

APPENDIX A

Letter from Remy, Moose and Manley to the City of Fort Bragg RE: Best Development Grocery Outlet Draft EIR (SCH # 2022050308) – Responses to legal and other issues raised in comments from Mr. Jacob Patterson



James G. Moose
jmoose@rmmenvirolaw.com

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Via Electronic Mail
hgurewitz@fortbragg.com

Heather Gurewitz
Associate Planner, Community Development Dept.
City of Fort Bragg
416 N. Franklin St.
Fort Bragg, CA 95437

Re: Best Development Grocery Outlet Draft EIR (SCH # 2022050308) –
Responses to legal and other issues raised in comments from Mr. Jacob
Patterson

Dear Ms. Gurewitz:

On behalf of Best Properties (Best), the Applicant for the proposed Best Development Grocery Outlet project (Project), we submit the following information and analysis with the intention of assisting the City of Fort Bragg (City) in responding to certain legal and other issues raised by Jacob Patterson in his November 1, 2022, comments on the Draft Environmental Impact Report (DEIR) for the Project.

Because Mr. Patterson raises legal arguments in addition to factual contentions, the Applicant thought it proper for its legal team to weigh in. Candidly, we have done so in anticipation of possible litigation that might be filed if the Fort Bragg City Council should approve the Project. To that end, we submit below responses to select legal, quasi-legal, and factual issues for which we thought our expertise would be useful to City staff and De Novo Planning as they work together on the Final EIR.

The Applicant submits this letter to provide the City and the public with what we hope are helpful clarifications and additional information relating to the Project in order to contextualize and explain some of the issues and questions raised by this comment letter. If the City agrees with our analysis and rebuttals, the City is free to use any

information presented in this letter as part of its efforts to prepare the Final EIR.

We have made our responses as objective and straightforward as possible in the hope that the City will find them to be credible and persuasive. The Applicant fully recognizes, of course, that both California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq. [“Guidelines”]) require the City to exercise its independent judgment in analyzing the Project’s potential environmental effects and in deciding how best to mitigate or avoid those effects. (See Pub. Resources Code, § 21082.1, subd. (c)(1); Guidelines, § 15084, subd. (e).)

RESPONSES TO COMMENTS

Rather than set forth his comments in letter form, the commenter provided his input in a less traditional manner—by highlighting text within an electronic version of the DEIR and inserting his comments within the document beside the highlighted text. The commenter assigned each comment a number (for the most part). To best ensure comments are understood by readers of this letter, we include several identifiers: (1) the comment number assigned by the commenter (e.g., Comment 001, 002) or an indication where a comment number was not assigned (i.e., Comment N/A); (2) the DEIR text, or an equivalent summation, that either the commenter highlighted or was the focus of the comment, alongside its page number; and (3) the comment in *** italicized blue font and bookended with asterisks ***.

Because our responses to Mr. Patterson’s comments are organized topically in order to avoid repetition of issues, the comment numbers do not always appear consecutively. Our presentation is organized as follows. The first section below responds to general and miscellaneous comments. We next respond to comments on Project alternatives. We then follow the order of resource topics as they appear in the DEIR. Please note that we do not respond to each and every one of Mr. Patterson’s multitudinous comments. Instead, we focus only on the ones for which we believe our

expertise and input will be most helpful.

I. GENERAL/MISCELLANEOUS

- A. **Comment 001**: DEIR, p. ES-1 – “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.’”

*** This sentence should be deleted because it is merely the opinion of the applicant and not relevant information about the project that merits inclusion. It is “advocacy”. ** (See also Comment 006 [DEIR, p. 1.0-1].)*

Response: There is no need for the City, as requested, to delete this purely factual statement, which is not “advocacy.” Here, the DEIR is merely quoting, with perfect accuracy, statements that our law firm made on behalf of Best, in which we explained our reasons for asking the City to prepare an EIR for the Project. This communication is a matter of historical record. Nothing in CEQA prohibits verbatim quotations of communications from a project applicant to a lead agency. Indeed, the quoted material provides useful background information for readers of the DEIR, some of whom may have been unaware that the City Council had previously approved the Project in July 2021 based on a Mitigated Negative Declaration (MND) and that litigation had ensued.

Furthermore, the quoted statement is not advocacy. Merriam-Webster defines “advocacy” as “the act or process of supporting a cause or proposal.” (Merriam Webster, *Dictionary*, <https://www.merriam-webster.com/> [accessed Nov. 4, 2022].) The quoted text does not express support for the Project. Rather, the text provides relevant background information as to why the Applicant chose not to undergo lengthy litigation over the MND. Mr. Patterson has no basis for questioning the sincerity or accuracy of the reasons provided.

It is true that our letter characterized the project as “small.” Considering the breadth of projects covered by CEQA – such as city- or county-wide general plans and massive public works projects – this characterization is and remains accurate. Our own professional judgment is that, because of the small size of the Project, the City had the

option of approving the 1.63-acre Project based on the Class 32 categorical exemption for infill development, which applies to qualifying projects up to five acres in size. Although we make this point only in passing, as the City chose not to pursue this option, we note that many courts have upheld agencies' reliance on the Class 32 categorical exemption for projects far more intensive than the 16,157 square foot (sf) Project, which would replace an existing 16,436-sf vacant former office building, for a net *reduction* of 279 square feet of physical space. (See, e.g., *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249 [14-story multifamily residential building with underground parking]; *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329 [five-story mixed-use building with 98 residential units, 7,770 sf of commercial space, and 114 parking spaces]; *Protect Tustin Ranch v. City of Tustin* (2021) 70 Cal.App.5th 951 [16-pump (32-fuel position) gas station with a canopy, related equipment, landscaping, and 56 new parking stalls].)

An EIR is intended to be an *informational* document (Guidelines, §§ 15002, subd. (a), 15121) and must identify all areas of controversy known to the lead agency (*id.* § 15123, subd. (b)). A discussion of the prior litigation on the Project and the thought process behind the Applicant's decision to ask the City to prepare an EIR is relevant and useful background information.

In short, nothing in the CEQA statute or Guidelines precludes this type of information from being included in the EIR. CEQA actually encourages the inclusion of relevant background information on proposed projects that were subject to earlier litigation. (See *County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 7–10 [complete administrative record for a project as revised after a lead agency's loss in litigation should include material relating to the original project approval]; *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 333–336 [same].)

B. Comment 007: DEIR, p. 1.0-3 – “Comments received in response to the NOP were considered in preparing the analysis in this EIR.”

★★ *How? This assertion isn't actually evident in the DEIR as currently written.* ★★

Response: CEQA does not require documentation within a Draft EIR as to where and how a lead agency considered comments received in response to the Notice of Preparation (NOP). Nor does CEQA require responses to any such scoping comments.

In fact, CEQA does not require a lead agency, in issuing an NOP, to solicit comments from the general public. Rather, NOPs are addressed to responsible agencies and trustee agencies. (Pub. Resources Code, § 21080.4, subd. (a); Guidelines, § 15082, subd. (a).)¹ And only those agencies are entitled to ask a lead agency to include information relevant to their potential project approvals or to the trust resources regarding which they have some responsibility. (Guidelines, § 15082, subd. (b).)

The Guidelines *suggest* that “early public consultation” may help agencies to resolve “potential problems that would arise in more serious forms later in the review process.” (Guidelines, § 15083.) That is what the City did here. In widely distributing the NOP, however, the City did not incur any obligation to meet informational demands made by members of the public or to provide in the DEIR a detailed explanation of how the document reflects particular items of input received through scoping. In any event, the commenter provides no evidence that the City, when preparing the EIR, did not consider any particular comments received in response to the NOP.

C. **Comment N/A:** DEIR, p. 3.1-6 – List of “Thresholds of Significance” that are “[c]onsistent with Appendix G of the CEQA Guidelines.”

*** None of these checklist questions serve as thresholds of significance, which are completely lacking for aesthetic impacts. *** (See also Comments 023, 028, 029, 036, 061, 070, 098, 100, 129, 143, 147 [DEIR, pp. 3.1-9, 3.1-12, 3.2-16, 3.3-23, 3.4-17, 3.5-6, 3.5-31, 3.6-7, 3.7-41, 3.8-6, 3.8-15].)

Response: A recurring theme in Mr. Patterson’s comments is that the City erred in using thresholds of significance that are derived from language found in the sample Initial Study checklist found in Appendix G to the Guidelines. The commenter cites no legal support for his criticism, however, and none exists. The City acted within its discretion, and followed a very common practice, in adopting language from Appendix G for this purpose.

“CEQA grants agencies discretion to develop their own thresholds of significance.” (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068 (*Save Cuyama*), citing Guidelines, § 15064, subd. (d)).) “An ironclad

¹ Members of the public may be entitled to receive a copy of an NOP, but only where they have previously contacted a lead agency and requested copies of such documents. (See Pub. Resources Code, § 21092.2, subd. (a).)

definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.” (Guidelines, § 15064, subd. (b)(1).)

Where an agency wants to formally adopt significance thresholds for general use, each threshold should be “an identifiable quantitative, *qualitative* or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” (Guidelines, § 15064.7, subd. (a).)² Hence, thresholds need not, as Mr. Patterson seems to believe, always be quantitative. Qualitative thresholds are perfectly proper and are commonly used by lead agencies for a variety of resource areas. Not every impact analysis (e.g., aesthetics) lends itself to quantitative analysis.

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

Another good reason for using language adapted from the questions found in Appendix G is that CNRA has fashioned the language in order to focus CEQA lead agencies on particular aspects of particular topics. Thus, Appendix G itself instructs that “lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.” (Guidelines, appen. G, Evaluation of Environmental Impacts, ¶ 8.)

² Although CEQA encourages lead agencies to “develop and publish thresholds of significance,” and provides rules for adopting thresholds for general use, lead agencies are free to use Appendix G checklist questions on a case-by-case basis without formal adoption. (See *Golden Door Properties, LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 902–903).

Indeed, the practice of relying on thresholds derived from Appendix G is so prevalent that one petitioner in a leading case argued that agencies were *required* to use such language as thresholds, and lacked discretion to take a different approach without first engaging in a formal public process. In rejecting the inflexible approach advocated by that petitioner, the court said nothing to suggest that, *where they want to*, agencies either must or cannot fashion thresholds from that language. (*Save Cuyama, supra*, 213 Cal.App.4th at p. 1068 [“the County was not required to explain why it did not use Appendix G’s thresholds of significance”; “[t]hose thresholds are ‘only’ a ‘suggest[ion]’”].)

Specific examples of Mr. Patterson’s meritless objections to the City’s use of thresholds derived from Appendix G are addressed below.

- **Comment 029** [Air Quality] (DEIR, p. 3.2-16.): *** These are not the applicable thresholds from the MCAQMD, just the checklist questions. ***

Response: As just explained, qualitative thresholds, including thresholds based on Guidelines Appendix G questions, are acceptable for use in EIRs. Here, moreover, the DEIR fleshes out the qualitative threshold language by invoking *quantitative* thresholds recommended by the Mendocino County Air Quality Management District (MCAQMD). (See DEIR, p. 3.2-16.) These quantitative thresholds of significance were used to analyze two out of five of the Project’s impacts to air quality, all of which are less than significant even without mitigation. (*Id.* at pp. 3.2-20 – 3.2-22.)

- **Comment 036** [Biological Resources] (DEIR, p. 3.3-23): ***None of these are actually thresholds of significance. *** (See also Comments 040, 047 [DEIR, pp. 3.3-27, 3.3-30].)

Response: As explained at length above, thresholds based on Guidelines Appendix G questions are acceptable for use in EIRs. Furthermore, Guidelines section 15065, subdivision (a)(1), imposes certain mandatory qualitative thresholds for biological resources, namely, that a “lead agency shall find that a project may have

a significant effect on the environment” if the proposed project would “substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; [or] substantially reduce the number or restrict the range of an endangered, rare or threatened species.”

These “mandatory findings of significance” (all qualitative), along with thresholds derived from questions from the “Biological Resources” section of Appendix G, are all reflected in the DEIR’s thresholds of significance for biological resources, and are assessed through a variety of means, including determining whether or not special-status species or habitat are known to exist on the Project site. (DEIR, p. 3.3-27.) Thus, a finding that no special-status species, habitat, or wetlands as defined by Section 404 of the Clean Water Act are known to exist onsite, or that feasible (and commonly employed) mitigation measures will significantly reduce the impact to any of these resources that may occur onsite, would result in a finding that a potential impact to those resources is less than significant. (*Ibid.*; see Comments 040, 047 [DEIR, pp. 3.3-27, 3.3-30].

- **Comment 100** [Noise] (DEIR, p. 3.6-7): ***The actual thresholds of significance are based on the standards in the cited sources and this should be revised to reflect the nactual [sic] numbers rather than reciting the checklist questions that aren’t actual thresholds of significance.***

Response: As just explained above, qualitative thresholds, and thresholds based on Guidelines Appendix G questions, are acceptable for use in EIRs.

Nevertheless, the DEIR compares the Project’s various quantified operational and construction noise levels against the City’s quantified noise standards when assessing potential impacts as a means to demonstrate compliance with the Appendix G-based thresholds. (DEIR, pp. 3.6-7 [Table 3.6-4], 3.6-15.)

- **Comment 143** [Utilities and Service Systems—Wastewater] (DEIR, p. 3.8-6): ***These purported thresholds of significance relating to wastwerwater [sic] treatment do not actually contain any quantifiable review criteria and must be*

*revised to do so. ***

Response: As explained earlier, qualitative thresholds, and thresholds based on Guidelines Appendix G questions, are acceptable for use in EIRs. Nevertheless, to determine if the Project will violate the Appendix G-based wastewater thresholds, the DEIR looks quantitatively at the design flow capacity of the Fort Bragg Wastewater Treatment Plant (WWTP), calculated in million gallons per day, and the actual average daily wastewater flow volume of the facility, also using million gallons per day, to correctly determine that the WWTP can accommodate the Project because, in large part, it can meet the City’s “wastewater service demands through buildout of the General Plan,” inclusive of the Project, which is an allowable use under the site’s General Plan land use designation. (DEIR, p. 3.8-7.)

- **Comment 147** Utilities and Service Systems—Water Supply] (DEIR, p. 3.8-15):
***These purported thresholds do not include objective or measurable criteria and must be revised accordingly. ***

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

II. ALTERNATIVES TO THE PROJECT

- A. **Comment 004:** DEIR, p. ES-3 – “The alternatives analyzed in this EIR include the following three alternatives in addition to the proposed Project.”
*** The selected alternatives are inadequate because they fail to include other even more environmentally superior alternatives that would reduce the identified significant impacts compared to the proposed project. *** (See also Comments

065, 066, 181–261 [DEIR, pp. 3.4-348, 3.4-40, and 5.0-1 – 5.0-21].)

Response: The commenter makes several comments criticizing the range of Project alternatives and the alternatives analysis. A consolidated response is presented below. We begin with some background legal principles.

Under CEQA, an EIR must “describe a range of reasonable alternatives to the project” that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project[.]” (Guidelines, § 15126.6, subd. (a).) The significant effects of alternatives “shall be discussed, *but in less detail* than the significant effects of the project as proposed.” (Guidelines, § 15126.6, subd. (d), italics added.)

Recognizing the broad variety of contexts in which proposed projects are proposed, the courts have applied a “rule of reason” when assessing the adequacy of analyses of alternatives within EIRs. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta*); *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1264.) What is reasonable varies from one situation to another. “There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.” (Guidelines, § 15126.6, subd. (a); *Mount Shasta Bioregional Ecology Center v. Center of Siskiyou* (2012) 210 Cal.App.4th 184, 199 (*Mount Shasta*) [“there is no rule specifying a particular number of alternatives”].) Similarly, there are “[n]o ironclad rules . . . regarding the level of detail required in the consideration of alternatives. EIR requirements must be ‘sufficiently flexible to encompass vastly different projects with varying levels of specificity.’” (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745–746 (*Al Larson*), italics added.)

CEQA only requires the range of alternatives to have “‘enough of a variation to allow informed decision-making.’” (*Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988 (*Santa Cruz*), quoting *Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151 (*Mann*).) An agency is allowed to narrow a larger universe of potential alternatives to a more manageable range. (Guidelines, § 15126.6, subd. (c); *In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1162–

1167 (*In re Bay-Delta, etc.*); *Village Laguna of Laguna Beach v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028–1029.)

Furthermore, the duty to identify and adequately describe feasible project alternatives belongs to the public agency alone, and not project opponents. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 406 (*Laurel Heights*); *Goleta, supra*, 52 Cal.3d at p. 568.) “An EIR need not consider every conceivable alternative to a project” suggested by commenters (*In re Bay-Delta etc., supra*, 43 Cal.3d at p. 1163.) The mere fact that a project opponent or critic can conceptualize an additional alternative that a lead agency could have added to the EIR does not make the EIR deficient. A “project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information,” but the fact that additional information “might be helpful does not make it necessary.” (*Laurel Heights, supra*, 47 Cal.3d at p. 415; Guidelines, § 15204, subd.(a).) Thus, a reviewing court must uphold an agency’s selection of alternatives “unless the challenger demonstrates ‘that the alternatives are manifestly unreasonable and that they do not contribute to a reasonable range of alternatives.’” (*Santa Cruz, supra*, 177 Cal.App.4th at p. 988.)

Notably, courts have upheld EIRs that included only one alternative other than the mandatory no project alternative and EIRs that included only the no project alternative and nothing more. (See, e.g., *Marin Municipal Water District v. KG Land California Corporation* (1991) 235 Cal.App.3d 1652, 1664–1666 [no project and one other]; *Save Our Access-San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8, 30–33 [only the no project alternative]; *Mount Shasta, supra*, 210 Cal.App.4th at pp. 196–199 [same].) Whether such a limited number of alternatives is sufficient is a function of the rule of reason as applied to the facts of the situations at hand.

Also notable is the principle that “an EIR is not ordinarily an occasion for the reconsideration or overhaul of fundamental land-use policy” as set forth in the governing general plan or local coastal program (LCP). (*Goleta, supra*, 52 Cal.3d at p. 573.) Where a landowner or developer proposes a project that is consistent with applicable General Plan and zoning designations, it makes little sense to question the propriety of the

proposed land use, as that propriety was determined in connection with previous legislative decisions. As the California Supreme Court has explained, “such ad hoc reconsideration of basic planning policy [is] not only unnecessary, but would [be] in contravention of the legislative goal of long-term, comprehensive planning.” (*Id.* at p. 572.) “[T]he keystone of regional planning is consistency—between the general plan, its internal elements, subordinate ordinances, and all derivative land-use decisions.” (*Ibid.*)

Conversely, an EIR for a proposed project that requires substantial amendments to the existing planning framework may require an especially robust range of alternatives, including the option of developing the proposed land use at a different location. (*Id.* at pp. 574–575.) The need for multiple alternatives, including those involving different sites, would be particularly acute where a proposed project would have severe environmental impacts.

Based on these general legal principles, an EIR for a small project that is consistent with the general plan and LCP, and that lacks any significant unavoidable environmental impacts, may get by, under the rule of reason, with a relatively abbreviated alternatives analysis. The Best Grocery Outlet project is such a project.

Here, as discussed in the DEIR, the Project provides three alternatives to the proposed Project: (1) the “No Project (No Build) Alternative,” (2) the “Building Reuse Alternative,” and (3) the “Decreased Density Alternative.” (DEIR, p. 5.0-2.) Under the rule of reason, this set of options constitutes a reasonable range of alternatives. These three options, in addition to proposed Project itself, provide “enough of a variation” to permit a reasoned choice under CEQA. (Guidelines, § 15126.6, subd. (a); *Santa Cruz, supra*, 177 Cal.App.4th at p. 988.)

The commenter repeatedly argues that the DEIR should have included an “alternative site layout” or “configuration” by which the proposed structure would be placed on a different part of the project site. (Comments 184–186, 190, 192.) But the DEIR did not need to consider such an additional alternative because the City had discretion to determine the appropriate range of alternatives, and the City selected other alternatives that, taken together, provided a sufficient variation of options to permit a reasoned choice under CEQA. (Guidelines, § 15126.6; *In re Bay-Delta etc., supra*, 43 Cal.4th at p. 1163.)

The DEIR's alternatives are not "manifestly unreasonable." Nor do they fail to "contribute to a reasoned range." (*Santa Cruz, supra*, 177 Cal.App.4th at p. 988.) Moreover, the commenter does not present any evidence that an "alternative site layout" would reduce impacts or better fulfill Project objectives. Notably, the proposed Project has less-than-significant effects on visual resources. (DEIR, pp. 3.1-6 – 3.1-12.) Thus, no significant environmental effects would be avoided or reduced by moving the proposed building to a different part of the subject property in order to preserve the existing view of the Chevron gas station located west of the project site. (See DEIR, p. 3.1-19 [Figure 3.1-4]).

The DEIR's three alternatives also satisfy the CEQA requirement that alternatives meet most project objectives while substantially lessening at least one significant impact. The alternatives section of the DEIR explicitly discloses both where the alternatives substantially lessen project impacts that would be significant without mitigation and the extent to which each alternative would satisfy the Project's objectives. (See DEIR, pp. 5.0-18 – 5.0-19 [Table 5.0-1], 5.0-20 – 5.0-21.)

The commenter claims that the DEIR's analysis of certain alternatives is insufficient because it also includes information regarding how the alternatives will reduce impacts that are already less than significant under the proposed Project (see Comments 197 [criticizing the DEIR for analyzing the Decreased Density Alternative's impacts on open space and General Plan consistency, which are already less than significant under the Project], 198 [criticizing the DEIR for analyzing the No Project Alternative's impacts generally because they include several impacts that are already less than significant under the Project], 200 [same for the No Project Alternative's air quality impact analysis], 230 [criticizing the DEIR for analyzing the Decreased Density Alternative's impacts on aesthetics], 231 [same]). (DEIR, pp. 5.0-3 – 5.0-5, 5.0-13.) As discussed above, however, the DEIR explains how each alternative will reduce at least one impact that is significant without mitigation under the proposed Project. This meets the letter of the law. Nothing in CEQA precludes an agency from providing *more* information regarding an alternative's impacts in addition to the required discussion.

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Moreover, CEQA provides no specific guidance as to which of a project's significant impacts should be the driver for the formulation of alternatives. Rather, as noted above, alternatives need only "substantially lessen *any* of the significant effects of the project...." (Guidelines, § 15126.6, subd. (a), *italics added*.) Nor do the alternatives need to focus exclusively on significant unavoidable effects of a project. Rather, an alternative may address *any* category of impact that might be reduced to less than significant levels by mitigation. This is because "alternatives and mitigation measures have the same function—diminishing or avoiding adverse environmental effects." (*Laurel Heights, supra*, 47 Cal.3d at p. 403.)

The DEIR analyzed each alternative's impacts on aesthetics, air quality, biological resources, greenhouse gases, climate change and energy, land use, noise, transportation and circulation, and utilities. (DEIR, pp. 5.0-3 – 5.0-17.) In light of this thorough analysis, neither CEQA nor sound reasons of public policy required the City to incur the expense and burden of conducting substantial design and engineering work on the EIR alternatives, as demanded by the commenter (see, e.g., Comments 211–213, 216, 223–225, 228, 229, 232, 233, 237, 243, 247, 261 [DEIR, pp. 5.0-7 – 5.0-5.0-9, 5.0-11 – 5.0-17, 5.0-21]), in order to flesh out further details. (Guidelines, § 15126.6, subd. (d); *Goleta, supra*, 52 Cal.3d at p. 566; *Al Larson, supra*, 18 Cal.App.4th at pp.745–746; *Mann, supra*, 233 Cal.App.3d at p. 1151.) Moreover, the fact that the commenter disagrees with the conclusions that the DEIR reached with regard to each alternative's impacts (see, e.g., Comments 204, 209, 210, 239, 242, 244, 245, 252 [DEIR, pp. 5.0-6 – 5.0-7, 5.0-15 – 5.0-17]) does not demonstrate that those conclusions were deficient. (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 627–628 (*North Coast*).)

For example, the commenter inaccurately makes several claims that the DEIR's analysis of the alternatives is inadequate because the DEIR, in the commenter's view, incorrectly concluded that the proposed Project will not conflict with the Coastal General Plan. (See Comments 182, 195, 197, 204, 207, 218, 219, 220, 236 [DEIR, pp. 5.0-1, 5.0-3, 5.0-6 – 5.0-7, 5.0-10 – 5.0-11, 5.0-14].) As discussed later in this letter, however, the City's analysis of the Project's consistency with its own General Plan policies is

reasonable and sufficient. Therefore, the DEIR's analysis of the alternatives' consistency with these policies is likewise adequate.

The commenter also argues, repeatedly, that the Building Reuse Alternative is the environmentally superior alternative and can meet all of the Project's objectives. (See, e.g., Comment 194 [DEIR, p. 5.0-3].) His opinions on these points are not dispositive in the sense that they do not make the Building Reuse Alternative any kind of presumptive best option.³ When a Final EIR and the proposed Project come before the City Council, the elected members of that body will decide whether the Building Reuse Alternative is the best outcome from their standpoint.

As CEQA Guidelines section 15126.6, subdivision (a), makes clear, an alternative included in an EIR need only be "potentially feasible." The Building Reuse Alternative meets this standard. As the court in *Santa Cruz* explained, "[t]he issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR and (2) during the agency's later consideration of whether to approve the project. [Citations.] But 'differing factors come into play at each stage.' [Citation.] For the first phase—inclusion in the EIR—the standard is whether the alternative is potentially feasible. [Citations.] By contrast, at the second phase—the final decision on project approval—the decision-making body evaluates whether the alternatives are actually feasible. [Citation.] At that juncture, the decision-makers may reject as infeasible alternatives that were identified in the EIR as potentially feasible. [Citation.]" (177 Cal.App.4th at p. 981.)

Here, as always, the publication of the DEIR represents the "first juncture" at which the issue of *potential* feasibility of alternative arises. To the extent that City staff and the EIR consultant have offered their opinions regarding the extent to which the alternatives do or do not meet particular project objectives, or seem to give more weight to one objective than another, these staff and consultant opinions will not be binding on the City Council if and when the Council considers the "actual feasibility" of alternatives. That time will come at the "second juncture" at which the feasibility of alternatives is considered, namely, when the City Council, after certifying the Final EIR but prior to project approval, must consider the feasibility of any alternatives that could reduce the

³ See Section II.B, *infra*, regarding why the commenter's subjective views on project objectives and how they would best be met are in no way binding on the City Council.

severity of significant unavoidable effects of the project. (See CEQA Guidelines, § 15181, subd. (a)(3).) Mr. Patterson’s opinions on the merits of the alternatives will also be part of the mix.

Notably, if and when the City Council determines the “actual feasibility” of the EIR alternatives, including the Building Reuse Alternative, the Council will have broad discretion to consider policy outcomes and to give weight to competing project objectives. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [“‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”]; *Santa Cruz, supra*, 177 Cal.App.4th at p. 1001 [same]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507–1508 (*County of Napa*) [upholding CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; see also *Santa Cruz, supra*, 177 Cal.App.4th at p. 1001 [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”]; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314–315 [court upholds agency action where alternative selected “entirely fulfill” a particular project objective and “would be ‘substantially less effective’ in meeting” the lead agency’s “goals”]; *In re Bay-Delta etc., supra*, 43 Cal.4th at pp. 1165, 1166 [“feasibility is strongly linked to achievement of each of the primary program objectives;” “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”]; and *Sequoiah Hills Homowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [court upholds finding rejecting lower density housing alternative as infeasible, citing city council’s conclusion the fact that “‘the houses would be necessarily more expensive than those of the proposed project’ ... would defeat the project objective of providing the ‘the least expensive single-family housing for the vicinity’”].)

If and when the Council reaches its ultimate determinations regarding the feasibility of alternatives, the City Council will be free to weigh not only the assessment by the EIR authors of the extent to which the alternatives do or do not meet various project objectives, but also to weigh input from members of the public, including that of

Mr. Patterson. All such input may be reasonable and thoughtful; but the ultimate obligation to weigh competing policy considerations lies with the City Council.

In actuality, there will be no need for the City Council ever to reach the question of whether this alternative, or the other two addressed in the EIR, are infeasible, in that the proposed Project does not have any significant unavoidable environmental effects. Much of the discussion above of the distinction between “potential feasibility” and “actual feasibility” is academic, in that here all significant impacts can be reduced to less than significant levels through the adoption of feasible mitigation measures. (See DEIR, p. 4.0-26.) The Council will therefore not be under any obligation to assess the feasibility of alternatives. (See *Laurel Hills Homeowners Association v. City Council of City of Los Angeles* (1978) 83 Cal.App.3d 515, 520–521 [“if ... feasible mitigation measures substantially lessen or avoid generally the significant adverse environmental effects of a project, the project may be approved without resort to an evaluation of the feasibility of various project alternatives contained in the environmental impact report”].)

Here, if the issue of the actual feasibility of the Building Reuse Alternative somehow does arise during the Council’s deliberations, the project Applicant will strenuously argue that, although the Building Reuse Alternative was *potentially* feasible for purposes of inclusion in the DEIR, the City Council should reject the alternative as *actually infeasible*.

A feasibility assessment of the Building Reuse Alternative was prepared by Thomas Jones, former Vice President of Hilbers Inc., a reputable national contracting and engineering firm specializing in office, commercial, and grocery store development. He has 34 years’ construction experience and has worked on more than twenty Grocery Outlet stores. (See attached *Feasibility study for reuse of an existing building Franklin Blvd* (“Jones feasibility analysis”) [August 5, 2022].) For reasons set forth in detail, Mr. Jones explained why the Reuse Alternative is infeasible.

The Jones feasibility analysis concluded that the existing building on the Project site is riddled with structural and logistical issues and ultimately “has no reuse value for a Grocery Outlet....” Specifically, the analysis explains that the building “fails to meet current building codes,” is “practically inaccessible for those with disabilities,” and would require a “major seismic upgrade” to meet current codes. The structure is “extremely

energy inefficient,” “has insufficient and outdated electrical services,” and has a “roof structure that will not allow any additional mechanical loads or modifications,” such as additional heating or air conditioning. The building also has asbestos that further limits modifications. Furthermore, the existing structure has inadequate storage for a grocery store and floors insufficient to support the forklifts needed for stocking a grocery store. The analysis then accurately concluded that use of the existing building under the Building Reuse Alternative is entirely infeasible. Accordingly, based on this information, the City Council will be able to find, and should find if the issue arises, that this alternative is infeasible.

The commenter objects to statements in the DEIR that Terry Johnson of Best has already stated his opinion that the existing structure on the Project site cannot feasibly be reused. Mr. Patterson refers disparagingly to what he calls “unverified and self-serving assertions from the applicant;” and he demands that the DEIR be modified to include an analysis of the “actual feasibility” of the Building Reuse Alternative. (Comments 258, 261 [DEIR, p. 5.0-21].)

The commenter’s demand is unwarranted, as case law is clear that EIRs need not address the economic feasibility of alternatives. (See, e.g., *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689–691; *County of Napa, supra*, 121 Cal.App.4th at pp. 1506–1508.) As was explained earlier, actual feasibility is determined, if ever, at the time at which the final decision-making body, having certified a Final EIR, is ready to consider the merits of a proposed Project. The mechanism for assessing actual feasibility is the so-called “CEQA Findings” adopted pursuant to Public Resources Code section 21081, subdivision (a), and Guidelines section 15091, subdivision (a).

Consistent with this approach, Guidelines section 15131, subdivision (c), states that “[e]conomic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project.”

Here, the City Council, if need be, could rely on the aforementioned Jones feasibility analysis because that document is now a part of the City's administrative record for the proposed Project. And the analysis is unquestionably substantial evidence in that it was prepared by an industry expert using a fact-based assessment. (See, e.g., Pub. Resources Code, § 21082.2 ["[s]ubstantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts"].) We suggest including the Jones feasibility analysis as an appendix to the upcoming Final EIR so that all interested members of the public will have access to the reasoning put forward by Mr. Jones.

B. Comments 182–183: DEIR, p. 5.0-1 – “Project Objectives...”

★★ The first three objectives are achieved by any version of the project. The 4th objective is subjective. And the 5th objective is not achieved by the proposed project for the same reasons the project is not consistent with the Citywide Design Guidelines concerning site layout and parking lot design as well as related CGP policies. ★★

★★ The first 3 objectives are achieved by all alternatives except “No Project”

Response: Mr. Patterson's criticisms of, and observations about, the objectives raise no legal issues. CEQA requires lead agencies to establish project objectives to include in an EIR. The project objectives help the agency “develop a reasonable range of alternatives to evaluate in the EIR and ... aid decision makers in preparing findings or a statement of overriding considerations, if necessary.” (Guidelines, § 15124, subd. (b); *In re Bay-Delta etc.*, *supra*, 43 Cal.4th at p. 1163.) The City has broad discretion to formulate its own project objectives. As one court stated:

CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. CEQA simply requires the agency to thereafter prepare and certify a legally adequate EIR that provides the agency and the public alike with detailed information regarding the proposed project's significant environmental impacts, as well as reasonable alternatives that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen [those impacts].

(*California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 276–277 (*California Oak*); see also *In re Bay-Delta etc.*, *supra*, 43 Cal.4th at p. 1166 [“[a]lthough a lead agency may not give a project's purpose an artificially narrow definition, the lead agency may structure its alternatives analysis around a reasonable definition of underlying purpose and need not study

alternatives that cannot meet that basic goal”].)

The commenter’s interpretations of Project objectives and whether or not the alternatives meet the objectives are not binding on the City. Neither do City staff or an EIR consultant’s opinions bind City Council. Rather, as explained earlier, City Council will consider the “actual feasibility” of the alternatives, if at all, when, after certifying the FEIR but prior to project approval, the Council considers the feasibility of any alternatives that could reduce the severity of significant unavoidable effects of the project. (See Guidelines, § 15091, subd. (a)(3).) At that time, the City Council will be free to weigh not only the views of the EIR authors, but also those of the public. And also at that time, Mr. Patterson’s opinions of the project objectives may be of interest. They raise no legal issues regarding the adequacy of the EIR, however.

III. AESTHETICS AND VISUAL RESOURCES

- A. **Comment N/A:** DEIR, p. 3.1-6 – “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...”
*** The northernmost portion of the project site includes views TO the ocean, which is distinct from “along”.* ** (See also Comments 025, 090 [DEIR, pp. 3.1-10, 3.5-22].)

Comment 016: DEIR, p. 3.1-7 – “These views are interrupted by two large trees, which substantially obscure pedestrians’ and drivers’ views of the ocean.”

*** This is false, the trees only block views of the sky not views of the ocean from a pedestrian or vehicular vantage point.* ** (See also Comments 022, 025, 091 [DEIR, pp. 3.1-9, 3.1-10, 3.5-22].)

Comment 017: DEIR, p. 3.1-7 – “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.”

*** These hypothetical future view-blocking developments are too speculative and don’t reflect the actual baseline conditions.* ** (See also Comments 025, 091 [DEIR, pp. 3.1-10, 3.5-22].)

Response: The DEIR determined that the Project would not result in a substantial adverse impact on a coastal scenic vista because, first and foremost, the “Project site is not located ‘along the ocean’ or within a ‘scenic coastal area’ within the meaning of Coastal General Plan Policy CD[-]1.1[.]” (DEIR, p. 3.1-6.) Therefore, the

Project cannot have an impact on coast views. The DEIR then went beyond this reasonable conclusion and looked more into the Project's consistency with Coastal General Plan Policy CD-1.1, which provides, in full:

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

(*Ibid.*)

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

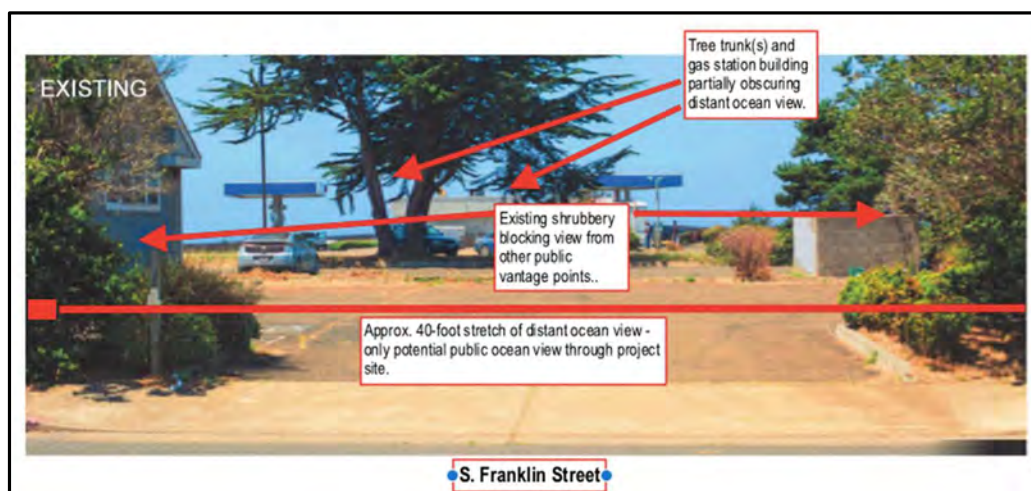
The City then reasonably determined that, because the Project "is replacing an existing structure with one of the approximate same size," and because other nearby structures already obstruct the ocean view from "the middle and southern portions of the project site," these supposed views "to" the ocean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

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It is also a fleeting view. Currently, this view from the north of the Project site is only available to passersby along a maximum 40-foot stretch⁴ of S. Franklin Street, through one of the existing access points. (See DEIR, p. 3.1-19 [Figure 3.1-4].) The remainder of any potential ocean view is nearly completely blocked by existing onsite shrubbery and development. (*Ibid.*) Further, a large portion of these passersby are driving in vehicles, given both the overall commercial/office development in the surrounding area and the fact that this stretch of S. Franklin connects N. Harbor Drive to South Street and to the other side of S. Franklin (both of which are commercial/office corridors), thus making that 40-foot view even more fleeting. Below is a marked-up version of a portion of the DEIR's Figure 3.1-4 that visually depicts what has just been described.



This specific view also is not easily discernible because “two large trees” on the northwest border of the Project site “substantially obscure pedestrians’ and drivers’ views of the ocean.” (DEIR, p. 3.1-7.) The commenter disagrees with this assessment and contends “the trees only block views of the sky not views of the ocean from a pedestrian

⁴ We calculated the figure of 40 feet through the use of the following tools:

Google Earth version 9.175.0.1 (July 2018 [or newer]). 825, 845, 851 S. Franklin Street, Fort Bragg, CA, 95437, 39°25'47"N, 123°48'17"W, earth.google.com [accessed Nov. 8, 2022].

Google Street View (Apr. 2021). 825, 845, 851 S. Franklin Street, Fort Bragg, CA, 95437, google.com/maps [accessed Nov. 8, 2022].

or vehicular vantage point” (Comment 016 [DEIR, p. 3.1-7]); but this contention is factually inaccurate. The trunk of the southern-most tree directly blocks a portion of the distant ocean view from ground level, as shown in the above figure. The trunk of the northern-most tree does not block as much of the distant ocean view because that supposed view is already blocked by the Chevron gas station building. These visual interferences (trees and the gas station) reduce the already fleeting view by, probably, 15 to 20 feet, making the 40-foot viewpoint along S. Franklin street even more fleeting, at between 20 to 25 feet. This viewpoint shrinks even further when vehicles are lined up at the gas pumps and further blocking any view, which one safely assumes occurs consistently throughout the day.

The City also concluded that the vacant lot directly west, in between the Project site and the Chevron station, could be developed with a sizable commercial structure, which would then “completely block the existing interrupted view of the Chevron Station and ocean.” (DEIR, p. 3.1-7.) The commenter claims this reasoning is “hypothetical,” “too speculative,” and does not “reflect the actual baseline conditions.” (Comment 017 [DEIR, p. 3.1-7].) The City’s conclusion here is reasonable, however, and not overly speculative given the type of commercial developments immediately adjacent to this vacant parcel (gas station, motel, pizza restaurant) and given that a comparable development is allowed by-right under existing land use designation and zoning. To be sure, the City has carefully planned for this exact type of “future growth and development,” inclusive of “[c]ommercial land uses...along Franklin Street corridor[,]” in its General Plan and set its policies accordingly to “support a concentrated development pattern by encouraging infill development on vacant and underutilized sites throughout the City.” (Coastal General Plan, Element 2 - Land Use, p. 2-1 [Purpose]; see also p. 2-18 [Policy LU-1.1, “Implement the Land Use Designations Map by approving development...consistent with the land use designations”].)

The fact that Mr. Patterson may see things differently does not undermine the City staff’s interpretation of the City’s own planning documents. Indeed, the City is entitled to deference with respect to its interpretation of its General Plan and other City enactments. “It is well settled that [an agency] is entitled to considerable deference in the interpretation of its own General Plan.” (*Gray v. County of Madera* (2008) 167

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

An agency’s “broad discretion to construe its [general plan] policies in light of the plan’s purposes” (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782 (*Endangered Habitats League*)) “stems from the well-settled principles of court respect for the [constitutional] separation of powers” (*San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 515; Cal. Const., art. III § 3). Unless “no reasonable person could have reached the same conclusion on the evidence before it,” a court must “defer to an agency’s factual findings of consistency.” (*Endangered Habitats League, supra*, 131 Cal.App.4th at p. 782; see also *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 243 (*No Oil*); *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 637.)

Furthermore, Mr. Patterson makes too much of the fact that “baseline” conditions currently do not include development on lots to the seaward side of the Chevron station. The fact that such development is not yet in place is not the sole basis for the City’s conclusion, under CEQA, that Impact 3.1-1 would be less than significant (Project implementation would not result in substantial adverse effects on a scenic vista). Such development is foreseeable and could possibly be in place by the time the Project commences actual operations, in which case the development could be treated as part of “existing conditions.” (See *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 509.)

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More to the point, however, nothing in CEQA or CEQA case law suggests that the loss of a very small, fleeting view of the ocean through a gas station must, as a matter of law, be considered significant regardless of whether additional development in the area is foreseeable. To the contrary, the courts have recognized that modest degradations of the visual environment can reasonably be found to be less than significant. (See, e.g., *North Coast*, *supra*, 216 Cal.App.4th at pp. 627–628 [the fact that a large new water tank on a hillside would be visible to the public did not render the visual impact significant]; *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 243–244 [visual impact was less than significant despite acknowledgement in the EIR that “the visual character of the site would undergo a ‘high level’ of change”].)

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

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

The City also reasonably determined that the Project “is compatible with the character of the surrounding area” (DEIR, p. 3.5-22 [see Policy CD-1.1]) because “[t]he 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,” and are developed accordingly. (See also *id.*, pp. 3.1-6 – 3.1-7.) Certainly, a Grocery Outlet will fit in amongst the surrounding businesses—Chevron, Mountain Mike’s Pizza, Arco, Super 8 by Wyndham, etc.—at least one of which (Super 8) is larger in scope and size the proposed Project. In addition, the Project building “will be composed of elements and details representative of Fort Bragg’s architectural heritage”

with “window and door treatments giv[ing] 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.” (*Id.*, pp. 2.0-3, 2.0-19 [Figure 2.0-6], 3.1-13 – 3.1-19 [Figures 3.1-1 – 3.1-4].)

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

B. Comment N/A: DEIR, p. 3.1-6 – “Have a substantial effect on a scenic vista.”
** *How, what is the criteria for “substantial”?* **

Response: To determine whether an impact to a scenic vista will be substantial, the DEIR used consistency with General Plan provisions and policies related to scenic and/or protected views as criteria. (See Section III.A, *supra*; DEIR, pp. 3.1-6 – 3.1-9.) This approach is common and acceptable. “An agency has considerable discretion to decide the manner of the discussion of potentially significant effects in an EIR.” (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515 (*County of Fresno*).) The ultimate question is whether substantial evidence supports the analysis and conclusions reached in an EIR. (*Ibid.*) Here, it does, and the commenter presents no evidence to the contrary.

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

The Project will essentially redevelop an infill site on which a currently useless structure already exists. This physical context is an important consideration. As noted earlier, “[a]n ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.” (Guidelines, § 15064, subd. (b)(1).) Given the infill nature of the Project, an interpretation or application of CEQA leading to a reduction in proposed building intensity would be environmentally counterproductive. As noted earlier, the proposed 16,157 sf Project, if approved, would result in a net *reduction* of 279 square feet of physical space compared with the existing 16,436-sf structure on the site. If this net reduction in building intensity were to be characterized as resulting a *significant* aesthetic effect requiring feasible mitigation⁵ in the form of a reduction in size, such an outcome would undermine the City’s efforts to facilitate infill development, with its attendant long-term environmental benefits.

If density and intensity of use, without more, are understood to create significant aesthetic effects that should be mitigated, then the obvious solution would be to approve projects with less density and intensity. But such an outcome on an already developed infill site would result in an inefficient use of urban land and therefore more sprawl and greater air pollutant and greenhouse gas (GHG) emissions in the long run.

The long-term environmental benefits of infill development are well known. (See, e.g., Gov. Code, § 65041.1, subd. (a)(1) [describing state planning priority to “promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services”]; University of California Berkeley School of Law, Center for Law, Energy & the Environment (CLEE), *Integrating Infill Planning in California’s General Plans: A Policy Roadmap Based on Best-Practice Communities* (Sept. 2014), https://www.law.berkeley.edu/files/CLEE/Infill_Template_--_September_2014.pdf [accessed Dec. 2, 2022].)

⁵ See Pub. Resources Code, § 21002 (policy requiring feasible mitigation of significant environmental effects).

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

- C. **Comment 019:** DEIR, p. 3.1-8 – “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 is not accurate and those vacant lots are too small to accommodate a similar sized building. ***

Response: The DEIR discusses these vacant lots on South Street (north of the Project site) and S. Franklin Street (east of the Project site) in the context of the area’s zoning for commercial uses. While both vacant lots are smaller in size than the Project site and differently shaped, they could still be developed by-right with commercial structures that are similar in size as the Project. For example, these vacant lots could be developed with buildings that have more than one level (such as the Seabird Lodge, located adjacent to the vacant lot on South Street), resulting in square footage comparable to that of the proposed structure. (See DEIR, p. 3.1-8 [“buildings in the Project area are one to two stories in height”].) A building need not be the same exact dimensions as another to be considered the same overall size. In any event, the commenter provides no evidence that these vacant lots could not be developed with buildings comparable in size to the one proposed here. As noted earlier, the Project will result in less square footage than is found in the existing unused office structure on the Project site.

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

pp. 2.0-1 – 2.0-2.)

- D. Comment 020:** DEIR, p. 3.1-8 – “Additionally, planting street trees at regular intervals on both sides of the streets is a cost-effective visual intervention. Street trees that are spaced regularly on both sides of the street increasingly contribute to the sense of visual enclosure and affect the aspect ratio and visual definition as they mature.”

*** Irrelevant: no street trees are proposed as part of this project! ***

Response: The Project will include “trees and vegetation along the property boundaries within the proposed parking lot” with trees “planted primarily along the north, south, and east boundaries, with a few along the west boundary.” (DEIR, p. 2.0-4.) Trees planted along the north boundary will run parallel with South Street and trees planted along the east boundary will run parallel with S. Franklin Street. These trees will indeed be planted near the street and will enhance the aesthetic value of the Project site and its surrounding area. Therefore, it is relevant to discuss these trees in this context. here. Nevertheless, at its discretion, if the City so chooses, it could clarify the text in the FEIR and change “street trees” to “trees being planted along the periphery of the Project site and parallel to the street,” and alter the other text accordingly.

- E. Comment 024:** DEIR, p. 3.1-10 – “A less than significant impact would occur [re. 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].”

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

Response: As stated on the onset of the analysis of this impact analysis, the “project would be located on city streets and not along a highway.” (DEIR, p. 3.1-10.) Therefore, by definition, the Project could not “substantially damage scenic resources...within a state scenic *highway*.” The DEIR goes on to explain the Project site’s distance from Highway 1 and the many structures and business that separate it from the highway, as well as the fact that neither “[n]either of the two highways near the Project site, State Highway 1 and State Highway 20, are [designated] state scenic highways.” (*Ibid.*) As previously stated in this letter, “[a]n agency has considerable discretion to decide the manner of the discussion of potentially significant effects in an EIR.” (*County of Fresno, supra*, 6 Cal.5th at p. 515.) The language of Impact 3.1-2 presents a

straightforward and commonplace threshold of significance (see Section I.C, *supra*) related to state scenic highways, and the DEIR thoroughly discusses and analyzes the potential impact, going above and beyond what is required by the threshold itself. The City's "considerable discretion" here was diligently employed.

IV. BIOLOGICAL RESOURCES

- A. **Comment 012:** DEIR, p. 2.0-3 – "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."

*** Tree removal is a concern and is inconsistent with the discussion during the prior related review. *** (See also Comment 026 [DEIR, p. 3.1-11].)

Response: The trees being considered for removal are "ornamental" and not protected species; therefore, their removal does not present a significant impact to biological resources under CEQA. (DEIR, pp. 3.3-4, 3.3-25 – 3.3-26.) Likewise, removal of these trees will not significantly impact aesthetics as they are "not part of the natural scenic landscape" and will be replaced "with landscaping selected for the local climate, including the planting of 37 new trees." (*Id.*, p. 3.1-10.) Notwithstanding, the DEIR states that it is possible these trees can be preserved. (*Id.*, p. 2.0-3.)

- B. **Comment 039:** DEIR, p. 3.3-27 – "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."

*** This correct admission conflicts with other statements. *** (See also Comments 037, 038, 041 [DEIR, pp. 3.3-26, 3.3-27].)

Response: The commenter agrees that the Project site offers some "low-quality foraging habitat for birds throughout the year" on its "southern portion"; however, the commenter believes this statement "conflicts with other statements." The commenter does not indicate which other statements are in conflict, but for the sake of this response, we will presume the commenter refers to information that the DEIR provides on habitat for the Great Blue Heron. (See Comments 037 and 039 [DEIR, pp. 3.3-26, 3.3-27].) On this issue, the DEIR states that, while the species have been identified on properties nearby the Project site, the has not been identified on the Project site. (DEIR, p. 3.3-27.)

Also, the DEIR informs us that sites where the Great Blue Heron may forage (e.g., be observed “eating gophers and other rodents”) do not necessarily qualify as “an aquatic resource, or specifically blue heron habitat” because the heron is “a highly mobile bird that can thrive in upland...in the presence of food resources.” (*Id.*, p. 3.3-26.)

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

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

or aquatic habitat.

The loss of this “low-quality foraging habitat for birds” as a result of Project development is not, in and of itself, a significant impact because of the large amount of similar foraging land that exists in the Project area and bioregion.⁶ (See DEIR, p. 3.3-27; Comment 041.) Notably, the Great Blue Heron’s diet consists primarily (75 percent) of fish (*id.*, p. 3.3-26), making dry land inland foraging a secondary source of food.

Some additional context should be helpful. The Great Blue Heron is not listed as threatened or endangered under state or federal law. (DEIR, p. 3.3-13 [Table 3.3.3: Special Status Wildlife and Fish Species Which May Occur in Project Area].) Thus, the relevant significance threshold is whether the Project would “[h]ave a *substantial* adverse effect, either directly or through habitat modifications,” on the species. (DEIR, p. 3.3-23, *italics added.*) This specific threshold is consistent with the general definition of “significant effect on the environment” found in CEQA Guidelines section 15382, namely, “a *substantial*, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” (*Italics added.*) Relevant, too, is the legal principle that, even where an agency identifies a significant effect, “[t]he goal of mitigation measures is not to net out the impact of a proposed project, but to reduce the impact to insignificant levels.” (*Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 529 (*Save Panoche*).)

It is common for well-meaning commenters on projects to assume that *any* impact (such as habitat loss) that is not “netted out” must be significant. In other words, *any* loss of habitat, regardless of the quality or size of the habitat, is significant. This assumption is simply incorrect. Here, Mr. Patterson has made no attempt to argue that the Project will have “a *substantial* adverse effect, either directly or through habitat modifications,” on the entire *species* (Great Blue Heron). As noted above, the Project site is, at most, low-

⁶ The commenter, in comments elsewhere on the DEIR’s analysis of wetland impacts, references comments made by “Leslie Kashiwada” for support. While we have no direct knowledge that Leslie Kashiwada is an expert on terrestrial biological resources in the area, nor do we concede as much (Leslie Kashiwada herself admits: “I am the first to admit that I am not a botanist”), we note here that Leslie Kashiwada finds that “[t]he loss of blue heron hunting grounds isn’t a major issue because, as noted, there are other fields herons can access...there is still ample open space to the west, and along the shoreline of the river and coast.”

quality foraging habitat that is clearly inferior to the preferred habitat described above. “The Great Blue Heron is the largest and most widespread heron in North America.” (California Nature Mapping Program, NatureMapping Animal Facts: Great Blue Heron [http://naturemappingfoundation.org/natmap/ca/facts/birds/great_blue_heron.html] (viewed on November 30, 2022)). Here, any lost acreage of habitat is tiny, almost infinitesimal, when viewed in context.

Although CEQA mitigation measures often use performance standards such as ratios of one to one or two to one, which have the effect of netting out particular categories of impacts, it is simply not true, as a general matter, that an impact per se is significant under CEQA any time there is a net loss of habitat or a net loss of individual members of a particular species.

- C. **Comment 042:** DEIR, pp. 3.3-28 – 3.3-29 – “With mitigation [Mitigation Measure 3.3-2 to ‘minimize impacts on special-status bat species’], this impact would be less than significant.”

*** But how is this accomplished? This unsupported assertion is not explained nor is the effectiveness of the mitigation measure evaluated as is required. *** (See also Comments 043, 052 [DEIR, pp. 3.3-29, 3.3-32].)

Response: The DEIR explains that special-status bats (the hoary bat) “have not been documented on the Project site” and that, despite the possibility that the existing structure may provide some bat habitat, “no evidence of bat roosting on the Project site was present” during two site surveys using specialized survey techniques for bats. (DEIR, p. 3.3-28.) However, because there exists some “possibility that bats could establish a roost in the abandoned building in the future” prior to demolition, Mitigation Measure 3.3-2 requires a pre-construction survey by a “qualified biologist...from dusk until dark” to determine if any roosts exist and, if they do, either perform appropriate “evictions and exclusion techniques” or, in the case of maternity roosts, establish buffers and avoid roost destruction until the end of the “pupping season.” (*Id.*, pp. 3.3-28 – 3.3-29.) Measures that include pre-construction surveys, avoidance, and/or evictions are common and upheld by courts as “substantial evidence that the negative impacts [to] special-status species’ will be sufficiently reduced.” (*Save Panoche, supra*, 217 Cal.App.4th at p. 524; see also, e.g., *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1274–1278; *Bay Area Clean Environment, Inc. v. Santa Clara County* (2016) 2

Cal.App.5th 1197.)

Again, some context should be helpful. As with Great Blue Herons, the bats at issue are not formally listed as endangered or threatened. (DEIR, p. 3.3-14 [Table 3.3.3]). Thus, the operative significance threshold is whether the project would “[h]ave a *substantial* adverse effect, either directly or through habitat modifications,” on the species. (DEIR, p. 3.3-23, italics added.) Even in the unlikely event that some bats may experience mortality due to the project, such deaths, though extremely unfortunate, would not have a *substantial* effect on the entire species, given its widespread abundance. According to a “life history account” of the species available from CDFW:

[t]he hoary bat *is the most widespread North American bat*. May be found at any location in California, although distribution [is] patchy in southeastern deserts. This *common*, solitary species winters along the coast and in southern California, breeding inland and north of the winter range. During migration, may be found at locations far from the normal range, such as the Channel Islands (Brown 1980) and the Farallon Islands (Tenaza 1966). Habitats suitable for bearing young include all woodlands and forests with medium to large-size trees and dense foliage. Hoary bats have been recorded from sea level to 4125 m (13,200 ft). There is evidence that sexes are separate during the warm months, females being more abundant in the northeastern U.S., males in the west. Both sexes occur on the winter range. During migration in southern California, males are found in foothills, deserts and mountains; females in lowlands and coastal valleys (Vaughan and Kruttsch 1954).

(nrm.dfg.ca.gov › FileHandler, [downloaded Novem. 30, 2022], italics added.)

D. Comments 044–046: DEIR, pp. 3.3-29 – 3.3-30 – “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).”

★★ *[Several comments rebutting the conclusions reached in the DEIR associated with impacts to wetlands].* ★★

Response: The DEIR bases its conclusion on impacts to wetlands in part on the Fort Bragg Wetland Report prepared for the site by Wildland Resource Managers, included as Appendix D to the DEIR, as well as the Grocery Outlet Fort Bragg, California Property Biological Review, also prepared by Wildland Resources Managers, included as Appendix C to the DEIR. Expert biologists employed by this consultant surveyed the land using U.S. Army Corps of Engineers (USACE) methodology and California Code of Regulations definitions, including performing soil sampling at four

locations onsite and assessing the site for plant and animal “wetland species.” (DEIR, pp. 3.3-29 – 3.3-30, Appendix D [pp. 2–4].) No indicators of wetlands of any type were found to occur onsite. (*Id.*, p. 3.3-29.)

In addition, as the DEIR explains, these earlier studies were confirmed by later work conducted by the DEIR authors themselves. “Field surveys and habitat evaluations for the entire Project site were performed on March 29, 2022 and April 20, 2022 (De Novo Planning Group, 2022). The purpose of 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.” (DEIR, p. 3.3-24, italics added.)

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

The commenter asserts otherwise and references comments made by “Leslie Kashiwada” for support. To our knowledge, however, neither the commenter nor Leslie Kashiwada are experts in wetlands and wetland identification. (See, e.g., *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1423 [“residents’ unsubstantiated opinions and concerns about the Projects’ effects on [resource]...did not constitute substantial evidence”].) The commenter, to our understanding, has legal training and is not a biologist. In her comments on the DEIR, Leslie Kashiwada, admits that she lacks

expertise to make the same type of assessments made by Wildland Resources Managers and De Novo Planning (“I am the first to admit that I am not a botanist”). Our understanding is that her expertise is in Biological Oceanography. (See Fort Bragg Headlands Consortium, *The Consortium Team*, <https://www.fortbraggheadlandsconsortium.org/consortium-members.html> [accessed Nov. 30, 2022].)

Ms. Kashiwada also incorrectly contends that the “location of the [soil] test pits” are not identified and expresses concern that soil testing was not conducted “along the western boundary of the property.” The actual soil sampling locations are identified in the DEIR’s Appendix D (p. 3), which shows that two locations are in fact situated near the western boundary of the Project site.

“[S]peculation” and “unsubstantiated opinion or narrative” are “not substantial evidence.” (Pub. Resources Code, § 21082.2, subd. (c); see also Guidelines, § 15384, subd. (a).) The DEIR presents substantial evidence that no wetlands exist onsite, while the commenter presents only “unsubstantiated opinion,” inclusive of references to another commenter who provides non-expert, incorrect information. (*Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d 1337, 1359 [“feelings are not facts to govern environmental decisions”].)

Regardless, even if Ms. Kashiwada had true expertise with respect to the identification of wetlands, “[d]isagreement among experts does not make an EIR inadequate[.]” (Guidelines, § 15151.)

- E. Comments 050:** DEIR, p. 3.3-32 – “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.”

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

Response: As stated in the DEIR, General Plan Policy OS-5.5 requires the City to “[c]ondition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.” (DEIR, p. 3.3-22.) Thus, “[t]he proposed Project is conditioned so that landscaping would not include invasive nonnative plants.” (*Id.*, p. 3.5-16.) The Applicant will be legally bound to comply with Project Conditions

of Approval, and the City will be bound to enforce them. As a result, these species would not and could not be used in Project landscaping.

V. GREENHOUSE GASES, CLIMATE CHANGE AND ENERGY

- A. **Comment 054:** DEIR, p. 3.4-2 – “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.”
*** This paragraph is irrelevant to Fort Bragg and this project and should be removed. Our local water supply is not fed by Sierra snow melt. *** (See also Comments 056–058, 060 [DEIR, pp. 3.4-3 –3.4-4].)

Response: This comment suggests that CEQA somehow disallows the inclusion in EIRs of information that is not strictly and directly relevant to the impacts of particular projects. We know of no case law to that effect. It is true that the Legislature has said that “[t]o provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21100, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.” (Pub. Resources Code, § 21002.1, subd. (e).) Despite this directive, we see no harm in the inclusion of information about climate change that is highly relevant to the concerns of the State of California as a whole, if not to Fort Bragg as a single City within the State.

The paragraph to which the commenter objects presents relevant environmental setting information with respect to the concerns of the State. The DEIR discusses the Sierra Nevada snowpack in the context of climate change and water supply throughout

the State. Although the City's water supply may not be directly fed by the Sierra Nevada snowpack, issues associated with the snowpack and the entire "Sierra Nevada region are in the interests of the entire state." (California Natural Resources Agency (2018), *California's Fourth Climate Change Assessment, Sierra Nevada Region Report*, p. 6, https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-004_SierraNevada_ADA.pdf [accessed Nov. 10, 2022].)

CEQA does not preclude an EIR from including a discussion of climate change, or any subject matter, that is relevant to California as a whole, if not directly relevant to the jurisdiction at issue. (See also Comment 060 [demand to remove setting information pertaining to agriculture and forests and landscapes] [DEIR, p. 3.4-4].) This information is not harmful and in fact provides useful details that advance CEQA's directive that an EIR be an informational document. (Guidelines, §§ 15002, subd. (a), 15121.)

The commenter then requests that the water resources section in the Greenhouse Gases, Climate Change and Energy chapter discuss "local conditions," specifically "intrusion [sic] and impacts to the City's water intake on the Noyo River and how that should be incorporated into the City's water model." (Comment 057 [DEIR, p. 3.4-3].) As previously stated in this letter, "[a]n agency has considerable discretion to decide the manner of the discussion of potentially significant effects in an EIR." (*County of Fresno, supra*, 6 Cal.5th at p. 515.) This discretion extends to how an EIR presents its environmental setting. CEQA does not dictate what exact environmental setting information must be included in an EIR for climate change, but only that it "include a description of the physical environmental conditions in the vicinity of the project." (Guidelines, § 15125, subd. (a).) That directive is met here.

Moreover, any request to analyze and/or modify "the City's water model," as appears to be made by the commenter here, is inapposite. (Comment 057 [DEIR, p. 3.4-3].) Such analysis would far exceed the scope of this EIR, which analyzes the potential impacts of the proposed Project *only* and *not* the functionality of the entirety of "City's water model." If the City were to undertake an update of its "water model" (if such a planning tool exists), then this type of analytical request may be appropriate at that time for that theoretical future project, which would occur separate and apart from the proposed Project.

The commenter's request for additional information regarding the City's water supply in the context of climate change also ignores the fact that CEQA analyses relating to climate change are intended to focus on the effects of GHG *emissions* from proposed projects. By its plain terms, Guidelines section 15064.4, which identifies agencies' obligations to consider GHG-related impacts, requires a singular focus on the effects of project emissions. This section is entitled, "Determining the Significance of Impacts from Greenhouse Gas Emissions," and the directives in the section are consistent with that limited focus.

This same exclusive focus on emissions is also evident from the two questions relating to climate change posed in the sample Initial Study checklist found in Appendix G to the CEQA Guidelines. Those questions ask whether a proposed project would either "[g]enerate greenhouse gas *emissions*, either directly or indirectly, that may have a significant impact on the environment" or "[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the *emissions* of greenhouse gases." (Italics added.)

The limited focus on emissions is a result of the original 2007 legislative directive by which the Governor's Office of Planning and Research (OPR) and the California Natural Resource Agency (CNRA) developed and promulgated the subsequent CEQA Guidelines dealing with GHG emissions. This statute, Public Resources Code section 21083.05, was amended again in 2012, but its focus on emissions is still unmistakable:

The Office of Planning and Research shall periodically update the guidelines for the mitigation of *greenhouse gas emissions or the effects of greenhouse gas emissions* as required by this division, including, but not limited to, effects associated with transportation or energy consumption to incorporate new information or criteria established by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(Italics added.)

The exclusive focus on emissions associated with transportation and energy consumption, and the failure to require analysis of issues such as climate change adaptation or the loss of carbon sequestration, was the product of political compromise embodied in Senate Bill 97 of 2007 (Stats. 2007, ch. 185). That legislation was caught up in the fraught budget negotiations of that year:

For two months this summer, Republican lawmakers blocked adoption of the state budget in part because of concerns about whether and how global warming should be considered an issue for CEQA purposes. Manufacturing, development, petroleum and other interests urged lawmakers to keep global warming issues out of environmental reviews for land use plans, transportation plans, development projects and anything else that could be a “project” under CEQA. Their concerns stemmed from recent litigation over the lack of global warming considerations in environmental impact reports, including a suit (since settled) that Attorney General Jerry Brown filed over San Bernardino County's updated general plan (see *CP&DR*, July 2007; *In Brief*, September 2007). As part of the budget settlement, the Legislature approved SB 97 (Dutton), which exempts transportation and flood control projects funded by the 2006 state bonds from global warming considerations.

However, the bill concedes to environmentalists on the primary point: global warming is a CEQA issue. The bill directs OPR to prepare “guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions.” The bill gives OPR a July 1, 2009, deadline, and mandates that the Resources Agency adopt the Guidelines by January 1, 2010. The legislation further requires OPR to update the Guidelines periodically based on state Air Resources Board (ARB) information and criteria.

*(Greenhouse Gas Guidelines May Get Political From Outset, California, Climate change, Environment Watch, Paul Shigley, California Planning and Development Report, Vol. 22 No. 10 Oct 2007 [Sep 24, 2007].)*⁷

After the Legislature, in 2006, had enacted the Global Warming Solutions Act of 2006 (commonly known as AB 32), some legislators were concerned that, through pending litigation filed by then-Attorney General Jerry Brown and others, the courts might conclude that then-extant CEQA documents for major projects might be set aside for failure to address GHG-related impacts. Through SB 97, these documents were immunized against legal arguments to the effect that they were inadequate for failing to address GHG-related impacts. The Legislature also chose to delay the issuance of new CEQA Guidelines dealing with greenhouse gas emissions until 2010 in order to allow for a kind of transition period until analysis of GHG emissions – but not adaptation or sequestration – could be phased in.

⁷ The quoted article may be viewed online at: <https://www.cp-dr.com/articles/node-1794>

These requirements and limitations were set forth in former section 21097 of the Public Resources Code, which expired by its own terms in 2010:

(a) The failure to analyze adequately the effects of greenhouse gas emissions otherwise required to be reduced pursuant to regulations adopted by the State Air Resources Board under Division 25.5 (commencing with Section 38500) of the Health and Safety Code in an environmental impact report, negative declaration, mitigated negative declaration, or other document required pursuant to this division for either a transportation project funded under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code), or a project funded under the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Chapter 1.699 (commencing with Section 5096.800) of Division 5), does not create a cause of action for a violation of this division.

(b) Nothing in this section shall be construed as a limitation to comply with any other requirement of this division or any other provision of law.

(c) This section shall apply retroactively to an environmental impact report, negative declaration, mitigated negative declaration, or other document required pursuant to this division that has not become final.

(d) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

As this language makes clear, SB 97 was no ordinary CEQA bill. It did not unleash OPR and CNRA to promulgate whatever CEQA Guidelines provisions they saw fit on the broad subject of climate change. Rather, the direction given was very precise: the exclusive focus was to be on the effects of GHG emissions, with emphasis on emissions from transportation sources and energy consumption. Section 15064.4 and Appendix G reflect this precise direction. One legal commentator described the political climate that led to SB 97 as follows:

There was a significant debate in 2007 whether legislation should be enacted to protect EIRs against legal challenges based on AB 32. After substantial debate, the Legislature adopted only a limited provision to protect certain bonded infrastructure projects against such challenges. For all other projects, the Legislature directed the Office of Planning and Research (OPR) to prepare guidelines for mitigating the effects of *GHG emissions* by July 1, 2009, and directed the Resources Agency to adopt these guidelines by Jan. 1, 2010.

*(Legal Perspectives on Recent California Climate Change Legislation, Bureau of National Affairs (2009), p. 231:2091, italics added.)*⁸

In short, it is clear that CEQA does not require the kind of information demanded here by Mr. Patterson, which would, in an EIR for a small infill retail project replacing an existing vacant structure, require the City to undertake extensive work on modeling its long-term water supplies in light of climate change. The DEIR appropriately focuses on the GHG emissions of the Project itself.

- B. Comment 055:** DEIR, p. 3.4-2 – “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.”

*** Sea level rise is effectively [sic] ignored in this DEIR even though it is acknowledged as predicted. The primary impacts [sic] on this project will be to the adequacy of the water supply and infrastructure. *** (See also Comments 059, 080 [DEIR, pp. 3.4-3, 3.5-12].)

Response: The DEIR discusses the rise in sea level resulting from climate change as background information in the larger context of the environmental setting for the “Effects of Global Climate Change.” (DEIR, pp. 3.4-2 – 3.4-4.) Sea level rise, however, is not a factor for the Project, which is “approximately 117 feet to 122 feet above mean sea level” (*id.*, p. 2.0-1) and inland from Noyo Bay, Noyo River, and Highway 1 (*id.*, p. 2.0-11 [Figure 2.0-2]). Thus, a sea level increase of 35 inches by the year 2100 will not impact the Project or Project site. Regardless, CEQA is not concerned with an existing adverse environmental condition affecting a project, but only with how that project may affect the environment. (See *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377–378; see also *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473-474; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604, 1613–1617; .) And, there is no evidence that the Project will exacerbate sea-level rise or, more to the point, cause any significant environmental impacts associated with sea-level rise.

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⁸ This document can be viewed at: <https://www.hklaw.com/-/media/files/insights/publications/2009/03/legal-perspectives-on-recent-california-climate-ch/files/legal-perspectives-on-recent-california-climate-ch/fileattachment/maclean319.pdf>

- C. **Comment 063**: DEIR, p. 3.4-25 – “If the project demonstrates that it is consistent with these plan documents, the proposed Project would not be anticipated to generate GHG emissions....”

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

Response: This analysis can be found in the DEIR’s discussion of Impact 3.4-1, specifically on pages 3.4-29 to 3.4-36. In particular, Tables 3.4-3 and 3.4-4 present the Project’s consistency with applicable measures associated with Senate Bill (SB) 32 and Mendocino Council of Government’s (MCOG’s) 2017 Regional Transportation Plan & Active Transportation Plan (RTP).

- D. **Comment 064**: DEIR, p. 3.4-37 – “Other Project energy uses include fuel used by vehicle trips generated during Project construction and operation, fuel used by off-road construction vehicles during construction activities, and fuel used by Project maintenance activities during Project operation.”

*** The project is inherently wasteful because it demolishes the existing building requiring avoidable demolition and construction activities compared to building reuse, which is not analyzed. *** (See also Comments 065 and 066 [DEIR, pp. 3.4-38, 3.4-40].)

Response: The Project is not “inherently wasteful” of energy just because it proposes to demolish an existing structure. Demolition accounts for only a fraction of total construction mobile energy use (see DEIR, p. 3.4-39 [Table 3.4-5]), and, as demonstrated above, the existing building cannot be reused as a grocery store (see Section II.A). In any event, the commenter provides no evidence that building reuse “would significantly reduce the energy consumption of this project.” (Comment 065 [DEIR, p. 3.4-38].)

In actuality, given the existing building’s general lack of suitability for modern commercial use (see Section II.A, *supra*), it is quite possible that any effort to modify it would result in far more construction and operational energy consumption than the Project because of the amount of remediation work required to make it suitable for any commercial purpose (e.g., “existing roof structure will not allow mechanical loads or modifications” to install necessary heating and cooling “for energy efficiency and current environmental needs;” a “major seismic upgrade would be needed” because the building does not meet current codes; the “entire electrical system” would need to be replaced to “be much more energy efficient;” current building configuration violates the “Americans

with Disabilities Act” and therefore the building would need to be reconfigured; the building has asbestos that would need to be painstakingly remedied, whereas demolition “would result in encapsulating the asbestos” and hauling it off “without any environmental impact”). (See attached Jones feasibility analysis.)

In any event, the concept of “wasteful, inefficient, or unnecessary consumption use of energy, or wasteful use of energy resources,” as it appears in Guidelines section 15126.2, subdivision (b), focuses on issues other than whether building demolition will be necessary to make way for a project. Under that section, the relevant issues are “transportation-related energy, during construction and operation,” as well as “building code compliance” and, possibly, “the project’s size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project.”

VI. LAND USE

- A. **Comments 075 to 092** : DEIR, pp. 3.5-9 to 3.5-13, 3.5-15, 3.5-20 – 3.5-22 – “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.” (DEIR, p. 3.5-1)
★★ This statrement [sic] is not justified as discssed [sic] elsewhere; it is only consistent with some policies. ★★ (See also Comments 027, 074, 097, 132 [DEIR, pp. 3.1-11, 3.5-8, 3.5-30, 3.7-43].)

Response: The commenter disagrees with the conclusion that the proposed Project is consistent with the applicable General Plan policies (see Table 3.5-1 of the DEIR) and argues, instead, that the Project conflicts with several General Plan policies.

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

Individual policies and arguments are addressed below, and organized in table format for the reader's ease. At the beginning of each response, in a bracketed note, we demarcate whether the commenter highlights the text of the policy itself ("[Policy]") or text from the DEIR's consistency analysis with the Project ("[Consistency Analysis]").

Comment	Page No.	Policy	DEIR Text	Comment	Response
076	3.5-9	LU-4.1	“and thus would not detract from the economic vitality of established commercial businesses.”	<i>How? This isn't explained or supported, only asserted to be true.</i>	<p>[Consistency Analysis] Policy LU-4.1, in relevant part here, requires the City to “[r]egulate the establishment of formula businesses...to ensure that their locations, scale, and appearance do not detract from the economic vitality of established commercial businesses....”</p> <p>The DEIR determined that the Project would not “detract from the economic vitality of established commercial businesses” because “[l]and uses in the immediate vicinity of the project site include lodging, restaurant, café, retail and auto repair.” Also because “[b]oth the proposed project (retail) and adjacent existing businesses are permitted land uses by right adhering to the intent of the CH zoning district.”</p> <p>This City fully explains its determination here, which is supported by the fact of the existence of several comparable formula businesses immediately surrounding the Project Site (Chevron, Mountain Mike’s Pizza, Arco, Super 8 by Wyndham, etc.), at least one of which is sizably larger than the proposed Project (Super 8). The City also explains that the Project is allowed by-right within the existing zone and will include architectural and façade details that are “representative of Fort Bragg’s architectural heritage.”</p> <p>Earlier in the DEIR, in the discussion of Impact 3.5-2, the City concluded that the project will not</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>cause “urban decay” within the City. (DEIR, pp. 3.5-30 – 3.5-31.)</p> <p>For more detail on the character of the area and how the Project fits in, and also on agency deference for interpreting its general plan, refer to Section III.A.</p> <p>These Project design components are not just “asserted to be true,” as the commenter suggests; they will become conditions of approval that bind the Applicant’s compliance and the City’s enforcement. And, regardless, CEQA presumes that a project will be implemented as proposed and not as someone opposing the Project suggests it might. (See, e.g., <i>Berkeley Hillside Preservation v. City of Berkeley</i> (2015) 60 Cal.4th 1086, 1119 (<i>Berkeley Hillside Preservation</i>).)</p>
077	3.5-10	LU-4.1	“to ensure the appearance does not detract from the economic vitality of established commercial businesses.”	<i>But how? No analysis is provided.</i>	<p>[Policy] See above response to Comment 076. None of the established surrounding business provide the same service as the proposed Project. They provide gas, lodging, dining, auto repairs, etc. They do not provide groceries and therefore will not lose business as a result of the Project. More likely, surrounding business will see a boost in sales, as people come to purchase groceries and use other nearby services for convenience, such as purchasing gasoline. As noted above, the DEIR, in the discussion of Impact 3.5-2, concluded that the project will not cause “urban decay” within the</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>City. (DEIR, pp. 3.5-30 – 3.5-31.)</p> <p>Moreover, this new Grocery outlet would not significantly reduce patronage of other grocery stores in Fort Bragg (although notably none exist in the immediate vicinity of the Project site). The Project would actually draw a large bulk of its local customer base from existing Grocery Outlet shoppers who currently drive to the Grocery Outlet in Willits but would now be able to shop at the Fort Bragg location instead, once operable, as documented by one of the Project’s transportation consultants. (DEIR, Appendix G [pp. 8–9] “[m]any speakers [at a Planning Commission meeting] described driving to the existing Grocery Outlet Store in Willets [sic] and stated that they would patronize the new store in Fort Bragg”].) Refer also to Section VIII.C, <i>infra</i>, for more information on this redistribution Grocery Outlet shoppers.</p>
078	3.5-10	LU-4.4	“The building will be composed of elements and details representative of Fort Bragg’s architectural heritage”	<i>How? This assertion is not explained or supported</i>	<p>[Consistency Analysis] LU-4.4 mandates that “[c]ommercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area.”</p> <p>The City determined that the Project is consistent with this policy for several reasons. First, the City explains that the Project site is surrounded primarily by commercial uses in three directions (“to the west, north, and south) and adjacent to residential only in direction but separated by a</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>roadway (“east of the site across S. Franklin Street are five single-family residences [and] one multi-family residential building”). Next, it is explained that the proposed grocery store would be limited in height, at a “maximum of 28 feet tall” at its top canopy and that its facades would include specialized treatments and rooflines that would add “visual interest” and “align with buildings on adjacent properties to avoid clashes in building height.” These design elements all contribute to the Project harmonizing with the limited surrounding residential development.</p> <p>Then, and as highlighted by the commenter, the City explains that the building’s design elements, specifically that the “building will be composed of elements and details representative of Fort Bragg’s architectural heritage” including “window and door treatments [that will] give homage to the smaller shops along the main downtown street’s detailing as well as the Hardie Board (wood composite) wood paneling, masonry, and providing a variety of the materials on the elevations to add visual interest,” would ensure the Project would “blend with the existing surrounding development,” including the adjacent residences. (DEIR, p. 3.5-10.)</p> <p>The commenter contends that this assertion is not explained or supported, and requests more detail, but it is sufficiently explained and supported. As</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>stated above, CEQA presumes that a project will be implemented as proposed. (<i>Berkeley Hillside Preservation, supra</i>, 60 Cal.4th at p. 1119.) Therefore, it is presumed that the Project will be constructed to the architectural and design specifications described in the EIR, which were developed with the specific purpose of mirroring the area's existing character. It is also assumed that these architectural and design specifications will be included as an enforceable condition of approval for the Project.</p> <p>Also as stated above (in Section III.A), the fact that Mr. Patterson may see things differently does not undermine the City staff's interpretation of the City's own planning documents. As explained further Section III.A, the City is afforded great deference in how it interprets its General Plan policies.</p> <p>Refer to response to Comment 076 and Section III.A for more details on these issues and how the Project will fit in with the character of the area, inclusive of the handful of adjacent residences that exist across S. Franklin Street.</p>
079	3.5-11	LU-10.4	“when it has been demonstrated that the development will be served with adequate water” ... “will be served with	<i>This assertion is not adequately supported in 3.7.</i>	[Policy/Consistency Analysis] Refer to Section IX.A, <i>infra</i> , on the sufficiency of water supply for the Project.

Comment	Page No.	Policy	DEIR Text	Comment	Response
			adequate water and wastewater treatment. All impacts related to utilities and services systems, including water and wastewater treatment, would be less than significant.”		
080	3.5-12	PF-1.3	“Consistent. Water Supply”	<i>Not justified, sea level rise impacts are excluded.</i>	[Consistency Analysis] Refer to Section IX.A, <i>infra</i> , on the sufficiency of water supply for the Project and Section V.B, <i>supra</i> , on why sea-level rise is not a factor the Project.
081	3.5-13	PF-1.3	“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.”	<i>Not accurate The City's water supply even with the reservoir is projected to be inadequate for existing development due to projected sea level rise.</i>	[Consistency Analysis] Refer to Section IX.A, <i>infra</i> , on the sufficiency of water supply for the Project and Section V.B, <i>supra</i> , on why sea-level rise is not a factor the Project.
082	3.5-13	PF-1.3	“Water supply analyses indicate the City has sufficient water supply to serve the projected buildout	<i>Not accurate or justified as discussed elsewhere.</i>	[Consistency Analysis] Refer to Section IX.A, <i>infra</i> , on the sufficiency of water supply for the Project.

Comment	Page No.	Policy	DEIR Text	Comment	Response
			of the City of Fort Bragg as currently zoned within the existing City Limits through 2040.”		
083	3.5-15	OS-5.2	“preserve existing healthy trees” ... “Consistent” ... “These trees would likely be removed and replaced with landscaping selected for the local climate”	<i>Not justified. Removal of the existing trees directly conflicts!</i> (See also Comments 026, 049, 053 [DEIR, pp. 3.1-11, 3.3-3 – 3.3-32])	<p>[Policy/Consistency Analysis] OS-5.2 requires “[t]o the maximum extent feasible and balanced with permitted use...that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.”</p> <p>Refer to Section IV.A, <i>supra</i>, on the four ornamental trees to potentially be removed as part of the Project and Section IV.E, <i>supra</i>, on the preclusion of planting of nonnative invasive species as landscaping.</p> <p>This policy, importantly, includes the nonmandatory, flexible language (i.e., “maximum extent feasible”). A proposed project is only inconsistent with the governing general plan if it “conflicts with a general plan policy that is fundamental, mandatory, and clear.” (<i>Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Supervisors</i> (1998) 62 Cal.App.4th 1332, 1341–1342 (<i>FUTURE</i>); see also <i>Endangered Habitats League, supra</i>, 131 Cal.App.4th at p. 782 [“[a] project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear”].)</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>Consistent with these legal principles, general plan policies that include vague, nonmandatory, or flexible language (i.e., “to the maximum extent feasible”) should not be interpreted as though they set stringent quantitative standards that absolutely must be satisfied. These types of broadly-worded general plan “goals” should generally be understood to be aspirational, and should not be mistaken for policies that are “fundamental, <i>mandatory</i>, and clear.”</p> <p>The language used in OS-5.2 is nonmandatory and flexible—aspirational even—and therefore the Project cannot be found to conflict with this policy. (<i>FUTURE, supra</i>, 62 Cal.App.4th at pp. 1341–1342.) Here, despite not being necessary, City staff has reasonably concluded that the Project does not conflict with Policy OS-5.2. If the City Council agrees, it will be afforded great deference on its interpretation. (See Section III.A.)</p>
084	3.5-20	OS-15.2	“but does not qualify as one of the types of open space addressed by this policy”	<i>False, misstates policy.</i> (See also Comments 051, 053 [DEIR, p. 3.3-32])	<p>[Consistency Analysis] OS-15. 2 requires that, “[d]uring the development review process, [the City and/or Applicant] protect and restore open space areas such as wildlife habitats, view corridors, coastal areas, and watercourses as open and natural.”</p> <p>The City accurately determined that, although the “southern portion of the site is vacant with a dirt</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>driveway,” it “does not qualify as one of the types of open space addressed by this policy.” (DEIR, p. 3.5-20.) The commenter takes umbrage with this determination and asserts that it “misstates policy,” but the commenter’s view need not carry the day. The City’s interpretation is reasonable. Nor does the commenter offer any evidence to support this assertion. An interpretation of a General Plan policy that prevented the development of parcels specifically identified for development would frustrate the policy of allowing development. General Plan provisions seemingly in tension with one another (e.g., pro-development and anti-development provisions) should be reconciled and harmonized to the extent reasonably possible. (<i>No Oil, supra</i>, 196 Cal.App.3d at p. 244–245.)</p> <p>The Project site is not designated or zoned for “Open Space,” which, under the Land Use Element of the Coastal General Plan (p. 2-7), is the designation given to “areas of land which are largely unimproved and used for the preservation of natural resources and habitats, passive outdoor recreation, scenic resources, or for the protection of public health and safety (e.g., preservation of floodplains).” Rather, the Project site is planned and zoned for commercial development. (DEIR, p. 2.0-2 [“[t]he Project site has a City of Fort Bragg General Plan land use designation of Highway Visitor Commercial (CH) and a City</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					zoning designation of Highway Visitor Commercial (CH)”). Moreover, the Project site does not contain “wildlife habitats, view corridors, coastal areas, [or] watercourses,” as demonstrated in the analysis presented in the DEIR, Chapter 3.1 (Aesthetics and Visual Resources) and Chapter 3.3 (Biological Resources). Refer also to Section III.A, <i>supra</i> , on the lack of scenic views from the Project site and Sections IV.B–D, <i>supra</i> , on the lack of active bird and bat habitat and the lack of wetlands onsite.
085	3.5-20	C-1.3	“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.”	<i>How? There is no enforceable requirement for these improvements or alleged special conditions. The DEIR should be revised to include these necessary improvements to justify a conclusion of consistency with this.</i>	<p>[Consistency Analysis] C-1.3 requires “new development in the exceedance of roadway and intersection Levels of Service standards” to fund its “prorate 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.” “Prorate share” and “fair share” are synonymous terms, and because Level of Service “would be exceeded” under cumulative conditions, it applies here.</p> <p>This policy is mandatory—the Applicant must comply with it and the City will enforce it. This fair-share contribution also will be included as a “Condition of Approval” that will bind both the Applicant and City to this requirement. (DEIR, p. 3.7-22 [“[t]he Grocery Outlet Store project proponents should contribute their fair share to</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					the cost of regional circulation improvements by paying adopted fees and making frontage improvements. In addition, the project should contribute its fair share to the cost of cumulatively needed improvements to the SR 1 (Main Street) / South Street intersection”].) Thus, this requirement is enforceable and the Project will be implemented with it intact. (See <i>Berkeley Hillside Preservation, supra</i> , 60 Cal.4th at p. 1119 [CEQA presumes that a project will be implemented as proposed].)
086	3.5-20	C-1.4	“specific time frames”	<i>This policy is about specific time frames but this purported consistency analysis omits that aspect</i>	[Policy] See below response.
087	3.5-21	C-1.4	“Assuming a \$500,000 traffic signal, the project’s contribution could be \$84,500.”	<i>But where is the specific time frame?</i>	<p>[Consistency Analysis] C-1.4 requires “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.” The commenter inquires about the time frame here.</p> <p>Policy C-1.4 is not triggered where a specific development is only paying a fair share fee to be used towards the completion of new public facilities required not only because of the specific development but also because of other past, present, and future development. Here, because the Project is only creating a portion of the need for certain new facilities, the policy does not</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>require a specific time frame for completing those facilities. The dates on which capital improvements funded by a fair share fee program are determined by the pace of development, as such development must occur before sufficient funding for the improvements has been provided to the City. The pace of development is affected by market factors and other external factors over which the City has no control (such as the need for Caltrans approval of improvements on facilities over which it has control).</p> <p>This issue was addressed in the Agenda Item Summary Report prepared in advance of the Planning Commission meeting of May 26, 2021, at which time the City was considering the Project in connection with a Mitigated Negative Declaration. On page 21, that report stated as follows:</p> <p>“The impacts of the Grocery Outlet Store project have been considered within the context of future traffic conditions in this area of Fort Bragg. Long term traffic conditions have been forecast and evaluated based on growth assumptions made in other recent traffic studies and based on understanding of other approved projects in this area.</p> <p>In a project plus future buildout scenario the project’s cumulative impact could be</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>significant at the Highway 1 (Main Street)/South Street intersection based on General Plan policy, since the project will cause the intersection to operate at LOS E, which exceeds the LOS D minimum, and peak hour traffic signal warrants will be met at some time in the future. To address future conditions at this location it will be necessary to install traffic controls that stop the flow of traffic on Highway 1 in order to allow side street traffic to enter, such improvements may include a traffic signal or a roundabout.</p> <p>Any improvements within the state right of way require Caltrans approval. At this time, Caltrans has indicated that it will not permit any traffic controls at this location, and therefore agrees with the recommendation of the Traffic Study that frontage improvements and contribution to a fair-share funding mechanism be required for future improvement.</p> <p>According to the analysis, project trips represent 16.1% of the future new traffic at the Highway 1 / South Street intersection. Assuming a \$500,000 traffic signal, the project's contribution could be \$84,500.</p> <p>In accordance with Policies C- 1.2 to C-2.1 described above, the results of the traffic</p>

Comment	Page No.	Policy	DEIR Text	Comment	Response
					<p>study, and Caltrans comments; to ensure the project is adequately served by transportation facilities, cumulative impacts associated with nearby and future development is incorporated, and the developer is funding their pro-rata share of the cost associated with future transportation needs the Staff recommends the addition of Special Condition 16.</p> <p>Special Condition 16: A “Fair-Share” agreement shall be entered into by the applicant to fund future traffic improvements as necessary. The agreement shall be in the form approved by the Director of Public Works and the amount shall be based on a traffic study performed by a qualified professional at the cost to the applicant. The “Fair-Share” agreement shall be executed and funds deposited with the City prior to certificate of occupancy.”</p>
088	3.5-21	C-1.5	“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	<i>This purported consistency analysis fails to address the schedule or completion time.</i>	[Policy] C-1.5 requires that, “[w]hen 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

Comment	Page No.	Policy	DEIR Text	Comment	Response
			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.”		completion.” The policy specifically states that the schedule for construction of roadway improvements will be established “when traffic impact fees are collected.” The DEIR, in addressing the Project’s consistency with this policy, is not required to contain a detailed schedule, as it is not known at present the time on which traffic impact fees will be collected. (See also the response to Comment 087 above.)
089	3.5-22	C-14.1	“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	<i>How?</i>	[Consistency Analysis] See response to Comment 087 on the Project’s fair-share contributions for roadway improvements.

Comment	Page No.	Policy	DEIR Text	Comment	Response
			improvements to the SR 1 (Main Street) / South Street intersection.”		
090	3.5-22	CD-1.1	“to” ... “the ocean”	<i>The issue for this project is that the new building will completely block the existing view TO the ocean through the project site from the S. Franklin Street right of way. That critical word "to" is conveniently omitted from this purported consistency analysis. The DEIR requires revision to discuss the views to the ocean and the significance of that change must be evaluated. Such analysis is currently omitted from the DEIR and this project is thus inconsistent with this applicable policy presenting a significant impact that is not acknowledged</i>	[Policy] Refer to the discussion in Section III.A, <i>supra</i> , on this specific policy and how and why the Project does not conflict with it.

Comment	Page No.	Policy	DEIR Text	Comment	Response
				<i>or mitigated. This issue also relates the the [sic] project alternatives, which should be selected and evaluated based, in part, on reducing this particular impact compared to the proposed project.</i>	
091	3.5-22	CD-1.1	“Consistent” ... “along the ocean” ... “the proposed structure will block an existing view of the ocean from the far northern portion of the project sit” ... “interrupted by two large trees”	<i>The trees do not actually block any of the existing ocean views through the site and hypothetical future view-blocking development is too speculative and not part of the baseline conditions so it should be excluded from this analysis. The DEIR requires corresponding revision.</i>	[Consistency Analysis] Refer to the discussion in Section III.A, <i>supra</i> , on this specific policy and how and why the Project does not conflict with it.
092	3.5-22	CD-1.4	“to the maximum feasible extent.” ... “Consistent”	<i>Same issues as CD-1.1. Conclusion is not justified</i>	[Policy] CD-1.4 requires new development to “be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.” Refer to response to Comment 083 on the use of

Comment	Page No.	Policy	DEIR Text	Comment	Response
					this nonmandatory and vague language (“maximum extent feasible”) in general plan policies. Refer also to the discussion in Section III.A, <i>supra</i> , on how and why the Project does not significantly impact any scenic views.

- B. Comment 071:** DEIR, pp. 3.5-8 – “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)” *** Note: the City Council can defer to or confirm staff’s suggested interpretation [sic] in general but it can only do so when the interpretation is reasonable and such an interpretation is not incompatible with applicable rules of statutory interpretation or relevant court opinions concerning. Some of the staff interpretations of CGP policies in this DEIR appear to violate applicable rules (e.g., by ignoring words as if they are meaningless [sic] which violates the rule against “surplusage”. ***

Response: Refer to Section III.A, *supra*, for an explanation on the high level of deference the City (both staff and Council) is afforded when interpreting its own General Plan policies. Refer also to the table in Section VI.B, *supra*, for an explanation of how the plain language of applicable policies warrant the consistency determination given by the City *and/or* why the City’s interpretation of its General Plan policies is absolutely reasonable and thereby warrants deference.

VII. NOISE

- A. Comment 104:** DEIR, p. 3.6-14. “The construction noise modeling includes an 8-foot-tall temporary sound barrier around the construction area.” *** Why? This analysis is improperly consolidated from the necessary two steps into one by including the mitigation measure in the initial impact analysis rather than the appropriate second and distinct step of [sic] evaluating the effectiveness of the proposed mitigation measure at reducing the otherwise significant impact. *** (See also Comment 106 [DEIR, p. 3.6-16])

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

Mitigation Measure 3.6-1 requires this sound wall:

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

(DEIR, p. 3.6-16.)

The Applicant consents to this measure and intends to implement it without any attempt to argue before the City Council that the measure should be rejected as infeasible. (See Pub. Resources Code, § 21081, subd. (c).) The DEIR may therefore assume that the sound wall will be used, and need not conduct a “before” and “after” analysis. The only reason to perform two separate analyses would be to account for the possibility that the City Council may not impose the measure. Given the Applicant’s willingness to use the temporary sound wall, such an outcome is highly unlikely.

The City’s approach is not precluded by *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-658 (*Lotus*), which encourages agencies to differentiate between mitigating project features and externally imposed mitigation measures and to analyze the effectiveness of the former. In *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185, the same appellate panel that had decided *Lotus* interpreted its earlier decision to hold that “any mischaracterization of a mitigation measure for a Project component” is error under CEQA “only if it precludes or obfuscates required disclosure of the project’s environmental impacts and analysis of potential mitigation measures.” Here, no such obfuscation or confusion exists. It is clear from the DEIR (and from this letter) that the noise mitigation for the Project *will* include a temporary sound wall. Thus, the City did not err in describing noise levels that assume that the sound wall will be used. Readers have not been misled or confused in any way. The Final EIR can clarify that the Applicant is agreeable to Mitigation Measure 3.6-1. This commitment essentially makes the use of the sound wall a part of the proposed Project.

VIII. TRANSPORTATION/TRAFFIC

Comment 002: DEIR, p. ES-2 – “[circulation and access] improvements...” ★★
“Improvements” should be changed to “alterations” ★★

Response: “Improvements” is the industry standard term to use when describing project modifications intended to enhance a transportation element. (See, e.g., DEIR, Appendix F [Traffic Impact Analysis by KD Anderson & Associates, Inc.], p. 1 [traffic specialist using the term].) It is used accurately here. Merriam-Webster-Webster defines “improvement,” as relevant here, as “something that enhances value.” (Meriam Webster,

Dictionary, <https://www.merriam-webster.com/> [accessed Nov. 4, 2022].) The Project will enhance the value of the site by improving access to it, by: (1) replacing a dirt driveway on the southern parcel with a “a new, 30-foot-wide entrance on N. Harbor Drive”; and (2) installing a new “35-foot entrance on S. Franklin Street” to replace the existing narrower entrances that currently contain cracked asphalt. (DEIR, p. 2.0-4.) These access improvements are also “alterations,” as indicated by the commenter, but will nevertheless improve access to the site.⁹

- A. **Comment 112:** DEIR, p. 3.7-5 – “... These movements were excluded from the LOS calculations. ...”
*** The LOS analysis should not exclude this relevant data and must be amended to include left turn delays *** (See also Comments 117, 121 [DEIR, pp. 3.7-14, 3.7-21])

Response: The commenter’s demands regarding level of service (LOS) are irrelevant to the legal adequacy of the DEIR because, as explained below, since late 2018, changes in LOS can no longer be considered a significant impact under CEQA.

In 2013, the Legislature passed legislation with the intention of ultimately doing away with LOS in most instances as a basis for environmental analysis under CEQA. Enacted as part of Senate Bill 743 (Stats. 2013, ch. 386), Public Resources Code section 21099, subdivision (b)(1), directed the Governor’s Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed CEQA Guidelines addressing “criteria for determining the significance of transportation impacts of projects within transit priority areas....” Subdivision (b)(2) of section 21099 states that, upon certification of those guidelines, “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion *shall not be considered a significant impact on*

⁹ The commenter takes issue with the use of the term “improvements” for installing improved site access, but subsequently uses it when discussing other transportation-related Project components, such as the installation of a new stop sign (Comment 111 [DEIR, p. 3.7-5]) and redirecting traffic to a specific intersection (Comment 119 [DEIR, p. 3.7-17]). It would appear, thus, that the commenter is aware that this commonplace term is applied to transportation-related enhancements. The commenter also does not take umbrage with the many other instances in the DEIR where this term is used to describe transportation-related Project components. (See, e.g., DEIR, pp. 3.7-42 [“frontage improvements”], 3.7-46 [“proposed design improvements shown on the site plan”].)

the environment pursuant to [CEQA], except in locations specifically identified in the [CEQA] guidelines, if any.” (Pub. Resources Code, § 21009, subd. (b)(2), emphasis added; see also DEIR, pp. 3.7-1 – 3.7-2, 3.7-25.)

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

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

- B. **Comment 134:** DEIR, p. 3.7-5 – “Table 3.7-18 shows the adjusted VMT results accounting for a trip redistribution from the Willits Grocery Outlet to the Fort Bragg Grocery Outlet of 1% and 9%.”

*** Table 3.7-18 is referenced but omitted. These conclusions lack any evidentiary support as a result. The only analysis suggests a significant impact. *** (See also Comments 135 and 136 [DEIR, p. 3.7-45])

Response: The commenter is correct—Table 3.7-18 was inadvertently omitted from this section. This table, prepared by traffic consultant Fehr & Peers, however, appears in Appendix H of the DEIR (p. 6), as follows:

Table 2: Project Effect on VMT Accounting for Trip Redistribution from Willits Grocery Outlet to Fort Bragg Grocery Outlet

Analysis Horizon Year	Scenario	Scenario VMT (1% redistribution)	Scenario VMT (9% redistribution)
Model Base Year 2009	No Project	659,672	659,672
	Plus Project	657,565	648,045
	Year 2009 Delta	-2,107	-11,627
Model Future Year 2030	No Project	763,620	763,620
	Plus Project	763,420	753,900
	Year 2030 Delta	-200	-9,720
Interpolated Baseline Year 2022 Delta		-927	-10,447

Source: Fehr & Peers, June 2022.

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

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

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

(DEIR, Appendix F [p. 35].)

Also on this subject, KD Anderson states:

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

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

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

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

(DEIR, Appendix G [pp. 8–9].)

Thus, the DEIR’s conclusion that “the re-routing of less of 1% of these trips would result in a net decrease in VMT for both baseline (2022) and future year (2030) conditions” is supported by the analysis of two different traffic experts, constituting ample substantial evidence. (See Pub. Resources Code, § 21082.2; Guidelines, § 15384.) The City should add Table 3.7-18 to the FEIR; however, its inclusion will not be new information because it already existed in the DEIR. The above-referenced appendices were: (1) included as part of the publicly circulated DEIR; (2) expressly identified in the Table of Contents (p. TOC-5); (3) specifically cited at the beginning of Section 3.7 (p. 3.7-1); and (4) readily and easily accessible to readers. (See *Ocean Street Extension Neighborhood Assn. v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1006–1008 (*Ocean Street*) [in upholding EIR, court relies in part on appendix, which the court considered to be part of the EIR: “[t]he FEIR explains that there are possible significant effects that were determined not to be significant with mitigation measures in place and directs readers to the appendix for more detail”].)

Moreover, “CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure.” (Guidelines, § 15003, subd. (f).) Omissions of the kind at issue here are common in any human undertaking (such as preparation of an EIR), and the problem can be easily cured in the Final EIR.

IX. UTILITIES AND SERVICE SYSTEMS

- A. **Comment 149:** DEIR, p. 3.8-16 – “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. (Less than Significant).”

*** There is no evident [sic] supporting analysis for this assertion. *** (See also

Comments 150–153 [DEIR, pp. 3.8-16 – 3.8-17])

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

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

The Project “is estimated to demand 1,288 gallons per day” of water according to the City’s data that commercial space utilizes approximately “78 gallons [of water]/1,000 square-feet (SF) of commercial space.” (*Id.*, p. 3.8-17.) The Project’s estimated water demand increases to 2,699 gallons per day when using the “the 1986 Water System Study and Master Plan... showing a rate of 1,656 gallons per day/gross acre of commercial.” (*Ibid.*) Both of these numbers, however, represent a very conservative estimate because, based on current and reliable data from comparable Grocery Outlet stores in Northern California, the Project will use between 300 to 450 gallons of water per day. (*Ibid.*) Obviously, even an absolute maximum use of 2,699 gallons per day represents merely a tiny fraction of the City’s existing operational supply of 3.3 million gallons and its current overall appropriation of 741 million gallons. (See *Ocean Street*,

supra, 73 Cal.App.5th at pp. 1019–1021 [court upholds conclusion that the water supply impacts of multifamily housing project were less than significant; project would consume “less than one hundredth of one percent of the total estimated future water demand within the City’s service area”].)

The water supply/demand data presented in the EIR constitute “facts” and “reasonable assumptions predicated upon [these] facts” supporting the conclusion that the Project’s water supply impacts will be less than significant. (Pub. Resources Code, § 21082.2; Guidelines, § 15384.) Moreover, the Project’s water demand (or the demands of another allowable by-right commercial land use that would consume as much or more water) are accounted for in current planning documents (e.g., the Coastal General Plan), upon which the City would have predicated its water growth analysis and projections. Thus, the Project’s “contribution [to water demand] is “already accounted for in the [City’s] estimates.” (*Ocean Street, supra*, 73 Cal.App.5th at p. 1020.) “Accordingly, the EIR provides adequate information to allow for informed decisionmaking, and there is substantial evidence in the record...to support the City’s conclusions.” (*Id.*, at p. 1021.)

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

Moreover, the commenter’s assertion that the DEIR’s conclusion on water supply and storage “is not justified when projected sea level rise is factored into the City’s working water model” is inaccurate and misplaced. (Comment 150 [DEIR, p. 3.8-16].) As explained in Section V.B, *supra*, the Project would not be impacted by, nor would it impact, sea-level rise because of its positioning relevant to the ocean. And, as explained in Section V.A, *supra*, the proposed Project does not include updating the “City’s working water model.” Therefore, any comments on that theoretical future project, which would occur separate and apart from the instant proposed Project, do not apply here.

- B. **Comment 154**: DEIR, p. 3.8-25 – “The following mitigation measure requires the Project applicant to install storm drainage infrastructure that meets standards and specifications of the City of Fort Bragg. Prior to the issuance of a building or grading permit, the Project applicant would be required to submit a drainage plan to the City of Fort Bragg for review and approval. The plan would be an engineered storm drainage plan that calculates the runoff volume and describes the volume reduction measures, if needed, and treatment controls used to reach attainment consistent with the Fort Bragg Storm Drain Master Plan and City of Fort Bragg Design Specifications and Standards. Overall, drainage impacts would be reduced to less than significant.”

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

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

Here, the Project will result in the construction of new stormwater drainage components and facilities. The Project includes onsite “post-construction BMPs [best management practices], which include bioretention facilities sized to capture and treat runoff from the proposed impervious surfaces produced by the 24-hour 85th percentile rain event and landscaped areas throughout the Project site to encourage natural stormwater infiltration.” (DEIR, p. 3.8-24; see also *id.*, p. 2.0-5.) The Project also includes “the construction of [offsite] pedestrian facilities, including curbs, gutters, and sidewalks along the north, south, and east side of the Project site.” (*Id.* at p. 3.8-24.) These offsite facilities, included as part of the Project (*id.*, p. 2.0-5), would “convey flows

from the post-construction BMPs at the Project site to the existing Caltrans stormwater drainage system located west of the Project site on State Highway 1.” (*Id.*, p. 3.8-24.)

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

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

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

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

The City should correct this editorial error in the FEIR and remove this reference to a nonexistent mitigation measure on page 3.8-25 of the DEIR and consider, at its discretion, inserting additional information in the discussion of Impact 3.8-6 regarding the above-mentioned SWPPP and its role in ensuring that construction of offsite stormwater drainage facilities would have a less-than-significant impact to water quality.

- C. **Comment 155:** DEIR, p. 3.8-27 – “Policy OS-8.1. Comply with State requirements to reduce the volume of solid waste through recycling and reduction of solid waste.”
*** But the project involves avoidable generation of solid waste because of the demolition. That doesn’t reduce solid waste, it increases it. *** (See also Comment 156 [DEIR, p. 3.8-29])

Response: Demotion is a one-time event that will produce a finite amount of solid waste within a month’s period of time. (See DEIR, p. 3.2-17 [estimated construction schedule].) Furthermore, this waste will be reduced by at least half pursuant to the “California Green Building Standards Code (California Code of Regulations Title 24, Part 11),” which require that “50 percent construction/demolition waste must be diverted from landfills.” (*Id.*, p. 3.4-16.) In addition, the City has its own waste diversion requirements for demolition material, which require “[s]eventy-five percent of waste tonnage of concrete and asphalt” to be recycled, reused, or otherwise diverted from being landfilled. (Fort Bragg Municipal Code, § 15.34.020.) Prior to issuance of a demolition or building permit, the City requires applicants to submit a “waste management checklist” showing “how the applicant will satisfy the diversion requirement....” (*Id.*, § 15.34.060.)

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

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X. CUMULATIVE IMPACTS

- A. **Comment 157:** DEIR, p. 4.0-4 – “For these reasons, cumulative impacts on aesthetics are less than significant, and the proposed Project’s impact is less than cumulatively considerable. No mitigation is required.”

*** None of this analysis includes the projection method listed on the previous page as being applied to this DEIR. How is this conclusion justified without any projections based on the relevant analysis in the Coastal General Plan or other adopted planning documents? *** (See also Comments 158, 160-162, 165, 167, 171, 175-177, 179 [DEIR, pp. 4.0-5, 4.0-7 – 4.0-9, 4.0-14, 4.0-17, 4.0-22 – 4.0-25])

Response: As explained in the DEIR: “There are two approaches to identifying cumulative projects and the associated impacts. The list approach [and] [t]he projection approach.” (DEIR, p. 4.0-3.) The projection approach is employed here. This approach “uses a summary of projections in adopted General Plans or related planning documents to identify potential cumulative impacts.” (*Ibid.*) This projection approach is often encompassed in project-level analysis where an assessment of project impacts requires a detailed evaluation of how a project comports with adopted planning documents, which inherently account for local and regional development as a whole (i.e., cumulative development). For example, for impacts to aesthetics and visual resources, the DEIR looks to the applicable adopted planning documents to determine what is allowable in the area for *all* development and land uses and how the Project fits within that cumulative context in terms of visual resources. (See DEIR, Chapter 3.1.) Put another way, these planning documents contain development and land use projections for, and limitations to, the cumulative area of development for the Project. By determining how the Project fits within these cumulative planning parameters, the DEIR de facto analyzes a cumulative effect.

To demonstrate, the DEIR looks at the applicable policy of the Coastal General Plan to determine the Project’s impacts on visual resources. (See DEIR, pp. 3.1-6 – 3.1-9.) The Coastal General Plan is the primary planning document that dictates development for the entire Project area, not just the Project site. Thus, when the DEIR determines that the Project is consistent with the applicable policy (such as a City-wide guideline or standard or code) related to visual resources, and therefore has no significant impact on visual resources, the City also is determining that the Project has no significant

impact on the totality of the entire area's visual resources, cumulatively, because these policies and standards and codes account for, and dictate development for, the totality of the area. To wit, as concluded in Chapter 3.1:

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

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

This reasoning could apply to any analysis that looks to adopted area, regional, or state planning documents for its impact determinations. (See, e.g., the cumulative assessments of the following: biological resources, wherein "[t]he General Plan(s) includes policies that are designed to minimize impacts to the extent feasible" [DEIR, p. 4.0-8]; hydrology and water quality, wherein the Project, like all others in the area, "would be required to obtain a Coastal Development Permit (CDP), which requires conformance with all relevant regulations of the City of Fort Bragg, including Chapter 17.64 Stormwater Runoff Pollutions Control and Chapter 12.14 Drainage Facility Improvements of the CLUDC" [*id.*, p. 4.0-13]; land use, wherein impact significance is determined in large part by "consistency with adopted plans and regulations" that apply uniformly to all area development [*id.*, p. 4.0-14]; mineral resources, wherein "[a]ccording to the City's General Plan Draft EIR, there are no mapped or known mineral resources in the Fort Bragg SOI" [*id.*, p. 4.0-15]; and population and housing, wherein "all lands within the General Plan jurisdiction have been planned to accommodate growth within the City have been evaluated in the General Plan FEIR"

[*id.*, p. 4.0-17].)

If the City concludes that DEIR could have been more explicit in connecting these dots in its analyses of certain cumulative impacts, the City could so choose, at its discretion, to include additional explanation and clarification in Section 4.1 of the FEIR. The City may also choose to clarify its cumulative analysis for other resource areas to better explain how its chosen methodology was utilized.

- B. Comment 164:** DEIR, p. 4.0-12 – “Therefore, implementation of the proposed Project would have a significant and unavoidable and cumulatively considerable contribution [Greenhouse Gases, Climate Change and Energy, Impact 4.7, Cumulative Impact on Climate Change from Increased Project-Related Greenhouse Gas Emissions (Less than Significant and Less than Cumulatively Considerable)].”

★★ What? This states that there is a significant and cumulatively considerable impact but that is not explained nor are possible mitigation measures evaluated in the DEIR. ★★ (See also Comment 163 [DEIR, p. 4.0-11])

Response: The commenter is correct that the DEIR states that the Project would have a “cumulatively considerable contribution” on climate change from increased project-related greenhouse gas emissions. (DEIR, p. 4.0-12.) That conclusion is inaccurate, however, and likely an editorial oversight on the part of the consultant who prepared the DEIR. The Executive Summary characterizes cumulative GHG-related impacts to be less than cumulatively considerable. (*Id.* at p. ES-16.) And Section 4.3 confirms that the Project will not cause “[n]o significant and unavoidable impacts.” (*Id.* at p. 4.0-26.)

The section of the DEIR (3.4) dealing with greenhouse gas emissions generated by the Project concludes that they do not result in a significant impact. (*Id.* at pp. 3.4-26 – 3.4-36.) In addition, the DEIR’s cumulative impacts analysis explains how the Project does not result in a cumulatively considerable impact because it “would not conflict with any of the GHG reduction measures contained with the CARB’s 2017 Scoping Plan Update and the MCOG’s RPT.” (DEIR, p. 4.0-11.) The DEIR reaches this latter conclusion by applying an appropriate threshold (evaluating the Project for consistency with “the GHG reduction measures containing in the CARB’s 2017 Scoping Plan Update and the MCOG’s 2017 RTP.” (*Ibid.*) All of these conclusions are foreshadowed

in the Executive Summary chapter of the DEIR. (*Id.* at p. ES-11.)

The commenter asserts that this threshold is “not relevant” for a cumulative impact assessment, but he is mistaken. (Comment 163 [DEIR, p. 4.0-11].) A principal way to cumulatively assess a project’s GHG emissions and contribution to climate change in an EIR is to look at applicable state reduction measures because climate change is not a local issue and state measures account for the cumulative effects of climate change. And, that is exactly what the DEIR did.

In *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 219, the California Supreme Court explained that the analysis of a single project’s contribution to climate change inherently involves the question of whether the project’s impacts are “cumulatively considerable.” “[B]ecause of the global scale of climate change, any one project’s contribution is unlikely to be significant by itself. The challenge for CEQA purposes is to determine whether the impact of the project’s emissions of greenhouse gases is cumulatively considerable[.]” One viable method for addressing this question is by considering a project’s consistency with “statewide goals” to reduce GHG emissions, as reflected in the Scoping Plan. (*Id.* at p. 220.)

In addition, Guidelines section 15064.4, subdivision (b), provides that “[a] lead agency should consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment: *** (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.” Echoing this language, the sample Initial Study checklist found in Appendix G to the Guidelines asks whether a proposed project “[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases[.]” (Guidelines, appen. G, Evaluation of Environmental Impacts, § VIII (Greenhouse Gas Emissions).)

In short, the City’s analytical approach to assessing the significance of GHG-related impacts is solid, and there is ample support for the conclusions that those impacts are less than significant and less than cumulatively considerable. The commenter has noted a clerical or editorial error, however, that the City should correct in the FEIR.

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- C. **Comment 172:** DEIR, p. 4.0-20 – “Overall, implementation of the proposed Project would have a less than significant and less than cumulatively considerable impact relative to this topic [Transportation and Circulation, Impact 4.1-5, Under Cumulative conditions, the proposed Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) (Less than Significant and Less than Cumulatively Considerable)].”
*** How? The performance method was not done. ***

Response: Please see our response in Section X.A, *supra*, wherein we explain that the DEIR relies on the projection approach for the analysis of cumulative impacts, as allowed by CEQA.

We would also like to address an issue related to cumulative impacts raised by Councilmember Tess Albin-Smith in an October 28, 2022, letter to City of Fort Bragg Associate Planner Heather Gurewitz. In that letter, Councilmember Albin-Smith indicated that the City Council should consider requiring that, as a condition of Project approval, the Applicant install an entirely new access road from Cypress Street into the harbor.

We respectfully respond by noting that requiring such a road as a condition of Project approval would not be proportional mitigation to the impacts from the Project, and would therefore be unconstitutional.

The CEQA Guidelines describe the constitutional limitations on mitigation measures and the United States and California Supreme Court cases that explain them:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 438 U.S. 825 (1987) [(*Nollan*)]; and

(B) The mitigation measure must be “roughly proportional” to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994) [(*Dolan*)]. Where the mitigation measure is an ad hoc exaction, it must be “roughly proportional” to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(Guidelines, § 15126.4, subd. (a)(4).)

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In *Nollan*, the United States Supreme Court explained that, in order for a condition of project approval to be valid, a “nexus” must exist between the condition and a negative consequence or impact of the project that would justify denial of the project. (438 U.S. at pp. 834–837.) In *Dolan*, the high Court considered the next step in the analysis and addressed, once there is a nexus between a project’s impacts and an exaction: just how extensive the burdens of the exaction may be. The Court explained that there must be a “rough proportionality” between the extent of the impacts caused by a project approval and the extent to which the exactions actually mitigate such impacts. “No precise mathematical calculation is required, but the [agency] must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.” (512 U.S. at p. 391.)

In *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854 (*Ehrlich*), the California Supreme Court applied the rigorous *Nollan* and *Dolan* standards to an ad-hoc exaction (i.e., an exaction imposed on an individualized basis as part of the environmental review process for a particular project, and not as the result of any generally applicable ordinance). There, the court held that a city acted improperly in assessing a \$280,000 “recreation fee” against a property owner as a condition of approving a residential project requiring a general plan amendment, specific plan amendment, and rezone. The court determined that the fee was unconstitutional because \$280,000 was the amount needed to build new *public* recreational facilities in order to replace the *private* facilities that would be “lost” because of the project. The city’s approach wrongly assumed that the fee should fund the construction of new facilities that would be open, without further cost, to the public at large. The “lost” facilities, though, were private facilities funded through the marketplace by membership dues. The court explained that the plaintiff was “being asked to pay for something that should be paid for either by the public as a whole, or by a private entrepreneur in business for profit.” (*Id.*, p. 883.)

Here, similarly, requiring construction of a new access road into the harbor as proposed by Councilmember Albin-Smith would be an unconstitutional ad-hoc exaction. The impacts of the Project do not justify requiring the Applicant to bear the very large costs that would be involved. As described in the DEIR, the Project will contribute the following percentages to 2040 cumulative weekday PM peak hour traffic: 10.8% at SR

1/Cypress Street; 16.1% at SR 1/South Street; and 14.4% at SR 1/North Harbor Drive. (DEIR, p. 3.7-22 [Table 3.7-16].) These percentages are comparatively modest, and certainly cannot justify burdening this Project with the entire cost of constructing a new access road from Cypress Street into the harbor. Such a requirement would not meet the “roughly proportional” requirement under *Dolan* and *Erhlich*, and would therefore be unconstitutional.

Moreover, comparable development is already permitted by-right, under existing land use designation and zoning. The Applicant could pursue the by-right uses without any opportunity for the City to compel funding such a huge improvement as a new road. This possible scenario further highlights the unreasonableness of the exaction proposed by Councilmember Albin-Smith. Regardless, the Applicant has no complaints about paying its true fair share of the costs of needed improvements, as discussed earlier.

* * *

We hope that this letter will be helpful to the City staff and De Novo Planning as you work together to complete the Final EIR for the Project. As noted earlier, we fully recognize that CEQA and the Guidelines require the City to exercise its independent judgment in determining what portions, if any, of the materials and information included herein should be used in the preparation of the Final EIR. Our goal, like yours, is for the City to prepare a legally defensible document.

Very truly yours,



James G. Moose
Casey A. Shorrock

Cc: Keith Collins (kfc@jones-mayer.com)
Terry Johnson (terry@bestprop.net)
Carl Best (carl@bestprop.net)
Scott Best (scott@bestprop.net)
John Barney (john@bestprop.net)

Attachment: Feasibility study for reuse of an existing building Franklin Blvd Alternative
(dated August 5, 2022)

Feasibility study for reuse of an existing building Franklin Blvd in Fort Bragg

Property address: 825 S. Franklin Blvd., Fort Bragg California

My name is Thomas Jones, former Vice President of Hilbers Inc. I have 34 years of construction experience and have built over twenty Grocery Outlets and many other grocery stores.

My findings for the above mentioned building are as follows:

I recently evaluated the above named property and have determined that the existing building is extremely energy inefficient and practically inaccessible for those with disabilities. These inadequacies are especially significant in comparison to what a new building at the site could provide.

The existing roof structure will not allow any additional mechanical loads or modifications. This includes efficient heating and cooling systems and proper ventilation. The roof is at its maximum loading therefore no additional heating and/or air conditioning could be added which is necessary for energy efficiency and current environmental needs. New equipment on a new supportive building would allow highly efficient heating and cooling systems and expend substantially less greenhouse gases.

The existing roof structure bottom of the roof truss is at 12 foot, which will not allow efficient product racking and display or proper product layout. The existing roof structure cannot be modified to accommodate a minimum height of 18 foot which is required by Grocery Outlet.

The existing structural columns are unreinforced. There are no attachments from foundation through roof structure. A major seismic upgrade would be needed due to the fact that the existing structure does not meet current codes nor would it allow the loads that are demanded by a Grocery Outlet structure. For example, existing walls would have to be removed and replaced with structural seismic shear panels from below the foundation through the roof structure. Also, the column layouts do not work for the store floor plan.

The back of house storage is only 10 foot which will not allow product storage which is needed for back stocking of products. This is due to the fact that this is a remote location and more items will need to be stored for a longer period of time. The existing building will not allow for the proper backstock that would be needed for this location since it is so remote from a distribution center. A new building would be able to accommodate this need.

The electrical services to this building are too small and phased incorrectly. The entire electrical system is outdated and is not compatible for the needs of a Grocery Outlet. A new building would use much less electricity and would be much more energy efficient.

The existing concrete floor is only 4 inches thick and unreinforced which will not allow a heavy loaded forklift to drive on the slab as needed for stocking the store. As mentioned previously, with the remote location, heavy forklift use will be needed more than any other normal location.

The layout of the existing building does not work as an L-shaped. A large amount of the storage is needed which this building does not allow.

There is no way to modify this existing building to accommodate a Grocery Outlet floor plan.

The way the existing building sits on the property will not allow proper parking or proper flow into the building that is required by code and the Americans with Disabilities Act. The way the existing building sits creates significant access issues for those with disabilities. A new building that is built with access issues in mind would be in compliance with the ADA and better serve the entire community.

There is no way to add a loading dock to the existing building which is a must for this remote location due to the proximity of the building location. There is no way to modify. Grocery Outlet requires a loading dock for all locations.

The building has asbestos characteristics, including, but not limited to, asbestos in the roofing materials, insulation, drywall, acoustical ceiling, flooring materials and exterior finishes. This limits the ability to modify it. The environmental impact of trying to remedy the asbestos would be costly to the community. The demolition of the existing building and the construction of a new building, however, would result in encapsulating the asbestos and it could be hauled off without any environmental impact.

The current building does not meet current codes (for instance, enlarging window openings for natural light, relocation of ingress and egress from the building, and life safety exits, etc), nor could you make modifications to meet codes that are required for the Grocery Outlet standard building needs.

All existing utilities servicing the building are undersized, outdated, and incomplete therefore existing utilities make the building unfeasible.

In conclusion, in my opinion, this building has no reuse value for a Grocery Outlet due to the findings discussed herein. Not only would it create an environmental hazard to remodel it, but it would likely come at a price to the disabled population and create pollution that would not occur with the construction of a new building in its place. Therefore, my recommendation would be to remove the existing building and site work and construct a new building at the location. This would facilitate access for all in an environmentally friendly manner.


8/5/22

January 10, 2023

Ms. Heather Gurewitz
City of Fort Bragg
Community Development
Associate Planner
416 North Franklin Street
Fort Bragg, CA 95437

Re: Urban Decay Study for Fort Bragg Grocery Outlet

Dear Ms. Gurewitz:

As you will recall, the comment letter from attorney Mark Wolfe on the Draft EIR for the proposed Best Grocery Outlet project, submitted on behalf of Fort Bragg Local Business Matters, recommended the preparation of a formal urban decay analysis for the project. As an example of an urban decay study that "illustrates the scope and depth of analysis that is appropriate for meaningful consideration of a grocery store's potential to negatively affect sales in other grocery facilities," Mr. Wolfe attached a report undertaken by ALH Urban & Regional Economics for a proposed shopping center in Walnut Creek, which, as Mr. Wolfe recognized, was a project much larger than the Best Grocery Outlet project.

In order to ensure that the issue of urban decay was fully considered, Best Development Group commissioned that very same firm, of which I am the Principal, to prepare an analysis for the Grocery Outlet project. The resulting study is attached, and is intended to assist the City with the preparation of the Final EIR.

Sincerely,

ALH Urban & Regional Economics



Amy L. Herman
Principal

January 10, 2023

Terry Johnson
Best Development Group
2580 Sierra Blvd., Suite E
Sacramento, CA 95825

Re: Grocery Outlet Urban Decay Analysis in Fort Bragg, California

Dear Mr. Johnson:

ALH Urban & Regional Economics (ALH Economics) has prepared an economic analysis of a proposed 16,157-square-foot Grocery Outlet store in Fort Bragg, California, located in Mendocino County. The purpose of the analysis is to provide an assessment of the potential for the store to coexist with existing nearby retailers and to assess the potential for development of the store to cause or contribute to urban decay. You are seeking this analysis to address public comments made about the project during the City of Fort Bragg approvals process.

For the purpose of this analysis and in accordance with the California Environmental Quality Act (CEQA), “[U]rban decay is 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 multiple 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, or the health, safety, and welfare of the surrounding community. ***The manifestations of urban decay include such visible conditions as plywood-boarded doors and windows, parked trucks and long term unauthorized use of the properties and parking lots, extensive gang and other graffiti and offensive words painted on buildings, dumping of refuse on site, overturned dumpsters, broken parking barriers, broken glass littering the site, dead trees and shrubbery together with weeds, lack of building maintenance, abandonment of multiple buildings, homeless encampments, and unsightly and dilapidated fencing.***” (Joshua Tree Downtown Business Alliance v. County of San Bernardino (2016) 1 Cal.App.5th 677, 685, emphasis added.)

This study specifically focuses on assessing the urban decay potential of the proposed development of the Grocery Outlet store. This is achieved by performing the following tasks:

- Obtain information about the proposed Grocery Outlet store;
- Review Grocery Outlet documents regarding store sales and operations, and obtain operating information from Grocery Outlet;

- Estimate the store's primary market area, i.e., the area from which the majority of the store's consumers are anticipated to originate;
- Obtain market area demographic data and estimate the retail demand profile for the store's primary market area;
- Conduct retail sales leakage and attraction analyses for the primary market area and Mendocino County;
- Conduct fieldwork to review the store's proposed site, to identify nearby food stores, and to evaluate existing nearby real estate market conditions;
- Estimate the proposed store's impacts on existing primary market area retailers; and
- Assess the extent to which the Grocery Outlet operations may or may not cause or contribute to urban decay.

The study findings are presented in this report. These findings are subject to the assumptions and general limiting conditions included at the end of the report. Select tables are included in the text, with exhibits presented in Appendix A. For general information purposes, a description of ALH Economics and resume of the firm Principal, Amy L. Herman, are included in Appendix B.

SUMMARY OF FINDINGS

Store and Primary Market Area Characteristics

The proposed value-oriented Grocery Outlet store is estimated to serve a primary market area along coastal Mendocino County, extending from Cleone to the north and Point Arena to the south. This area has a population base of 21,384 people and 9,565 households with average household incomes in 2022 of \$84,331.

The Grocery Outlet store is estimated to achieve annual sales of \$6.5 million during its first year of operations, comprising \$2.3 million in perishable goods and \$4.2 million in non-perishable goods. Prices at Grocery Outlet are generally 40% to 70% below conventional retailers and 20% below the leading discounters.

The primary market area households are estimated to generate demand for \$258.5 million in annual retail sales, including \$40.1 million in food and beverage store sales. Overall, as of 2021, the area is characterized by retail sales leakage in all major retail categories except food and beverage stores, building materials and garden equipment, and gasoline stations. The attraction in food and beverage stores comprises 60% of all food and beverage sales, where the retail leakage in all other categories range from -12% to -78% of sales. The high leakage amounts generally indicate that the primary market area is under-retailed relative to the demand generated by its population base.

Existing Potential Competitive Stores

There are a select number of stores in Fort Bragg, nearby Mendocino, and the general primary market area environs that might be competitive to varying degrees with the proposed Grocery Outlet because of the availability of overlapping sales merchandise. These stores are a subset of the following categories of stores: Grocery Stores; Natural Food Stores; Other Stores with Substantial Food and Beverage Sales; Convenience Stores; and Gas Station Convenience Stores. Of all these

stores, the existing stores that are anticipated to have more food and related sales overlap with Grocery Outlet relative to other area stores include the full-service grocery stores, of which there are four (including one in Mendocino), and the general merchandise store Dollar Tree. The Natural Food Stores, Convenience Stores, Other Stores with Substantial Food and Beverage Sales (excluding Dollar Tree), and Gas Station Convenience Stores are not anticipated to experience much, if any competitive overlap.

Grocery Outlet Impact on the Retail Market

Based on the estimated Grocery Outlet store sales by type of retail, and the volume of sales estimated to be supported by primary market area residents, the proposed Fort Bragg Grocery Outlet store will need to capture only 2.1% of primary market area food and beverage sales to achieve stabilized sales consistent with national Grocery Outlet store performance standards. This is a very small capture rate. The capture rate is higher for non-perishable primary market area sales; however, these sales categories are estimated to have existing retail leakage in the primary market area. Thus, no sales impact is anticipated among stores selling non-perishable goods comparable to Grocery Outlet, as the recapture of these sales will reduce the existing leakage, making the primary market area's retail base stronger.

These findings suggest that the existing primary market area food and other stores selling goods in common with Grocery Outlet are unlikely to experience strong individual store sales impacts resulting from the operations of the proposed Grocery Outlet Store. If sales are diverted from any existing stores resulting from Grocery Outlet's operation, they will be dispersed among many of the stores, such that no one store is likely to experience sales loss sufficient to significantly impact store sales. The full-service orientation and unique offerings at the existing grocery stores will help insulate them from the nominal amount of competitive food item sales anticipated at Grocery Outlet. Moreover, these stores have established customer bases. Accordingly, they will have the ability to modify their product mix to maximize sales in products not available at Grocery Outlet General yet targeted to meet the needs of its loyal customers.

Grocery Outlet does not exactly duplicate the market niche or product focus of any of the primary market area stores, although it is closest to Dollar Tree in its discount orientation, as well as nonperishable product offerings. However, given Grocery Outlet's relatively low levels of projected sales, Dollar Tree's pronounced general merchandise orientation, and distance from the proposed Grocery Outlet site, there is unlikely to be even a noticeable impact on Dollar Tree following the Grocery Outlet's opening.

Evaluation of Urban Decay

There are a range of commercial retail building or retail space vacancies scattered throughout the primary market area. Most of the vacancies are in Fort Bragg, and especially Downtown Fort Bragg or at The Boatyard Shopping Center. The vacancies are primarily located in small, older buildings, with many vacant for extended periods of time, such as two or more years. Many of the identified vacancies have been vacant since prior to the COVID-19 pandemic, or even earlier. However, many of the vacancies are not being actively marketed. This is evidenced by the lack of signage on the properties with commercial broker names, phone numbers, or even owner contact information. The physical condition of the vacancies varies, with some in well-kept condition and others appearing

more rundown, or in less manicured condition, such as peeling paint in need of refreshing. None of the vacancies, however, exhibit classic signs of urban decay, such as graffiti, boarded up doors or windows, broken windows, or excessive trash. Moreover, despite the presence of some long-term commercial vacancies, there are indications of recent retail leasing activity in Fort Bragg.

Conclusion

The study analysis does not suggest any retailers would be at risk of losing retail sales sufficient to result in store closure leading to increased commercial vacancy as a result of Grocery Outlet's development, and thus there would likely be no risk for their properties to erode into conditions leading to urban decay. Yet, if such an event were to occur, there is no indication from the market that urban decay would result from such a store closure. Even properties that have been closed for longer periods of time, up to four years or more, continue to be maintained in reasonable condition and, most importantly, are not indicative of urban decay. Thus, real estate market conditions in Fort Bragg do not appear to be conducive to urban decay.

Therefore, pursuant to the existing market conditions, projected retail supply and demand conditions, and Grocery Outlet project orientation, ALH Economics concludes that there is no reason to consider that development of the proposed Grocery Outlet store would cause or contribute to urban decay.

PROPOSED GROCERY OUTLET STORE

The Best Development Group is seeking entitlements for a Grocery Outlet store on 1.63 acres comprising three parcels in Fort Bragg (the "Project"). These three parcels would be merged to create one parcel to accommodate the new retail store. The development site is located at the cross streets of South Franklin St. between South St. and North Harbor Drive, on the site of a vacant former office building locally referred to as the "Old Social Services Building." The existing office building has not been leased since 2010 but has been used for storage since then. The store would be a stand-alone structure with dedicated off-street parking. Including store management, the store is anticipated to employ 20 full-time employees and 10 part-time employees.

As stated in the company's SEC 10-K, Grocery Outlet is a value-oriented grocery retailer that sells a mixture of everyday staple products and an ever-changing assortment of customer deals, at prices generally 40% to 70% below conventional retailers and 20% below the leading discounters. Grocery Outlet stores are designed in a small-box format, and feature many name-brand consumables and fresh products. The stores are independently operated and include product offerings in grocery, produce, refrigerated and frozen foods, beer and wine, fresh meat and seafood, general merchandise, and health and beauty care. One can visit two Grocery Outlet stores in the same community and see different merchandising products available for sale based on varied purchasing strategies of the two stores. In this manner, each store's independent operator can tailor the store to their community. Grocery Outlet strives for each independent operator to offer shoppers a fun, treasure hunt shopping experience with an ever-changing assortment of "WOW!" deals, generating customer excitement and encouraging frequent visitors from bargain-minded shoppers.¹

¹ Many of these statements are summarized from "Form 10-K, Grocery Outlet Holding Corp., For the fiscal year ended January 1, 2022," pages 3 and 4.

In 2021, Grocery Outlet operated 415 stores throughout the United States, with net sales of \$3,079,582,000. This was equivalent to average store sales of \$7.4 million per store.² An average of 35% of all store sales comprised perishable goods.³ Because Grocery Outlet stores are in a mix of locations, and reflect a range of maturity, ALH Economics queried Grocery Outlet regarding the following: a prospective annual store sales estimate for the proposed Fort Bragg store; and if the store would be expected to initially achieve the national average or start at a lower average given its new store status and location in a small, rural market. In response, Grocery Outlet provided a year one store sales estimate of \$6,500,000, or \$125,000 per week, increasing modestly for five years to full stabilization. ALH Economics believes this year one sales estimate at about 88% of the 2021 national average is reasonable, and is appropriate to reflect for study purposes. Accordingly, Table 1 presents assumptions for the Fort Bragg Grocery Outlet store sales.

**Table 1. Projected Fort Bragg Grocery Outlet
Store Sales, 2022 Dollars**

Store Sales Category	Grocery Outlet Sales	
	Percent	Amount
Total Store Sales	100%	\$6,500,000
Perishable Goods	35%	\$2,252,509
Produce	13%	\$868,825
Meat and Seafood	6%	\$386,144
All Other (Dairy, Deli, Floral)	15%	\$997,540
Sub-total		\$2,252,509
Nonperishable Goods	65%	\$4,247,491

Sources: "Form 10-K, Grocery Outlet Holding Corp., For the fiscal year ended January 1, 2022," Grocery Outlet Holding Corporation, pages 48, 50, and 71; Grocery Outlet; and ALH Urban & Regional Economics.

As a subset of the 35% perishables estimate, for the purpose of this study, historic information provided by Grocery Outlet to ALH Economics provides a further breakdown indicating 13% of store sales are anticipated to comprise produce, 6% meat and seafood, and 15% all other perishables, e.g., dairy, deli, and floral. The balance of 65% of store goods are anticipated to comprise nonperishable goods, which include a wide mix of items, such as beverages, paper goods, laundry detergents, canned goods, cereal, plasticware, linens, seasonal, toys, household, health & beauty, and other goods.

PRIMARY MARKET AREA DEFINITION AND CHARACTERISTICS

Primary Market Area Geographic Definition

The proposed Grocery Outlet site is located in Fort Bragg, which is the second largest population center in Mendocino County. Ukiah comprises the largest population center in Mendocino County,

² Ibid., pages 48 and 50.

³ Ibid., page 71.

located 58 miles from Fort Bragg. Given the topography of Mendocino County, travel time to Ukiah averages approximately 1 hour 20 minutes. Ukiah has the largest retail base in Mendocino County. The most substantial retail shopping nodes located nearest to Fort Bragg outside of Mendocino County include Santa Rosa, located 117 miles south of Fort Bragg in Sonoma County, and Eureka, located 134 miles north of Fort Bragg in Humboldt County. All of these major retail nodes are located a significant distance from Fort Bragg and its surrounding environs.

There are two Grocery Outlet stores in Mendocino County. These include a store in Willits, east of Fort Bragg, and one in Ukiah, southeast of Fort Bragg. These are the Grocery Outlet stores located closest to Fort Bragg. The Grocery Outlet store located at 1718 S. Main Street in Willits is approximately 35 miles from the proposed Grocery Outlet store site in Fort Bragg. Travel time to Willits from Fort Bragg averages just under 1 hour under the best traffic conditions. This road, i.e., Highway 20, can be treacherous, with twists and turns along the way and wildlife routinely occupying or crossing the road. The Grocery Outlet store located at 1203 North State Street in Ukiah is approximately 55 miles from the proposed Grocery Outlet store site in Fort Bragg. Given Mendocino County's topography, the fastest way to get to Ukiah is through Willits, so the Willits store is located the closest to Fort Bragg and much of the environs around Fort Bragg.

Information about the market draw of the Willits Grocery Outlet store indicates that in a recent year, 9% of the Willits Grocery Outlet customer base originated from Fort Bragg.⁴ This demonstrates that Fort Bragg households are shopping at Grocery Outlet, and are sufficiently motivated to take the time to do so, as well as to incur the associated travel costs. During public hearings on the Project held by the City of Fort Bragg in the late spring and summer of 2021,⁵ public testimony of Fort Bragg residents and local workers suggests that the primary motivation for shopping at a Grocery Outlet in Fort Bragg is to keep their food costs down, to keep their dollars local to their own community, to support local jobs, and to minimize their transportation time and costs.

Based on the preceding information, and for study purposes, it is most apt to identify a sub-area of Mendocino County as the primary market area for the proposed Grocery Outlet store. The sub-area identified includes cities and communities for which Fort Bragg is the closest retail shopping node. For ease of replication, ALH Economics identified zip code areas as the building blocks for the market area. The selected zip codes include, from north to south, 95437, 95420, 95456, 95427, 95410, 95432, 95459, and 95468. The collective geography defined by these zip codes is the area from which the study assumes the majority of customer demand at the store will originate. Some of the cities and communities (census designated places) encompassed by these zip codes include Cleone, Fort Bragg, Caspar, Mendocino, Comptche, Little River, Albion, Elk, Manchester, and Point Arena.

⁴ Market draw document prepared by placer.ai.

⁵ This testimony occurred in an earlier public process during which the City processed the Project based on a mitigated negative declaration. After litigation was filed challenging that document, the Best Development Group chose not to defend the litigation but instead requested the City to prepare an Environmental Impact Report (EIR), which was ultimately published in September 2022.

Primary Market Area Demographics

ALH Economics obtained demographic estimates for the primary market area population base from Claritas, which is a leader in the United States in providing demographic and economic data, including modeled data. These demographic data are presented in Table 2. Per Claritas, in 2022 there are an estimated 21,384 people and 9,565 households in the primary market area, with an average household size of 2.17. The average household income for these households is about \$84,300, with a median income of about \$60,100.

Table 2. Demographic Characteristics
Primary Market Area (1), Fort Bragg, and Mendocino County
2022

Demographic Characteristic	Primary Market Area	Fort Bragg	Mendocino County
Population	21,384	7,076	86,296
Households	9,565	2,855	35,051
Average HH Size	2.17	2.40	2.41
Average HH Income	\$84,331	\$73,591	\$84,165
Median HH Income	\$60,132	\$53,480	\$60,379

Sources: Claritas, Demographic Quick Facts, Primary Market Area, Fort Bragg, and Mendocino County, generation dates 12/5/22 and 12/21/22.
 (1) Defined as zip codes 95437, 95420, 95456, 95427, 95410, 95432, 95459, and 95468.

For perspective, comparable data for just Fort Bragg's population are also presented in Table 2, along with data for Mendocino County as a whole. Fort Bragg's demographic base comprises about one-third of the primary market area's demographic base, with 7,076 residents and 2,855 households. In turn, the primary market area comprises about one-quarter of Mendocino County's demographic base of 86,300 residents and 35,100 households. In both Fort Bragg and Mendocino County, the average household size of about 2.4 is larger than in the primary market area. Average and median household incomes in Fort Bragg are about 85% - 90% of the incomes in the primary market area, but incomes countywide are comparable to those in the primary market area.

PRIMARY MARKET AREA RETAIL DEMAND AND SALES LEAKAGE AND ATTRACTION

Primary Market Area Retail Demand

ALH Economics maintains a retail demand model that estimates household spending on retail. The model is based upon analysis of taxable statewide retail sales combined with an estimate of household spending on retail by income. The model assumes that households in a market area will make retail expenditures comparable to the pattern of retail sales in the State of California. Exhibit 1 in Appendix A presents the results of this statewide analysis. This exhibit indicates that among the nine major retail categories tracked by the State of California Board of Equalization, household spending

in 2021 was anticipated to be greatest for Other Retail Group⁶ sales at 18.5% of all retail spending, followed by 15.5% for Food & Beverage Stores, with sales lowest for Home Furnishings & Appliances at 5.0% of all retail spending.^{7,8}

Pursuant to data published by the U.S. Bureau of Labor Statistics, 2021 Consumer Expenditure Survey, households in different income brackets in the United States spend different percentages of their household income on retail goods. Typically the percentage is highest in the lowest income brackets and decreases as incomes increase. This relationship is depicted in Exhibit 2, which summarizes the 2021 Consumer Expenditure Survey findings. For example, households with annual incomes in 2021 between \$15,000 to \$29,999 spent an average of 61% of household income on the type of retail goods tracked by the State of California Department of Tax and Fee Administration (formerly the Board of Equalization). At the far extreme, this percentage dropped to 17% for households earning over \$200,000 a year. The corresponding percentages for all other intervening income brackets are presented in Exhibit 2, which shows that the percent of income spent on retail decreases as income increases. The income bracket presented in Exhibit 2 that best matches the proposed Grocery Outlet primary market area demographics is the \$70,000 to \$99,999 bracket, where the average household income is \$83,658 and the percent of income spent on retail is 32%. Because the average primary market area household income of \$84,331 is nearly identical to the average within the bracket, ALH Economics estimates that the primary market area households will spend on average 32% of income on retail goods pursuant to interpolation of the data findings.

Primary market area household retail and restaurant demand was estimated based upon this 32% share of income spent on retail and the estimated distribution of retail spending pursuant to Exhibit 1. The results are presented in Table 3, which indicates total primary market area retail demand potential of \$258.5 million. As noted above, the second largest retail demand category is for Food & Beverage Stores, which would include a store like Grocery Outlet. However, Grocery Outlet also sells goods that cross over into other retail categories, such as General Merchandise, Other Retail Group, Clothing & Clothing Accessories, Home Furnishings & Appliances, and even sometimes Motor Vehicle & Parts Dealers (i.e., automobile supplies, which are combined in the same category as new and used car sales). As noted earlier in a footnote, based on California's Tax and Fee Administration's classification system, the Other Retail Group category presented in Table 3 includes drug stores, florists, and stores primarily selling health and personal care products, gifts, art goods and novelties, sporting goods, photographic equipment and supplies, musical instruments, stationery and books, office and school supplies, and second-hand merchandise, as well as miscellaneous other retail stores. Many of these types of goods are variously sold at Grocery Outlet, although not all of them.

⁶ Based on California's Tax and Fee Administration's classification system, the Other Retail Group sales include drug stores, florists, and stores primarily selling health and personal care products, pet supplies, gifts, art goods and novelties, sporting goods, musical instruments, stationery and books, office and school supplies, and second-hand merchandise, as well as miscellaneous other retail stores.

⁷ The year 2021 comprises the most recent year for which full year taxable retail sales are available.

⁸ Other Retail Group sales comprise drug stores, health and personal care, pet supplies, gifts, art goods and novelties, sporting goods, florists, musical instruments, stationery and books, office and school supplies, second-hand merchandise, and miscellaneous other retail stores.

**Table 3. Estimated Fort Bragg Proposed Grocery Outlet
Primary Market Area Demand for Retail Goods and Restaurants, 2022 (1)**

Retail Category	Distribution of Demand (2)	Market Area Demand	
		Per HH (3)	Total (4)
Food & Beverage Stores	15.5%	\$4,188	\$40,056,391
General Merchandise Stores	12.3%	\$3,329	\$31,845,034
Motor Vehicle & Parts Dealers	14.9%	\$4,024	\$38,489,536
Food Services & Drinking Places	12.2%	\$3,308	\$31,639,929
Gasoline Stations	7.8%	\$2,121	\$20,286,774
Other Retail Group	18.5%	\$5,006	\$47,883,459
Clothing & Clothing Accessories	6.6%	\$1,795	\$17,172,702
Building Materials & Garden Equipment	7.1%	\$1,915	\$18,318,582
Home Furnishings & Appliances	5.0%	\$1,343	\$12,846,518
Total Retail Spending	100.0%	\$27,030	\$258,538,926

Sources: Table 2; Exhibit 1; Exhibit 2; Exhibit 4; and ALH Urban & Regional Economics.

(1) The primary market area comprises an aggregation of 8 zip codes in Mendocino County.

(2) See Exhibit 1.

(3) Total household spending on retail is based upon average market area household income estimate of \$84,331 (see Table 2) and average household spending of 32% (see Exhibit 2.)

(4) Total household demand is based on spending per category and the primary market area household count, totaling 9,565.

Excluding the three categories of Motor Vehicles & Parts dealers, Gasoline Stations, and Food Services & Drinking Places, results in a primary market area retail demand estimate of \$168.1 million for goods inclusive of the type of merchandise sold by Grocery Outlet. Notably, the coastal area of Mendocino County extending from Cleone south to Point Arena comprises the primary market area for retailers and restaurants in Fort Bragg. However, additional demand is generated from beyond this area as well, due to the strong tourism appeal of Mendocino County, with Fort Bragg located in an area that attracts tourists and people vacationing nearby. The sheer volume of hotels, motels, and bed and breakfast facilities in Fort Bragg provides proof of Fort Bragg's tourist appeal. A simple search for lodging facilities in just Fort Bragg easily identifies more than two dozen such facilities. The City of Fort Bragg pre-pandemic Adopted Budget for Fiscal Year 2019-2020 indicated that the City's General Fund is predominately supported by taxes, with sales tax and transient occupancy tax cited as the two highest tax revenue sources.⁹ In that fiscal year, transient occupancy taxes were estimated to comprise one-third of all tax revenues.¹⁰ This demonstrates the significance of tourism to the City of Fort Bragg.

These non-primary market area visitors provide additional sources of actual or potential demand for Fort Bragg's retail offerings. This is proven by figures reported upon annually in a publication prepared for the State of California by Dean Runyan Associates, Inc. titled "California Travel Impacts." The purpose of this annual publication is to provide statewide, regional, and county impact estimates associated with visitorship to California, including visitorship-related spending, industry employment, and tax revenues. Data in this publication are only presented at the county level.

⁹ City of Fort Bragg, Adopted Budget, Fiscal Year 2019-2020, page V.

¹⁰ Ibid, page 33.

Some of the interesting information pertaining to Mendocino County from the pre-pandemic era included in the “California Travel Impacts” reports indicates that an estimated 11.3% of all Mendocino County taxable sales in 2018 were attributed to visitors (compared to 7.0% statewide),¹¹ and visitors in 2019 were estimated to make \$24.1 million in food store sales in Mendocino County, along with \$53.2 million in retail sales, \$134.3 million in accommodations, and more in other categories.¹² Visitor spending across all categories of spending in Mendocino County in 2019 was estimated to total \$466.8 million, with other categories including transportation and gas, and arts, entertainment, and recreation. The amount spent on food stores was higher in 2019 than in prior years, with the amount increasing from \$22.4 million in 2015 to \$24.1 million in 2019.

As tourism in California experienced severe impacts during the peak of the COVID-19 pandemic, tourist spending in Mendocino County dropped dramatically in 2020 and was still suppressed in 2021. For example, in 2021, total visitor spending was estimated at \$422.8 million (not shown in tabular form); however, at \$24.2 million, food store sales in 2021 were relatively comparable to the 2019 level.¹³ As shown in Table 4, visitor spending on food comprised an estimated 5% to 6% of total County food sales in some of the most recent years.

**Table 4. Food and Beverage Store Sales
Mendocino County, 2018-2022**

Year	County Food and Beverage Sales		Tourist Food Store Sales	
	Taxable Sales	Total Sales (1)	Total Sales	Percent of County
2018	\$116,463,681	\$388,212,270	\$22,800,000	6%
2019	\$113,256,283	\$377,520,943	\$24,100,000	6%
2020	\$127,800,933	\$426,003,110	\$16,200,000	4%
2021	\$135,894,967	\$452,983,223	\$24,200,000	5%

Sources: California Department of Tax and Fee Administration (CDTFA), “Table 1. Taxable Sales in California, By Type of Business, 2018, 2019, 2020, and 2021”; “The Economic Impact of Travel in California, 2021p, State, regional, & County Impacts, Visit California, 4/18/2022, Dean Runyan Associates, Inc., page 162; and ALH Urban & Regional Economics.

(1) Sales for Food and Beverage Stores have been adjusted to account for non-taxable sales; only 30.0% of all food store sales are estimated to be taxable.

¹¹ “California Travel Impacts, 2010-2019p, April 2020, Visit California,” A Joint Marketing Venture of Visit California and the Governor’s Office of Business Development, Prepared by Dean Runyan Associates, Inc., Portland, Oregon, pages 16 and 17.

¹² Ibid, page 73.

¹³ “The Economic Impact of Travel in California, 2021p, State, Regional, & County Impacts.” Visit California, 4/18/2022, Primary Research Conducted by Dean Runyan Associates, Inc., Portland, Oregon, page 162.

Primary Market Area Retail Sales Leakage and Attraction

For the purpose of this study, ALH Economics additionally characterized the primary market area's retail sales base with regard to the extent to which it attracts or leaks demand generated by the primary market area population base. To achieve this, ALH Economics used a retail model that estimates retail spending potential for an area based upon household counts, income, and consumer spending patterns. The model then computes the extent to which the area is or is not capturing this spending potential based upon taxable sales data published by the State of California Department of Tax and Fee Administration (CDTFA). For any study area, retail categories in which spending by locals is not fully captured are called "leakage" categories, while retail categories in which more sales are captured than are generated by residents are called "attraction" categories. This type of study is generically called a retail demand, sales attraction, and spending leakage analysis, or retail gap analysis. Generally, attraction categories signal particular strengths of a retail market while leakage categories signal particular weaknesses. ALH Economics' model, as well as variations developed by other urban economic and real estate consultants and economic analysts, compares projected spending to actual sales.

For the purpose of generating such an analysis for the primary market area, ALH Economics obtained taxable retail sales data for 2021 to reflect the most recent full year data available at the time this study was conducted. These taxable retail sales were adjusted upward to reflect nontaxable sales in key sales categories, including Food & Beverage stores and the drug store component of Other Retail sales (see Exhibit 3). Other adjustments were made to include sales for primary market area food stores located outside Fort Bragg, i.e., Harvest at Mendocino's and Corners of the Mouth in Mendocino (see the next major report section identifying the relevance of these stores). These data were combined with primary market area household counts, an average household income estimate, household spending by retail category estimates, and an assumption of percent of income spent on retail, many of which were already presented in Table 2 and Exhibits 1 and 2. An adjustment was also made for demand estimated to be satisfied by e-commerce.

The results of the retail demand, sales attraction, and spending leakage analysis for the primary market area are presented in Exhibit 4. This includes results for all major retail categories, but the findings for the Food & Beverage Stores sector are highlighted in bold. For this sector, the findings show that the primary market area achieves a substantial level of sales attraction, totaling \$56.7 million, equivalent to 60% of all sales. This indicates that for food sales, the primary market area's food stores attract a substantial amount of sales from shoppers originating from outside the primary market area. As reflected by the information about tourist spending in Mendocino County (see Table 4), some portion of the sales attraction is attributable to tourist spending. But even if all of the County's \$24.2 million in tourist food sales in 2021 was achieved by the primary market area food stores (which is unlikely, especially given the strong food store sector in Ukiah), there would still be a very substantial amount of primary market area food sales attraction.

The remaining figures in Exhibit 4 indicate that in almost all other retail categories, the primary market area is characterized by retail sales leakage. This leakage is very substantial in the majority of retail categories, with a range of -30% to -78% sales leakage, except in Food Services & Drinking Places, where leakage is more modest at -12%. Two other categories besides Food & Beverage Stores have retail sales attraction, including a scant 6% in gasoline stations and a much higher 45% in Building Materials & Garden Equipment. The retail leakage findings generally indicate that the

primary market area is under-retailed relative to the size of the population base, even with the capture of tourist retail sales in other retail categories aside from food stores. In short, the primary market area is clearly a very under-retailed location, whose residents must routinely shop out of the area for some of their basic retail shopping needs.

Mendocino County Retail Sales Leakage and Attraction

For perspective, Exhibits 5 and 6 present total year 2021 retail sales in Mendocino County and a retail demand, sales attraction, and spending analysis for the County. The retail sales figures in Exhibit 5 identify a total retail sales base of almost \$2.0 billion for the County, with \$453.0 million in Food & Beverage Store sales. In contrast, per Exhibit 3, the Grocery Outlet primary market area has a total estimated retail sales base of \$213.1 million, equivalent to just 11% of the County's sales base. However, relative to the County, the primary market area sales are strongest in Food & Beverage Stores, which at an estimated \$85.4 million comprise 19% of the County's total food sales. This is further demonstration that the food sales sector is the strongest retail sector in the primary market area. However, the Food & Beverage Stores sector in Mendocino County as a whole has an even higher level of attraction than in the primary market area, with 69% in the County (see Exhibit 6), compared to 60% in the primary market area (see Exhibit 4).

EXISTING PRIMARY MARKET AREA FOOD STORES AND REAL ESTATE CONDITIONS

ALH Economics conducted fieldwork in November 2022 for the purpose of visiting existing stores in the primary market area that sell food and other merchandise likely to overlap with Grocery Outlet and to observe the physical conditions of the primary market area's commercial retail real estate base, especially existing retail vacancies in Fort Bragg, the city where the store will be located. The purpose of this reconnaissance was to assess the degree to which Grocery Outlet might compete with existing retail venues in the primary market area and to assess the potential for urban decay impacts to result if any negative store impacts occurred to the extent that stores might close, resulting in retail vacancies of existing store spaces.

Primary Market Area Food and Related Stores¹⁴

There are a select number of stores in Fort Bragg, nearby Mendocino, and the general primary market area environs that might be competitive to varying degrees with the proposed Grocery Outlet because of the availability of overlapping sales merchandise. These stores are identified in Exhibit 7, and are classified into five main categories of stores, based upon the portion of store goods that are classified as food sales. These categories are Grocery Stores, Natural Food Stores, Other Stores with Substantial Food and Beverage Sales, Convenience Stores, and Gas Station Convenience Stores. For all five categories, the store names are listed along with type of structure, address, miles from the Grocery Outlet (GO) site, and some select comments.

¹⁴ Various sources were used for information in this section, including ALH Economics field work, yelp, company websites (such as harvestmarket.com), <https://www.groceteria.com/store/regional-chains/purity-stores/>, <https://www.pressdemocrat.com/article/news/grocery-stores-come-and-go-but-loyalties-die-hard/>, <https://www.flickr.com/photos/romleys/3670465746/>, and <https://www.zippia.com/safeway-careers-37354/history/>.

Grocery Stores. In all of Fort Bragg and the additional primary market area geography, there are only four stores that are exclusively food stores with a traditional grocery store format. These full-service stores include Purity Supermarket, Safeway, and Harvest Market in Fort Bragg, which are located 1.2 miles north, 0.4 miles north, and 0.9 miles south of the Grocery Outlet site, respectively. They also include the more distant Harvest at Mendosa's, 9 miles south of the Grocery Outlet site in Mendocino.

The Purity Supermarket is one of the two oldest grocery stores in Fort Bragg, located in Downtown Fort Bragg, originally opening not far from its current location. This store is the most traditional grocery store, with the least number of specialized products, and also the smallest full-service grocery store, with an estimated 11,000 square feet. In addition, some of the coolers appear old and not as modern as ones at the primary market area's other food stores. This store is the last remaining Purity grocery store, from a chain of more than 75 stores started by a Burlingame, CA family in 1929, with stores located at least as far north as Yreka in Humboldt County and as far south as San Luis Obispo. The original chain ownership changed hands in the 1970's, at which time the Purity store was purchased by some of the then-current employees. The Safeway store is the largest food store in Fort Bragg, with an estimated 47,000 square feet. The Safeway chain was likely present in Fort Bragg by the mid 1920's, although the current store is one of the newer format Safeway stores. Purity Supermarket (11,000 square feet) and Safeway (47,000 square feet) bookend the two Harvest Market stores, which comprise 40,000 square feet in Fort Bragg and 15,000 square feet in Mendocino. The Fort Bragg Harvest Market store, which is family-owned and operated, opened in 1985. In 2006, the family purchased the 100+-year-old Mendosa's in Mendocino, which was a family-owned general store, and repositioned it as primarily a grocery store, but with a limited selection of general merchandise items as well.

Of these four stores, prices for basic packaged products such as tomato sauce, rice, whole wheat bread, crackers, butter, and marinara sauce, are generally highest at Purity and lowest at the Harvest Market stores, based upon a pricing analysis of identical goods conducted by ALH Economics. However, this price comparison was influenced by the member prices offered by Safeway on select products on a rotating basis, as well as sale pricing at Harvest Market. Absent consideration of member and sale pricing, the select market basket of goods was virtually identically priced between Purity and Safeway, with Harvest Market still a little lower (by 3% compared to Purity and Safeway). However, when reduced pricing is taken into consideration (either member pricing or pricing during sales events), the prices at Purity were 16% higher than the lowest prices at Harvest Market. Yet, the range of products and variety is narrowest at Purity Market, and most expansive at Safeway. Both Safeway and Harvest Market sell many high-end goods that are not available at Purity. For example, both Safeway and Harvest Market sell wines and spirits (including high end wines and spirits), a wide variety of prepared foods (fresh and packaged), more expansive offerings in many products (such as fresh meat and seafood, crackers, chocolate, grains, pet supplies, etc.), and non-grocery items (such as greeting cards, personal care items, puzzles, and yoga mats). As a result of these different mixes of products, the average shopping cart purchase at Safeway and the Harvest Markets is likely much higher than the average shopping cart purchase at Purity.

Because these four stores are full-service grocery stores, many of the more traditional grocery items sold at Grocery Outlet would also be available at them. However, many of the existing stores would have far greater variety available per product, such as six types of jarred tomato sauce versus one, or multiple types of canned fish or jarred olives, but for some product items, the prices at Grocery Outlet

could be up to 15% - 17% lower.¹⁵ In addition, the full-service stores generally have a greater array of produce than would Grocery Outlet, and much more substantial sales in other categories not well-represented at Grocery Outlet, such as meat, seafood, bakery, and cooking supplies. For example, shoppers seeking to purchase ingredients for a special recipe, even including one or two unique spices, likely will not be able to meet all their needs at Grocery Outlet, but they would at the other primary market area grocery stores. In contrast, Grocery Outlet would likely sell some products not available at most of the full-service grocery stores, due to Grocery Outlet's propensity to carry some general merchandise items as well as the afore-mentioned treasure hunt aspect of shopping at Grocery Outlet and WOW! Deals. In conclusion, Grocery Outlet is anticipated to be somewhat competitive with the existing primary market area full-service grocery stores, but shoppers will not be able to purchase as wide and varied an array of goods at Grocery Outlet as they can at the full-service grocery stores.

Natural Food Stores. In addition to the primary market area's full-service grocery stores, there are two natural foods markets selling organic and natural products. These natural food stores include Down Home Foods 0.8 miles north of the proposed Grocery Outlet site in Downtown Fort Bragg, in business since 1974, and Corners of the Mouth, a collectively-owned store housed in a small, converted church located 9.2 miles south of the proposed Grocery Outlet site in Mendocino since 1975.

Notably, Grocery Outlet is not known for carrying a substantial selection of organic or natural food products. However, basic store selections at these natural foods stores are comparable to what one might find at Grocery Outlet, such as bread, dairy, flours, and eggs. For some of these products, the pricing at the natural foods stores is similar to or lower than the prices at the primary market area's full-service grocery stores. Yet, most other products at these stores are relatively unique to the primary market area; they include typical grocery products, but with a more natural orientation, including the following (at one or both stores): organic fruits and vegetables (some exotic), bulk flours, natural toothpaste, vitamins, herbal supplements, other natural life-style supplements, essential oils, Chinese medicines, specialized juices (fresh and jarred), a cheese counter, bulk herbs, ready-made sandwiches, dried fruits, bulk seeds, bulk and packaged nuts, bulk coffee beans, bulk maple syrup and honeys, natural cereals, shelf stable and cold beverages (including milk alternatives), some frozen items, local cheeses, kombucha, fresh bagels once a week, fresh flowers, and some personal and household goods, such as candles (including Shabbat and Chanukah candles), natural soaps and other skin care products, shopping bags, serving spoons, and earrings. Due to the natural foods orientation of Down Home Foods and Corners of the Mouth, their product offerings, small sizes, locations near the center of each area's tourist activity, and especially the Corners of the Mouth 9.2-mile distance from the proposed Grocery Outlet location, it is very unlikely that the Grocery Outlet store would be competitive with these venues.

Convenience Stores. There are about five convenience stores near and in Fort Bragg that sell a small assortment of traditional grocery store items. These stores include the Cleone Grocery, 4.7 miles north of the proposed Grocery Outlet site in Cleone; and four stores in Fort Bragg, including El Yuca, 1.9 miles north of the proposed Grocery Outlet site; Nello's Market & Deli, 1.6 miles north of the proposed Grocery Outlet site; New B&C Grocery, 1.0 miles north of the proposed Grocery Outlet site;

¹⁵ This is based upon ALH Economics personal shopping experience and observation comparing prices for select grocery items at Grocery Outlet and full-service grocery stores in other Northern California locations.

and la Mexicana Market, 0.9 miles north of the proposed Grocery Outlet site. The Cleone Grocery is a small, well-stocked market with basic food and other supplies, including personal goods and sweat shirts. The store has a baking section, frozen foods, staples, dairy coolers, and as a small community benefit, a rack of free, used books to peruse or take. This store also sells cigarettes and some beer and wine. El Yuca and La Mexicana Market both have a strong Mexican focus in their product offerings, which include fresh fruits, vegetables, household goods, kitchen staples, fresh-baked items, and pinatas. The La Mexicana Market is also connected to a clothing store. Nello's Market & Deli is a basic convenience store with many staples and snacks, but is sparsely stocked, with a noticeable amount of unused space, and sells cigarettes, alcohol, some prepared hot foods, and fresh coffee. Finally, the New B&C Grocery has a few food items, but is mostly a snack and sandwich shop. This operation is also closed weekends, hence store hours are limited overall compared to the primary market area's convenience stores and the proposed Grocery Outlet store.

The convenience nature of these stores does not lend themselves to strong competition with the Grocery Outlet, just as they are not highly competitive with the primary market area's full-service grocery stores. Shoppers at convenience stores tend to purchase stop gap items, to fill very special periodic needs, or at least not purchase a typical full range of shopping goods. These stores are generally not equipped to support a household's weekly shopping needs. Moreover, two of the stores have a strong Mexican focus in their goods, which are not otherwise available in the primary market area. For all these reasons, these stores are not anticipated to be highly competitive with the proposed Grocery Outlet.

Other Stores with Substantial Food and Beverage Sales. There are four other stores in Fort Bragg that sell merchandise that overlaps with some of the offerings that will be available at Grocery Outlet. These include Roundman's Smoke House and Butcher Shop in Downtown Fort Bragg 1.4 miles north of the Grocery Outlet site; CVS, a stand-alone pharmacy/drug store adjacent to downtown and 0.8 miles north of the Grocery Outlet site; Rite Aid, another stand-alone pharmacy/drug store, located 0.5 miles north of the Grocery Outlet site; and Dollar Tree, general merchandise store located 0.9 miles south of the Grocery Outlet site at the Boatyard Shopping Center, which is also where Fort Bragg's Harvest Market is located. The first three of these stores are north of the proposed Grocery Outlet site, while Dollar Tree is to the south.

The Roundman's Smoke House and Butcher Shop is located in Downtown Fort Bragg. This very small shop sells fresh, smoked, and packaged meats, including beef, pork, poultry, and lamb. In addition, the store sells cooking and baking supplies, boxed pasta, sauces, chutney, and some fish and cheese products. Further, Roundman's offers custom cut and wrap and smoking for customers who bring in their own beef, pork, and venison, etc. The store works with ranchers and farmers throughout Northern California to provide smoked meats and fresh cuts at local farmer's markets, and are featured in a number of markets, hotels, and restaurants throughout Mendocino County.¹⁶ The food and food-related items at Roundman's appear to be very carefully curated, with a specialty focus. While there might be some overlap with Grocery Outlet relative to type of food item sold, like smoked sausage, the products at Roundman's tend toward the all-natural, with no specific commonalities with Grocery Outlet. This, in combination with the butchering services and distribution of Roundman's products, makes store competition with the proposed Grocery Outlet store very unlikely.

¹⁶ Much of the store descriptive information is on the store's Yelp page.

While the majority of CVS and Rite Aid store sales include prescription sales, reflecting the drug store format of each store, the “front store space” (e.g., the space devoted to non-pharmacy sales) of both stores contain a range of different products, including over-the-counter medications; health, beauty products, and cosmetics; personal care items; household items; food and beverages; other convenience foods; seasonal and other general merchandise; pet care; greeting cards; and other product lines and offerings.¹⁷ Approximately 21.3% of all store sales at CVS and 30% at Rite Aid comprise these front store sales.¹⁸ Many of these product types are the same as the non-perishable items one can purchase at Grocery Outlet, or even the primary market area full-service grocery stores, including beverages, chips, ground coffee, candy, paper products, cleaning supplies, etc. The product range is not as wide as is available at the grocery stores, but there are clearly opportunities for product overlap. The nature of the shopping experience at CVS and Rite Aid, however, is qualitatively different than the shopping experience at Grocery Outlet or even the full-service grocery stores, with a primary focus on personal care and with many shopping visits to CVS and Rite Aid likely driven by pharmacy pickups and resulting other in-store purchases comprising ancillary convenience purchases. In this manner, the goods purchased may be competitive with Grocery Outlet, but the shopping experience is not.

Dollar Tree is a discount general merchandise retailer offering a broad selection of merchandise, including consumables, variety, and seasonal products. The store merchandise includes 57% - 59% of merchandise purchased domestically and 41% - 43% imported from outside the United States. The retailer’s domestic purchases include basic, home, closeouts, and promotional merchandise. Dollar Tree believes that its mix of imported and domestic merchandise provides buyers with flexibility, and allows the chain to consistently exceed customers’ expectations. Starting in 2022, the chain’s pricing strategy increased the price point on a majority of its formerly \$1.00 merchandise to a new \$1.25 price point. Dollar Tree’s reasoning for this strategy was to enable the chain to introduce new products and expand its merchandise assortment while maintaining value for its customers. The chain continues to implement another initiative that provides customers with value in discretionary categories priced at the \$3 and \$5 price points.¹⁹

Dollar Tree categorizes store sales into three major merchandising categories – consumables, variety, and seasonal. The percentage of store sales occurring across these categories, and the type of merchandise represented, is summarized in Table 5.

The consumables category of goods at Dollar Tree is likely to be the category of goods most competitive with Grocery Outlet, but overlap will likely occur among all Dollar Tree categories. The same price comparison exercise conducted between the primary market area’s full-service grocery stores was also conducted with Dollar Tree. The result indicated limited exact product comparison, although many types of goods are similar between Dollar Tree and the primary market area’s full-

¹⁷ This information is from Form 10-K for The Fiscal Year ended December 31, 2021, for CVS Health Corporation, Exhibit 10.52, and from Form 10-K for The Fiscal Year Ended February 26, 2022, for Rite Aid Corporation, page 5.

¹⁸ The figure for CVS was derived from analysis of figures in the CVS 2021 Form 10-K, page 81 and the figure for Rite Aid can be found on page 5 of the Rite Aid Form 10-K for The Fiscal Year Ended February 26, 2022.

¹⁹ See Dollar Tree, Inc., Form 10-K, For the fiscal year ended January 29, 2022, pages 7 and 8 for most of the information in this paragraph.

service grocery stores. Where some identical products were identified, especially among canned products, the prices at Dollar Tree were substantially lower than those at the full-service grocery stores (in some cases as much as 30% lower).

Table 5. Dollar Tree Merchandise Categories, 2022

Category	Percent of Sales	Average Store Sales	Type of Merchandise
Consumables	45.5%	\$785,821	Everyday consumables such as household paper and chemicals, food, candy, health and personal care products, frozen and refrigerated food
Variety	48.8%	\$842,823	Toys, durable housewares, gifts, stationery, party goods, greeting cards, softlines, arts and crafts supplies, and other items
Seasonal	5.7%	\$98,449	Christmas, Easter, Halloween, and Valentine's Day merchandise, among others
Total	100%	\$1,727,093	

Sources: Dollar Tree, Inc., Form 10-K, For the fiscal year ended January 29, 2022, pages 8, 30, 33, and 66; and ALH Urban & Regional Economics.

The main distinction with Dollar Tree is that the store is classified as a general merchandise store, and as such does not sell any substantial fresh food products, such as fruits and vegetables, meat, seafood, or much dairy and cheese. The store sells some perishable products, but they are a very small portion of all store products and associated sales. However, Dollar Tree does sell many shelf-stable canned and jarred products, numerous snack products, and household goods that overlap with Grocery Outlet products, also with a discount orientation. Therefore, Grocery Outlet will likely be most competitive with Dollar Tree for non-perishable items.

Gas Station Convenience Stores. There are seven other stores in various locations in the primary market area that also sell food and related products that will overlap with Grocery Outlet. These are all convenience stores located at gas stations, with six in Fort Bragg and one much further south in Little River. The six stores in Fort Bragg are located within 0.2 to 1.6 miles of the proposed Grocery Outlet store location (three are located 0.2 miles away), with the seventh located 11.8 miles south in the small Little River community. All of these locations are oriented towards convenience purchases, and for the sake of their sales, would likely be classified along with gasoline sales, as that is typically how the State of California classifies their sales. All or most of the stores sell chips, candy, beverages, cigarettes, drinks (including alcoholic), car supplies, and then each sell a different mix of other convenience goods, many of which are typically found at a Grocery Outlet, such as dairy products, first aid supplies, and meats. But some of the stores also are somewhat distinct from Grocery Outlet in some of their offerings, such as prepared sandwiches, phone cards, hot food items, soda machines, telephone accessories, and hard liquor. All of these stores are relatively small in size.

Despite the overlap in some store sales products, as well as the close proximity of three of the stores to the Grocery Outlet site, the Grocery Outlet store is not anticipated to be significantly competitive with these gas station convenience stores. The nature of these stores is just as their ascribed label indicates, “convenience,” with most purchases tied to a gasoline purchase, or a quick in and out purchase of a convenience nature. Someone purchasing gas and also interested in a snack is not likely to make two stops when one will suffice. Further, because of their small size, easy accessibility, and location on major thoroughfares, these stores likely attract customers seeking convenience purchases even absent a gasoline purchase. The introduction of a Grocery Outlet store into the mix of retailers in the primary market area is unlikely to disrupt this shopping pattern.

Competitive Summary of Existing Stores. In summary, the existing primary market area stores that are anticipated to have more food and related sales overlap with Grocery Outlet relative to other primary market area stores include the four full-service grocery stores and Dollar Tree. The natural food stores, convenience stores, other stores with substantial food and beverage sales (excluding Dollar Tree), and gas station convenience stores are not anticipated to experience much, if any competitive overlap.

Primary Market Area Commercial Retail Vacancies

There are a range of commercial retail building or retail space vacancies scattered throughout the primary market area. These vacancies were identified by ALH Economics reconnaissance field work in mid-November 2022. Most of the vacancies are in Fort Bragg, and especially Downtown Fort Bragg or at The Boatyard Shopping Center. The vacancies are primarily located in small, older buildings, with many vacant for extended periods of time, such as two or more years. A selection of these vacancies are listed in Exhibit 8, including address, former use if identifiable, length of most recent vacancy, and select comments on the property or information on market interest. The properties are listed in Exhibit 8 by address, as they are located on 6 specific streets or shopping centers. The street numbering system in Fort Bragg is not always well identified, so some of the vacancies referenced in Exhibit 8 are noted more by location on a street block, rather than specifically by address.

The physical condition of the vacancies varies, with some in well-kept condition and others appearing more rundown, or in less manicured condition, such as peeling paint in need of refreshing. None of the vacancies, however, exhibited classic signs of urban decay, such as graffiti, boarded up doors or windows, broken windows, or excessive trash. Many of the identified vacancies have been vacant since prior to the COVID-19 pandemic, or even earlier. In addition, many of the vacancies are not being actively marketed. This is evidenced by the lack of signage on the properties with commercial broker names, phone numbers, or even owner contact information.

The number of vacancies and length of time many of them have been available indicates that Fort Bragg experiences relatively low demand for retail space. Yet, it is not a no demand market, as several of the identified vacancies are being renovated by new tenants, who will bring new concepts to Downtown Fort Bragg, such as community uses at 310 North Franklin Street and a beer manufacturer at 362 North Franklin Street. Both of these spaces had previously been vacant since at least 2019, before the pandemic. The comments section of Exhibit 8 also identifies other recent retail leasing activity in Fort Bragg, including some relatively quick instances of retail backfilling. For example, the Sherwood Company (a gift shop), now located at 350 North Main Street, relocated there in April 2022 from a shop location at 142 East Laurel Street. Shortly after that space became vacant a new

tenant moved in, Sip Wine Bar. Another recent leasing transaction involving short-term vacancy was space at 141 Boatyard Drive in The Boatyard Shopping Center. This space was occupied by Oasis Express (a beauty store and boutique) until spring 2022. Shortly thereafter, one-half the space was reoccupied by a Subway shop. While one-half of the space remains vacant, this backfilling example and others demonstrate that there is some new tenant interest in Fort Bragg. Other prospective new tenants are anticipated soon, such as a prospective office user in a portion of The Boatyard Shopping Center that trends more toward office space than retail space, with the office user likely taking over 4,000 square feet vacant for about 4-5 years previously occupied by a medical call center. Other property owners report interest in other vacant space, but by users seeking to develop uses not entirely compatible with the available space, such as coffee shops in space not equipped for commercial food preparation or thrift stores in Downtown Fort Bragg.

This review of representative commercial vacancies in Fort Bragg indicates the presence of retail leasing activity in the commercial retail market, although the pandemic impacted the retail market, which was already experiencing some constrained demand for retail space. There appear to be some properties with unmotivated owners, as evidenced by the lack of visible marketing efforts on many of the existing vacancies, including ones that have remained vacant for the longest periods of time. Yet despite this, on the whole, properties are generally well-maintained. During reconnaissance fieldwork ALH Economics saw no visible signs of graffiti on any of the vacant properties or other characteristics of urban decay.

GROCERY OUTLET STORE SALES IMPACTS

The earlier review of existing stores indicated that Grocery Outlet is likely to have a limited amount of product overlap with some (but not all) area grocery stores as well as other stores with food and beverage sales, but not much with the area natural food stores, convenience stores, or gas station convenience stores. The stores identified as “other stores with substantial food and beverage sales” are almost all classified by the State of California’s Department of Tax and Fee Administration differently than Grocery Outlet, with the pharmacy/drug stores classified in the Other Retail category and the Dollar Tree classified in the General Merchandise category. In addition, many Grocery Outlet sale items are also likely to be classified as Home Furnishings & Appliances, as the store often sells items such as sheets, towels, and kitchen wares, and all these fit in that retail category. While Grocery Outlet may compete with existing stores in Fort Bragg and its environs, such as the ones reviewed earlier, it may also compete with stores located outside this area, especially if it attracts sales leaking from its market area to the next nearest Grocery Outlet store in Willits, as suggested by information provided by Grocery Outlet cited earlier as well as examination of the Yelp reviews for this store. As a corporation, Grocery Outlet does not have the ability to identify the volume of sales generated at this or other Grocery Outlet stores (like Ukiah) from within the market area. However, it is clear that such sales do occur and will likely be shifted to Fort Bragg if the proposed store is successfully developed there.

The proposed Grocery Outlet store is projected to achieve approximately \$6.5 million in annual store sales. Pursuant to the distribution of sales between perishable and nonperishable goods, this sales estimate is further broken down into an estimated \$2.3 million in perishable goods sales (e.g., Food & Beverage sales) and approximately \$4.2 million in nonperishable goods. Not all these sales are anticipated to be generated by the primary market area residents. As noted earlier, a portion of food and beverage sales in Mendocino County are generated by tourists. In 2021, this amount was

estimated as 5% of all category sales; the percentage was slightly higher at 6% pre-pandemic (see Table 4). Given the high amount of attraction in the food and beverage category in the primary market area (60% of all sales), yet additional demand clearly originates from outside the primary market area, including in addition to tourists. To be conservative, analysis in Table 6 shows the amount of Grocery Outlet store sales estimated to be generated from within the primary market area assuming that only 10% of sales are generated from outside the area, i.e., 90% generated by the primary market area. Thus, \$5.85 million in Grocery Outlet store sales are estimated to be generated from within the primary market area, with \$2.0 million in perishable goods and \$3.8 million in non-perishable goods.

Table 6. Primary Market Area (PMA) Share of Store Sales, 2022 Dollars

Store Sales Category	Total	Generated by PMA (1)
Total Store Sales	\$6,500,000	\$5,850,000
Perishable Goods	\$2,252,509	\$2,027,258
Produce	\$868,825	\$781,943
Meat and Seafood	\$386,144	\$347,530
All Other (Dairy, Deli, Floral)	\$997,540	\$897,786
Non-perishable	\$4,247,491	\$3,822,742

Sources: "Form 10-K, Grocery Outlet Holding Corp., For the fiscal year ended January 1, 2022," Grocery Outlet Holding Corporation, pages 48, 50, and 71; Grocery Outlet; and ALH Urban & Regional Economics.

(1) Assumes as much as 90% of Grocery Outlet store sales are generated by primary market area residents. The balance of sales (i.e., demand) is assumed to originate from tourists and other consumers originating from outside the primary market area.

As shown in Table 7, and based upon the total \$2.0 million in perishable (e.g., food and beverage) store sales estimated to be generated by primary market area residents, the proposed Fort Bragg Grocery Outlet store will need to capture only a small, 2.1% of primary market area food and beverage sales to achieve stabilized sales consistent with national Grocery Outlet store performance standards. The capture rate for non-perishable primary market area sales increases to 12.0% across the three non-perishable sales categories. However, all three of these categories are estimated to have existing retail leakage in the primary market area. Thus, no sales impact is anticipated among stores selling non-perishable goods comparable to Grocery Outlet, as the recapture of these sales will reduce the existing leakage, making the primary market area's retail base stronger.

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

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

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

(1) Unless otherwise noted, see Exhibit 3.

(2) See Exhibit 4.

(3) See Table 6.

(4) Corresponds to Perishable Goods in Table 6.

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

These findings suggest that the existing primary market area food and other stores selling goods in common with Grocery Outlet are unlikely to experience strong individual store sales impacts resulting from the operations of the proposed Grocery Outlet Store. These reasons include, but are not limited to, the following:

- the low, 2.1% percent of sales impact on primary market area food and beverage stores;
- the primary market area's substantial retail sales leakage in the retail categories represented by the store's anticipated nonperishable goods; and
- the competitive store analysis, with each store having its own individual market niche and product focus.

Grocery Outlet does not exactly duplicate the market niche or product focus of any of the primary market area stores, although it is closest to Dollar Tree in its discount orientation, as well as nonperishable product offerings. However, given Grocery Outlet's relatively low levels of projected sales, Dollar Tree's pronounced general merchandise orientation, and distance from the proposed Grocery Outlet site, there is unlikely to be even a noticeable impact on Dollar Tree following the Grocery Outlet's opening.

Other stores located a similar distance from or closer to the Grocery Outlet site are also unlikely to experience any impacts sufficient to raise concerns. For example, despite potential sales merchandise overlap with the existing stores selling food items, the portion of Grocery Outlet's sales anticipated to be most competitive with these stores includes \$2.3 million in Food & Beverage sales. The full-service grocery stores in particular sell many products not well represented at Grocery Outlet. These include expanded fresh and frozen meat offerings, fresh and frozen seafood, an ample array of fresh produce, organic produce, gluten free foods, a broader range of items such as pasta and soups, freshly prepared hot foods, floral goods, fresh bakeries, an expansive wine selection (often including high end wineries), as well as hard liquor and a broader range of beer than typically sold at Grocery Outlet. The provision of these more full-service grocery items indicates that primary market area shoppers will still need to frequent the identified full-service grocery stores to purchase important weekly food items necessary to prepare healthy meals. These product offerings will help insulate the

full-service grocery stores from the nominal amount of competitive food item sales anticipated at Grocery Outlet. Moreover, these stores have established customer bases. Accordingly, they will have the ability to modify their product mixes to maximize sales in products not available at Grocery Outlet yet targeted to meet the needs of their loyal customers. This will likely be the case for all of the food stores, but most especially among the two largest stores – Safeway and Harvest Market.

Similar to the full-service grocery stores, the nearby pharmacy/drug stores and convenience stores sell some mix of products comparable to Grocery Outlet, but also many products not available at Grocery Outlet. In the case of many of the convenience stores, this product distinction includes hard liquor and expanded wine and beer products not available at Grocery Outlet, as well as ethnic Hispanic food offerings.

In summary, if sales are diverted from any existing stores, they will be dispersed among many of the stores, such that no one store is likely to experience sales loss sufficient to significantly impact store sales. Moreover, the stores all have the capability to modify their offerings and product mix to better insulate their inventory against competitive impacts associated with Grocery Outlet. These stores are anticipated to weather the addition of the Grocery Outlet store to the market area by reinforcing and maximizing their existing customer awareness and loyalty through service enhancements and key merchandising strategies.

URBAN DECAY IMPACTS ANALYSIS

Definition of Urban Decay

As cited earlier, for the purpose of this analysis and in accordance with CEQA, urban decay is 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.

Contributing Causes of Urban Decay

Before considering how the proposed Grocery Outlet might affect the market and environs, it is useful to focus on what constitutes the *environmental* impact known as urban decay. The leading court case on the subject, *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204, described the phenomenon as “a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake.” 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.)

When looking at the phenomenon of urban decay, it is important to note that economic impacts do not always lead to urban decay. Indeed, urban decay is likely to be the exception and not the rule. For example, a vacant building is not urban decay, even if the building were to be vacant over a relatively long time. Similarly, even a number of empty storefronts would not constitute urban decay, particularly where an agency uses its code enforcement powers to prevent landowners from letting their properties

deteriorate (see, e.g., *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 317.) Nor is “the loss of close and convenient shopping” for some shoppers, as might occur with a competitive new retail project, an environmental impact under CEQA. (*Chico Advocates for a Responsible Economy v. City of Chico* (2019) 40 Cal.App.5th 839, 848.)

As explained in *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 691, “the mere fact that a new store might cannibalize part of other stores' sales does not mean that urban decay would result. Common sense alone tells us nothing about the magnitude of this effect. The other stores might be able to continue in business. If worse came to worst and they went out of business, a more efficiently run store of the same type or a different type of store might move in. The property might be turned to an entirely different use, such as office or residential. And even if a handful of properties were to remain permanently vacant, the result would not necessarily be the kind of change to the physical environment that implicates CEQA.” (Italics added.)

In *Placerville Historic Preservation League v. Judicial Council of California* (2017) 16 Cal.App.5th 187, 197, the court added that “urban decay is a relatively extreme economic condition. In a dynamic urban environment, including that of a small city such as Placerville, change is commonplace. In the absence of larger economic forces, urban decay is not the ordinary result. On the contrary, businesses and other activities come and go for reasons of their own, without necessarily affecting the overall health of the economy.”

Based on the preceding descriptions regarding urban decay, therefore, ALH Economics’ analysis examined whether there was sufficient market demand to support the proposed Grocery Outlet without affecting existing retailers so severely such as to lead to a downward spiral toward decay of the commercial real estate market.

Grocery Outlet Potential to Cause Urban Decay

In Fort Bragg, the commercial retail properties are on the whole moderately to well-maintained, despite some being vacant for relatively longer periods of time. This is especially the case given the age of many of the older vacancies. Recent leasing activity is present in the market, while other properties have remained vacant for a number of years. As stated earlier, the properties with unmotivated owners appear to be among the properties that have remained vacant for the longest periods of time. Yet even these properties generally appear well-maintained, with only one vacant property in Fort Bragg observed during fieldwork by ALH Economics to be characterized by a more run-down, cosmetic appearance. However, this appearance is not characteristic of urban decay.

The study analysis does not suggest any retailers would be at risk of losing retail sales sufficient to result in store closure leading to increased commercial vacancy as a result of Grocery Outlet’s development, and thus there would likely be no risk for their properties to erode into conditions leading to urban decay. Yet, if such an event were to occur, there is no indication from the market that urban decay would result from such a store closure. Even properties that have been closed for longer periods of time, up to four years or more, continue to be maintained in reasonable condition and, most importantly, are not indicative of urban decay. Thus, real estate market conditions in Fort Bragg do not appear to be conducive to urban decay.

Therefore, pursuant to the existing market conditions, projected retail supply and demand conditions, and Grocery Outlet project orientation, ALH Economics concludes that there is no reason to consider that development of the proposed Grocery Outlet store would cause or contribute to urban decay.

CLOSING

ALH Urban & Regional Economics was pleased to prepare these findings pertinent to the proposed Grocery Outlet store in Fort Bragg, California. Please let us know if you have any comments or questions on the analysis.

Sincerely,

ALH Urban & Regional Economics



Amy L. Herman
Principal

ASSUMPTIONS AND GENERAL LIMITING CONDITIONS

ALH Urban & Regional Economics has made extensive efforts to confirm the accuracy and timeliness of the information contained in this study. Such information was compiled from a variety of sources, including interviews with government officials, review of City and County documents, and other third parties deemed to be reliable. Although ALH Urban & Regional Economics believes all information in this study is correct, it does not warrant the accuracy of such information and assumes no responsibility for inaccuracies in the information by third parties. We have no responsibility to update this report for events and circumstances occurring after the date of this report. Further, no guarantee is made as to the possible effect on development of present or future federal, state or local legislation, including any regarding environmental or ecological matters.

The accompanying projections and analyses are based on estimates and assumptions developed in connection with the study. In turn, these assumptions, and their relation to the projections, were developed using currently available economic data and other relevant information. It is the nature of forecasting, however, that some assumptions may not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved during the projection period will likely vary from the projections, and some of the variations may be material to the conclusions of the analysis.

Contractual obligations do not include access to or ownership transfer of any electronic data processing files, programs or models completed directly for or as by-products of this research effort, unless explicitly so agreed as part of the contract.

APPENDIX A

REPORT EXHIBITS

Exhibit 1
State of California Taxable Retail Sales Estimate by Retail Category
2021

Type of Retailer	State of California		
	Total Taxable Sales (1)	Taxable Sales Adjusted to Total Retail	Percent of Total
Motor Vehicle & Parts Dealers	\$106,686,237,970	\$106,686,237,970	14.9%
Home Furnishings & Appliances	\$35,608,291,679	\$35,608,291,679	5.0%
Building Materials & Garden Equipment	\$50,775,894,055	\$50,775,894,055	7.1%
Food & Beverage Stores	\$33,308,785,191	\$111,029,283,970 (2)	15.5%
Gasoline Stations	\$56,231,375,008	\$56,231,375,008	7.8%
Clothing & Clothing Accessories	\$47,599,716,027	\$47,599,716,027	6.6%
General Merchandise Stores	\$66,201,633,381	\$88,268,844,508 (3)	12.3%
Food Services & Drinking Places	\$87,700,329,269	\$87,700,329,269	12.2%
Other Retail Group	\$114,691,196,514	\$132,724,543,754 (4)	18.5%
Total (5)	\$598,803,459,094	\$716,624,516,240	100%

Sources: California Department of Tax and Fee Administration (CDTFA), "Table 1. Taxable Sales in California, By Type of Business, 2021"; U.S. Economic Census, "Retail Trade: Summary Statistics for the U.S., States, and Selected Geographies: 2017"; and ALH Urban & Regional Economics.

- (1) Taxable sales are pursuant to reporting by the State of California Department of Tax and Fee Administration (CDTFA).
- (2) Sales for Food and Beverage Stores have been adjusted to account for non-taxable sales; only 30.0% of all food store sales are estimated to be taxable.
- (3) Sales for General Merchandise Stores have been adjusted to account for non-taxable sales, since some General Merchandise Store sales include non-taxable items. ALH Urban & Regional Economics estimates that at least 25% of General Merchandise sales are for grocery, pharmacy, and other non-taxable items. This estimate is based on analysis of the 2017 U.S. Economic Census findings for General Merchandise stores in California.
- (4) Sales for Other Retail Group have been adjusted to account for non-taxable drug store sales, since drug store sales are included in the Other Retail Group category. ALH Urban & Regional Economics estimates that 33.0% of drug store sales are taxable, based on discussions with the former California BOE and examination of U.S. Census data. In California, drug store sales in 2019 represented approximately 7.74% of all Other Retail Group sales. ALH Urban & Regional Economics applied that percentage and then adjusted upward for
- (5) Totals may not add up due to rounding.

Exhibit 2
Household Income Spent on Retail (1)
United States
2021

Characteristic	All Consumer Units	Household Income Range									
		\$15,000 to	\$30,000 to	\$40,000 to	\$50,000 to	\$70,000 to	\$100,000 to	\$150,000 to	\$200,000 to	\$250,000 to	\$300,000 and more
		\$29,999	\$39,999	\$49,999	\$69,999	\$99,999	\$149,999	\$199,999	\$249,999	\$299,999	\$349,999
Average HH Income	\$87,432	\$22,355	\$34,780	\$44,683	\$59,210	\$83,658	\$121,162	\$171,570	\$211,570	\$261,570	\$316,328
Amount Spent on Retail (2)	\$25,348	\$13,540	\$18,071	\$19,752	\$22,313	\$26,814	\$32,175	\$39,269	\$52,967	\$65,967	\$78,967
Percent Spent on Retail (3)	29%	61%	52%	44%	38%	32%	27%	23%	17%	14%	11%

Sources: Table 1203. Income before taxes: Annual expenditure means, shares, standard errors, and coefficient of variation, Consumer Expenditure Survey, 2021, U.S. Bureau of Labor Statistics; and ALH Urban & Regional Economics.

- (1) Includes retail categories estimated to be equivalent to the retail sales categories compiled by the State of California, Department of Tax and Fee Administration.
- (2) Includes the Consumer Expenditures categories of: food; alcoholic beverages; laundry and cleaning supplies; other household products; household furnishings and equipment; apparel and services; vehicle purchases, gasoline and motor oil; 1/2 of maintenance and repairs (as a proxy for taxable parts); drugs; medical supplies; audio and visual equipment and services; pets, toys, hobbies, and playground equipment; personal care products and services; reading; and tobacco products and smoking supplies.
- (3) Percentages may be low as some expenditure categories may be conservatively undercounted by ALH Urban & Regional Economics.

Exhibit 3
Fort Bragg Taxable Sales Estimate (1)
2021

Type of Retailer	Total Taxable Sales City of Fort Bragg	Fort Bragg Taxable Sales Adjusted to Total	
		Retail	
Motor Vehicles & Parts Dealers	\$10,636,661	\$10,636,661	
Home Furnishings & Appliance Stores	\$3,674,860	\$3,674,860	
Building Materials & Garden Equip .	\$29,915,383	\$29,915,383	
Food & Beverage Stores	\$25,617,829	\$85,392,763 (2)	
Gasoline Stations	\$21,605,340	\$21,605,340	
Clothing & Clothing Accessories Stores	\$5,736,599	\$5,736,599	
General Merchandise Stores	\$2,245,515	\$2,994,020 (3)	
Food Services & Drinking Places	\$27,983,717	\$27,983,717	
Other Retail Group	\$21,710,901	\$25,124,592 (4)	
Total (5)	\$149,126,805	\$213,063,935	
Percent Taxable	70%		

Sources: California Department of Tax and Fee Administration (CDTFA), "Table 1. Taxable Sales in California, By Type of Business, 2021"; U.S. Economic Census, "Retail Trade: Summary Statistics for the U.S., States, and Selected Geographies: 2017"; and ALH Urban & Regional Economics.

- (1) Taxable sales are pursuant to reporting by the State of California Department of Tax and Fee Administration (CDTFA).
- (2) Sales for Food and Beverage Stores have been adjusted to account for non-taxable sales; only 30.0% of all food store sales are estimated to be taxable.
- (3) Sales for General Merchandise Stores have been adjusted to account for non-taxable sales, since some General Merchandise Store sales include non-taxable items. ALH Urban & Regional Economics estimates that at least 25% of General Merchandise sales are for grocery, pharmacy, and other non-taxable items. This estimate is based on analysis of the 2017 U.S. Economic Census findings for General Merchandise stores in California.
- (4) Sales for Other Retail Group have been adjusted to account for non-taxable drug store sales, since drug store sales are included in the Other Retail Group category. ALH Urban & Regional Economics estimates that 33.0% of drug store sales are taxable, based on discussions with the former California BOE and examination of U.S. Census data. In California, drug store sales in 2019 represented approximately 7.74% of all Other Retail Group sales. ALH Urban & Regional Economics applied that percentage and then adjusted upward for non-taxable sales.
- (5) Totals may not add up due to rounding.

Exhibit 4
Primary Market Area (PMA)
Retail Demand, Sales Attraction, and Spending Analysis (1)
2021

Type of Retailer	Primary Market Area (PMA) Household Spending					Retail Sales	
	Per HH Spending (2)	PMA HH Spending (3)	Percent E-Commerce (4)	Remaining Brick & Demand (5)	PMA Sales (6)	Attraction/(Leakage) Amount	Percent
Motor Vehicles & Parts Dealers	\$4,024	\$38,489,536	5.0%	\$36,565,060	\$10,636,661	(\$25,928,399)	-67%
Home Furnishings & Appliance Stores	\$1,343	\$12,846,518	20.0%	\$10,277,214	\$3,674,860	(\$6,602,354)	-51%
Building Materials & Garden Equip (7)	\$1,915	\$18,318,582	10.0%	\$16,486,724	\$29,915,383	\$13,428,659	45%
Food & Beverage Stores	\$4,188	\$40,056,391	4.0%	\$38,454,135	\$95,192,763 (8)	\$56,738,628	60%
Gasoline Stations	\$2,121	\$20,286,774	0.0%	\$20,286,774	\$21,605,340	\$1,318,566	6%
Clothing & Clothing Accessories Stores	\$1,795	\$17,172,702	15.0%	\$14,596,797	\$5,736,599	(\$8,860,198)	-52%
General Merchandise Stores	\$3,329	\$31,845,034	12.5%	\$27,864,405	\$2,994,020	(\$24,870,385)	-78%
Food Services & Drinking Places	\$3,308	\$31,639,929	0.0%	\$31,639,929	\$27,983,717	(\$3,656,212)	-12%
Other Retail Group (9)	\$5,006	\$47,883,459	17.5%	\$39,503,854	\$25,124,592	(\$14,379,262)	-30%
Total	\$27,030	\$258,538,926	8.8% (10)	\$235,674,892	\$222,863,935	(\$12,810,957)	-5%

Sources: Claritas, Demographic Quick Facts, Primary Market Area, generation date December 21, 2022; "Bagged or Boxed: The Future of 13 Retail Categories," 2017, page 11, Jones Lang LaSalle; "Table 3. Supplemental Estimated Quarterly U.S. Retail Trade Sales (Not Adjusted, millions of dollars) - Total and E-commerce," Retail Indicators Branch, U.S. Census Bureau, February 19, 2021; "U.S. Retail Market Outlook," March 2021, page 7, Cushman & Wakefield; and ALH Urban & Regional Economics.

- (1) All figures are expressed in 2021 dollars.
- (2) The per household spending estimates for the primary market area were generated by ALH Urban & Regional Economics by taking the estimated average 2021 area household income figure of \$84,331 for 2021 estimated by Claritas and multiplying by 32%, utilizing the assumption that 32% of household income is spent on BOE type retail at this average income level. See Exhibit 2. This figure was then multiplied by the percentages calculated from the ratio of the CDTFA sales for the State of California. See (3) Represents per household spending multiplied by the respective household count (e.g., occupied housing units) for the primary market area of 9,565.
- (4) ALH Urban & Regional Economics developed these percentage estimates after reviewing and analyzing many retail-related resource materials with information about the share of consumer retail sales captured by the internet around 2019 and thereafter. The sources included estimates by retail category, many of which coincided exactly with the CDTFA retail categories and many of which were for more specific categories that ALH Urban & Regional Economics then aggregated for analytical purposes. The resources used for this analysis comprised the source materials referenced in the exhibit Sources prepared by Jones Lang LaSalle, the U.S. Census Bureau, Cushman & (5) Comprises the balance of household demand anticipated to be expressed for brick and mortar stores, after deducting the percent of demand assumed to be satisfied by internet sales.
- (6) See Exhibit 3.
- (7) Building Materials and Garden Equipment includes hardware stores, plumbing and electrical supplies, paint and wallpaper products, glass stores, lawn and garden equipment, and lumber.
- (8) Food & Beverage sales are increased by estimated sales for two food stores in Mendocino - Harvest at Mendosa's and Corners of the Mouth. Based on a foodchainmagazine.com article (for Harvest Market) and examination of Google Map images, the stores are estimated to comprise 15,000 and 2,000 square feet of total space, respectively. Based on industry standards, store sales are estimated at \$600 and \$400 per square foot, respectively. This results in an increment of \$9.8 million in (9) Per the State of California Department of Tax and Fee Administration the Other Retail Group includes drug stores, florists, and stores primarily selling health and personal care products, pet supplies, gifts, art goods and novelties, sporting goods, musical instruments, stationary and books, office and school supplies, and second-hand merchandise as well as miscellaneous other retail stores.
- (10) Weighted average totals.

Exhibit 5
Mendocino County Taxable Sales Estimate (1)
2021

Type of Retailer	Total Taxable Sales	Mendocino County
	Mendocino County	Taxable Sales Adjusted to Total Retail
Motor Vehicles & Parts Dealers	\$235,458,962	\$235,458,962
Home Furnishings & Appliance Stores	\$35,494,331	\$35,494,331
Building Materials & Garden Equip .	\$242,423,635	\$242,423,635
Food & Beverage Stores	\$135,894,967	\$452,983,223 (2)
Gasoline Stations	\$233,846,971	\$233,846,971
Clothing & Clothing Accessories Stores	\$53,287,568	\$53,287,568
General Merchandise Stores	\$183,024,648	\$244,032,864 (3)
Food Services & Drinking Places	\$158,465,077	\$158,465,077
Other Retail Group	\$262,939,669	\$304,282,706 (4)
Total (5)	\$1,540,835,828	\$1,960,275,337
Percent Taxable	79%	

Sources: California Department of Tax and Fee Administration (CDTFA), "Table 1. Taxable Sales in California, By Type of Business, 2021"; U.S. Economic Census, "Retail Trade: Summary Statistics for the U.S., States, and Selected Geographies: 2017"; and ALH Urban & Regional Economics.

- (1) Taxable sales are pursuant to reporting by the State of California Department of Tax and Fee Administration (CDTFA).
- (2) Sales for Food and Beverage Stores have been adjusted to account for non-taxable sales; only 30.0% of all food store sales are estimated to be taxable.
- (3) Sales for General Merchandise Stores have been adjusted to account for non-taxable sales, since some General Merchandise Store sales include non-taxable items. ALH Urban & Regional Economics estimates that at least 25% of General Merchandise sales are for grocery, pharmacy, and other non-taxable items. This estimate is based on analysis of the 2017 U.S. Economic Census findings for General Merchandise stores in California.
- (4) Sales for Other Retail Group have been adjusted to account for non-taxable drug store sales, since drug store sales are included in the Other Retail Group category. ALH Urban & Regional Economics estimates that 33.0% of drug store sales are taxable, based on discussions with the former California BOE and examination of U.S. Census data. In California, drug store sales in 2019 represented approximately 7.74% of all Other Retail Group sales. ALH Urban & Regional Economics applied that percentage and then adjusted upward for non-taxable sales.
- (5) Totals may not add up due to rounding.

Exhibit 6
Mendocino County
Retail Demand, Sales Attraction, and Spending Analysis (1)
2021

Type of Retailer	Mendocino County Household Spending					Mendocino County Sales (6)	Retail Sales	
	Per HH Spending (2)	Mendocino County HH Spending (3)	Percent E-Commerce (4)	Remaining Brick & Demand (5)	Attraction/(Leakage) Amount		Percent	
Motor Vehicles & Parts Dealers	\$4,016	\$140,767,633	5.0%	\$133,729,251	\$235,458,962	\$101,729,711	43%	
Home Furnishings & Appliance Stores	\$1,340	\$46,983,519	20.0%	\$37,586,815	\$35,494,331	(\$2,092,484)	-4%	
Building Materials & Garden Equip (7)	\$1,911	\$66,996,480	10.0%	\$60,296,832	\$242,423,635	\$182,126,803	75%	
Food & Beverage Stores	\$4,180	\$146,498,084	4.0%	\$140,638,161	\$452,983,223	\$312,345,063	69%	
Gasoline Stations	\$2,117	\$74,194,739	0.0%	\$74,194,739	\$233,846,971	\$159,652,232	68%	
Clothing & Clothing Accessories Stores	\$1,792	\$62,805,658	15.0%	\$53,384,809	\$53,287,568	(\$97,241)	0%	
General Merchandise Stores	\$3,323	\$116,466,721	12.5%	\$101,908,381	\$244,032,864	\$142,124,483	58%	
Food Services & Drinking Places	\$3,301	\$115,716,591	0.0%	\$115,716,591	\$158,465,077	\$42,748,486	27%	
Other Retail Group (8)	\$4,996	\$175,123,992	17.5%	\$144,477,293	\$304,282,706	\$159,805,413	53%	
Total	\$26,977	\$945,553,416	8.8% (9)	\$861,932,872	\$1,960,275,337	\$1,098,342,465	56%	

Sources: Claritas, Demographic Quick Facts, Primary Market Area, generation date December 21, 2022, "Bagged or Boxed: The Future of 13 Retail Categories," 2017, page 11, Jones Lang LaSalle; "Table 3. Supplemental Estimated Quarterly U.S. Retail Trade Sales (Not Adjusted, millions of dollars) - Total and E-commerce," Retail Indicators Branch, U.S. Census Bureau, February 19, 2021; "U.S. Retail Market Outlook," March 2021, page 7, Cushman & Wakefield; and ALH Urban & Regional Economics.

- (1) All figures are expressed in 2021 dollars.
- (2) The per household spending estimates for Mendocino County were generated by ALH Urban & Regional Economics by taking the estimated average 2021 area household income figure of \$84,165 for 2021 estimated by Claritas and multiplying by 32%, utilizing the assumption that 32% of household income is spent on BOE type retail at this average income level. See Exhibit 2. This figure was then multiplied by the percentages calculated from the ratio of the CDTFA sales for the State of California. See Exhibit 1.
- (3) Represents per household spending multiplied by the respective household count (e.g., occupied housing units) for Mendocino County of 35,051.
- (4) ALH Urban & Regional Economics developed these percentage estimates after reviewing and analyzing many retail-related resource materials with information about the share of consumer retail sales captured by the internet around 2019 and thereafter. The sources included estimates by retail category, many of which coincided exactly with the CDTFA retail categories and many of which were for more specific categories that ALH Urban & Regional Economics then aggregated for analytical purposes. The resources used for this analysis comprised the source materials referenced in the exhibit Sources prepared by Jones Lang LaSalle, the U.S. Census Bureau, Cushman & Wakefield, and
- (5) Comprises the balance of household demand anticipated to be expressed for brick and mortar stores, after deducting the percent of demand assumed to be satisfied by internet sales.
- (6) See Exhibit 5.
- (7) Building Materials and Garden Equipment includes hardware stores, plumbing and electrical supplies, paint and wallpaper products, glass stores, lawn and garden equipment, and lumber.
- (8) Per the State of California Department of Tax and Fee Administration the Other Retail Group includes drug stores, florists, and stores primarily selling health and personal care products, pet supplies, gifts, art goods and novelties, sporting goods, musical instruments, stationery and books, office and school supplies, and second-hand merchandise as well as miscellaneous other retail stores.
- (9) Weighted average totals.

Exhibit 7

Fort Bragg Primary Market Area Stores Selling Groceries and Other Food Items November 2022 (1)

Store	Type and Name	Accompanying Structure	Type of	Address	City/Area	Miles from GO Site (2)	Type of Store/Comments (3)
Grocery Stores							
Purity Supermarket		Downtown Fort Bragg		242 N. Franklin	Fort Bragg	1.2	Basic, full service grocery store (11,000 sq. ft.)
Safeway		Stand Alone Store		660 S. Main Street	Fort Bragg	0.4	Full service grocery store with pharmacy (47,000 sq. ft.)
Harvest Market		The Boatyard Shopping Center		171 Boatyard Drive	Fort Bragg	0.9	High-end, full service grocery store (40,000 sq. ft.)
Harvest at Mendosa's		Stand Alone Store		10501 Lansing Street	Mendocino	9.0	Not quite as high end as the Fort Bragg store, more focused on natural and organic items (11,000 sq. ft.) (3)
Natural Food Stores							
I Down Home Foods		Downtown Fort Bragg		115 S. Franklin	Fort Bragg	0.8	Natural food grocery store, inc. fresh fruits & vegetables
Corners of the Mouth		In converted church		45051 Ukiah Street	Mendocino	9.2	Natural food grocery store, many supplements, estimated size 2,000 square feet (3)
Convenience Stores							
Cleone Grocery		Stand Alone Store		24400 North Highway 1	Cleone	4.7	Small market with basic food and other supplies
El Yuca		Downtown Fort Bragg		242 N. McPherson St.	Fort Bragg	1.9	Strong Hispanic focus, inc. fresh fruits, vegetables, and household goods
Nello's Market & Deli		Stand Alone Store		860 N. Main Street	Fort Bragg	1.6	Sparsely stocked basic market with alcohol, prepared hot foods, fresh coffee
New B&C Grocery		Edge of Downtown		401 E. Oak Street	Fort Bragg	1.0	Mostly sandwiches, closed weekends
La Mexicana Market		In a small strip-type center		116 S. Main Street	Fort Bragg	0.9	Strong Hispanic focus, inc. fresh fruits, vegetables, and household goods - connected to clothing store
Other Stores with Substantial Food and Beverage Sales							
Roundman's Smoke House and Butcher Shop		Downtown Fort Bragg		412 N. Main Street	Fort Bragg	1.4	Butcher shop with fresh and packaged meats, cooking and baking supplies, boxed pasta, sauces, and
CVS		Stand Alone Store, adjacent to downtown		150 S. Main Street	Fort Bragg	0.8	Drug store with food items, inc. frozen prepared foods
Rite Aid		Stand Alone Store		490 S. Main Street	Fort Bragg	0.5	Drug store with food items, pharm closed weekends
I Dollar Tree		The Boatyard Shopping Center		189 Boatyard Drive	Fort Bragg	0.9	General merchandise store with many food items (8,000 - 10,000 sq. ft.)
Gas Station Convenience Stores							
1 Dino Mart		Sinclair Gas Station		863 N. Main Street	Fort Bragg	1.6	Connected to adjacent fast food restaurant
Red Rhino		Exxon Gas Station		710 S. Main Street	Fort Bragg	0.2	Primarily snacks, car supplies, cigarettes, phone cards
Chevron		Chevron Gas Station		810 S. Main Street	Fort Bragg	0.2	Snacks/candy, soda machine, wine section, frozen goods
Arco		Arco Gas Station		1004 S. Main Street	Fort Bragg	0.2	Snacks/candy, soda machine, beer section, frozen goods
Norcal		Norcal Gas Station		18770 CA-1	Fort Bragg	1.2	Snacks, car supplies, sundries, cigarettes, lottery machine
Food Mart		Speedway Express Gas Station		18475 CA-1	Fort Bragg	1.4	Snacks, cigarettes, drinks, coffee machine, broken cooler
I Little River Market		Gas Station		7746 N. Highway 1	Little River	11.8	Snacks, wine, cigarettes, limited food cooler offerings, some fresh fruit

Sources: Google; Google Earth; Dollar Tree, Inc. Form 10-K for The Fiscal Year Ending January 20, 2022, page 7; and ALH Urban & Regional Economics.

(1) Stores by category listed generally from north to south.

(2) For distance mapping purposes, 825 South Franklin Street was used as the address for Grocery Outlet.

(3) Where listed, square foot sizes are estimated based on Google Earth calculations.

Exhibit 8
Representative Commercial Vacancies in Fort Bragg
November 2022

Address	Former Use(s)	Comments/Market Interest
North Franklin Street		
310	Appears to have been vacant in April 2019 (per Google maps)	Extensive renovation in progress, many community use options under consideration, inc. crafts gallery, retail space, and flexible space for activities, work-shops, and classes.
312	Appears to have been an antique store	Building for sale. Exterior paint peeling.
322	Sherwood Company (Home Décor and Accessories)	Sherwood Company left this space in late 2018/early 2019. It has been vacant ever since. Sherwood Company had an interim location at 142 East Laurel Street, which they vacated in early 2022, relocating to 350 North Main Street in April 2022. The space on East Laurel Street was backfilled quickly by Sip Wine Bar in 2022.
336	Appears to have been vacant in April 2019 (per Google maps)	For sale by owner.
362	Sears Appliance Repair	Vacant since approximately 2019. Tail Man Brewing Inc., small beer manufacturer, now coming.
366	Antique store, operated by building owner	Store closed pre-pandemic. Approx. 3,000 sq. ft., vacant, building owner seeking to sell building, field inquiries often, most serious inquiry was for a bar whose operator obtained a liquor license, but investors backed out.
South Franklin Street		
486	Detrick Veterinary Hospital	Veterinary practice closed, relocated out of state. Continues to own the building, but extensive modifications will be required to convert the space to traditional retail space.
South Main Street		
546	Serial failed restaurants, such as Chinese, Indian, Steak House	Long-term vacancy, approximately 8-9 years. Property has limited parking.
East Laurel Street		
2 vacancies on the north side of the street	Not Available	Addresses not visible, no brokerage signage.
115	Oasis Express (Beauty and Boutique)	Closed this location and consolidated at The Boatyard Shopping Center, then closed that location around summer 2022 and moved to North Franklin Street in downtown Fort Bragg. Half of the space vacated at The Boatyard Shopping Center was quickly backfilled by ***.
East Redwood Avenue		
2 vacancies on the south side of the street		Addresses not visible, no brokerage signage.
The Boatyard Shopping Center (Boatyard Drive)		
101A, 101 B, 101 C	Medical call center (4,000 sq. ft. total)	Space vacant for 4-5 years. Prospective interest by office user, with occupancy in 2023.
141	Oasis Express	Vacated this space spring 2022. One-half the space was leased to Subway and one-half remains vacant.
179A	Not Available (900 sq. ft.)	Space vacant approximately 2 years. Coffee shops have inquired, but the space is set up for retail, not for a user requiring a commercial kitchen.
Sources: Century 21 Fort Bragg Realty; Group II; Property owners; Google Maps; and ALH Urban & Regional Economics.		

(1) Includes representative commercial building vacancies in Fort Bragg. This list is not intended to be comprehensive but illustrative of existing vacancies.

APPENDIX B

FIRM QUALIFICATIONS AND PRINCIPAL RESUME

FIRM INTRODUCTION

ALH Urban & Regional Economics (ALH Economics) is a sole proprietorship devoted to providing urban and regional economic consulting services to clients throughout California. The company was formed in June 2011. Until that time, Amy L. Herman, Principal and Owner (100%) of ALH Economics, was a Senior Managing Director with CBRE Consulting in San Francisco, a division of the real estate services firm CB Richard Ellis. CBRE Consulting was the successor firm to Sedway Group, in which Ms. Herman was a part owner, which was a well-established urban economic and real estate consulting firm acquired by CB Richard Ellis in late 1999.

ALH Economics provides a range of economic consulting services, including:

- fiscal and economic impact analysis
- CEQA-prescribed urban decay analysis
- economic studies in support of general plans, specific plans, and other long-range planning efforts
- market feasibility analysis for commercial, housing, and industrial land uses
- economic development and policy analysis
- other specialized economic analyses tailored to client needs

Since forming ALH Economics, Ms. Herman's client roster includes California cities, counties, and other public agencies; educational institutions; architectural, environmental, and other real estate-related consulting firms; commercial and residential developers; non-profits; and law firms. A select list of ALH Economics clients includes the following:

- the cities of Concord, Pleasanton, Tracy, Dublin, Inglewood, Petaluma, and Los Banos, the Office of Community Investment and Infrastructure as Successor Agency to the Redevelopment Agency of the City and County of San Francisco, Alameda County Community Development Agency, the Alameda County Fair, Bay Area Rapid Transit District, East Bay Community Energy, and The Presidio Trust;
- the University of California at Berkeley, Stanford Real Estate, The Primary School, The Claremont Colleges Services, and the University of California at Riverside;
- Environmental Science Associates (ESA), Dudek, Group 4 Architecture, Research + Planning, Inc., Paul Halajian Architects, LSA Associates, Raney Planning and Management, Inc., First Carbon Solutions - Michael Brandman Associates, and Infrastructure Management Group, Inc.;
- Catellus Development Corporation, Maximus Real Estate Partners, New West Communities, Build, Inc., Arcadia Development Co., KB Home, Howard Hughes Corporation dba Victoria Ward LLC, Blu Homes, Inc., Kimco Realty, Align Real Estate LLC, Centercal, Carvana Co., and Trammell Crow Residential;
- Costco Wholesale Corporation, One Medical, Golden State Lumber, Public Storage, Home Depot, and Lifetime Fitness;
- Gresham Savage Nolan & Tilden, PC, Remy Moose Manley, Pelosi Law Group, Sedgwick LLP, Coblentz Patch Duffy & Bass LLP

Throughout her more than 30-year career, Ms. Herman has managed real estate consulting assignments for hundreds of additional clients, including many California cities, corporations, residential, commercial, and industrial real estate developers, and Fortune 100 firms.

PRINCIPAL INTRODUCTION

Ms. Amy Herman, Principal of ALH Economics, has directed assignments for corporate, institutional, non-profit, and governmental clients in key service areas, including commercial market analysis, fiscal and economic impact analysis, economic development and redevelopment, location analysis, strategic planning, and policy analysis. During her career spanning over 30 years, Ms. Herman has supported client goals in many ways, such as to assess supportable real estate development, demonstrate public and other project benefits, to assess public policy implications, and to evaluate and maximize the value of real estate assets. In addition, her award-winning economic development work has been recognized by the American Planning Association, the California Redevelopment Association, and the League of California Cities.

Prior to forming ALH Economics, Ms. Herman worked for 20 years as an urban economist with Sedway Group and then CBRE Consulting's Land Use and Economics practice. Her prior professional work experience included 5 years in the Real Estate Consulting Group of the now defunct accounting firm Laventhol & Horwath (L&H), preceded by several years with the real estate consulting firm Land Economics Group, which was acquired by L&H. During the course of her career, Ms. Herman has established a strong professional network and client base providing access to contacts and experts across a wide spectrum of real estate and urban development resources.

Ms. Herman holds a Master of Community Planning degree from the University of Cincinnati and a Bachelor of Arts degree in urban policy studies from Syracuse University. She pursued additional post-graduate studies in the Department of City and Regional Planning at the University of California at Berkeley. A professional resume for Ms. Herman follows.

APPENDIX C

Wetland Datasheets from 3/29/22 Field Survey

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Fort Briggs 60 City/County: Fort Briggs, Mendocino Sampling Date: 3/29/22
 Applicant/Owner: _____ State: CA Sampling Point: 1
 Investigator(s): S. McMurtrey Section, Township, Range: NW 1/4 Sec 18 T18 N R17 W
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 0
 Subregion (LRR): _____ Lat: 39°25'48.78"N Long: 123°48'19.14 W Datum: _____
 Soil Map Unit Name: Urban NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes _____ No _____	
Wetland Hydrology Present? Yes _____ No _____	
Remarks: <u>Recent rains, early spring conditions. Drought prevalent through Ca, but not as extreme in sampling area.</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				
Herb Stratum (Plot size: _____)				
1. <u>Bromus diandrus</u>	<u>40</u>	<u>Y</u>	<u>UPL</u>	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% <input checked="" type="checkbox"/> Prevalence Index is ≤3.0 ¹ ____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ____ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. <u>Raphanus raphanistrum</u>	<u>25</u>	<u>Y</u>	<u>UPL</u>	
3. <u>Athyrum odoratum</u>	<u>15</u>	<u>Y</u>	<u>FACU</u>	
4. <u>Medicago polymorpha</u>	<u>15</u>	<u>Y</u>	<u>FACU</u>	
5. <u>Galium aparine</u>	<u>1</u>	<u>N</u>	<u>UPL</u>	
6. <u>Plantago lanceolata</u>	<u>1</u>	<u>N</u>	<u>FAC</u>	
7. <u>Rumex acetosella</u>	<u>1</u>	<u>N</u>	<u>OBL</u>	
8. _____	_____	_____	_____	
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				

Remarks: OBL plant present, but very low density. Prevalence test + dominance test does not approach wetland. No other wetland characteristics.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Fert Bress 60 City/County: Fert Bress, Mndoc Sampling Date: 3/29/21
 Applicant/Owner: _____ State: _____ Sampling Point: 2
 Investigator(s): S McMurtre Section, Township, Range: NW 1/4 Sec 18 T18 N R12W
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): none Slope (%): 0
 Subregion (LRR): _____ Lat: 39°25'46.37"N Long: 123°48'19.26"W Datum: _____
 Soil Map Unit Name: Urban NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	
Remarks:	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33%</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species <u>2</u> x 1 = <u>2</u> FACW species _____ x 2 = _____ FAC species <u>10</u> x 3 = <u>30</u> FACU species <u>2</u> x 4 = <u>8</u> UPL species <u>82</u> x 5 = <u>410</u> Column Totals: <u>96</u> (A) <u>450</u> (B) Prevalence Index = B/A = <u>4.68</u>
_____ = Total Cover				
_____ = Total Cover				
_____ = Total Cover				
_____ = Total Cover				
Herb Stratum (Plot size: _____) 1. <u>Raphanus raphistrum</u> <u>50</u> <u>Y</u> <u>UPL</u> 2. <u>Bremus diandrus</u> <u>30</u> <u>Y</u> <u>UPL</u> 3. <u>Plantago lanceolata</u> <u>10</u> <u>Y</u> <u>FAC</u> 4. <u>Oxalis pes-caprae</u> <u>2</u> <u>N</u> <u>UPL</u> 5. <u>Athyraxanthum odoratum</u> <u>2</u> <u>N</u> <u>FACU</u> 6. <u>Rumex acetosella</u> <u>2</u> <u>N</u> <u>OBL</u> 7. _____ 8. _____ <u>96</u> = Total Cover				Hydrophytic Vegetation Indicators: N Dominance Test is >50% N Prevalence Index is ≤3.0 ¹ _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
_____ = Total Cover				
_____ = Total Cover				
_____ = Total Cover				
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____) 1. _____ 2. _____ _____ = Total Cover				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				
Remarks: <u>Hydrophyte present but very low density. High prevalence test for UPL.</u>				

Sampling Point: 2

HYDROLOGY

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations: Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ (includes capillary fringe)		Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Fort Briggs 60 City/County: Fort Briggs, Mendocino Sampling Date: 3/29/22
 Applicant/Owner: _____ State: _____ Sampling Point: 3
 Investigator(s): S. McManis Section, Township, Range: NW 1/4 Sec 18 T18 N R17W
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): none Slope (%): 0
 Subregion (LRR): _____ Lat: 39°25'42.00"N Long: 123°46'19.37"W Datum: _____
 Soil Map Unit Name: Urban NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes _____ No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes _____ No <input checked="" type="checkbox"/>	
Remarks:		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33%</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)				
1. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species <u>15</u> x 3 = <u>45</u> FACU species _____ x 4 = _____ UPL species <u>25</u> x 5 = <u>125</u> Column Totals: <u>90</u> (A) <u>170</u> (B) Prevalence Index = B/A = <u>1.89</u>
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				
Herb Stratum (Plot size: _____)				
1. <u>Elymus glaucus</u>	<u>40</u>	<u>Y</u>	<u>UPL</u>	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species <u>15</u> x 3 = <u>45</u> FACU species _____ x 4 = _____ UPL species <u>25</u> x 5 = <u>125</u> Column Totals: <u>90</u> (A) <u>170</u> (B) Prevalence Index = B/A = <u>1.89</u>
2. <u>Plantago lanceolata</u>	<u>15</u>	<u>Y</u>	<u>UPL</u>	
3. <u>Raphanus raphistrum</u>	<u>15</u>	<u>Y</u>	<u>UPL</u>	
4. <u>Trifolium subterraneum</u>	<u>10</u>	<u>N</u>	<u>UPL</u>	
5. <u>Arctostaphylos californica</u>	<u>5</u>	<u>N</u>	<u>UPL</u>	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species <u>15</u> x 3 = <u>45</u> FACU species _____ x 4 = _____ UPL species <u>25</u> x 5 = <u>125</u> Column Totals: <u>90</u> (A) <u>170</u> (B) Prevalence Index = B/A = <u>1.89</u>
6. <u>Oxalis per-caryae</u>	<u>5</u>	<u>N</u>	<u>UPL</u>	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species <u>15</u> x 3 = <u>45</u> FACU species _____ x 4 = _____ UPL species <u>25</u> x 5 = <u>125</u> Column Totals: <u>90</u> (A) <u>170</u> (B) Prevalence Index = B/A = <u>1.89</u>
2. _____	_____	_____	_____	
_____ = Total Cover				
_____ = Total Cover				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				
Remarks:				

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%
 ___ Prevalence Index is ≤3.0¹
 ___ Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)
 ___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic
Vegetation
Present?

Yes _____ No ☒

Sampling Point: 3

Sampling Point: 3

[illegible]

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

☐ 1 cm Muck (A9) (LRR C)
☐ 2 cm Muck (A10) (LRR B)
☐ Reduced Vertic (F18)
☐ Red Parent Material (TF2)
☐ Other (Explain in Remarks)

Restrictive Layer (if present):

Hydric Soil Present? Yes No ☒

Remarks: Small stone lay embedded approx 6" below surface intermixed w/ sandy loam consistent w/ upper 6".

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

Secondary Indicators (2 or more required)

Field Observations:

Wetland Hydrology Present? Yes _____ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Fort Bragg GO City/County: Fort Bragg, Meade Sampling Date: 3/29/22
 Applicant/Owner: _____ State: _____ Sampling Point: 4
 Investigator(s): S. McMurtry Section, Township, Range: NW 1/4 Sec 18 T18N R17W
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): none Slope (%): 0
 Subregion (LRR): _____ Lat: 39°25'45.63"N Long: 123°48'19.48"W Datum: _____
 Soil Map Unit Name: Urban NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes _____ No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes _____ No <input checked="" type="checkbox"/>	
Remarks:		

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>25%</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
_____ = Total Cover				
Herb Stratum (Plot size: _____)				
1. <u>Elymus glaucus</u>	<u>40</u>	<u>Y</u>	<u>UPL</u>	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% <input checked="" type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u>Plantago lanceolata</u>	<u>15</u>	<u>Y</u>	<u>FAC</u>	
3. <u>Trifolium subterraneum</u>	<u>15</u>	<u>Y</u>	<u>UPL</u>	
4. <u>Arctostaphylos californica</u>	<u>15</u>	<u>Y</u>	<u>UPL</u>	
5. <u>Oxalis pes-caprae</u>	<u>2</u>	<u>N</u>	<u>UPL</u>	
6. <u>Anthoxanthum odoratum</u>	<u>2</u>	<u>N</u>	<u>FACU</u>	
7. <u>Raphanus repens</u>	<u>2</u>	<u>N</u>	<u>UPL</u>	
8. _____	_____	_____	_____	
<u>91</u> = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____ Remarks: _____				

Hydrophytic
Vegetation
Present? Yes _____ No ☒

Sampling Point:

4

[illegible]²Location: PL=Pore Lining, M=Matrix.

Indicators for Problematic Hydric Soils³:

- ³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Type: _____
Depth (inches): _____

Hydric Soil Present? Yes No ☒

Remarks:

Same cabbie layer as point 3.

Wetland Hydrology Indicators:

Secondary Indicators (2 or more required)

- | Primary Indicators (1 of 2 required) | | Secondary Indicators (2 of more required) |
|--|--|---|
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Salt Crust (B11) | <input type="checkbox"/> Water Marks (B1) (Riverine) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Biotic Crust (B12) | <input type="checkbox"/> Sediment Deposits (B2) (Riverine) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) | <input type="checkbox"/> Drift Deposits (B3) (Riverine) |
| <input type="checkbox"/> Water Marks (B1) (Nonriverine) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input type="checkbox"/> Sediment Deposits (B2) (Nonriverine) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Drift Deposits (B3) (Nonriverine) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input type="checkbox"/> Crayfish Burrows (C8) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Thin Muck Surface (C7) | <input type="checkbox"/> Shallow Aquitard (D3) |
| <input type="checkbox"/> Water-Stained Leaves (B9) | <input type="checkbox"/> Other (Explain in Remarks) | <input type="checkbox"/> FAC-Neutral Test (D5) |

Surface Water Present? Yes _____ No ☒ Depth (inches): _____

Water Table Present? Yes _____ No ☒ Depth (inches): _____

Saturation Present? Yes _____ No ☒ Depth (inches): _____
(includes capillary fringe)

Wetland Hydrology Present? Yes _____ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Fort Bragg 60 City/County: Fort Bragg, Mendo Sampling Date: 3/29/22
 Applicant/Owner: _____ State: CA Sampling Point: 5
 Investigator(s): S. McMurtry Section, Township, Range: NW 1/4 Sec 18 T15N R17W
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): none Slope (%): 0
 Subregion (LRR): _____ Lat: 39°25'46.55"N Long: 123°48'18.40"W Datum: _____
 Soil Map Unit Name: Udbeck NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes _____ No <input checked="" type="checkbox"/>		
Wetland Hydrology Present?	Yes _____ No <input checked="" type="checkbox"/>		
Remarks:			

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>2</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50%</u> (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet:
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)	_____	_____	_____	Total % Cover of: _____ Multiply by: _____
1. _____	_____	_____	_____	OBL species _____ x 1 = _____
2. _____	_____	_____	_____	FACW species _____ x 2 = _____
3. _____	_____	_____	_____	FAC species <u>40</u> x 3 = <u>70</u>
4. _____	_____	_____	_____	FACU species _____ x 4 = _____
5. _____	_____	_____	_____	UPL species <u>55</u> x 5 = <u>275</u>
_____ = Total Cover				Column Totals: <u>95</u> (A) <u>345</u> (B)
Herb Stratum (Plot size: _____)	_____	_____	_____	Prevalence Index = B/A = <u>3.63</u>
1. <u>Pentstemon californicus</u>	<u>40</u>	<u>Y</u>	<u>FAC</u>	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% <input checked="" type="checkbox"/> Prevalence Index is ≤3.0 ¹ _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u>Trifolium subterraneum</u>	<u>40</u>	<u>Y</u>	<u>UPL</u>	
3. <u>Eschscholzia californica</u>	<u>8</u>	<u>N</u>	<u>UPL</u>	
4. <u>Raphanus raphistrum</u>	<u>5</u>	<u>N</u>	<u>UPL</u>	
5. <u>Bromus diandrus</u>	<u>2</u>	<u>N</u>	<u>UPL</u>	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
_____ = Total Cover				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Woody Vine Stratum (Plot size: _____)	_____	_____	_____	
1. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>
2. _____	_____	_____	_____	
_____ = Total Cover				Remarks: <u>Dominance test at min threshold for hydrophytes. Site does not show other characteristics of wetland presence</u>
% Bare Ground in Herb Stratum _____	% Cover of Biotic Crust _____			

Sampling Point: 5

HYDROLOGY

Primary Indicators (minimum of one required; check all that apply)

Field Observations (1 or more required)		Secondary Indicators (2 or more required)
___ Surface Water (A1)	___ Salt Crust (B11)	___ Water Marks (B1) (Riverine)
___ High Water Table (A2)	___ Biotic Crust (B12)	___ Sediment Deposits (B2) (Riverine)
___ Saturation (A3)	___ Aquatic Invertebrates (B13)	___ Drift Deposits (B3) (Riverine)
___ Water Marks (B1) (Nonriverine)	___ Hydrogen Sulfide Odor (C1)	___ Drainage Patterns (B10)
___ Sediment Deposits (B2) (Nonriverine)	___ Oxidized Rhizospheres along Living Roots (C3)	___ Dry-Season Water Table (C2)
___ Drift Deposits (B3) (Nonriverine)	___ Presence of Reduced Iron (C4)	___ Crayfish Burrows (C8)
___ Surface Soil Cracks (B6)	___ Recent Iron Reduction in Tilled Soils (C6)	___ Saturation Visible on Aerial Imagery (C9)
___ Inundation Visible on Aerial Imagery (B7)	___ Thin Muck Surface (C7)	___ Shallow Aquitard (D3)
___ Water-Stained Leaves (B9)	___ Other (Explain in Remarks)	___ FAC-Neutral Test (D5)

Surface Water Present? Yes _____ No ✓ Depth (inches): _____
 Water Table Present? Yes _____ No ✓ Depth (inches): _____
 Saturation Present? Yes _____ No ✓ Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Fort Briggs GO City/County: Fort Briggs, Mendo Sampling Date: 3/29/22
 Applicant/Owner: _____ State: Ca Sampling Point: 6
 Investigator(s): S. McMurtry Section, Township, Range: NW 1/4 Sec 18 T18 N R17 W
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): none Slope (%): 0
 Subregion (LRR): _____ Lat: 39°25'45.15"N Long: 123°48'18.45"W Datum: _____
 Soil Map Unit Name: Urban NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes _____ No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes _____ No _____	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>2</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet:
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)				Total % Cover of: _____ Multiply by: _____
1. _____	_____	_____	_____	OBL species _____ x 1 = _____
2. _____	_____	_____	_____	FACW species _____ x 2 = _____
3. _____	_____	_____	_____	FAC species _____ x 3 = _____
4. _____	_____	_____	_____	FACU species <u>10</u> x 4 = <u>40</u>
5. _____	_____	_____	_____	UPL species <u>80</u> x 5 = <u>400</u>
_____ = Total Cover				Column Totals: <u>90</u> (A) <u>440</u> (B)
Herb Stratum (Plot size: _____)				Prevalence Index = B/A = <u>4.88</u>
1. <u>Halimolobos longifolia</u>	<u>45</u>	<u>Y</u>	<u>UPL</u>	Hydrophytic Vegetation Indicators: <u>N</u> Dominance Test is >50% <u>N</u> Prevalence Index is ≤3.0 ¹ _____ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u>Panicum virgatum</u>	<u>30</u>	<u>Y</u>	<u>UPL</u>	
3. <u>Leontodon saxatilis</u>	<u>10</u>	<u>N</u>	<u>FACU</u>	
4. <u>Oxalis pes-caprae</u>	<u>1</u>	<u>N</u>	<u>UPL</u>	
5. <u>Anthoxanthum odoratum</u>	<u>1</u>	<u>N</u>	<u>UPL</u>	
6. <u>Vinca major</u>	<u>1</u>	<u>N</u>	<u>UPL</u>	
7. <u>Raphanus replanstrum</u>	<u>1</u>	<u>N</u>	<u>UPL</u>	
8. <u>Elymus glaucus</u>	<u>1</u>	<u>N</u>	<u>UPL</u>	
_____ = Total Cover				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/>
2. _____	_____	_____	_____	
_____ = Total Cover				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				

Remarks:

SOIL

Sampling Point: 6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6	10YR 3-1	100					Sandy/Loam	
6-18	10YR 3-1	100					Sandy loam/cobble	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Stratified Layers (A5) (LRR C)
- ☐ 1 cm Muck (A9) (LRR D)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)
- ☐ Vernal Pools (F9)

- ☐ 1 cm Muck (A9) (LRR C)
- ☐ 2 cm Muck (A10) (LRR B)
- ☐ Reduced Vertic (F18)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____
Depth (inches): _____

Hydric Soil Present? Yes _____ No ☒

Remarks:

Appears to be previously graded. Cobble layer is shallow, but not as prominent in this location as in point 4.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

Secondary Indicators (2 or more required)

- | | | |
|--|--|--|
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Salt Crust (B11) | <input type="checkbox"/> Water Marks (B1) (Riverine) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Biotic Crust (B12) | <input type="checkbox"/> Sediment Deposits (B2) (Riverine) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) | <input type="checkbox"/> Drift Deposits (B3) (Riverine) |
| <input type="checkbox"/> Water Marks (B1) (Nonriverine) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input type="checkbox"/> Sediment Deposits (B2) (Nonriverine) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Drift Deposits (B3) (Nonriverine) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input type="checkbox"/> Crayfish Burrows (C8) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Thin Muck Surface (C7) | <input type="checkbox"/> Shallow Aquitard (D3) |
| <input type="checkbox"/> Water-Stained Leaves (B9) | <input type="checkbox"/> Other (Explain in Remarks) | <input type="checkbox"/> FAC-Neutral Test (D5) |

Field Observations:

Surface Water Present? Yes _____ No ☒ Depth (inches): _____
Water Table Present? Yes _____ No ☒ Depth (inches): _____
Saturation Present? Yes _____ No ☒ Depth (inches): _____
(includes capillary fringe)

Wetland Hydrology Present? Yes _____ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Fort Bragg GO

Wetland Soil Assessment

Legend

- Feature 1
- Feature 2
- Feature 3
- Fort Bragg Grocery Outlet
- Mendocino County Building Inspectn
- Mountain Mike's Pizza
- Pit



APPENDIX D

Grocery Outlet Water Bills (February 2022 to October 2022)



CITY OF WILLITS
WATER BILL
 111 EAST COMMERCIAL STREET
 WILLITS, CA 95490-3188
 (707) 459-4601

WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
2/28/2022	1718 S MAIN/FIRE		2/21/2022
		ACCOUNT NUMBER	
		102-0476-00-03	
		AMOUNT DUE	133.09
		AMOUNT PAID _____	
		MAKE CHECK PAYABLE TO: CITY OF WILLITS	
DAVID MCKINNEY 1718 S MAIN ST WILLITS CA 95490		Pay your utility bill online www.cityofwillits.org or call 1-877-885-7968 24hrs a day	

DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT.
 RETAIN THIS PORTION FOR YOUR RECORDS.

CITY OF WILLITS
 111 EAST COMMERCIAL STREET • WILLITS, CA 95490-3188

SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER																							
1718 S MAIN/FIRE		102-0476-00-03																							
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TOTAL DUE	133.09																								

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
STANDBY		29	29	H		
BASE FEE	127.09					
BACKFLOW	6.00					
Current Chg	133.09					

After Due Date of 3/31/2022 Pay Delinquent Amount of \$146.40

Statement Reflects Payments Received as of 2/28/2022

Please note*** The City will resume Water Disconnections for past due bills starting November 15, 2021***

*** PLEASE HELP US WITH WATER CONSERVATION***

For details please see information on our website cityofwillits.org

BILLING INQUIRIES CALL (707) 459-4601



CITY OF WILLITS
WATER BILL
 111 EAST COMMERCIAL STREET
 WILLITS, CA 95490-3188
 (707) 459-4601

Pay 3/31/22

WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
2/28/2022	1718 S MAIN		3/31/2022
		ACCOUNT NUMBER 102-0475-00-03	
		AMOUNT DUE 168.47	
		AMOUNT PAID <small>MAKE CHECK PAYABLE TO: CITY OF WILLITS</small>	
DAVID MCKINNEY 1718 S MAIN ST WILLITS CA 95490		Pay your utility bill online www.cityofwillits.org or call 1-877-885-7968 24hrs a day	
<small>DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT. RETAIN THIS PORTION FOR YOUR RECORDS.</small>			
CITY OF WILLITS 111 EAST COMMERCIAL STREET • WILLITS, CA 95490-3188			

SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER
1718 S MAIN		102-0475-00-03

BILLING SUMMARY

Previous Bal	168.47
Payments	168.47
Adjustment	
Penalties	
Bal Forward	
Current Chg	168.47
TOTAL DUE	168.47

Meter Reading dates
 Period: 1/18/2022 To: 2/23/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
WATER	101.92	380	393	H	13	6
TIER 1	101.92				13	
BASE FEE	63.55					
BACKFLOW	3.00					
Current Chg	168.47					

After Due Date of 3/31/2022 Pay Delinquent Amount of \$185.32 Statement Reflects Payments Received as of 2/28/2022

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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
3/31/2022	1718 S MAIN/FIRE		4/30/2022
		ACCOUNT NUMBER	
		102-0476-00-03	
		AMOUNT DUE	133.09
		AMOUNT PAID	
		MAKE CHECK PAYABLE TO: CITY OF WILLITS	
 DAVID MCKINNEY 1718 S MAIN ST WILLITS CA 95490-4405		Pay your utility bill online www.cityofwillits.org or call 1-877-885-7968 24hrs a day	

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SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER														
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Meter Reading dates Period: 2/22/2022 To: 3/18/2022																

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
STANDBY		29	29	H		
BASE FEE	127.09					
BACKFLOW	6.00					
Current Chg	133.09					

After Due Date of 4/30/2022 Pay Delinquent Amount of \$146.40

Statement Reflects Payments Received as of 3/31/2022

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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
3/31/2022	1718 S MAIN		4/30/2022
		ACCOUNT NUMBER	
		102-0475-00-03	
		AMOUNT DUE	137.11
		AMOUNT PAID	
		MAKE CHECK PAYABLE TO: CITY OF WILLITS	
		Pay your utility bill online www.cityofwillits.org or call 1-877-885-7968 24hrs a day	

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SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER
1718 S MAIN		102-0475-00-03

BILLING SUMMARY

Previous Bal	168.47
Payments	168.47
Adjustment	
Penalties	
Bal Forward	
Current Chg	137.11
TOTAL DUE	137.11

Meter Reading dates
 Period: 2/23/2022 To: 3/21/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS PREVIOUS	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
			PRESENT				
WATER	70.56	393	402		H	9	7
TIER 1	70.56					9	
BASE FEE	63.55						
BACKFLOW	3.00						
Current Chg	137.11						

After Due Date of 4/30/2022 Pay Delinquent Amount of \$150.82

Statement Reflects Payments Received as of 3/31/2022

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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
4/30/2022	1718 S MAIN		5/31/2022
		ACCOUNT NUMBER	
		102-0475-00-03	
		AMOUNT DUE	168.47
		AMOUNT PAID	
		MAKE CHECK PAYABLE TO: CITY OF WILLITS	
 DAVID MCKINNEY 1718 S MAIN ST WILLITS CA 95490-4405		Pay your utility bill online www.cityofwillits.org or call 1-877-885-7968 24hrs a day	

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SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER																
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TOTAL DUE	168.47																	
Meter Reading dates Period: 3/21/2022 To: 4/21/2022																		

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
WATER	101.92	402	415	H	13	7
TIER 1	101.92				13	
BASE FEE	63.55					
BACKFLOW	3.00					
Current Chg	168.47					

After Due Date of 5/31/2022 Pay Delinquent Amount of \$185.32

Statement Reflects Payments Received as of 4/30/2022

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WATER BILL

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CITY OF WILLITS 111 EAST COMMERCIAL STREET • WILLITS, CA 95490-3188																							
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1718 S MAIN/FIRE		102-0476-00-03																					
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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
5/31/2022	1718 S MAIN		6/30/2022
		ACCOUNT NUMBER	
		102-0475-00-03	
		AMOUNT DUE	168.47
		AMOUNT PAID	
		MAKE CHECK PAYABLE TO: CITY OF WILLITS	
<p>DAVID MCKINNEY 1718 S MAIN ST WILLITS CA 95490-4405</p>		<p>Pay your utility bill online www.cityofwillits.org or call 1-877-885-7968 24hrs a day</p>	
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RETAIN THIS PORTION FOR YOUR RECORDS.			
CITY OF WILLITS 111 EAST COMMERCIAL STREET • WILLITS, CA 95490-3188			

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Current Chg	168.47																	
TOTAL DUE	168.47																	
<p>Meter Reading dates Period: 4/21/2022 To: 5/18/2022</p>																		

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
WATER	101.92	415	428	H	13	12
TIER 1	101.92				13	
BASE FEE	63.55					
BACKFLOW	3.00					
Current Chg	168.47					

After Due Date of 6/30/2022 Pay Delinquent Amount of \$185.32 Statement Reflects Payments Received as of 5/31/2022

Please note*** The City will resume Water Disconnections for past due bills starting JUNE 15, 2022***


*** PLEASE HELP US WITH WATER CONSERVATION***
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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
5/31/2022	1718 S MAIN/FIRE		6/30/2022
		ACCOUNT NUMBER	
		102-0476-00-03	
		AMOUNT DUE	133.09
		AMOUNT PAID	
		MAKE CHECK PAYABLE TO: CITY OF WILLITS	
 DAVID MCKINNEY 1718 S MAIN ST WILLITS CA 95490-4405		Pay your utility bill online www.cityofwillits.org or call 1-877-885-7968 24hrs a day	
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CITY OF WILLITS 111 EAST COMMERCIAL STREET • WILLITS, CA 95490-3188			

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SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
STANDBY		29	29	H		
BASE FEE	127.09					
BACKFLOW	6.00					
Current Chg	133.09					

After Due Date of 6/30/2022 Pay Delinquent Amount of \$146.40

Statement Reflects Payments Received as of 5/31/2022

Please note*** The City will resume Water Disconnections for past due bills starting JUNE 15, 2022***

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WILLITS, CA 95490-3188
(707) 459-4601

WATER BILL

Autopay

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
6/30/2022	1718 S MAIN		7/31/2022



DAVID MCKINNEY
1718 S MAIN ST
WILLITS CA 95490-4405

ACCOUNT NUMBER	
102-0475-00-03	
AMOUNT DUE	215.51

AMOUNT PAID _____
MAKE CHECK PAYABLE TO: CITY OF WILLITS

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CITY OF WILLITS
111 EAST COMMERCIAL STREET • WILLITS, CA 95490-3188

SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER
1718 S MAIN		102-0475-00-03

BILLING SUMMARY

Previous Bal	168.47
Payments	168.47
Adjustment	
Penalties	
Bal Forward	
Current Chg	215.51
TOTAL DUE	215.51

Meter Reading dates
Period: 5/18/2022 To: 6/20/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
WATER	148.96	428	447	H	19	10
TIER 1	148.96				19	
BASE FEE	63.55					
BACKFLOW	3.00					
Current Chg	215.51					

After Due Date of 7/31/2022 Pay Delinquent Amount of \$237.06

Statement Reflects Payments Received as of 6/30/2022

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(707) 459-4601

WATER BILL

BILLING DATE 6/30/2022	SERVICE ADDRESS 1718 S MAIN/FIRE	SERVICE PERIOD	DUE DATE 7/31/2022
<p>DAVID MCKINNEY 1718 S MAIN ST WILLITS CA 95490-4405</p>		ACCOUNT NUMBER 102-0476-00-03	
		AMOUNT DUE 133.09	
		AMOUNT PAID MAKE CHECK PAYABLE TO CITY OF WILLITS	
<p>Pay your utility bill online www.cityofwillits.org or call 1-877-885-7968 24hrs a day</p>			

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CITY OF WILLITS 111 EAST COMMERCIAL STREET • WILLITS, CA 95490-3188															
SERVICE ADDRESS 1718 S MAIN/FIRE	ACCOUNT NUMBER 102-0476-00-03														
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Meter Reading dates Period: 5/18/2022 To: 6/20/2022															

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
STANDBY		29	29	H		
BASE FEE	127.09					
BACKFLOW	6.00					
Current Chg	133.09					

After Due Date of 7/31/2022 Pay Delinquent Amount of \$146.40

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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
8/01/2022	1718 S MAIN/FIRE		8/31/2022
		ACCOUNT NUMBER	
		102-0476-00-03	
		AMOUNT DUE	266.18
		AMOUNT PAID	
		MAKE CHECK PAYABLE TO: CITY OF WILLITS	

DAVID MCKINNEY
 1718 S MAIN ST
 WILLITS CA 95490-4405

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CITY OF WILLITS	
111 EAST COMMERCIAL STREET • WILLITS, CA 95490-3188	
SERVICE ADDRESS	ACCOUNT NUMBER
1718 S MAIN/FIRE	102-0476-00-03

BILLING SUMMARY

Previous Bal	133.09
Payments	
Adjustment	
Penalties	
Bal Forward	133.09
Current Chg	133.09
TOTAL DUE	266.18

Meter Reading dates
 Period: 6/20/2022 To: 7/15/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
STANDBY		29	29	H		
BASE FEE	127.09					
BACKFLOW	6.00					
Current Chg	133.09					

After Due Date of 8/31/2022 Pay Delinquent Amount of \$279.49

Statement Reflects Payments Received as of 8/01/2022


*** The City will resume Water Disconnections for past due bills starting June 15, 2022*** To view your 2021 Consumer Confidence Report and to learn more about your drinking water, PLEASE VISIT: <https://www.cityofwillits.org/DocumentCenter/View/1220/2021-Consumer-Confidence-Report-PDF>

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CITY OF WILLITS
WATER BILL
 111 EAST COMMERCIAL STREET
 WILLITS, CA 95490-3188
 (707) 459-4601

WATER BILL

BILLING DATE 8/01/2022	SERVICE ADDRESS 1718 S MAIN	SERVICE PERIOD	DUE DATE 8/31/2022
 DAVID MCKINNEY 1718 S MAIN ST WILLITS CA 95490-4405		ACCOUNT NUMBER 102-0475-00-03	
		AMOUNT DUE 399.66	
		AMOUNT PAID _____ <small>MAKE CHECK PAYABLE TO: CITY OF WILLITS</small>	
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SERVICE ADDRESS 1718 S MAIN	SERVICE PERIOD	ACCOUNT NUMBER 102-0475-00-03
---------------------------------------	-----------------------	---

BILLING SUMMARY

Previous Bal	215.51
Payments	
Adjustment	
Penalties	
Bal Forward	215.51
Current Chg	184.15
TOTAL DUE	399.66

Meter Reading dates
 Period: 6/20/2022 To: 7/15/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS			TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT				
WATER	117.60	447	462		H	15	10
TIER 1	117.60					15	
BASE FEE	63.55						
BACKFLOW	3.00						
Current Chg	184.15						

After Due Date of 8/31/2022 Pay Delinquent Amount of \$418.08

Statement Reflects Payments Received as of 8/01/2022

*** The City will resume Water Disconnections for past due bills starting June 15, 2022*** To view your 2021 Consumer Confidence Report and to learn more about your drinking water, PLEASE VISIT: <https://www.cityofwillits.org/DocumentCenter/View/1220/2021-Consumer-Confidence-Report-PDF>

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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
9/01/2022	1718 S MAIN		9/30/2022

DAVID MCKINNEY
 1718 S MAIN ST
 WILLITS CA 95490-4405

ACCOUNT NUMBER	
102-0475-00-03	
AMOUNT DUE	239.03

AMOUNT PAID _____

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SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER
1718 S MAIN		102-0475-00-03

BILLING SUMMARY	
Previous Bal	184.15
Payments	184.15
Adjustment	
Penalties	
Bal Forward	
Current Chg	239.03
TOTAL DUE	239.03

Meter Reading dates
 Period: 7/15/2022 To: 8/16/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
WATER	172.48	462	484	H	22	
TIER 1	172.48				22	
BASE FEE	63.55					
BACKFLOW	3.00					
Current Chg	239.03					

After Due Date of 9/30/2022 Pay Delinquent Amount of \$262.93

Statement Reflects Payments Received as of 9/01/2022

*** We would like to apologize for the delay in billing. We had a system glitch, that being said, we will be waiving penalties for this current billing cycle. If you have any questions/concerns, please contact us at 707 459 4601. Thank you***

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**CITY OF WILLITS
WATER BILL**
111 EAST COMMERCIAL STREET
WILLITS, CA 95490-3188
(707) 459-4601

WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
9/01/2022	1718 S MAIN/FIRE		9/30/2022

DAVID MCKINNEY
1718 S MAIN ST
WILLITS CA 95490-4405

ACCOUNT NUMBER
102-0476-00-03

AMOUNT DUE
133.09

AMOUNT PAID _____

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SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER
1718 S MAIN/FIRE		102-0476-00-03

BILLING SUMMARY	
Previous Bal	133.09
Payments	133.09
Adjustment	
Penalties	
Bal Forward	
Current Chg	133.09
TOTAL DUE	133.09

Meter Reading dates
Period: 7/15/2022 To: 8/16/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS PREVIOUS	PRESENT	TYPE	USAGE SAME PERIOD
STANDBY		29	29	H	
BASE FEE	127.09				
BACKFLOW	6.00				
Current Chg	133.09				

After Due Date of 9/30/2022 Pay Delinquent Amount of \$146.40 Statement Reflects Payments Received as of 9/01/2022

*** We would like to apologize for the delay in billing. We had a system glitch, that being said, we will be waiving penalties for this current billing cycle. If you have any questions/concerns, please contact us at 707 459 4601. Thank you***

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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
10/01/2022	1718 S MAIN		10/31/2022

DAVID MCKINNEY
 1718 S MAIN ST
 WILLITS CA 95490-4405

ACCOUNT NUMBER
102-0475-00-03

AMOUNT DUE
199.83

AMOUNT PAID _____

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SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER
1718 S MAIN		102-0475-00-03

BILLING SUMMARY	
Previous Bal	239.03
Payments	239.03
Adjustment	
Penalties	
Bal Forward	
Current Chg	199.83
TOTAL DUE	199.83

Meter Reading dates
 Period: 8/16/2022 To: 9/19/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
WATER	133.28	484	501	H	17	
TIER 1	133.28				17	
BASE FEE	63.55					
BACKFLOW	3.00					
Current Chg	199.83					

After Due Date of 10/31/2022 Pay Delinquent Amount of \$219.81

Statement Reflects Payments Received as of 10/01/2022

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 707 459 4601. Thank you!

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WILLITS, CA 95490-3188
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WATER BILL

BILLING DATE	SERVICE ADDRESS	SERVICE PERIOD	DUE DATE
10/01/2022	1718 S MAIN/FIRE		10/31/2022



DAVID MCKINNEY
1718 S MAIN ST
WILLITS CA 95490-4405

ACCOUNT NUMBER
102-0476-00-03

AMOUNT DUE 133.09

AMOUNT PAID

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SERVICE ADDRESS	SERVICE PERIOD	ACCOUNT NUMBER
1718 S MAIN/FIRE		102-0476-00-03

BILLING SUMMARY

Previous Bal	133.09
Payments	133.09
Adjustment	
Penalties	
Bal Forward	
Current Chg	133.09
TOTAL DUE	133.09

Meter Reading dates
Period: 8/16/2022 To: 9/19/2022

SERVICE BILLED	CURRENT CHARGES	METER READINGS		TYPE	USAGE	USAGE SAME PERIOD
		PREVIOUS	PRESENT			
STANDBY		29	29	H		
BASE FEE	127.09					
BACKFLOW	6.00					
Current Chg	133.09					

After Due Date of 10/31/2022 Pay Delinquent Amount of \$146.40

Statement Reflects Payments Received as of 10/01/2022

If you have any questions/concerns, please contact us at
707 459 4601. Thank you!

BILLING INQUIRIES CALL (707) 459-4601

GROCERY OUTLET (WILLITS) WATER USAGE CALCULATIONS
(FEBRUARY 28, 2022 TO OCTOBER 1, 2022)

<i>BILLING DATE</i>	<i>NUMBER OF DAYS IN PAY PERIOD</i>	<i>USAGE</i>		
		<i>UNITS PER PAY PERIOD</i>	<i>GALLONS PER PAY PERIOD</i>	<i>GALLONS PER DAY</i>
2/28/2022	35	13	9,724	278
3/31/2022	27	9	6,732	249
4/30/2022	34	13	9,724	286
5/31/2022	29	13	9,724	335
6/30/2022	34	19	14,212	418
8/1/2022	26	15	11,220	432
9/1/2022	33	22	16,456	499
10/1/2022	35	17	12,716	363
<i>TOTAL</i>	253	121	90,508	2,860
AVERAGE	32	15.1	11,313.50	<u>357.50</u>

NOTE: 1 UNIT = 748 GALLONS PER PAY PERIOD.

DESIGN REVIEW PERMIT ANALYSIS

As noted above in the Coastal Development Permit (CDP) analysis, the proposed project consists of construction and operation of a 16,157-square-foot, one-story, retail store with a 55-space parking lot and associated improvements, landscaping, and infrastructure. The proposed visual conditions are shown in the visual analysis prepared for the Environmental Impact Report. The project is subject to Design Review per Section 17.71.050 of the CLUDC and must conform with the Citywide Design Guidelines.

The following analysis considers if the proposed project conforms with design review criteria and the Citywide Design Guidelines as well as the findings required to approve the Design Review Permit.

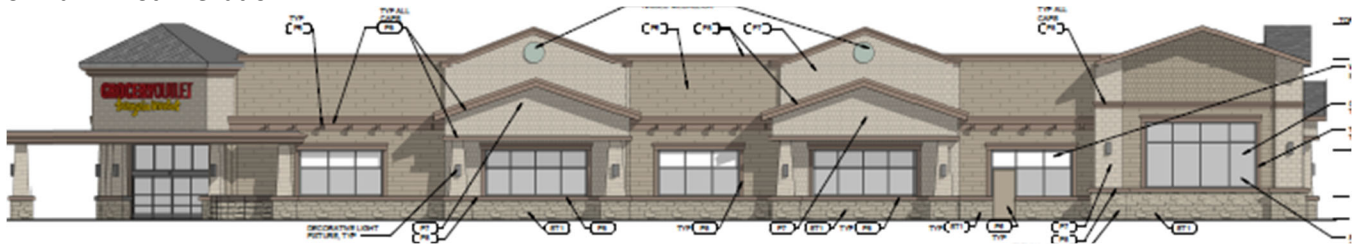
A grocery outlet franchise typically uses the following standard design for their storefronts.

Figure 1: Typical Grocery Outlet Design

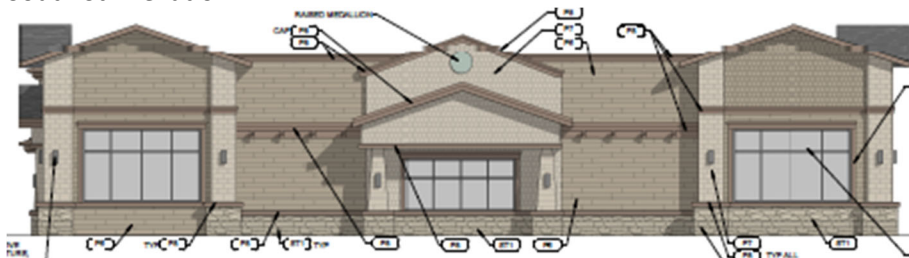


However, this standard design does not comply with the Citywide Design Guidelines. Therefore the applicant was asked to develop a design that complies with the Citywide Design Guidelines. The submitted design is illustrated in the photos on the following page and in Attachment 3: Grocery Outlet Floor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

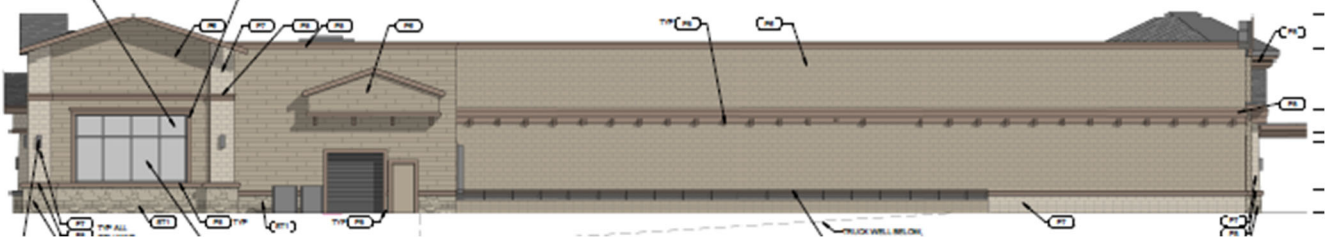
S. Franklin St. Elevation:



South St. Elevation:



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



N. Harbor Drive Elevation:



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

View 1: From the corner of South Franklin and N. Harbor



View 2: From intersection at South St. and S. Franklin St.



View 3: From South St.



Design Review Findings. The Planning Commission must evaluate the application to ensure that the project complies with the following findings in order to approve a Design Review permit.

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

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

*Guiding Principle 1: **Community Character***

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

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

constructed prior to the adoption of the Citywide Design Guidelines, such as Safeway, Pizza Hut and RiteAid.

*Guiding Principle 2: **Support Connectivity***

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

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

*Guiding Principle 3: **Public Enhancements***

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

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

*Guiding Principle 4: **Water & Power Sustainability***

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

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

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

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

Franklin Street South

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

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

- *Ensure a comfortable pedestrian environment through design approaches for a front setback area.*
- *Limit parking to the rear or alley of primary structures.*
- *Create a visual and physical connection between a building's entry and the public realm.*
- *Emphasis on front yard trees and landscaping.*
- *Mixed-use development is heavily encouraged.*

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 2 Design Review Requirements

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

Massing Elevations and Articulation – Mandatory Standards

The project addresses all mandatory standards as follows:

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

Roof forms – Mandatory Standards

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

1. The roof Parapet does not “include detailing typical of Fort Bragg’s character and design.” The proposed project does not use much architectural detailing on the parapet. The Planning Commission can recommend Special Condition 22.

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

Windows, Doors & Entries – Mandatory Standards.

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

- Windows are incorporated at the storefront location and includes use of clear glass (at least 80% light transmission). However as proposed these windows would be painted with murals which would reduce light transmission significantly. Special condition 23, above, will address this issue.
- The size and location of doors and windows relate to the scale and proportions of the overall structure.

- The main building entrance is distinguished from the rest of the building and easily recognizable and oriented toward the internal walkway, street and parking lot.

Materials- Mandatory Standards

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

- The front façade includes the following materials for the exterior elevation from the Encouraged List: Hardi Board Composite, Wood Paneling, Hardi Board Composite Half, Round "Fish Scale" Paneling, Wood Roof Shingles.
- It also includes the following materials from the Acceptable List: Cultured Stone with an authentic appearance, and Country LedgeStone.
- However, the project includes Smooth Face CMU, which is considered a "discouraged" building material. The CMU is proposed for portions of the building fronting Franklin Street and South Street and the west face of the building which fronts the property line with the gas station.

Colors.

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


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

ELEVATION NOTES

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

LEGEND

EXAMPLE IMAGE	GRAPHIC	DISCRIPTION
		SMOOTH FACE CMU
		HARDI BOARD COMPOSITE WOOD PANELING
		HARDI BOARD COMPOSITE HALF ROUND "FISH SCALE" PANELING
		WOOD ROOF SHINGLES
		CULTURED STONE - COUNTRY LEDGESTONE
		P6 - DRIFTWOOD
		P6 - INDIAN RIVER
		P7 - SMOKEY TAUPE

	P6 - DRIFTWOOD
	P6 - INDIAN RIVER
	P7 - SMOKEY TAUPE

Lighting - Mandatory Standards

Standard	Compliance
1) Exterior lighting shall be designed as part of the overall architectural style of the building and should illuminate entries, driveways, walkways, and activity areas.	Exterior lights is proposed as simple lighting boxes with downlighting. The lighting boxes are attached the side of the buildings. The lighting plan shows that the driveways, walkways and entry ways would be effectively illuminated.
2) Entrances shall be well illuminated for safety and identification purposes.	Please see Attachment 9 – Lighting Plan. The entrance will be well illuminated.
3) Lighting sources shall be hidden unless the sources are an integral part of the design. Lighting fixtures should not project above the fascia or roofline of the building.	Please see Attachment X – Lighting Plan. The lighting sources are integral to the design, all lighting fixtures are located well below the Fascia.
4) Partial or full cutoff lighting is required. Exterior lighting shall be located and designed to avoid shining directly onto nearby residential properties, and shall minimize off-site glare. The latest technical and operational energy conservation concepts should be considered in lighting designs.	Please see Attachment 9 – Lighting Plan. The project, as designed, would avoid shining light directly onto nearby residential properties.
5) Parking lot lighting fixtures shall be no taller than 16 feet in height and shall cast light downward without allowing glare or light to encroach upon neighboring properties	The Lighting plan illustrates parking lot lighting fixtures in excess of 16 feet in height. Special Condition 26 is included to address this. All fixtures are downward and do not allow glare to encroach upon neighboring properties.

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

Site Planning - Mandatory Standards

The proposed project complies with the mandatory site planning standards.

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

The project generally complies, as conditions with the preferred Site Planning standards, as the building is oriented to the South to take advantage of solar access for passive and active energy needs and to moderate the impact of prevailing winds which come from the North.

Landscape - Mandatory Standards

The project complies with the mandatory landscaping standards.

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

Fencing and Screening - Mandatory Standards

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

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

Therefore, the Planning Commission may recommend Special Condition 27.

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

The proposed project does not comply with the second Mandatory requirement as the project fence/sound wall would result in hiding places or entrapment areas by the loading dock. The public interest in health and safety may be better served by keeping people out of the loading dock area than

providing a gate to the adjacent property at this location. The Planning Commission should request Special Condition 28, if egress is more important.

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

Site Amenities - Mandatory Standards

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

Pedestrian Circulation - Mandatory Standards

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

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

The project does not comply with the preferred standard to have “continuous, clearly marked pathways from the parking areas to main entrances of buildings” nor has the sidewalk been designed to “minimize pedestrians crossing parking stalls and landscape islands to reach building entries.” However, given the parcel geometry and the minimum 8’ width of landscaping required between the sidewalk and the parking lot it is not feasible to add pedestrian only paths of travel to the interior of the parking lot. This level of pedestrian access is not provided in any of the other large format stores in Fort Bragg.

Circulation and Parking - Mandatory Standards

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

Loading and Delivery - Mandatory Standards

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

Design Review Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGN REVIEW PERMIT ANALYSIS

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

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

The proposed channel sign on the building and the monument sign proposed for the southeast corner of the lot comply with the standards in 17.38. Both signs comply with height limits. The wall sign is 83.3 square feet and the proposed entry sign is 30 SF on each side for a total of 60 SF. Only one side of the free standing sign is used in the total signage calculation. The total signage for the site is therefore 83.3 SF + 26 SF = 109.3 SF. This is 9.3 SF more than the allowed maximum of 100 SF. The proposed sign does not include the site address number as required by the CLUDC. Planning Commission may recommend Special Condition 30 below:

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed signage complies with the mandatory standards for signs of Chapter 5 of the Citywide Design Guidelines. Specifically the proposed sign “relates to the architectural features of the building” and “coordinates with the building design, materials, color, size, and placement.” Additionally, as the proposed sign is the logo and trademark of Grocery Outlet, the City is limited in its ability to modify type face, lettering, spacing or similar sign characters.

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