These predictions are made in accordance with International Organization

for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors).

It should be noted that sound power is a measure of the total acoustic energy emitted by a noise source and is irrespective of distance from the source. Sound power is input into the SoundPLAN model as a representation of the total acoustic energy emitted by a specific noise source. Sound power levels in this report are A-weighted decibel levels, noted as "dBA, PWL" per industry standards. The model then corrects for the many factors (i.e., distance, terrain shielding, atmospheric absorption, etc.) which affect sound propagation from the noise source to the receiver location.

Loading Dock Noise Generation: To determine typical noise levels associated with the proposed loading docks, noise level measurement data from a Wal-Mart loading dock was utilized. This data is conservative considering that the Walmart loading dock supports a much larger store than the proposed Grocery Outlet. As such, the noise analysis completed for the loading dock noise is considered a worst-case scenario.

The noise level measurements were conducted at a distance of 100 feet from the center of the two-bay loading dock and circulation area. Activities during the peak hour of loading dock activities included truck arrival/departures, truck idling, truck backing, air brake release, and operation of truck-mounted refrigeration units.

The results of the worst-case loading dock noise measurements indicate that a busy hour generated an average noise level of 61 dBA Leq at a distance of 100 feet from the center of the loading dock truck maneuvering lanes. This analysis assumes that the proposed loading docks would operate at this level of activity in a busy hour during either daytime (7:00 a.m. to 10:00 p.m.) or nighttime (10:00 p.m. to 7:00 a.m.).

Parking Lot Circulation: Based upon the Traffic Impact Analysis prepared for the Project, the peak hour trips for the proposed Project would be 165 vehicles. It was assumed that in the peak hour, two of these vehicles could be truck deliveries. Based upon noise measurements conducted of vehicle movements in parking lots, the SEL for a single passenger vehicle is 71 dBA at a distance of 50 feet while the SEL of a tractor-trailer is 85 dBA at the same distance. It was assumed that truck deliveries could occur during nighttime (10:00 p.m. to 7:00 a.m.) hours. It was also assumed that the store would not be open to the public during nighttime hours.

Saxelby Acoustics used the SoundPLAN noise model to calculate noise levels at the nearest sensitive receptors. Input data included the loading dock and parking lot noise generation, as discussed above. Figures 3.6-2 and 3.6-3 show the results of this analysis for the site layout in terms of the daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) peak hour average (L_{eq}). Daytime (7:00 a.m. to 10:00 p.m.) noise levels are expected to be similar to the nighttime scenario. Figures 3.6-4 and 3.6-5 show the results of this analysis in terms of the peak hour maximum noise levels (L_{max}) for daytime and nighttime hours.

HVAC Equipment: Saxelby Acoustics assumed that the proposed Project could utilize a packaged HVAC unit rated up to 50 tons. Saxelby Acoustics utilized manufacturer's data for a Lennox 50-ton LGH packaged rooftop unit to predict mechanical noise levels. The unit is reported to have a sound power level of 91 dBA. It was also assumed that up to five 4.0-ton multi-split condensing units could be utilized on the project rooftop. These units would have a sound power level of approximately 64 dBA. It was assumed that the HVAC units could operate continuously during daytime (7:00 a.m. to 10:00 p.m.) hours at full capacity and 50 percent of the time during nighttime (10:00 p.m. to 7:00 a.m.) hours.

CONSTRUCTION NOISE ENVIRONMENT

The Federal Highway Administration's (FHWA) Roadway Construction Noise Model (RCNM) was used to predict noise levels for standard construction equipment used for roadway improvement projects. The assessment of potential significant noise effects due to construction is based on the standards and procedures described in the Federal Transit Authority (FTA) guidance manual and FHWA's RCNM.

The RCNM is a Windows-based noise prediction model that enables the prediction of construction noise levels for a variety of construction equipment based on a compilation of empirical data and the application of acoustical propagation formulas. It enables the calculation of construction noise levels in more detail than the manual methods, which eliminates the need to collect extensive amounts of project-specific input data. RCNM allows for the modeling of multiple pieces of construction equipment working either independently or simultaneously, the character of noise emission, and the usage factors for each piece of equipment.

Construction noise varies depending on the construction process, type of equipment involved, location of the construction site with respect to sensitive receptors, the schedule proposed to carry out each task (e.g., hours and days of the week), and the duration of the construction work.

Noise sources in the RCNM database include actual noise levels and equipment usage percentages. This source data was used in this construction noise analysis. Table 3.6-8 shows predicted construction noise levels for each of the project construction phases.

TABLE 3.6-8: CONSTRUCTION EQUIPMENT NOISE LEVELS FOR PRIMARY CONSTRUCTION PHASES

EQUIPMENT	*QUANTITY*	*USAGE (%)*	*MAXIMUM, LMAX (DBA AT 50 FEET)*	*HOURLY AVERAGE, LEQ (DBA AT 50 FEET)*
DEMOLITION – BUILDING DEMOLITION				
Excavator	1	40	81	77
Dump Truck	3	40	76	77
			Total:	**80**
DEMOLITION – FOUNDATION				
Concrete Saw	1	40	85	81
Dump Truck	3	40	82	78
Excavator	1	40	84	80
			Total:	**85**

EQUIPMENT	*QUANTITY*	*USAGE (%)*	*MAXIMUM, LMAX (DBA AT 50 FEET)*	*HOURLY AVERAGE, LEQ (DBA AT 50 FEET)*
SITE PREPARATION				
Grader	1	40	85	81
Dozer	1	40	82	78
Tractor/Loader/Backhoe	1	40	84	80
			Total:	**85**
GRADING				
Grader	1	40	85	81
Dozer	1	40	82	78
Tractor/Loader/Backhoe	2	40	84	83
			Total:	**86**
BUILDING CONSTRUCTION				
Crane	1	16	81	73
Fork Lift	1	40	83	79
Generator	1	50	81	78
Tractor/Loader/Backhoe	1	40	84	80
Welder / Torch	3	40	74	75
			Total:	**85**
PAVING				
Concrete Mixer Truck	1	40	79	75
Paver	1	50	77	74
Paving Equipment	1	50	77	74
Roller	1	20	80	73
Tractor/Loader/Backhoe	1	40	84	80
			Total:	**83**
ARCHITECTURAL COATING				
Air Compressors	1	40	79	75
			Total:	**75**

SOURCE: FHWA, ROADWAY CONSTRUCTION NOISE MODEL (RCNM), JANUARY 2006; SAXELBY ACOUSTICS, 2022.

Based upon the Table 3.6-8 data, the loudest phase of demolition, with an average noise exposure of 85 dBA Leq at 50 feet, would occur during foundation demolition activities. The complete demolition and haul off of all the debris would take five days. There would be one concrete saw, one excavator with a clam shell and three trucks that will haul off the debris. The procedure is that the excavator clam shell would dismantle the building and place the material directly into the trucks. The debris would be trucked to Willits as the closest receiving station. The building demolition would take two days. The concrete foundation would require the concrete saw for one day, and the debris would also be trucked to Willits and would take three days because the weight of the concrete is greater than the building debris.

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

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

TABLE 3.6-9: PREDICTED CONSTRUCTION NOISE LEVELS PHASE

RECEIVER (USE)	*MEASURED DAYTIME NOISE LEVEL, LEQ*[1]	*PREDICTED CONSTRUCTION NOISE LEVEL, LEQ*	*TOTAL NOISE LEVEL (AMBIENT + CONSTRUCTION)*	*CHANGE (DB)*
DEMOLITION - BUILDING				
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
DEMOLITION - FOUNDATION				
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
SITE PREPARATION				
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
GRADING				
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
BUILDING CONSTRUCTION				
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
PAVING				
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
ARCHITECTURAL COATING				
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

[1] *AS MEASURED AT SITE ST-1.*
SOURCE: FHWA, ROADWAY CONSTRUCTION NOISE MODEL (RCNM), JANUARY 2006; SAXELBY ACOUSTICS, 2022.

CONCLUSIONS

Increased Traffic Noise Levels at Existing Receptors: The Noise Element of the Fort Bragg Coastal General Plan specifies criteria to determine the significance of traffic noise impacts. An increase of 3 dB L_{dn} or more at noise sensitive uses will be considered significant. Additionally, if the L_{dn} would exceed 70 dB at a sensitive use, a 2 dB increase will be considered significant. A significant impact would also occur if project traffic exclusively would generate levels of 60 dB or more at sensitive uses.

As shown in Tables 3.6-8 and 3.6-9, noise levels are not predicted to exceed 70 dB L_{dn} in the vicinity of the project. Traffic noise level increases are not expected to be greater than 2.3 dBA L_{dn}. The maximum noise level at a sensitive receptor caused by project traffic alone would be 54.8 dBA.

Therefore, impacts resulting at existing receptors from increased traffic noise would be considered ***less-than-significant***.

Operational Noise Levels at Existing Receptors: Operational noise levels at the existing receptors to in the vicinity of the site resulting from the proposed Project are quantified and shown in Figures 3.6-2 to 3.6-5. Figures 3.6-2 and 3.6-3 show the average (L_{eq}) Project noise contours for daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours, respectively, and Figures 3.6-4 and 3.6-5 show the maximum (L_{max}) Project noise contours for daytime and nighttime hours.

Based upon Figures 3.6-2 and 3.6-3, the proposed Project would generate peak hour average noise levels of up to 46 dBA L_{eq} during daytime hours and 44 dBA L_{eq} during nighttime hours at the outdoor activity areas of adjacent residential uses to the east. The predicted noise levels would comply with the City of Fort Bragg 55 dBA L_{eq} daytime and 45 dBA L_{eq} nighttime noise level standards.

Based upon Figures 3.6-4 and 3.6-5, the proposed Project would generate peak hour maximum noise levels of up to 66 dBA L_{max} during daytime hours and 64 dBA L_{max} during nighttime hours at the outdoor activity areas of adjacent residential uses. The predicted noise levels would comply with the City of Fort Bragg 75 dBA L_{max} daytime and 65 dBA L_{max} nighttime noise level standards.

Therefore, the Project would comply with the City's stationary noise level standards and this would be considered a ***less-than-significant*** impact.

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 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.

Compliance with the City's permissible hours of construction, as well as implementing the best management noise reduction techniques and practices (both outlined in Mitigation Measure 3.6-1), would help to ensure that noise levels stay below the 12 dBA threshold.

Based upon the Table 3.6-9 data, construction noise levels are not predicted to exceed the 12 dBA test of significance. 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.*

Impact 3.6-2: The proposed Project would not generate excessive groundborne vibration or groundborne noise levels. (Less than Significant with Mitigation)

Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural damage. The primary vibration-generating activities would be grading, utilities placement, and parking lot construction. Table 3.6-10 shows the typical vibration levels produced by construction equipment.

With the exception of vibratory compactors, Table 3.6-10 data indicates that construction vibration levels anticipated for the proposed Project are less than the 0.2 in/sec threshold at a distance of 25 feet. Use of vibratory compactors within 26 feet of the adjacent buildings could cause vibrations in excess of 0.2 in/sec. Structures which could be impacted by construction-related vibrations, especially vibratory compactors/rollers, are located less than 26 feet from the Project site. Therefore, this is a potentially significant impact and mitigation measures would be required.

TABLE 3.6-10: VIBRATION LEVELS FOR VARIOUS CONSTRUCTION EQUIPMENT

TYPE OF EQUIPMENT	*P.P.V. AT 25 FEET (INCHES/SECOND)*	*P.P.V. AT 50 FEET (INCHES/SECOND)*	*P.P.V. AT 100 FEET (INCHES/SECOND)*
Large Bulldozer	0.089	0.031	0.011
Loaded Trucks	0.076	0.027	0.010
Small Bulldozer	0.003	0.001	0.000
Auger/drill Rigs	0.089	0.031	0.011
Jackhammer	0.035	0.012	0.004
Vibratory Hammer	0.070	0.025	0.009
Vibratory Compactor/roller	0.210 (Less than 0.20 at 26 feet)	0.074	0.026

SOURCE: TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT GUIDELINES. FEDERAL TRANSIT ADMINISTRATION. MAY 2006.

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

MITIGATION MEASURE(S)

Mitigation Measure 3.6-2: *To reduce potential vibration impacts during Project construction, the following mitigation measure shall be implemented for the Project:*

- *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.

Fort Bragg Grocery Outlet

City of Fort Bragg, California

Figure 3.5-1

Noise Measurement Sites

Legend

- Project Site
- Noise Measurement - Long Term
- Noise Measurement - Short Term

0 ft 50 ft 100 ft 150 ft

Projection: UTM Zone 10 / WGS84 / meters
Rev. Date: 01/19/2022

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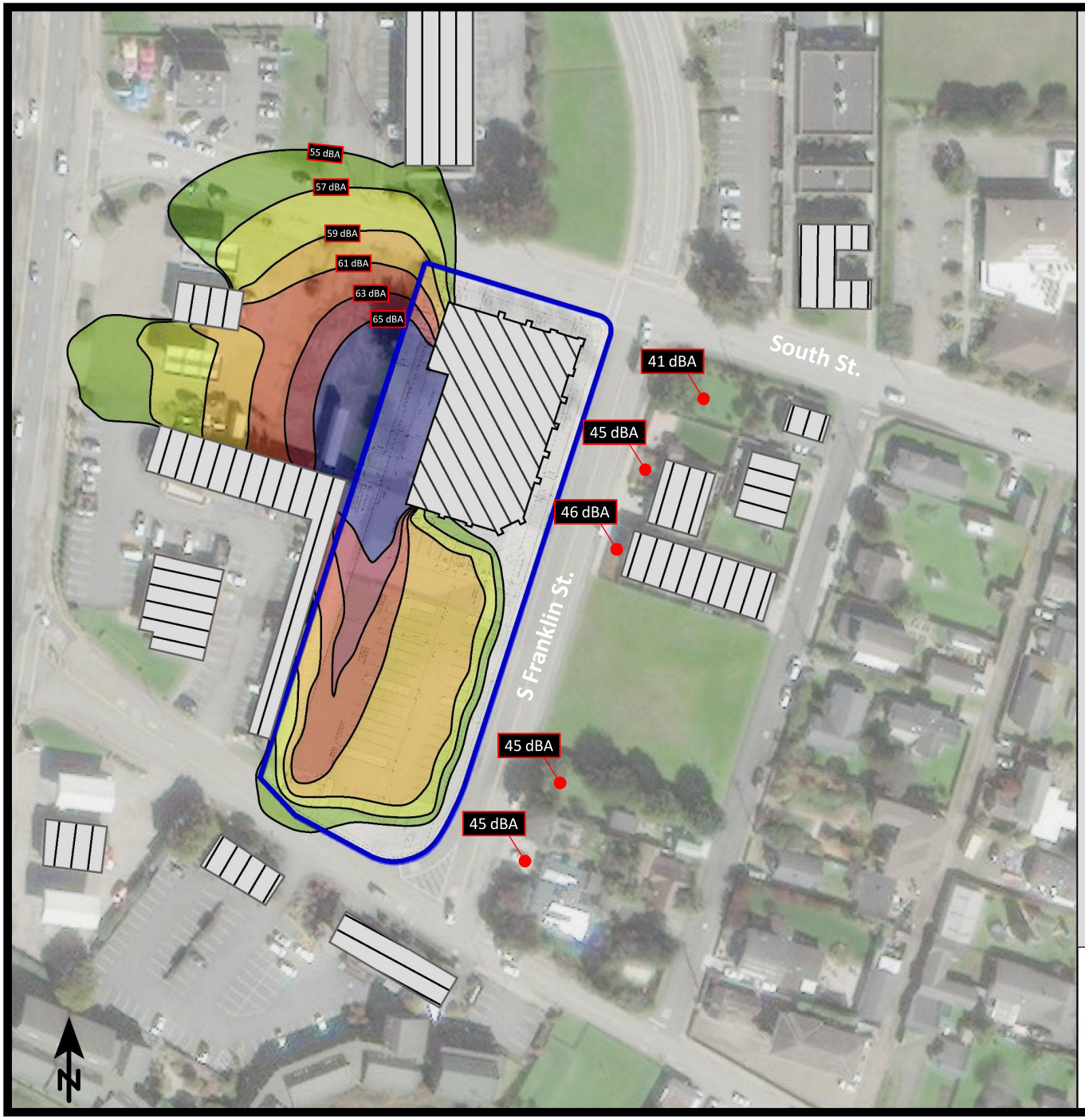

Fort Bragg Grocery Outlet

City of Fort Bragg, California

Figure 3.5-2

Daytime (7:00 a.m. to 10:00 p.m.)
Project Noise Contours (dBA L_{eq})

Signs and symbols

- Project Boundary
- Proposed Building
- Existing Building

Levels in dB(A)

<= 55
55 - 57
57 - 59
59 - 61
61 - 63
63 - 65
> 65

1 : 1450

0 5 10 20 30 40 m

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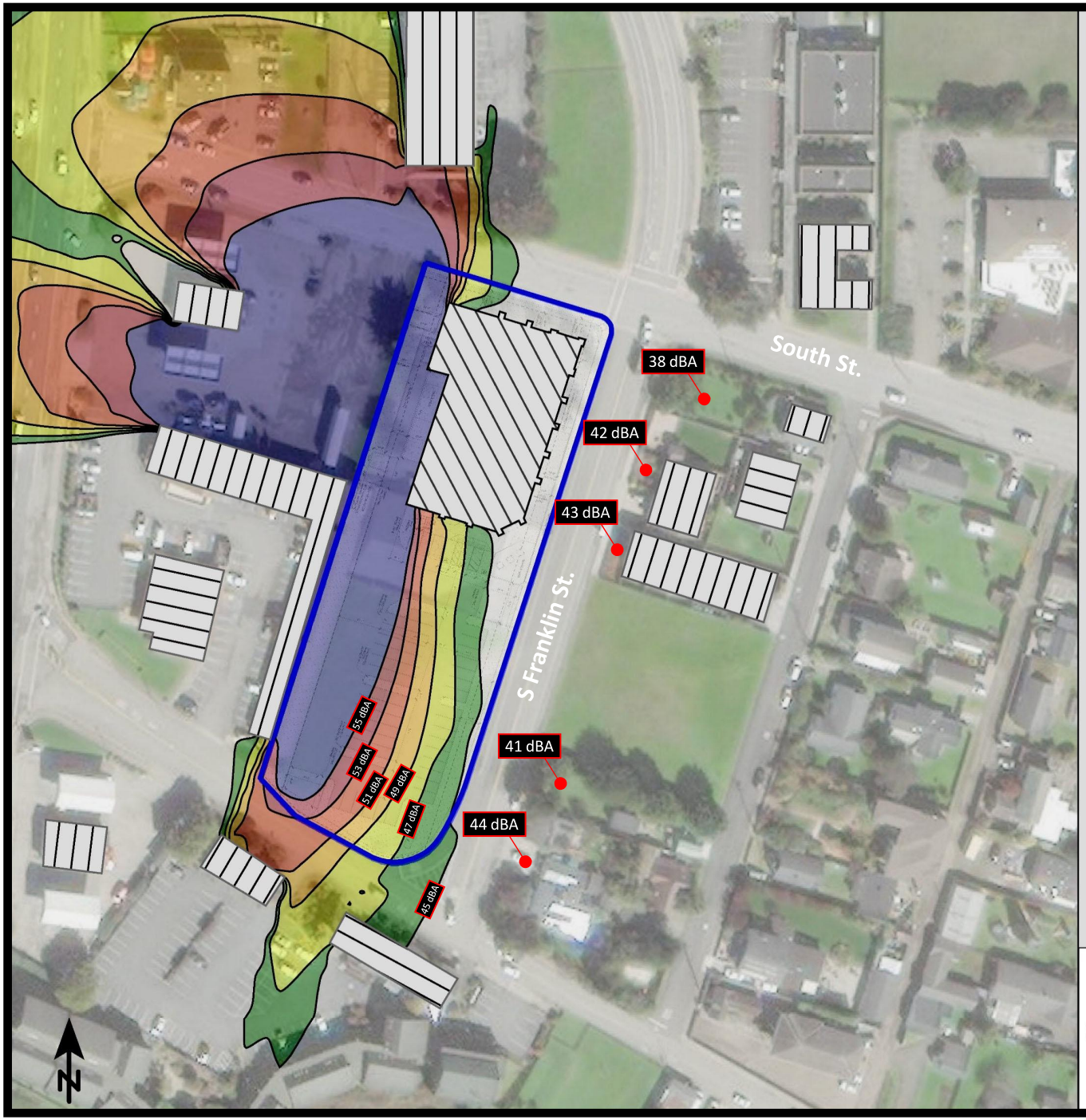

Fort Bragg Grocery Outlet

City of Fort Bragg, California

Figure 3.5-3

Nighttime (10:00 p.m. to 7:00 a.m.)
Project Noise Contours (dBA L_{eq})

Signs and symbols

- Project Boundary
- Proposed Building
- Exising Building

Levels in dB(A)

<= 45
45 - 47
47 - 49
49 - 51
51 - 53
53 - 55
> 55

1 : 1450

0 5 10 20 30 40 m

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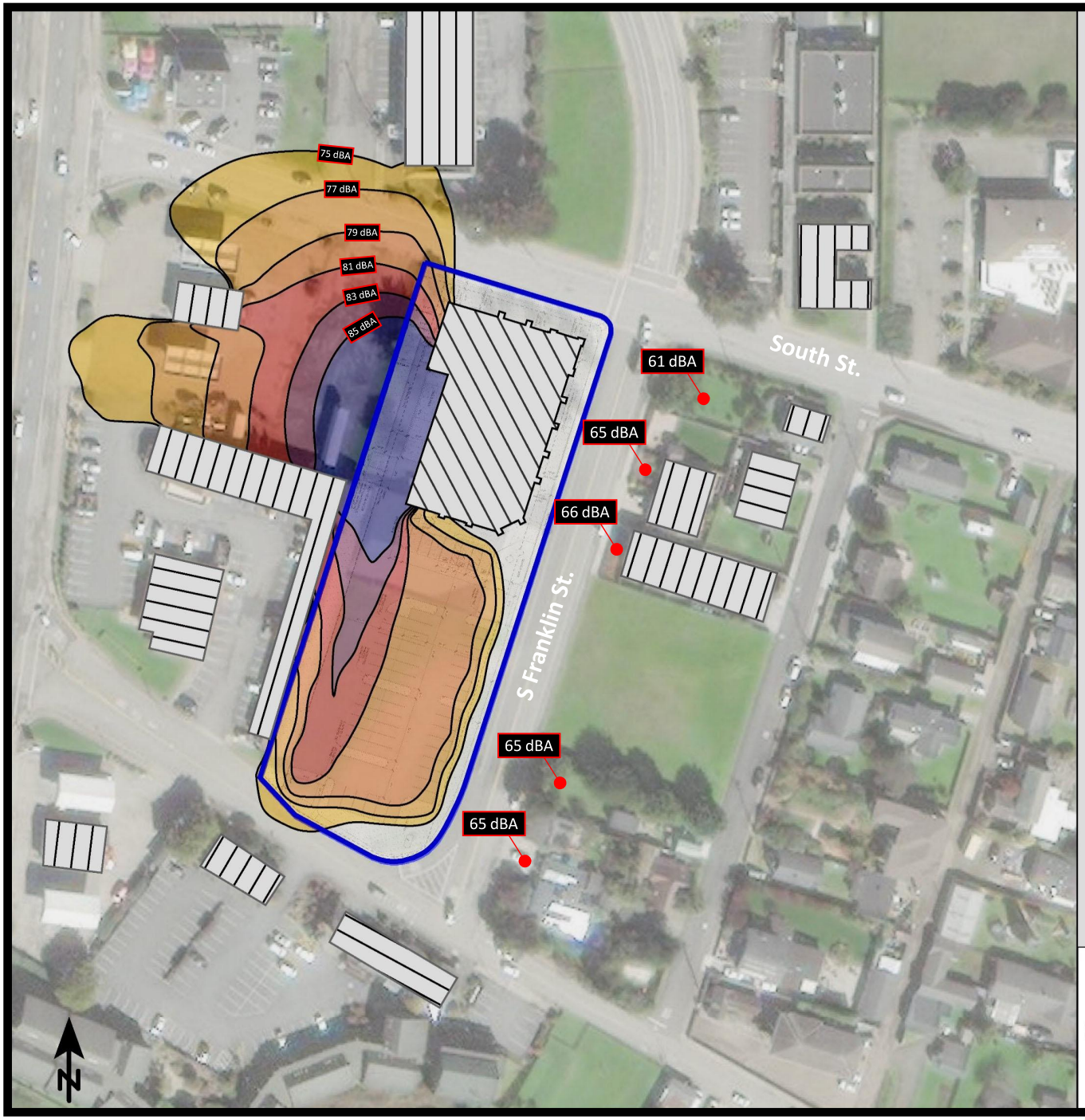

Fort Bragg Grocery Outlet

City of Fort Bragg, California

Figure 3.5-4

Daytime (7:00 a.m. to 10:00 p.m.)
Maximum Noise Contours (dBA L_{max})

Signs and symbols

- Project Boundary
- Proposed Building
- Existing Building

Levels in dB(A)

<= 75
75 - 77
77 - 79
79 - 81
81 - 83
83 - 85
> 85

1 : 1450

0 5 10 20 30 40 m

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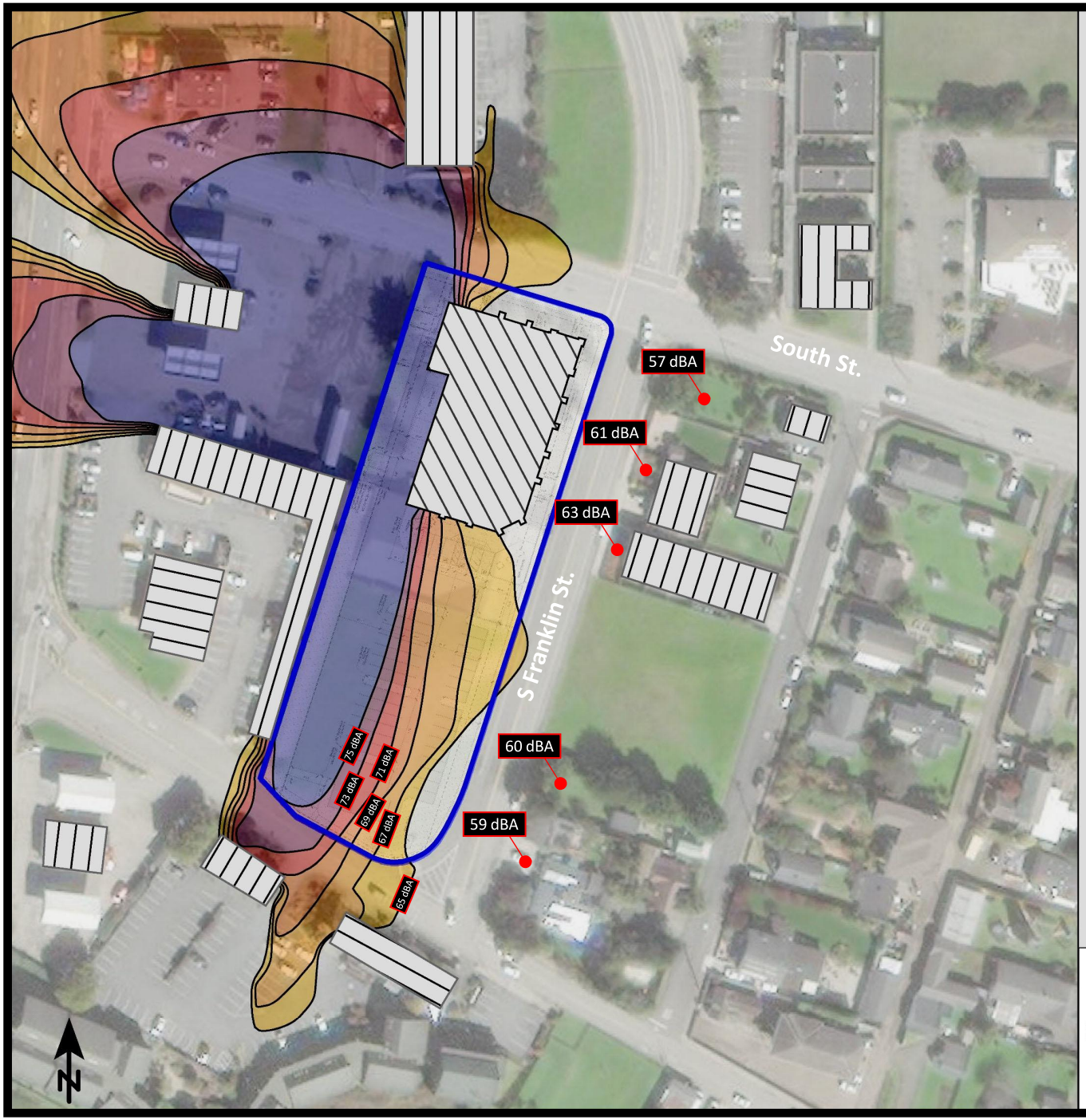

Fort Bragg Grocery Outlet

City of Fort Bragg, California

Figure 3.5-5

Nighttime (10:00 p.m. to 7:00 a.m.)
Maximum Noise Contours (dBA L_{max})

Signs and symbols

- Project Boundary
- Proposed Building
- Existing Building

Levels in dB(A)

- <= 65
- 65 - 67
- 67 - 69
- 69 - 71
- 71 - 73
- 73 - 75
- > 75

1 : 1450

0 5 10 20 30 40 m

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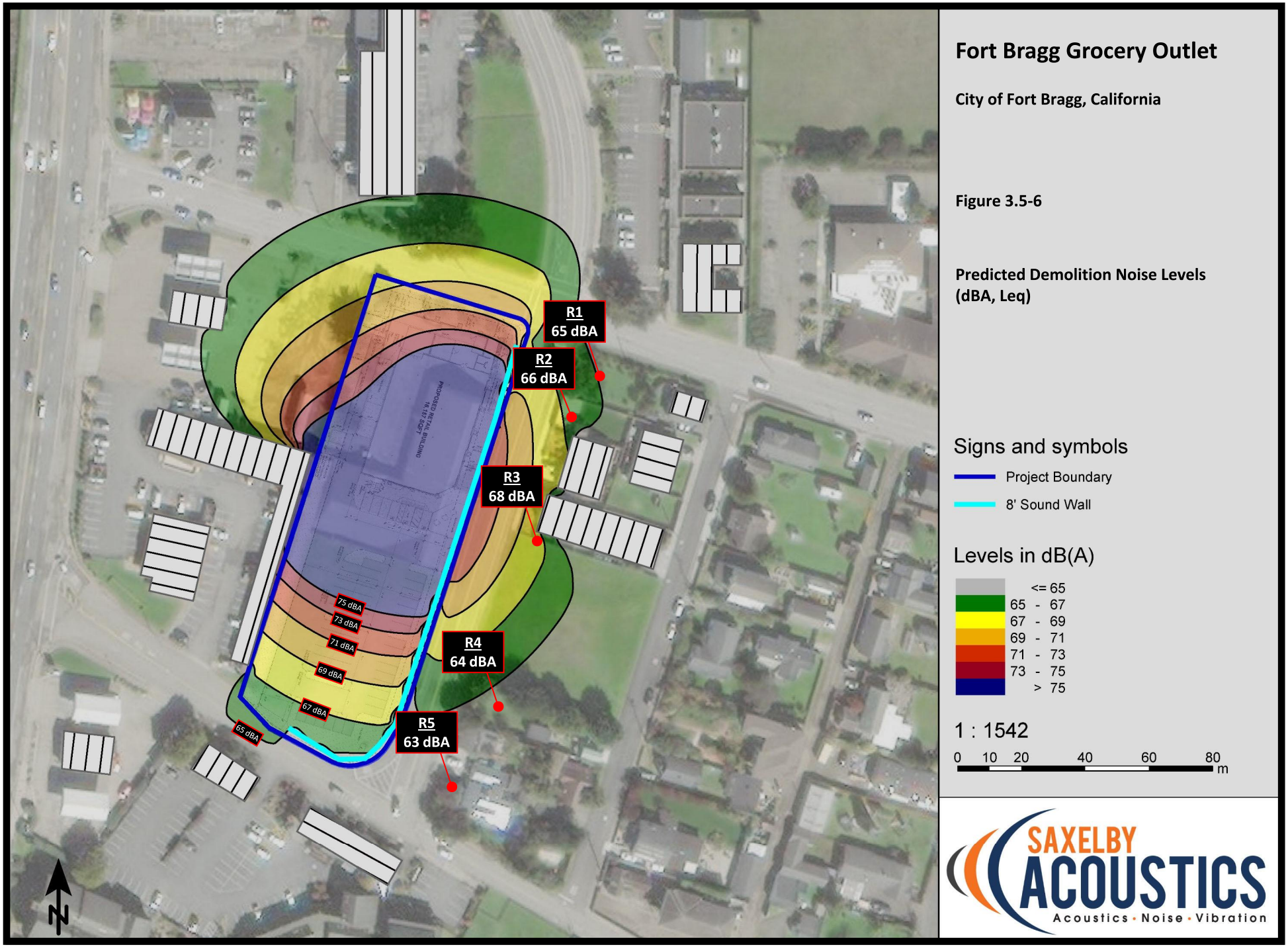

Fort Bragg Grocery Outlet

City of Fort Bragg, California

Figure 3.5-6

Predicted Demolition Noise Levels (dBA, Leq)

Signs and symbols

- Project Boundary
- 8' Sound Wall

Levels in dB(A)

<= 65
65 - 67
67 - 69
69 - 71
71 - 73
73 - 75
> 75

1 : 1542

0 10 20 40 60 80 m

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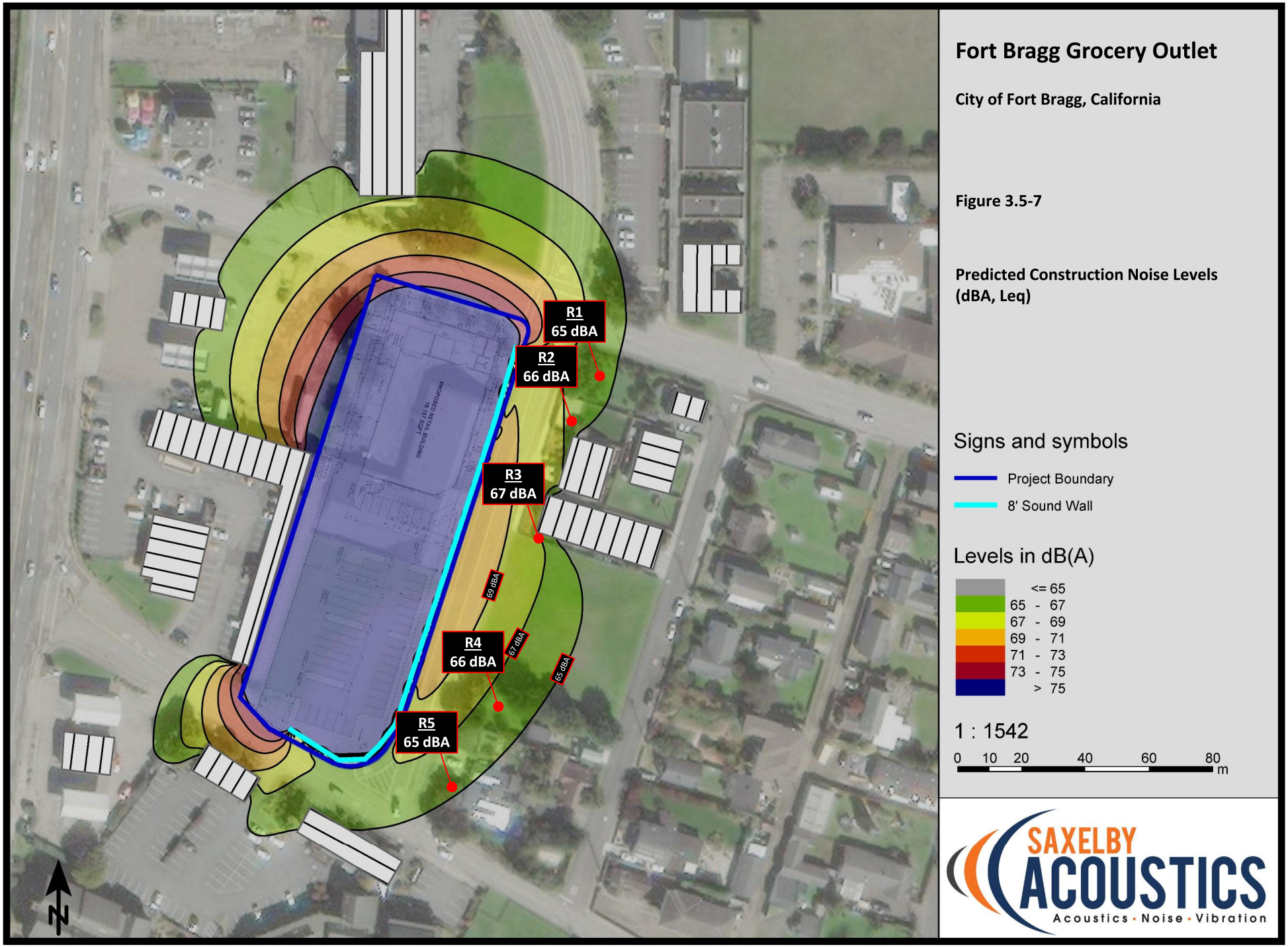

Fort Bragg Grocery Outlet

City of Fort Bragg, California

Figure 3.5-7

Predicted Construction Noise Levels (dBA, Leq)

Signs and symbols

- Project Boundary
- 8' Sound Wall

Levels in dB(A)

<= 65
65 - 67
67 - 69
69 - 71
71 - 73
73 - 75
> 75

1 : 1542

0 10 20 40 60 80 m

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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):

- *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);
- *Trip Generation Manual, 10th Edition* (ITE, 2017); and
- *Trip Generation Handbook, 3rd Edition* (ITE, 2017).

Comments were received during the public review period for the Notice of Preparation regarding this topic from the following: Jacob Patterson (June 7, 2022), Leslie Kashiwada (June 20, 2022), Renz Martin (June 18, 2022), and Whitney Anderson (June 7, 2022). Each of the comments related to this topic are addressed within this section. Full comments received are included in Appendix A.

Senate Bill (SB) 743, enacted in 2013, created Public Resources Code section 21099, which directed OPR and the Secretary of the Natural Resources Agency to establish criteria for determining the significance of transportation impacts of projects within transit priority areas, with the option of creating new statewide criteria. The significance criteria for transit priority areas were to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. In developing the new criteria, OPR and the Secretary were to recommend potential metrics that included, but were not limited to, vehicle miles traveled [VMT], vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. Section 21099 further provided that, once the CEQA Guidelines had been updated as required by the statute, "automobile delay, as described solely by level of service [LOS] or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to [CEQA], except in locations specifically identified in the guidelines, if any."

Consistent with these directives, the Natural Resources Agency promulgated CEQA Guidelines section 15064.3, which became effective in late 2018. It provides that "[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts," with VMT referring to "the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel." Rather than limit its

scope only to transit priority areas, the section changed the approach to assessing transportation impacts under CEQA all over the State. By its own terms, however, the section did not require agencies to begin using VMT as a new metric until July 1, 2020. LOS had ceased to be a valid significance criterion as of late 2018, however. (See *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, 625-626.)

In December 2018, OPR published final technical guidance for implementing CEQA Guidelines Section 15064.3. While this document does not have the force of law, the technical guidance provides helpful information to agencies such as the City, and sets forth OPR's own understanding of the best strategies for implementing Section 15064.3.

Therefore, unlike previous EIRs published in Fort Bragg, this Draft EIR uses VMT as the primary CEQA significance criterion and includes a discussion of Level of Service (LOS) only in order to aid the City of Fort Bragg and Caltrans in the understanding of potential increases in vehicle delay at key signalized intersections (Policy TR-4: Effective Transportation Assessment) and determine improvements to the local and regional transportation system as required by the Circulation Element of the City's Coastal General Plan. Pages 22 through 57 of Appendix F present the results of Existing Conditions Impacts and Mitigation Measures and the Cumulative Conditions Impacts and Mitigation Measures.

In addition to addressing VMT (for CEQA) and LOS (for the Coastal General Plan Circulation Element), this section also addresses many other important transportation-related CEQA areas of concern, including pedestrian/bicycle facilities, transit facilities and services, emergency vehicle response, hazardous conditions, and temporary construction-related conditions.

3.7.1 ENVIRONMENTAL SETTING

PROJECT LOCATION

The Project site is located at 825, 845, and 851 S. Franklin Street in the City of Fort Bragg, Mendocino County, California. The 1.63-acre site is located on the north side of N. Harbor Drive, the west side of S. Franklin Street, and the south side of South Street. The Project site is located approximately 230 to 450 feet east of S. Main Street/State Route (SR) 1 (a four-lane conventional highway managed by the California Department of Transportation [Caltrans]) and is located in the City's Coastal Zone. Properties within the Coastal Zone are regulated by the Coastal Land Use and Development Code (CLUDC), also known as Fort Bragg Municipal Code (FBMC) Chapter 17. The Project site consists of three parcels identified by Assessor's Parcel Numbers (APNs) 018-120-47, 018-120-48 and 018-120-49.

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 square-foot (sf) vacant former office building and associated 47-space parking lot are located in the northern half of the site. The building, locally

referred to as the "Old Social Services Building", has not been leased since 2010 but has been used as storage since then. Wooden fencing is currently located along the western property line and adjacent to the south side of the building. Shrubs and trees are located in the northern portion of the site. The southern-most lot is vacant with one-third bare soil and two-thirds covered with annual grasses and forbs with scattered shrubs.

The Project site is located immediately adjacent to commercial developments to the north, south, and west, and approximately 400 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. To the east of the site across S. Franklin Street are five single-family residences, one multi-family residential building, and two vacant lots.

ROADWAY SYSTEM

Study Area Circulation System

The following are descriptions of the primary roadways in the vicinity of the Project site:

Main Street (SR 1). SR 1 runs north-south along the California coast and is a primary access to the Mendocino Coast. Through Fort Bragg the route is Main Street and is designated an Arterial Street in the Circulation Element of the Fort Bragg Coastal General Plan. In the area of the Project site, Main Street is a four-lane conventional highway with a center Two-Way Left-Turn (TWLT) lane. Paved shoulder exists on both sides of the road, and sidewalk is available on the east side of the highway. The posted speed limit is 40 miles-per-hour (mph). The most recent Caltrans traffic volume data available indicates that SR 1 carries an Annual Average Daily Traffic (AADT) volume of 21,200 vehicles per day (vpd) south of Cypress Street, with the daily volume rising to 24,200 vpd in the peak month. Trucks comprise about three percent of the daily traffic in this area.

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

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.

***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.

TABLE 3.7-1: DAILY TRAFFIC VOLUMES ON FORT BRAGG STREETS

STREET	LOCATION	DAILY TRAFFIC (VPD)		
		THURSDAY 7/18/2019	FRIDAY 7/19/2019	SATURDAY 7/20/2019
Franklin Street	Cypress Street to South Street	3,540	3,497	2,394
	South Street to N. Harbor Drive	1,936	2,194	1,928
Cypress Street	Main Street to Franklin Street	5,078	5,214	3,529
South Street	Main Street to Franklin Street	2,449	2,345	1,665
N. Harbor Drive	Main Street to Franklin Street	2,488	2,949	3,200

SOURCE: KDANDERSON & ASSOCIATES, 2019.

Study Area Intersections

The quality of traffic flow is often governed by the operation of key intersections. The following intersections have been identified for evaluation in consultation with City of Fort Bragg staff.

The **SR 1 (Main Street) / Cypress Street intersection** is a four-way intersection controlled by traffic signal. The west leg of the intersection opposite Cypress Street is the access to the Georgia Pacific Mill site. Each approach has a separate left turn lane with protected left turn phasing. Crosswalks are striped on each leg of the intersection, and pedestrian indications and push buttons are present. Street lights exist on each corner.

The **Cypress Street / Franklin Street intersection** is a four-way intersection controlled by an all-way stop. Separate left turn lanes are provided on Cypress Street, but the Franklin Street approaches are single lanes. Crosswalks are striped across each leg of the intersection, and there is a street light on the southeast corner.

The **SR 1 (Main Street) / South Street intersection** is a "tee" controlled by a stop sign on the South Street approach. A continuous TWLT lane is present on SR 1. The westbound South Street approach is a single travel lane, and a crosswalk is striped across the South Street approach. Street lights are available on each corner.

The **South Street / Franklin Street intersection** is a four-way intersection controlled by a stop sign on northbound and southbound Franklin Street approaches. Each approach has a single travel lane. A crosswalk is striped across the north Franklin Street leg, and there is a streetlight on the northeast

corner. It is noted that a four-way stop sign was previously warranted at this intersection. The four-way stop sign will be constructed when the City begins work on the roadway.

The **SR 1 (Main Street) / North Harbor Drive intersection** is a four-way intersection controlled by stop signs on the eastbound and westbound approaches. The west leg of the intersection is Noyo Point Road. A crosswalk is striped across North Harbor Drive, and streetlights exist at the intersection.

The **North Harbor Drive / Franklin Street intersection** is a "tee" controlled by an all-way stop. The North Harbor Drive approaches are single travel lanes, but the Franklin Street approach has as separate right turn lane. There are no crosswalks striped at the intersection, and a streetlight is present on the southeast corner.

EXISTING TRAFFIC VOLUMES / LEVELS OF SERVICE

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 excluded from the LOS calculations. It is noted, however, that the turn prohibitions have since been removed.

TABLE 3.7-2: EXISTING INTERSECTION LEVEL OF SERVICE

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

Intersection	Control	Weekday PM Peak Hour			Saturday Peak Hour		
			Observed			Observed	
		Min	LOS	Average Delay (sec/veh)	Min	LOS	Average Delay (sec/veh)
South Street / Franklin Street							
Westbound left turn	NB/SB Stop	C	A	7	C	A	7
Eastbound left turn			A	8		A	7
Northbound approach			B	12		B	11
Southbound approach			B	12		B	11
SR 1 – Main Street / N Harbor Drive							
Northbound left turn	WB Stop	D	B	11	D[1]	B	11
Southbound left turn			B	11		B	11
Eastbound approach[2]			C	17		B	13
Westbound approach[2]			B	14		C	16
No Harbor Drive / Franklin Street	AWS	C	A	8	C	A	9

[1] *LOS F accepted on Saturday summer peak hour*

[2] *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, 2019.

Peak Period Queues

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.

Table 3.7-3: Existing Intersection Queues

Intersection	Movement	Storage (feet)	Weekday PM Peak Hour		Saturday Peak Hour	
			Volume (vph)	95th % Queue (feet)	Volume (vph)	95th % Queue (feet)
SR 1 - Main Street / Cypress Street	NB left	120	20	35	34	50
	SB left	130	43	55	29	45
	EB left	80	17	<25	15	<25
	WB left	100	219	140	204	130
Cypress Street / Franklin Street	EB left	75	45	<25	46	<25
	WB left	55	8	<25	2	<25

Highlighted values exceed available storage

Source: KDAnderson & Associates, 2019.

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.

TABLE 3.7-4: CURRENT TRAFFIC SIGNAL WARRANTS

INTERSECTION	WEEKDAY PM PEAK HOUR			SATURDAY PEAK HOUR		
	VOLUME (VPH)		WARRANT MET?[1]	VOLUME (VPH)		WARRANT MET?[1]
	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

[1] *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;
- 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).

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

Bicycle Facilities

SR 1 along the Pacific coast is a popular area for recreational cyclists. The *City of Fort Bragg 2009 Bicycle Master Plan* outlines the location and nature of existing bicycle facilities in the community. Bicycle facilities are categorized within three classifications:

- Class I Bikeway: trails or paths that are separated from automobile traffic;
- Class II Bikeway: bicycle lanes that are on street but delineated by striping;
- Class III Bikeway: bicycle routes where bicycles and automobiles share the road.

There are currently Class II striped bicycle lanes on the east and west side of Franklin Street north of South Street to the Oak Street intersection. Main Street (SR 1) is designated a Class III bike route through Fort Bragg. The Bicycle Master Plan suggests that South Street and North Harbor Drive south of Woodward Street should be developed as Class II bike routes.

Transit Facilities

The Mendocino Transit Authority (MTA) provides transit service to the Mendocino and Sonoma County areas. Two routes (5 and 60) pass the Project site. Route 5 (Braggabout) and Route 60 (The Coaster) traverse the community and have a stop near the County Social Services building at the South Street / Franklin Street intersection. Route 5 provides service on one-hour headways from 7:00 to 6:00 p.m. Monday thru Friday, with service extending to 8:30 on Saturdays. Route 60 runs four circuits on weekdays at 7:30 a.m., 11:57 a.m., 2:57 p.m. and 3:57 p.m., and this route also extends later on Saturdays.

PROJECT CHARACTERISTICS

The relative impacts of developing the Grocery Outlet Store and the adequacy of site access is dependent on the physical characteristics of the adjoining street system, as well as the amount of traffic generated by the proposed project. The amount of additional traffic on a particular section of the street network is dependent upon two factors:

I. Trip Generation, the number of new trips generated by the project; and

II. Trip Distribution and Assignment, the specific routes that the new traffic takes.

Trip Generation

TRIP GENERATION RATES

This analysis considered trip generation rates derived from several sources. The Institute of Transportation Engineers (ITE) publication *"Trip Generation, 10th Edition"* provides information on the characteristics of various retail uses. The use most similar to a Grocery Outlet Store is "Supermarket" (Code 850). Table 3.7-5 identifies the average trip generation rates reported by ITE.

TABLE 3.7-5: PROJECT TRIP GENERATION RATES AND ESTIMATES

LAND USE / SOURCE	*UNIT*	*SATURDAY PEAK HOUR*			*WEEKDAY PM PEAK HOUR*		
		IN	*OUT*	*TOTAL*	*IN*	*OUT*	*TOTAL*
Supermarket (Code 850)	KSF	51%	49%	10.34	51%	49%	9.24
Grocery Outlet	16 KSF	84	81	165	75	73	148
Pass-by Trips	36%	<30>	<30>	<60>	<27>	<26>	<53>
Net Primary Trips	--	54	51	105	48	47	95

SOURCE: KDANDERSON & ASSOCIATES, 2019.

TRIP GENERATION FORECASTS

Table 3.7-5 displays the Saturday midday and weekday p.m. peak hour trip generation forecasts for the project. As indicated, the 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 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.

Vehicle Trip Distribution and Assignment

VEHICLE TRIP DISTRIBUTION

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.

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%